

105TH CONGRESS  
1ST SESSION

# H. R. 2919

To establish grant programs and provide other forms of Federal assistance to pregnant women, children in need of adoptive families, and individuals and families adopting children.

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## IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 7, 1997

Mr. SMITH of New Jersey introduced the following bill; which was referred to the Committee on Education and the Workforce, and in addition to the Committees on National Security, Banking and Financial Services, Ways and Means, Commerce, Government Reform and Oversight, and Transportation and Infrastructure, 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

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## A BILL

To establish grant programs and provide other forms of Federal assistance to pregnant women, children in need of adoptive families, and individuals and families adopting children.

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.**

4       This Act may be cited as the “Omnibus Adoption Act  
5       of 1997”.

1     **TITLE I—NATIONAL ADVISORY**  
2             **BOARD ON ADOPTION**

3     **SEC. 101. NATIONAL ADVISORY COUNCIL ON ADOPTION.**

4             (a) **ESTABLISHMENT.**—There is hereby established  
5 the National Advisory Board on Adoption (in this section  
6 referred to as the “Board”).

7             (b) **MEMBERSHIP.**—Not later than 90 days after the  
8 date of the enactment of this Act, the Secretary of Health  
9 and Human Services shall appoint the members of the  
10 Board, and shall include in such appointment as Board  
11 members representatives of—

12                 (1) private, nonprofit organizations involved in  
13 child welfare and maternal and child health services,  
14 including national organizations representing organi-  
15 zations that provide adoption services and maternity  
16 housing and services facilities;

17                 (2) private, nonprofit organizations represent-  
18 ing adopted children, adoptive families or biological  
19 parents;

20                 (3) organizations and agencies involved with  
21 privately arranged and international adoptions;

22                 (4) organizations representing State agencies  
23 and local government agencies with responsibility for  
24 coordinating or regulating adoption services or ma-  
25 ternity and housing services facilities; and

1           (5) organizations representing State and local  
2       courts or judicial entities with jurisdiction over is-  
3       sues of family law.

4       (c) MEETINGS.—The Board shall hold such meetings  
5       as may be appropriate, but shall meet at least once every  
6       90 days.

7       (d) DUTIES.—The Board shall—

8           (1) monitor on behalf of Congress the imple-  
9       mentation of the programs established and activities  
10      required under this Act and make such rec-  
11      ommendations as it deems appropriate to help carry  
12      out the intent of Congress in establishing such pro-  
13      grams and requiring such activities;

14          (2) consult with the heads of departments and  
15      agencies charged with the responsibility of carrying  
16      out such programs and activities; and

17          (3) make such recommendations as it deems ap-  
18      propriate, including recommendations regarding ad-  
19      ditional legislation, to carry out the purposes of this  
20      Act.

21      (e) TERMINATION.—The Board shall terminate at the  
22      expiration of the 4-year period that begins on the date  
23      of the enactment of this Act.

## **TITLE II—ADOPTION DATA COLLECTION SYSTEM**

### **SEC. 201. REPORTS ON IMPLEMENTATION OF ADOPTION DATA COLLECTION SYSTEM.**

#### **(a) REPORT ON STATUS OF FINAL REGULATIONS.—**

**(1) IN GENERAL.**—Not later than 30 days after the date of the enactment of this Act, the Secretary of Health and Human Services shall submit to the Congress a report on the status of the implementation of the data collection system required pursuant to section 479 of the Social Security Act.

**(2) SPECIFIC ASSURANCES REQUIRED.**—The report described in paragraph (1) shall include specific assurances that under the data collection system—

**(A)** unnecessary diversions of resources from agencies responsible for adoption and foster care shall be avoided;

**(B)** uniform definitions and methodologies shall be used to ensure that any data collected is reliable and consistent over time and among jurisdictions;

**(C)** comprehensive national information shall be provided with respect to—

1 (i) the demographic characteristics of  
2 all adopted and foster children and their  
3 biological and adoptive or foster parents,

4 (ii) the status of the foster care popu-  
5 lation, including the number of children in  
6 foster care, the number, length and type of  
7 placement, availability for adoption, avail-  
8 ability for group care, and goals for ending  
9 or continuing foster care,

10 (iii) the number and demographic  
11 characteristics of all children placed in or  
12 removed from foster care, children adopt-  
13 ed, and children with respect to whom  
14 adoptions have been terminated, and

15 (iv) the extent and nature of assist-  
16 ance provided by Federal, State, and local  
17 adoption and foster care programs and the  
18 characteristics of the children with respect  
19 to whom such assistance is provided; and

20 (D) appropriate requirements and incen-  
21 tives shall be implemented to ensure that the  
22 system functions reliably throughout the United  
23 States.

