

106TH CONGRESS
1ST SESSION

H. R. 2540

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.

IN THE HOUSE OF REPRESENTATIVES

JULY 15, 1999

Mr. SMITH of New Jersey (for himself and Mr. OBERSTAR) introduced the following bill; which was referred to the Committee on Education and the Workforce, and in addition to the Committees on Ways and Means, Commerce, the Judiciary, Banking and Financial Services, Armed Services, 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

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 “1999 Omnibus Adop-
5 tion Act”.

1 SEC. 2. TABLE OF CONTENTS.

2 The table of contents of this Act is as follows:

Sec. 1. Short title.
Sec. 2. Table of contents.

TITLE I—EXPANSION OF ADOPTION TAX CREDIT

Sec. 101. Expansion of adoption tax credit.

TITLE II—LEAVE EQUITY FOR ADOPTIVE FAMILIES

Sec. 201. Leave requirement.
Sec. 202. Civil action.
Sec. 203. Construction.
Sec. 204. Definitions.

TITLE III—ADOPTION COUNSELING

Sec. 301. Grants for certain activities toward promoting adoption counseling.

**TITLE IV—ADOPTION INFORMATION FOR MEMBERS OF THE
ARMED FORCES**

Sec. 401. Availability of information concerning adoption.

TITLE V—FEDERAL PRISONS

Sec. 501. Availability of adoption information.

TITLE VI—ACCREDITATION OF ADOPTION SERVICE PROVIDERS

Sec. 601. Accreditation of adoption service providers.

TITLE VII—ADOPTION AND FOSTER CARE DATA COLLECTION

Sec. 701. Adoption and foster care data collection system.

**TITLE VIII—REFUNDABLE CREDIT FOR MEDICAL EXPENSES OF
PREGNANCIES WITH CHILDREN PLACED FOR ADOPTION**

Sec. 801. Refundable credit for medical expenses of pregnancies with children placed for adoption.

TITLE IX—MATERNAL HEALTH CERTIFICATES PROGRAM

Sec. 901. Maternal health certificates for eligible pregnant women.

**TITLE X—REHABILITATION GRANTS FOR MATERNITY HOUSING
AND SERVICES FACILITIES**

Sec. 1001. Establishment of grant program.
Sec. 1002. Authority and applications.
Sec. 1003. Grant limitations.
Sec. 1004. Reports.
Sec. 1005. Participation of religious organizations.
Sec. 1006. Definitions.
Sec. 1007. Regulations.
Sec. 1008. Authorization of appropriations.

TITLE XI—REPEAL OF NATIONAL CLEARINGHOUSE ON
ADOPTION INFORMATION

Sec. 1101. Repeal of National Clearinghouse on Adoption Information.

TITLE XII—NATIONAL COMMISSION ON ADOPTION

Sec. 1201. National Commission on Adoption.

1 TITLE I—EXPANSION OF
2 ADOPTION TAX CREDIT

3 SEC. 101. EXPANSION OF ADOPTION TAX CREDIT.

4 (a) INCREASE IN AMOUNTS ALLOWED.—

5 (1) DOLLAR AMOUNT OF ALLOWED EX-
6 PENSES.—Paragraph (1) of section 23(b) of the In-
7 ternal Revenue Code of 1986 (relating to dollar limi-
8 tation) is amended by striking “\$5,000” and all that
9 follows and inserting “\$10,000.”.

10 (2) PHASE-OUT LIMITATION.—Clause (i) of sec-
11 tion 23(b)(2)(A) of such Code (relating to income
12 limitation) is amended by striking “\$75,000” and
13 inserting “\$150,000”.

14 (b) REPEAL OF SUNSET ON CHILDREN WITHOUT
15 SPECIAL NEEDS.—

16 (1) IN GENERAL.—Paragraph (2) of section
17 23(d) of such Code (relating to definition of eligible
18 child) is amended to read as follows:

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

21 “(A) has not attained age 18, or

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

3 (2) CONFORMING AMENDMENT.—Subsection (d)
4 of section 23 of such Code (relating to definitions)
5 is amended by striking paragraph (3).

