

110TH CONGRESS
2D SESSION

H. R. 7091

To encourage and assist women throughout pregnancy by providing services that will alleviate the financial, social, emotional, and other difficulties that may otherwise lead to an abortion.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 25, 2008

Mr. FORTENBERRY (for himself and Mrs. McMORRIS RODGERS) introduced the following bill; which was referred to the Committee on Energy and Commerce, and in addition to the Committees on Ways and Means and Education and Labor, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To encourage and assist women throughout pregnancy by providing services that will alleviate the financial, social, emotional, and other difficulties that may otherwise lead to an abortion.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Care for Life Act of 2008”.

1 (b) TABLE OF CONTENTS.—The table of contents for
 2 this Act is as follows:

Sec. 1. Short title; table of contents.
 Sec. 2. Findings.

TITLE I—PREGNANCY SUPPORT SERVICES

Sec. 101. Sense of Congress.
 Sec. 102. Office of Pregnancy Support Services.
 Sec. 103. Individual health insurance coverage for pregnant women.

TITLE II—DEPARTMENT OF EDUCATION

Sec. 201. Fund for the Improvement of Postsecondary Education.

TITLE III—ADOPTION TAX INCENTIVES

Sec. 301. Expansion of adoption credit and adoption assistance programs.

3 **SEC. 2. FINDINGS.**

4 The Congress finds as follows:

5 (1) Half of American women will experience an
 6 unintended pregnancy, and more than one-third will
 7 have an abortion by the age of 45.

8 (2) Twenty-two percent of all pregnancies end
 9 in abortion.

10 (3) It is estimated that more than 48,000,000
 11 abortions have been performed in the United States
 12 since 1973.

13 (4) Two-thirds of all abortions are obtained by
 14 women who have never married.

15 (5) Social reasons account for 93 percent of
 16 abortion decisions by United States women, whereas
 17 health concerns are the primary reason for 3 percent
 18 of abortions.

1 (6) According to a national study of women un-
2 dergoing abortion, 64 percent felt pressured by oth-
3 ers to have their abortions.

4 (7) In a study of the reasons why United States
5 women have an abortion, three-fourths report con-
6 cern for or responsibility to other individuals; three-
7 fourths cannot afford to have a child; three-fourths
8 cite interference with work, school, or dependent
9 care; and half report not wanting to be a single par-
10 ent or report problems with the father of the child.

11 (8) Fifty percent of United States women who
12 abort a pregnancy are younger than 25 years of age;
13 33 percent are 20 to 24 years of age; and 17 percent
14 are teenagers.

15 (9) Over 70 percent of United States abortion
16 facilities are found in minority neighborhoods.

17 (10) Domestic private adoptions are estimated
18 to have fallen to 58,600 in 2001 from 97,700 in
19 1992.

20 (11) Less than half (39 percent) of major
21 United States companies provide adoption assistance
22 as an employee benefit.

23 (12) Domestic private adoptions can range in
24 cost from \$5,000 to greater than \$40,000.

1 **TITLE I—PREGNANCY SUPPORT**
2 **SERVICES**

3 **SEC. 101. SENSE OF CONGRESS.**

4 It is the sense of the Congress that—

5 (1) women facing pregnancy under difficult life
6 circumstances should not feel compelled to have an
7 abortion; and

8 (2) recipients of care funded through title X of
9 the Public Health Service Act (42 U.S.C. 300 et
10 seq.) and expectant mothers in need should be aware
11 of the services available to assist them throughout
12 pregnancy and following the birth of the child.

13 **SEC. 102. OFFICE OF PREGNANCY SUPPORT SERVICES.**

14 Part D of title III of the Public Health Service Act
15 (42 U.S.C. 254b et seq.) is amended—

16 (1) by redesignating section 330F^F as section
17 330F-1; and

18 (2) by inserting after section 330E the fol-
19 lowing:

20 **“SEC. 330F. OFFICE OF PREGNANCY SUPPORT SERVICES.**

21 **“(a) OFFICE.—**

22 **“(1) ESTABLISHMENT.—**Not later than 180
23 days after the date of the enactment of this section,
24 the Secretary shall establish within the Department

1 of Health and Human Services an Office of Preg-
2 nancy Support Services.

3 “(2) PURPOSE.—The purpose of the Office
4 shall be to encourage and assist pregnant women
5 throughout pregnancy and following childbirth by
6 providing services that will alleviate the financial, so-
7 cial, emotional, and other difficulties that may other-
8 wise compel them to seek an abortion.

9 “(3) DEPUTY ASSISTANT SECRETARY.—The Of-
10 fice shall be headed by a Deputy Assistant Secretary
11 for Pregnancy Support Services, who shall be ap-
12 pointed by and shall serve under the supervision and
13 direction of the Assistant Secretary for Health.