24 (b) MONTHLY PROGRESS REPORTS.—Every 30 days  
25 after the report described in subsection (a) is required to

1 be submitted, the Secretary of Health and Human Serv-  
 2 ices shall submit to the Congress reports on the progress  
 3 made in implementing the data collection system referred  
 4 to in subsection (a).

5 (c) CONSULTATION WITH ADVISORY BOARD.—In de-  
 6 veloping regulations needed to carry out this section, the  
 7 Secretary of Health and Human Services shall consult  
 8 with the National Advisory Board on Adoption established  
 9 under section 101(a).

## 10 **TITLE III—ADOPTION**

## 11 **EDUCATION PROGRAMS**

### 12 **SEC. 301. SOCIAL WORK GRADUATE STUDY FELLOWSHIPS.**

13 (a) PROGRAM ESTABLISHMENT.—Title IX of the  
 14 Higher Education Act of 1965 is amended by adding at  
 15 the end the following new part:

### 16 **“PART H—SOCIAL WORK GRADUATE STUDY**

#### 17 **“SEC. 981. AWARD OF FELLOWSHIPS.**

18 “(a) IN GENERAL.—From the amount appropriated  
 19 to carry out this part, the Secretary shall award not more  
 20 than 50 fellowships in accordance with the provisions of  
 21 this part for study in graduate schools of social work that  
 22 offer innovative programs described in subsection (b) to  
 23 students selected on the basis of demonstrated achieve-  
 24 ment and exceptional promise. The fellowships shall be

1 awarded for only one academic year of study and shall  
2 be renewable for two additional years.

3 “(b) INNOVATIVE PROGRAMS DEFINED.—The pro-  
4 grams described in this subsection are innovative pro-  
5 grams concerning the effects of adoption on the children  
6 who are adopted, the families who adopt children and the  
7 biological parents who make an adoption plan. Acceptable  
8 purposes for such programs include: basic research on the  
9 short-term and long-term effects of adoption on adopted  
10 children, biological parents and adoptive families; develop-  
11 ment of model curriculum and instructional programs to  
12 assist adopted children, biological parents and adoptive  
13 families; development of innovative programs to counsel  
14 pregnant women on the availability and benefits of choos-  
15 ing to make an adoption plan; and any other program de-  
16 termined to be consistent with the purposes of this section.

17 “(c) STUDENT SELECTION PROCEDURES.—The Sec-  
18 retary shall, by regulation, establish such selection proce-  
19 dures as are appropriate to carry out the purposes of this  
20 part.

21 **“SEC. 982. STIPENDS.**

22 “(a) AWARD BY SECRETARY.—The Secretary shall  
23 pay to individuals awarded fellowships under this part  
24 such stipends (including such allowances for subsistence  
25 and other expenses for such individuals and their depend-

ents) as the Secretary may determine to be appropriate, adjusting such stipends as necessary so as not to exceed the fellow's demonstrated level of need according to measurements of need approved by the Secretary. The stipend levels established by the Secretary shall reflect the purpose of this program to encourage highly talented students to undertake graduate study and shall provide a level of support comparable to that provided by federally funded graduate fellowships in the science and engineering fields.

“(b) INSTITUTIONAL PAYMENTS.—(1) The Secretary shall (in addition to the stipends paid to individuals under subsection (a)) pay to the institution of higher education, for each individual awarded a fellowship for pursuing a course at such institution, \$6,000, except that such amount charged to a fellowship recipient and collected from such recipient for tuition and other expenses required by the institution as part of the recipient's instructional program shall be deducted from the payment of the institution under this subsection.

“(2) Subject to the availability of appropriations, amounts payable to an institution by the Secretary pursuant to this subsection shall not be reduced for any purpose other than the purposes specified under paragraph (1).