6 (c) ADJUSTMENT OF DOLLAR AND INCOME LIMITA-
7 TIONS FOR INFLATION.—Section 23 of such Code is
8 amended by redesignating subsection (h) as subsection (i)
9 and by inserting after subsection (g) the following new
10 subsection:

11 “(h) ADJUSTMENTS FOR INFLATION.—In the case of
12 a taxable year beginning after December 31, 2000, each
13 of the dollar amounts in subsections (b)(1) and
14 (b)(2)(A)(i) shall be increased by an amount equal to—

15 “(1) such dollar amount, multiplied by

16 “(2) the cost-of-living adjustment determined
17 under section 1(f)(3) for the calendar year in which
18 the taxable year begins, determined by substituting
19 ‘calendar year 1999’ for ‘calendar year 1992’ in sub-
20 paragraph (B) thereof.”.

21 (d) LIMITATION BASED ON AMOUNT OF TAX.—

22 (1) IN GENERAL.—Subsection (c) of section 23
23 of such Code is amended by striking “the limitation
24 imposed by section 26(a) for such taxable year re-
25 duced by the sum of the credits allowable under this

1 subpart (other than this section and section
 2 1400C)” and inserting “the applicable tax limita-
 3 tion”.

4 (2) APPLICABLE TAX LIMITATION.—Subsection
 5 (d) of section 23 of such Code (as amended by sub-
 6 section (b) of this section) is further amended add-
 7 ing at the end the following new paragraph:

8 “(3) APPLICABLE TAX LIMITATION.—The term
 9 ‘applicable tax limitation’ means the sum of—

10 “(A) the taxpayer’s regular tax liability for
 11 the taxable year, reduced (but not below zero)
 12 by the sum of the credits allowed by sections
 13 21, 22, 24 (other than the amount of the in-
 14 crease under subsection (d) thereof), 25, and
 15 25A, and

16 “(B) the tax imposed by section 55 for
 17 such taxable year.”.

18 (3) CONFORMING AMENDMENTS.—

19 (A) Subsection (a) of section 26 of such
 20 Code (relating to limitation based on amount of
 21 tax) is amended by inserting “(other than sec-
 22 tion 23)” after “allowed by this subpart”.

23 (B) Paragraph (1) of section 53(b) of such
 24 Code (relating to minimum tax credit) is
 25 amended by inserting “reduced by the aggre-

1 gate amount taken into account under section
2 23(d)(3)(B) for all such prior taxable years,”
3 after “1986,”.

4 (e) EFFECTIVE DATE.—The amendments made by
5 this section shall apply to taxable years beginning after
6 December 31, 1998.

7 **TITLE II—LEAVE EQUITY FOR** 8 **ADOPTIVE FAMILIES**

9 **SEC. 201. LEAVE REQUIREMENT.**

10 (a) IN GENERAL.—An employee who needs leave be-
11 cause of the placement of a son or daughter with the em-
12 ployee for adoption or foster care shall be entitled to any
13 leave benefit provided by the employee’s employer to an
14 employee who needs leave—

15 (1) to care for the employee’s newborn biologi-
16 cal child, or

17 (2) to recover from the employee’s own illness,
18 injury, or disability.

19 (b) EXPIRATION OF ENTITLEMENT.—Leave because
20 of the placement of a son or daughter with the employee
21 for adoption or foster care under subsection (a) shall com-
22 mence no later than 12 months after the placement of a
23 child with the employee for adoption or foster care.

1 **SEC. 202. CIVIL ACTION.**

2 (a) IN GENERAL.—Subject to the limitations con-
3 tained in this section, any person may bring a civil action
4 against an employer to enforce the provisions of section
5 201 in any appropriate court of the United States or in
6 any State court of competent jurisdiction.

7 (b) TIMING OF COMMENCEMENT OF CIVIL ACTION.—
8 No civil action may be commenced under subsection (a)
9 later than 1 year after the date of the last event that con-
10 stitutes the alleged violation of section 201.

11 (c) VENUE.—An action brought under subsection (a)
12 in a district court of the United States may be brought
13 in any appropriate judicial district under section 1391 of
14 title 28, United States Code.