14 “(4) NO DUPLICATION OF EFFORT.—The Sec-
15 retary shall coordinate the functions of the Office
16 with the activities of other agencies and offices of
17 the Department of Health and Human Services so
18 as to avoid any duplication of effort.

19 “(b) PREGNANCY CARE INFORMATION SERVICE.—

20 “(1) DATABASE.—The Secretary shall develop
21 and maintain a comprehensive, publicly accessible,
22 and user friendly database, to be known as the Preg-
23 nancy Care Information Service, to serve as a con-
24 solidated source of information on pregnancy sup-
25 port services.

1 “(2) PROVIDER INFORMATION.—The database
2 developed under paragraph (1) shall include perti-
3 nent information on the providers of the pregnancy
4 support services listed in the database.

5 “(3) DIRECTOR OF PREGNANCY CARE INFORMA-
6 TION SERVICES.—The Secretary shall appoint a Di-
7 rector of Pregnancy Care Information Services to
8 carry out this subsection under the supervision and
9 direction of the Deputy Assistant Secretary.

10 “(c) ANNUAL CONFERENCE.—The Secretary shall
11 conduct an annual nationwide best practices conference,
12 gathering experts from State and local governments, pre-
13 natal and parenting care centers, and other relevant facili-
14 ties—

15 “(1) to share information on best practices in
16 pregnancy support services; and

17 “(2) to identify and address key burdens or ad-
18 verse circumstances facing pregnant women.

19 “(d) TOLL-FREE NUMBER.—The Secretary shall
20 enter into a contract, through the use of competitive pro-
21 cedures, with an entity to establish and operate a toll-free
22 number to provide women with referrals for obtaining
23 pregnancy support services.

24 “(e) LIFE CARE GRANTS.—

1 “(1) IN GENERAL.—The Secretary may award
2 competitive grants to entities to provide pregnancy
3 support services.

4 “(2) ELIGIBILITY.—The Secretary may award a
5 grant to an entity under this subsection only if the
6 entity has been engaged in providing pregnancy sup-
7 port services for at least 2 years.

8 “(3) SUPPLEMENT NOT SUPPLANT.—The Sec-
9 retary may award a grant to an entity under this
10 subsection only if the entity agrees that the grant
11 will be used to supplement, and not supplant, preg-
12 nancy support services.

13 “(f) PUBLIC OUTREACH.—The Secretary shall de-
14 velop and implement a public outreach campaign to pro-
15 vide information on pregnancy support services to—

16 “(1) vulnerable women, including those in low-
17 income, urban and rural areas; and

18 “(2) facilities receiving funds through title X.

19 “(g) PRENATAL CARE GRANTS TO INSTITUTIONS OF
20 HIGHER EDUCATION.—The Secretary may award com-
21 petitive grants to institutions of higher education for the
22 exclusive purpose of providing pregnancy support services,
23 which may include—

1 “(1) employing a registered nurse, nurse practi-
2 tioner, physician assistant, or physician with special-
3 ized training in prenatal care; or

4 “(2) establishing and maintaining student out-
5 reach programs to provide prenatal care, parenting
6 assistance, and student housing assistance to the in-
7 stitution’s pregnant and parenting students.

8 “(h) ANNUAL REPORT.—The Secretary shall submit
9 an annual report to the Congress on the activities carried
10 out under this section, the funds expended on such activi-
11 ties, and the results achieved through such activities.

12 “(i) DEFINITIONS.—In this section:

13 “(1) The term ‘Deputy Assistant Secretary’
14 means the Deputy Assistant Secretary for Preg-
15 nancy Support Services appointed under subsection
16 (a)(3).

17 “(2) The term ‘Office’ means the Office of
18 Pregnancy Support Services established under sub-
19 section (a)(1).

20 “(3) The term ‘pregnancy support services’
21 means services offered by Federal, State, faith-
22 based, and other providers, during and after preg-
23 nancy, that will encourage and assist women
24 throughout pregnancy by alleviating financial, social,

1 emotional, and other difficulties that may otherwise
2 lead to an abortion, including the following:

3 “(A) Pregnancy support center services.

4 “(B) Adoption referral.

5 “(C) Crisis hotlines, including for violence
6 or suicide prevention.

7 “(D) Pro bono obstetric and prenatal care
8 services for women throughout pregnancy.

9 “(E) Pro bono legal services to assist
10 women throughout pregnancy and parents with
11 newborn children.

12 “(F) Child care services.

13 “(G) Services to assist parents to care for,
14 and prepare to care for, a child with Down syn-
15 drome or another prenatally diagnosed condi-
16 tion, and to facilitate the adoption of such chil-
17 dren as appropriate.

18 “(H) Life skills mentoring, including to en-
19 hance the following competencies:

20 “(i) Strengthening marriage.

21 “(ii) Communication and conflict
22 management for building healthy mar-
23 riages and families.