1   **“SEC. 983. FELLOWSHIP CONDITIONS.**

2       “(a) REQUIREMENTS FOR RECEIPT.—An individual  
3   awarded a fellowship under the provisions of this part  
4   shall continue to receive payments provided in section 982  
5   only during such periods as the Secretary finds that he  
6   is maintaining satisfactory proficiency in, and devoting es-  
7   sentially full time to, study or research in the field in  
8   which such fellowship was awarded, in an institution of  
9   higher education, and is not engaging in gainful employ-  
10   ment other than part-time employment by such institution  
11   in teaching, research, or similar activities, approved by the  
12   Secretary.

13       “(b) REPORTS FROM RECIPIENTS.—The Secretary is  
14   authorized to require reports containing such information  
15   in such form and to file at such times as the Secretary  
16   determines necessary from any person awarded a fellow-  
17   ship under the provisions of this part. The reports shall  
18   be accompanied by a certificate from an appropriate offi-  
19   cial at the institution of higher education, stating that  
20   such individual is making satisfactory progress in, and is  
21   devoting essentially full time to the program for which the  
22   fellowship was awarded.

23   **“SEC. 984. AUTHORIZATION OF APPROPRIATIONS.**

24       “There are authorized to be appropriated to carry out  
25   this part \$1,000,000 for fiscal year 1998, and such sums

1 as may be necessary for each of the 4 succeeding fiscal  
2 years.”.

3 (b) CONSULTATION WITH ADVISORY BOARD.—In de-  
4 veloping regulations needed to carry out part H of title  
5 IX of the Higher Education Act of 1965 (as added by  
6 subsection (a)), the Secretary of Education shall consult  
7 with the National Advisory Board on Adoption established  
8 under section 101(a).

9 **SEC. 302. GRANTS FOR ADOPTION EDUCATION PROGRAMS.**

10 (a) PROGRAM AUTHORIZED.—Not later than 1 year  
11 after the date of the enactment of this Act, the Secretary  
12 of Education (in this section referred to as the “Sec-  
13 retary”) shall make grants to States that agree to adopt  
14 programs of adoption education for purposes of carrying  
15 out such programs.

16 (b) GRANT AMOUNTS.—The Secretary shall deter-  
17 mine the amount of the grant any State is eligible to re-  
18 ceive under this section based on the estimated size and  
19 cost of the program to be assisted under the grant and  
20 the number of children to be served by the program.

21 (c) APPLICATION.—Any State that desires to receive  
22 a grant under this section shall submit to the Secretary  
23 an application at such time, in such manner, and contain-  
24 ing or accompanied by such information and assurances  
25 as the Secretary may reasonably require.

1 (d) GUIDELINES.—The Secretary shall by regulation  
2 publish guidelines for model adoption programs to be as-  
3 sisted under this section.

4 (e) CONSULTATION WITH ADVISORY COUNCIL.—In  
5 developing regulations needed to carry out this section, the  
6 Secretary shall consult with the National Advisory Council  
7 on Adoption established under section 101(a).

8 (f) AUTHORIZATION OF APPROPRIATIONS.—There  
9 are authorized to be appropriated to carry out this section  
10 \$25,000,000 for each of the fiscal years 1998, 1999, and  
11 2000.

12 **TITLE IV—ADOPTION BENEFITS**  
13 **FOR FEDERAL EMPLOYEES**  
14 **AND MILITARY PERSONNEL**

15 **SEC. 401. HEALTH BENEFITS FOR THE BIOLOGICAL MOTH-**  
16 **ER OF A CHILD WHO IS ADOPTED BY A FEHBP**  
17 **ENROLLEE.**

18 (a) IN GENERAL.—Section 8904(a) of title 5, United  
19 States Code, is amended in each of paragraphs (1) and  
20 (2) by adding after subparagraph (F) the following new  
21 subparagraph:

22 “(G) Prenatal and maternity benefits  
23 (other than benefits relating to a surrogate  
24 parenting arrangement) for the biological moth-  
25 er of an adoptive child of an enrollee.”.