15 (d) RELIEF.—In any civil action brought under sub-
16 section (a), the court may—

17 (1) grant as relief against any respondent that
18 violates section 201—

19 (A) any permanent or temporary injunc-
20 tion, temporary restraining order, or other equi-
21 table relief as the court determines appropriate,

22 (B) damages in an amount equal to any
23 wages, salary, employment benefits, or other
24 compensation denied or lost to the employee
25 bringing the action by reason of the violation of
26 section 201 or in a case in which wages, salary,

1 employment benefits, or other compensation
2 have not been denied or lost to the employee,
3 any actual monetary losses sustained by the
4 employee as a direct result of such violation, in-
5 cluding the cost of providing care, up to an
6 amount equal to 12 weeks of wages or salary
7 for the employee, and

8 (C) interest at the prevailing rate on the
9 total monetary damages calculated under sub-
10 paragraph (B), and

11 (2) award to a prevailing party (other than the
12 United States) in the action a reasonable attorney's
13 fee and expert witness fee.

14 **SEC. 203. CONSTRUCTION.**

15 Nothing in this title shall be construed to require an
16 employer to provide any leave benefit that the employer
17 would not otherwise have provided to an employee to care
18 for a newborn biological child or to recover from the em-
19 ployee's illness, injury, or disability.

20 **SEC. 204. DEFINITIONS.**

21 As used in this title:

22 (1) EMPLOYEE.—The term “employee” means
23 any individual employed by an employer.

24 (2) EMPLOYER.—The term “employer” means
25 any person engaged in commerce or in any industry

1 or activity affecting commerce. The terms “com-
2 merce” and “industry affecting commerce” mean
3 any activity, business, or industry in commerce or in
4 which a labor dispute would hinder or obstruct com-
5 merce or the free flow of commerce and includes
6 such terms as defined in section 2 of the Labor
7 Management Relations Act, 1947 (29 U.S.C 152).

8 (3) EMPLOYMENT BENEFITS.—The term “em-
9 ployment benefits” means all benefits provided or
10 made available to employees by an employer, includ-
11 ing health insurance, sick leave, annual leave, paren-
12 tal leave, and disability leave regardless of whether
13 such benefits are provided by a policy or practice of
14 an employer or through an “employee welfare ben-
15 efit plan”, as defined in section 3(3) of the Em-
16 ployee Retirement Income Security Act of 1974 (29
17 U.S.C. 1002(1)).

18 (4) LEAVE BENEFIT.—The term “leave benefit”
19 means—

20 (A) any sick or parental leave provided by
21 an employer,

22 (B) any right to reemployment with the
23 employer after the leave described in subpara-
24 graph (A); and

1 (C) any right to the receipt of pay or em-
2 ployment benefits, or the accrual of seniority,
3 during the leave described in subparagraph (A).

4 (5) PARENT.—The term “parent” means the
5 biological parent, adoptive parent, prospective adop-
6 tive parent, foster parent, legal guardian, or step-
7 parent, of a child.

8 (6) PARENTAL LEAVE.—The term “parental
9 leave” means any leave to enable a parent to care
10 for a newborn biological child.

11 (7) PLACEMENT.—The term “placement”
12 means the introduction of a child into a family or
13 the process to bring about the introduction of a child
14 into a family.

15 (8) SICK LEAVE.—The term “sick leave” means
16 any leave provided by an employer to enable an em-
17 ployee to recover from an illness, injury, or dis-
18 ability.

19 (9) SON OR DAUGHTER.—The term “son or
20 daughter” means a biological or adopted child, a fos-
21 ter child, a stepchild, a legal ward, or a child placed
22 for adoption.

**TITLE III—ADOPTION
COUNSELING**

**SEC. 301. GRANTS FOR CERTAIN ACTIVITIES TOWARD PRO-
MOTING ADOPTION COUNSELING.**

Subpart I of part D of title III of the Public Health Service Act (42 U.S.C. 254b et seq.) is amended by adding at the end the following section:

“SEC. 330D. CERTAIN SERVICES FOR PREGNANT WOMEN.

“(a) ADOPTION COUNSELING.—

“(1) IN GENERAL.—The Secretary shall make grants to national adoption organizations for the purpose of developing and implementing programs to train the staff of eligible health centers in providing adoption counseling to pregnant women and infertile married couples. With respect to such a grant—

“(A) a national adoption organization may expend the grant to carry out the programs directly or through grants to or contracts with other adoption organizations; and

“(B) a condition for the receipt of the grant is that the national adoption organization agree to make reasonable efforts to provide such training at sites that are near the eligible health centers for which the training is to be provided.