24 “(iii) Decisionmaking and relation-
25 ship-building skills prior to marriage.

1 “(iv) High-risk behavior awareness.

2 “(I) Life-skills counseling.”.

3 **SEC. 103. INDIVIDUAL HEALTH INSURANCE COVERAGE**
 4 **FOR PREGNANT WOMEN.**

5 (a) LIMITATION ON IMPOSITION OF PRE-EXISTING
 6 CONDITION EXCLUSIONS AND WAITING PERIODS FOR
 7 WOMEN WITH PRIOR COVERAGE.—Title XXVII of the
 8 Public Health Service Act is amended by inserting after
 9 section 2753 the following new section:

10 **“SEC. 2754. PROVIDING INDIVIDUAL HEALTH INSURANCE**
 11 **COVERAGE WITHOUT REGARD TO PRE-**
 12 **EXISTING CONDITION EXCLUSION AND WAIT-**
 13 **ING PERIODS FOR PREGNANT WOMEN WITH-**
 14 **IN ONE YEAR OF CONTINUOUS PRIOR COV-**
 15 **ERAGE.**

16 “In the case of a woman who has had at least 12
 17 months of creditable coverage before seeking health insur-
 18 ance coverage in the individual market, such individual
 19 health insurance coverage, and the health insurance issuer
 20 offering such coverage, may not impose any preexisting
 21 condition exclusion (as defined in section 2701(b)(1)(A))
 22 relating to pregnancy as a preexisting condition, any wait-
 23 ing period, or otherwise discriminate in coverage or pre-
 24 miums against the woman on the basis that she is preg-
 25 nant.”.

1 (b) EFFECTIVE DATE.—The amendment made by
2 subsection (a) shall take effect on January 1, 2009, and
3 shall apply to women who become pregnant on or after
4 such date.

5 **TITLE II—DEPARTMENT OF**
6 **EDUCATION**

7 **SEC. 201. FUND FOR THE IMPROVEMENT OF POSTSEC-**
8 **ONDARY EDUCATION.**

9 Section 741(a) of the Higher Education Act of 1965
10 (20 U.S.C. 1138(a)) is amended—

11 (1) by striking “and” at the end of paragraph
12 (12);

13 (2) by striking the period at the end of para-
14 graph (13) and inserting “; and”; and

15 (3) by adding at the end the following:

16 “(14) establishing and operating pregnant and
17 parenting student services offices or agencies the ex-
18 clusive purpose of which shall be to provide preg-
19 nancy support services (as defined in section 330F
20 of the Public Health Service Act), including serv-
21 ices—

22 “(A) to assist students throughout preg-
23 nancy and to assist student parents to care for
24 their children or to place them for adoption, as
25 appropriate; and

1 “(B) to assist pregnant and parenting stu-
2 dents—

3 “(i) to locate and utilize child care,
4 family housing, health insurance for them-
5 selves and their family, flexible academic
6 scheduling such as telecommuting pro-
7 grams, parenting classes and programs,
8 postpartum counseling and support groups,
9 and adoption placement services; and

10 “(ii) to meet the material needs of
11 their children, including maternity and
12 baby clothing, baby food (including for-
13 mula), baby furniture, and similar items.”.

14 **TITLE III—ADOPTION TAX**
15 **INCENTIVES**

16 **SEC. 301. EXPANSION OF ADOPTION CREDIT AND ADOPTI-**
17 **ON ASSISTANCE PROGRAMS.**

18 (a) INCREASE IN DOLLAR LIMITATIONS.—

19 (1) ADOPTION CREDIT.—

20 (A) IN GENERAL.—Paragraph (1) of sec-
21 tion 23(b) of the Internal Revenue Code of
22 1986 (relating to dollar limitation) is amended
23 by striking “\$10,000” and inserting “\$15,000”.

24 (B) CHILD WITH SPECIAL NEEDS.—Para-
25 graph (3) of section 23(a) of such Code (relat-

1 ing to \$10,000 credit for adoption of child with
2 special needs regardless of expenses) is amend-
3 ed—

4 (i) in the text by striking “\$10,000”
5 and inserting “\$15,000”, and

6 (ii) in the heading by striking
7 “\$10,000” and inserting “\$15,000”.

8 (C) INCOME LIMITATION.—Clause (i) of
9 section 23(b)(2)(A) of such Code (relating to
10 general rule for income limitation) is amended
11 by striking “\$150,000” and inserting
12 “\$200,000”.

13 (D) CONFORMING AMENDMENT TO INFLA-
14 TION ADJUSTMENT.—Subsection (h) of section
15 23 of such Code (relating to adjustments for in-
16 flation) is amended—

17 (i) in the matter preceding paragraph
18 (1) by striking “December 31, 2002” and
19 inserting “December 31, 2009,” and

20 (ii) in paragraph (2) by striking “cal-
21 endar year 2001” and inserting “calendar
22 year 2008”.