1 (b) SPECIFIC REQUIREMENTS.—Section 8902 of title  
2 5, United States Code, is amended by adding at the end  
3 the following:

4 “(o)(1) The Office shall by regulation establish mini-  
5 mum standards relating to benefits provided by any health  
6 benefits plan described in section 8903 or 8903a in con-  
7 nection with prenatal or maternity care for the biological  
8 mother of a child who is to be adopted by an enrollee,  
9 and medical care for such child. Under the regulations,  
10 benefits—

11 “(A) shall be payable for care provided after  
12 the date as of which the enrollee furnishes written  
13 notice (complete with such information and in such  
14 form as the Office may reasonably require, except  
15 that such information may not include information  
16 relating to the identity of the biological parents) of  
17 a specific intent to adopt;

18 “(B) shall be contingent on the adoption be-  
19 coming final; and

20 “(C) shall not be payable in connection with  
21 any surrogate parenting arrangement.

22 “(2) Nothing in this subsection shall be considered  
23 to prevent the Office from entering into a contract under  
24 which the carrier agrees to provide benefits in connection

1 with care provided on or before the date referred to in  
2 paragraph (1)(A).”.

3 **SEC. 402. ADOPTION PROVISIONS RELATING TO MEMBERS**  
4 **OF THE UNIFORMED SERVICES.**

5 (a) REIMBURSEMENT OF EXPENSES FOR PRENATAL  
6 AND MATERNITY CARE FOR THE BIOLOGICAL MOTHER  
7 UNDER DOD ADOPTION PROGRAM.—

8 (1) REIMBURSEMENT.—Subsection (g)(2) of  
9 section 1052 of title 10, United States Code, is  
10 amended—

11 (A) by striking “and” at the end of sub-  
12 paragraph (C); and

13 (B) by striking subparagraph (D) and in-  
14 serting the following new subparagraphs:

15 “(D) prenatal and maternity care provided  
16 to the biological mother of the child to be  
17 adopted on and after the date on which the  
18 member notifies the Secretary of Defense, in  
19 such manner as the Secretary may require by  
20 rule, of the intent of the member to adopt the  
21 child of the biological mother; and

22 “(E) medical expenses of a newborn infant  
23 to be adopted by the member.”.

24 (2) EXPANSION.—Such section is further  
25 amended—

1 (A) in subsections (a), (d), (e), and  
2 (g)(2)(C), by striking “armed forces” each  
3 place it appears and inserting “uniformed serv-  
4 ices”; and

5 (B) by adding at the end of subsection (g)  
6 the following new paragraph:

7 “(3) The term ‘uniformed services’ does not in-  
8 clude the Coast Guard since members of the Coast  
9 Guard are reimbursed for adoption expenses under  
10 section 514 of title 14.”.

11 (3) EXCEPTION TO REIMBURSEMENT.—Sub-  
12 section (b) of such section is amended by adding at  
13 the end the following new sentence: “No reimburse-  
14 ment may be made under subsection (a) for ex-  
15 penses incurred in carrying out a surrogate  
16 parenting arrangement.”.

17 (4) CONFIDENTIALITY.—Subsection (f) of such  
18 section is amended by adding at the end the follow-  
19 ing new sentence: “The Secretary may not require  
20 the member to provide information relating to the  
21 identity of the biological mother.”.

22 (5) APPLICATION OF AMENDMENTS.—In the  
23 case of a member of the commissioned corps of the  
24 National Oceanic and Atmospheric Administration  
25 or the commissioned corps of the Public Health

1 Service, section 1052 of title 10, United States  
2 Code, as amended by paragraph (2), shall apply with  
3 respect to an adoption of a child by such a member  
4 that becomes final after September 30, 1997.

5 (b) REIMBURSEMENT OF EXPENSES FOR PRENATAL  
6 AND MATERNITY CARE FOR THE BIOLOGICAL MOTHER  
7 UNDER COAST GUARD ADOPTION PROGRAM.—

8 (1) REIMBURSEMENT.—Subsection (g)(2) of  
9 section 514 of title 14, United States Code, is  
10 amended—

11 (A) by striking “and” at the end of sub-  
12 paragraph (C); and

13 (B) by striking subparagraph (D) and in-  
14 serting the following new subparagraphs:

15 “(D) prenatal and maternity care provided  
16 to the biological mother of the child to be  
17 adopted on and after the date on which the  
18 member notifies the Secretary, in such manner  
19 as the Secretary may require by rule, of the in-  
20 tent of the member to adopt the child of the bi-  
21 ological mother; and

22 “(E) medical expenses of a newborn infant  
23 to be adopted by the member.”.