1 “(2) ADOPTION ORGANIZATIONS; ELIGIBLE
2 HEALTH CENTERS.—For purposes of this section:

3 “(A) The term ‘adoption organization’
4 means an organization—

5 “(i) whose primary purpose is the pro-
6 motion of adoption;

7 “(ii) that is knowledgeable on the
8 process for adopting a child and on pro-
9 viding adoption counseling to pregnant
10 women; and

11 “(iii) that is a nonprofit private enti-
12 ty.

13 “(B) The term ‘eligible health centers’
14 means public and nonprofit private entities that
15 provide health-related services to pregnant
16 women.

17 “(C) The term ‘married couples’ means
18 couples who have entered into marriage as de-
19 fined in section 7 of title 1, United States Code.

20 “(3) TRAINING FOR CERTAIN ELIGIBLE
21 HEALTH CENTERS.—A condition for the receipt of a
22 grant under paragraph (1) is that the national adop-
23 tion organization involved agree to make reasonable
24 efforts to ensure that the eligible health centers with

1 respect to which training under the grant is provided
2 include—

3 “(A) eligible health centers that receive
4 grants under section 1001 (relating to vol-
5 untary family planning projects);

6 “(B) eligible health centers that receive
7 grants under section 330 (relating to commu-
8 nity health centers, migrant health centers, and
9 centers regarding homeless individuals and resi-
10 dents of public housing);

11 “(C) eligible health centers that receive
12 grants under this Act for the provision of serv-
13 ices in schools; and

14 “(D) eligible health centers that do not
15 perform or make referrals for abortions, or pro-
16 vide or make referrals for counseling that pre-
17 sents abortion as an option.

18 “(4) PARTICIPATION OF CERTAIN ELIGIBLE
19 HEALTH CLINICS.—In the case of eligible health cen-
20 ters that receive grants under section 330 or 1001,
21 the Secretary shall provide for the training of the
22 staff of such centers through the program under
23 paragraph (1), subject to subsection (c)(4).

24 “(b) REQUIREMENTS REGARDING FEDERALLY-
25 FUNDED FAMILY PLANNING SERVICES.—The Secretary

1 shall require that each program providing voluntary family
2 planning services with a grant from the Secretary provide
3 nondirective counseling and referrals regarding—

4 “(1) prenatal care and delivery;

5 “(2) infant care;

6 “(3) foster care; and

7 “(4) adoption.

8 “(c) RELIGIOUS ORGANIZATIONS.—

9 “(1) IN GENERAL.—Religious organizations
10 may receive grants under subsection (a) on the same
11 basis as any other nongovernmental provider without
12 impairing the religious character of such organiza-
13 tions, and without diminishing the religious freedom
14 of beneficiaries of assistance funded under such pro-
15 gram.

16 “(2) NONDISCRIMINATION AGAINST RELIGIOUS
17 ORGANIZATIONS.—Religious organizations are eligi-
18 ble for grants under subsection (a) on the same
19 basis as any other nonprofit private entity as long
20 as the programs are implemented consistent with the
21 Establishment Clause of the United States Constitu-
22 tion. The Federal Government shall not discriminate
23 against an organization that applies to receive such
24 a grant on the basis that the organization has a reli-
25 gious character.

1 “(3) RELIGIOUS CHARACTER AND FREEDOM.—

2 “(A) RELIGIOUS ORGANIZATIONS.—A reli-
3 gious organization receiving a grant under sub-
4 section (a) shall retain its independence from
5 Federal, State, and local governments, includ-
6 ing such organization’s control over the defini-
7 tion, development, practice, and expression of
8 its religious beliefs.

9 “(B) ADDITIONAL SAFEGUARDS.—The
10 Federal Government shall not require a reli-
11 gious organization receiving a grant under sub-
12 section (a)—

13 “(i) to alter its form of internal gov-
14 ernance; or

15 “(ii) to remove religious art, icons,
16 scripture, or other symbols;
17 in order to be eligible for a grant under sub-
18 section (a).

19 “(4) RIGHTS OF BENEFICIARIES OF ASSIST-
20 ANCE.—

21 “(A) IN GENERAL.—If an individual de-
22 scribed in subparagraph (B) has an objection to
23 the religious character of the organization from
24 which the individual receives services pursuant
25 to a grant under subsection (a), the organiza-

tion shall provide such individual, within a reasonable period of time after the date of such objection, with services from an alternative provider that is accessible to the individual and the value of which is not less than the value of the services that the individual would have received from such organization.