23 (2) ADOPTION ASSISTANCE PROGRAMS.—

24 (A) IN GENERAL.—Paragraph (1) of sec-
25 tion 137(b) of the Internal Revenue Code of

1 1986 (relating to dollar limitation) is amended
2 by striking “\$10,000” and inserting “\$15,000”.

3 (B) CHILD WITH SPECIAL NEEDS.—Para-
4 graph (2) of section 137(a) of such Code (relat-
5 ing to \$10,000 exclusion for adoption of child
6 with special needs regardless of expenses) is
7 amended—

8 (i) in the text by striking “\$10,000”
9 and inserting “\$15,000”, and

10 (ii) in the heading by striking
11 “\$10,000” and inserting “\$15,000”.

12 (C) INCOME LIMITATION.—Clause (i) of
13 section 137(b)(2)(A) of such Code (relating to
14 general rule for income limitation) is amended
15 by striking “\$150,000” and inserting
16 “\$200,000”.

17 (D) CONFORMING AMENDMENT TO INFLA-
18 TION ADJUSTMENT.—Subsection (f) of section
19 137 of such Code (relating to adjustments for
20 inflation) is amended—

21 (i) in the matter preceding paragraph
22 (1) by striking “December 31, 2002” and
23 inserting “December 31, 2009,” and

1 (ii) in paragraph (2) by striking “cal-
2 endar year 2001” and inserting “calendar
3 year 2008”.

4 (b) CREDIT MADE REFUNDABLE.—

5 (1) CREDIT MOVED TO SUBPART RELATING TO
6 REFUNDABLE CREDITS.—The Internal Revenue
7 Code of 1986 is amended—

8 (A) by redesignating section 37 as section
9 37A,

10 (B) by redesignating section 23, as amend-
11 ed by subsection (a), as section 37, and

12 (C) by moving section 37 (as so redesign-
13 ated) from subpart A of part IV of subchapter
14 A of chapter 1 to the location immediately be-
15 fore section 37 (as so redesignated) in subpart
16 C of part IV of subchapter A of chapter 1.

17 (2) CONFORMING AMENDMENTS.—

18 (A) Section 24(b)(3)(B) of such Code is
19 amended by striking “sections 23 and” and in-
20 serting “section”.

21 (B) Section 25(e)(1)(C) of such Code is
22 amended—

23 (i) in clause (i) by striking “23,
24 25D,” and inserting “25D”, and

25 (ii) in clause (ii) by striking “23,”.

1 (C) Section 25B(g)(2) of such Code is
2 amended by striking “and section 23”.

3 (D) Section 25D(e)(2) of such Code is
4 amended by striking “23, 24,” and inserting
5 “24”.

6 (E) Section 26(a)(1) of such Code is
7 amended by striking “23, 24,” and inserting
8 “24”.

9 (F) Section 37 of such Code, as so redesign-
10 nated, is amended—

11 (i) by striking paragraph (4) of sub-
12 section (b), and

13 (ii) by striking subsection (c).

14 (G) Section 137 of such Code is amend-
15 ed—

16 (i) in subsection (d) by striking “sec-
17 tion 23(d)” and inserting “section 37(d)”,
18 and

19 (ii) in subsection (e) by striking “sec-
20 tion 23” and inserting “section 37”.

21 (H) Section 904(i) of such Code is amend-
22 ed by striking “23, 24,” and inserting “24”.

23 (I) Section 1016(a)(26) is amended by
24 striking “23(g)” and inserting “37(g)”.

1 (J) Section 1400C(d) of such Code is
2 amended by striking “23,”.

3 (K) The table of sections for subpart A of
4 part IV of subchapter A of chapter 1 of such
5 Code of 1986 is amended by striking the item
6 relating to section 23.

7 (L) Paragraph (2) of section 1324(b) of
8 title 31, United States Code, is amended by in-
9 serting “37,” after “36,”.

10 (M) The table of sections for subpart C of
11 part IV of subchapter A of chapter 1 of the In-
12 ternal Revenue Code of 1986 is amended by
13 striking the last item and inserting the fol-
14 lowing new items:

“Sec. 37. Adoption expenses.

“Sec. 37A. Overpayments of tax.”.

15 (c) MODIFICATIONS MADE BY EGTRRA TO ADOP-
16 TION CREDIT MADE PERMANENT.—Title IX of the Eco-
17 nomic Growth and Tax Relief Reconciliation Act of 2001
18 shall not apply to the amendments made by section 202
19 of such Act (relating to expansion of adoption credit and
20 adoption assistance programs).

21 (d) EFFECTIVE DATE.—The amendments made by
22 this section shall apply to taxable years beginning after
23 December 31, 2008.

○