24 (2) EXCEPTION TO REIMBURSEMENT.—Sub-  
25 section (b) of such section is amended by adding at

1 the end the following new sentence: “No reimburse-  
2 ment may be made under subsection (a) for ex-  
3 penses incurred in carrying out a surrogate  
4 parenting arrangement.”.

5 (3) CONFIDENTIALITY.—Subsection (f) of such  
6 section is amended by adding at the end the follow-  
7 ing new sentence: “The Secretary may not require  
8 the member to provide information relating to the  
9 identity of the biological mother.”.

10 (c) AUTHORIZED CARE FOR MILITARY DEPENDENTS  
11 TO INCLUDE PRENATAL CARE.—Section 1077(a)(8) of  
12 title 10, United States Code, is amended by striking “Ma-  
13 ternity” and inserting “Prenatal, maternity,”.

14 (d) AUTHORIZED CARE FOR ADOPTED CHILDREN TO  
15 INCLUDE CARE FOR PREEXISTING CONDITIONS.—Section  
16 1077 of title 10, United States Code, is amended by add-  
17 ing at the end the following new subsection:

18 “(e) In the case of a child (as described in subpara-  
19 graph (B) or (D) of paragraph (6) of section 1072 of this  
20 title) of a member of a uniformed service, health care pro-  
21 vided under section 1076 of this title shall include care  
22 for any condition of the child that predates the date of  
23 the adoption of the child.”.



1 **SEC. 403. COORDINATION OF EFFORTS BETWEEN OFFICE**  
 2 **OF PERSONNEL MANAGEMENT AND DEPART-**  
 3 **MENT OF DEFENSE.**

4 The Director of the Office of Personnel Management,  
 5 the Secretary of Defense, and the Secretary of Transpor-  
 6 tation shall, to the greatest extent possible—

7 (1) coordinate their efforts in developing regula-  
 8 tions and guidelines necessary to carry out their re-  
 9 spective responsibilities resulting from the amend-  
 10 ments made by sections 401 and 402; and

11 (2) consult with the National Advisory Board  
 12 on Adoption established under section 101(a) in de-  
 13 veloping such regulations and guidelines.

14 **TITLE V—ADOPTION CREDIT**  
 15 **MADE PERMANENT FOR**  
 16 **ADOPTIONS OF CHILDREN**  
 17 **WITHOUT SPECIAL NEEDS**

18 **SEC. 501. ADOPTION CREDIT MADE PERMANENT FOR ADOP-**  
 19 **TIONS OF CHILDREN WITHOUT SPECIAL**  
 20 **NEEDS.**

21 (a) IN GENERAL.—Paragraph (2) of section 23(d) of  
 22 the Internal Revenue Code of 1986 (defined eligible child)  
 23 is amended to read as follows:

24 “(2) ELIGIBLE CHILD.—The term ‘eligible  
 25 child’ means any individual who—

26 “(A) has not attained age 18, or

1                   “(B) is physically or mentally incapable of  
2                   caring for himself.”.

3           (b) PERMANENT EXTENSION OF EXCLUSION OF EM-  
4   PLOYER-PROVIDED ADOPTION ASSISTANCE.—Section 137  
5   of such Code is amended by striking subsection (f) (relat-  
6   ing to termination).

7           (c) EFFECTIVE DATE.—The amendments made by  
8   this section shall take effect on the date of the enactment  
9   of this Act.

10   **SEC. 502. SENSE OF CONGRESS ON REFUNDABILITY OF**  
11                   **ADOPTION EXPENSE CREDIT.**

12           It is the sense of the Congress that, after appropriate  
13   studies have been done to evaluate the impact of the credit  
14   for adoption expenses under section 23 of the Internal  
15   Revenue Code of 1986, consideration should be given to  
16   making such credit a refundable credit.

17   **TITLE VI—MATERNAL HEALTH**  
18                   **CERTIFICATES PROGRAM**

19   **SEC. 601. MATERNAL HEALTH CERTIFICATES FOR ELIGI-**  
20                   **BLE PREGNANT WOMEN.**

21           (a) ESTABLISHMENT OF MATERNAL HEALTH CER-  
22   TIFICATES FOR ELIGIBLE PREGNANT WOMEN.—Not later  
23   than 180 days after the date of the enactment of this Act,  
24   the Secretary shall establish a program to provide mater-  
25   nal health certificates for eligible pregnant women to use

1 to cover expenses incurred in receiving services at a mater-  
2 nity and housing services facility or other supervised set-  
3 ting.

4 (b) ELIGIBILITY OF INDIVIDUALS.—

5 (1) IN GENERAL.—A pregnant woman is eligi-  
6 ble to receive a maternal health certificate under the  
7 program established under subsection (a) if the  
8 woman—

9 (A) has an annual individual income (de-  
10 termined without taking into account the in-  
11 come of any parent or guardian of the individ-  
12 ual) not greater than 175 percent of the income  
13 official poverty line (as defined by the Office of  
14 Management and Budget, and revised annually  
15 in accordance with section 673(2) of the Omni-  
16 bus Budget Reconciliation Act of 1981) applica-  
17 ble to such individual; and

18 (B) provides the Secretary with such other  
19 information and assurances as the Secretary  
20 may require.

21 (2) INCOME OF ESTRANGED SPOUSE NOT IN-  
22 CLUDED.—In determining the income of an individ-  
23 ual for purposes of paragraph (1)(A), there shall not  
24 be included the income of a spouse if the spouse has

1       been living apart from the woman for not less than  
2       6 months.

3               (3) PARTICIPATION IN AFDC PROGRAM NOT RE-  
4       QUIRED.—An individual otherwise eligible to receive  
5       a maternal health certificate under the program es-  
6       tablished under subsection (a) shall not be found in-  
7       eligible to receive such a certificate solely on the  
8       grounds that the individual does not receive aid  
9       under the State plan for aid to families with depend-  
10      ent children under part A of title IV of the Social  
11      Security Act.

12      (c) LIMITATIONS ON AMOUNT OF EXPENSES IN-  
13      CURRED.—A certificate received under the program estab-  
14      lished under subsection (a) may be used to cover an  
15      amount of expenses incurred by an individual at a mater-  
16      nity housing and services facility that does not exceed an  
17      amount equal to—

18              (1) \$125; multiplied by

19              (2) the number of days during which such serv-  
20      ices are provided to the individual at such facility.

21      (d) CONSULTATION WITH ADVISORY BOARD.—In de-  
22      veloping regulations needed to carry out the program es-  
23      tablished under subsection (a), the Secretary shall consult  
24      with the National Advisory Board on Adoption established  
25      under section 101(a).

1 (e) DEFINITIONS.—For purposes of this section:

2 (1) MATERNITY AND HOUSING SERVICES FACIL-  
3 ITY.—The term “maternity and housing services fa-  
4 cility” means a nonprofit facility or supervised set-  
5 ting licensed or otherwise approved by the State in  
6 which the facility is located to serve as a residence  
7 for not fewer than 4 pregnant women during preg-  
8 nancy and for a limited period after the date on  
9 which the child carried during the pregnancy is  
10 born, as the Secretary may determine, that provides  
11 such pregnant women with appropriate supportive  
12 services, which may include the following supportive  
13 services:

14 (A) Room and board.

15 (B) Medical care (provided either at the  
16 facility or off-site) for the woman and her child,  
17 including prenatal, delivery, and post-delivery  
18 care.

19 (C) Instruction and counseling regarding  
20 future health care for the woman and her child.

21 (D) Nutrition services and nutrition coun-  
22 seling.

23 (E) Counseling and education concerning  
24 all aspects of prenatal care, childbirth, and  
25 motherhood.

1 (F) General family counseling, including  
 2 child and family development counseling.

3 (G) Adoption counseling.

4 (H) Vocational and educational counseling  
 5 and services.

6 (I) Basic transportation services to enable  
 7 the woman to obtain services from the facility.

8 (2) PREGNANT WOMAN.—The term “pregnant  
 9 woman” means a woman determined to have one or  
 10 more fetuses in utero.

11 (3) SECRETARY.—The term “Secretary” means  
 12 the Secretary of Health and Human Services.

13 (f) AUTHORIZATION OF APPROPRIATIONS.—There  
 14 are authorized to be appropriated for maternal health cer-  
 15 tificates under this section—

16 (1) \$50,000,000 for fiscal year 1998;

17 (2) \$75,000,000 for fiscal year 1999; and

18 (3) \$100,000,000 for fiscal year 2000.

19 **TITLE VII—REHABILITATION**  
 20 **GRANTS FOR MATERNITY**  
 21 **HOUSING AND SERVICES FA-**  
 22 **CILITIES**

23 **SEC. 701. ESTABLISHMENT OF GRANT PROGRAM.**

24 The Secretary of Housing and Urban Development  
 25 shall carry out a program to provide assistance under this

1 title to eligible nonprofit entities for rehabilitation of exist-  
2 ing structures for use as facilities to provide housing and  
3 services to pregnant women.

4 **SEC. 702. AUTHORITY AND APPLICATIONS.**

5 (a) **AUTHORITY.**—The Secretary may make grants  
6 under the program under this title to eligible nonprofit  
7 entities to rehabilitate existing structures for use as ma-  
8 ternity housing and services facilities.

9 (b) **APPLICATIONS.**—The Secretary may make grants  
10 only to nonprofit entities that submit applications for  
11 grants under this title in the form and manner that the  
12 Secretary shall prescribe, which shall include assurances  
13 that grant amounts will be used to provide a maternity  
14 housing and services facility.

15 **SEC. 703. GRANT LIMITATIONS.**

16 (a) **MAXIMUM GRANT AMOUNT.**—A grant under this  
17 title may not be in an amount greater than \$1,000,000.  
18 An eligible nonprofit entity may not receive more than 1  
19 grant under this title in any fiscal year.

20 (b) **MAXIMUM NUMBER OF GRANTS.**—The Secretary  
21 may not make grants under this title to more than 100  
22 eligible nonprofit entities in any fiscal year.

23 (c) **USE OF GRANTS FOR REHABILITATION ACTIVI-**  
24 **TIES.**—Any eligible nonprofit entity that receives a grant  
25 under this title shall use the grant amounts for the acqui-

1 sition or rehabilitation (or both) of existing structures for  
2 use as a maternity housing and services facility, which  
3 may include planning and development costs, professional  
4 fees, and administrative costs related to such acquisition  
5 or rehabilitation.

6 **SEC. 704. REPORTS.**

7       The Secretary shall require each eligible nonprofit en-  
8 tity that receives a grant under this title to submit to the  
9 Secretary a report, at such times and including such infor-  
10 mation as the Secretary shall determine, describing the  
11 activities carried out by the eligible nonprofit entity with  
12 the grant amounts.

13 **SEC. 705. DEFINITIONS.**

14       For purposes of this title:

15           (1) **ELIGIBLE NONPROFIT ENTITIES.**—The term  
16       “eligible nonprofit entity” means any organization  
17       that—

18                   (A) is described in section 501(c)(3) of the  
19       Internal Revenue Code of 1986 that is exempt  
20       from taxation under subtitle A of such Code;  
21       and

22                   (B) has submitted an application under  
23       section 702(b) for a grant under this title.

24           (2) **MATERNITY HOUSING AND SERVICES FACIL-**  
25       **ITY.**—The term “maternity housing and services fa-



1       cility’’ means a facility licensed or otherwise ap-  
2       proved by the State in which the facility is located  
3       to serve as a residence for not fewer than 4 preg-  
4       nant women during pregnancy and for a limited pe-  
5       riod after the date on which the child carried during  
6       the pregnancy is born, as the Secretary may deter-  
7       mine, that provides such pregnant women with ap-  
8       propriate supportive services, which may include the  
9       following services:

10               (A) Room and board.

11               (B) Medical care for the woman and her  
12       child, including prenatal, delivery, and post-de-  
13       livery care.

14               (C) Instruction and counseling regarding  
15       future health care for the woman and her child.

16               (D) Nutrition services and nutrition coun-  
17       seling.

18               (E) Counseling and education concerning  
19       all aspects of prenatal care, childbirth, and  
20       motherhood.

21               (F) General family counseling, including  
22       child and family development counseling.

23               (G) Adoption counseling.

24               (H) Vocational and educational counseling  
25       and services.

1 (I) Basic transportation services to enable  
 2 the woman to obtain services from the facility.

3 (J) Any other appropriate supportive serv-  
 4 ices.

5 (3) PREGNANT WOMAN.—The term “pregnant  
 6 woman” means a woman determined to have one or  
 7 more fetuses in utero.

8 (4) SECRETARY.—The term “Secretary” means  
 9 the Secretary of Housing and Urban Development.

10 **SEC. 706. REGULATIONS AND CONSULTATION WITH ADVI-**  
 11 **SORY BOARD.**

12 The Secretary shall issue any regulations necessary  
 13 to carry out this title. In developing such regulations, the  
 14 Secretary shall consult with the National Advisory Board  
 15 on Adoption established under section 101(a).

16 **SEC. 707. AUTHORIZATION OF APPROPRIATIONS.**

17 There are authorized to be appropriated to carry out  
 18 this title \$25,000,000 for fiscal year 1998, \$40,000,000  
 19 for fiscal year 1999, and \$60,000,000 for fiscal year 2000.

20 **TITLE VIII—SENSE OF CON-**  
 21 **GRESS REGARDING CHANGES**  
 22 **IN STATE ADOPTION LAWS**

23 **SEC. 801. SENSE OF CONGRESS.**

24 (a) IN GENERAL.—It is the sense of Congress that  
 25 each State should adopt, and assume responsibility for en-

1 forcing, laws, rules, or regulations that would provide  
2 that—

3           (1) the State shall make available to a prospec-  
4       tive adoptive parent all relevant information with re-  
5       spect to the placement of the child for adoption, in-  
6       cluding information with respect to the medical, so-  
7       cial, and economic history and ethnic background of  
8       the child and the child’s biological parents (except to  
9       the extent that such information would identify the  
10      child or biological parents) and shall impose criminal  
11      penalties on any person who makes an unauthorized  
12      disclosure of such information;

13           (2) a State-approved professional working in a  
14      licensed agency setting shall investigate the prospec-  
15      tive adoptive parent of a child before the child is  
16      placed with such parent for adoption;

17           (3) the courts of the State shall not finalize any  
18      adoption before each party to the adoption proceed-  
19      ing has submitted to the court all information relat-  
20      ing to the costs incurred by or on behalf of the party  
21      in connection with the adoption, including a list of  
22      all payments, benefits, gifts, or other things of value;

23           (4) the State shall guarantee adequate legal  
24      representation with respect to the adoption proceed-  
25      ing to the biological mother of a child who is the

1 subject of such proceeding, if the parent wants sepa-  
2 rate legal representation;

3 (5) if a child is placed with an individual pursu-  
4 ant to a written plan of adoption before the adoption  
5 occurs and such individual does not file a petition  
6 for the adoption of the child with the appropriate  
7 court during the 1-year period beginning on the date  
8 the child is placed with such individual, such individ-  
9 ual shall be barred from adopting the child; and

10 (6) with respect to each health benefit plan pro-  
11 viding coverage to individuals in the State—

12 (A) each such plan provide coverage of  
13 health expenses relating to pregnancy and child-  
14 birth (but not including any expenses relating  
15 to carrying out a surrogate parenting arrange-  
16 ment)—

17 (i) upon the adoption of a child by an  
18 individual enrolled in the plan, for the  
19 child and for the biological mother of such  
20 child, but only with respect to expenses in-  
21 curred after the individual enrolled in the  
22 plan furnishes written notice to the spon-  
23 sor of the plan of the individual's intent to  
24 adopt the biological mother's child, and

1 (ii) for any dependent child of an indi-  
2 vidual enrolled in the plan; and

3 (B) the sponsor of such a plan may not ex-  
4 clude, terminate, or otherwise limit coverage  
5 under the plan with respect to the adopted child  
6 of an individual enrolled in the plan on the  
7 basis that such child has a pre-existing condi-  
8 tion.

9 (b) DEFINITIONS.—For purposes of this section—

10 (1) the term “health benefit plan” means any  
11 plan, fund, or program that provides medical care to  
12 participants or beneficiaries directly or through in-  
13 surance, reimbursement, or otherwise;

14 (2) the term “pre-existing condition” means  
15 any disease, disability, disorder, impairment, or  
16 other health condition; and

17 (3) the term “sponsor” means any entity in a  
18 State providing a health benefit plan in a State.

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