“(B) INDIVIDUAL DESCRIBED.—An individual described in this subparagraph is an individual who receives, applies for, or requests to apply for, services under a program carried out with a grant under subsection (a).

“(5) EMPLOYMENT PRACTICES.—A religious organization’s exemption provided under section 702 of the Civil Rights Act of 1964 regarding employment practices shall not be affected by its participation in, or receipt of funds from, a program carried out with a grant under subsection (a).

“(6) NONDISCRIMINATION AGAINST BENEFICIARIES.—Except as otherwise provided in law, a religious organization shall not discriminate against an individual in regard to providing services under a grant under subsection (a) on the basis of religion, a religious belief, or refusal to actively participate in a religious practice.

1 “(7) FISCAL ACCOUNTABILITY.—

2 “(A) IN GENERAL.—Except as provided in
3 subparagraph (B), any religious organization
4 receiving a grant under subsection (a) shall be
5 subject to the same regulations as other grant-
6 ees under such subsection to account in accord
7 with generally accepted auditing principles for
8 the expenditure of the grant.

9 “(B) LIMITED AUDIT.—If a religious orga-
10 nization receiving a grant under subsection (a)
11 segregates the grant funds into separate ac-
12 counts, then only such funds shall be subject to
13 audit.

14 “(8) COMPLIANCE.—Any party which seeks to
15 enforce its rights under this subsection may assert
16 a civil action for injunctive relief exclusively in an
17 appropriate State court against the entity or agency
18 that allegedly commits such violation.

19 “(9) PREEMPTION.—Nothing in this subsection
20 shall be construed to preempt any provision of a
21 State constitution or State statute that prohibits or
22 restricts the expenditure of State funds in or by reli-
23 gious organizations.

24 “(10) LIMITATIONS ON USE OF FUNDS FOR
25 CERTAIN PURPOSES.—A grant under subsection (a)

1 may not be expended for sectarian worship, instruc-
 2 tion, or proselytization.

3 “(d) APPLICATION FOR GRANT.—The Secretary may
 4 make a grant under subsection (a) only if an application
 5 for the grant is submitted to the Secretary and the appli-
 6 cation is in such form, is made in such manner, and con-
 7 tains such agreements, assurances, and information as the
 8 Secretary determines to be necessary to carry out this sec-
 9 tion.

10 “(e) AUTHORIZATION OF APPROPRIATIONS.—For the
 11 purpose of carrying out this section, there are authorized
 12 to be appropriated \$7,000,000 for fiscal year 2000, and
 13 such sums as may be necessary for each of the fiscal years
 14 2001 through 2004.”.

15 **TITLE IV—ADOPTION INFORMATION**
 16 **FOR MEMBERS OF THE**
 17 **ARMED FORCES**

18 **SEC. 401. AVAILABILITY OF INFORMATION CONCERNING**
 19 **ADOPTION.**

20 (a) IN GENERAL.—The Secretary of each military de-
 21 partment and the Secretary of Transportation with re-
 22 spect to the Coast Guard when it is not operating as a
 23 service in the Navy shall ensure that members of Armed
 24 Forces under their jurisdiction have information con-
 25 cerning adoption readily available to them.

1 (b) SPECIFIC INFORMATION TO BE MADE AVAIL-
 2 ABLE.—Information referred to in subsection (a) shall
 3 include—

4 (1) information for military couples who are
 5 prospective adoptive parents; and

6 (2) information for unmarried female members
 7 of the Armed Forces who are pregnant about the op-
 8 tion of planning adoption for the child.

9 **TITLE V—FEDERAL PRISONS**

10 **SEC. 501. AVAILABILITY OF ADOPTION INFORMATION.**

11 (a) IN GENERAL.—Chapter 301 of title 18, United
 12 States Code, is amended by adding at the end the fol-
 13 lowing:

14 **“§ 4015. Availability of adoption information**

15 “The Attorney General shall take appropriate action
 16 to assure that information regarding the option of plan-
 17 ning adoption for the child is made readily available to
 18 each female prisoner who is or may be pregnant.”.

19 (b) CLERICAL AMENDMENT.—The table of sections
 20 at the beginning of chapter 301 of title 18, United States
 21 Code, is amended by adding at the end the following new
 22 item:

“4015. Availability of adoption information.”.

1 **TITLE VI—ACCREDITATION OF**
2 **ADOPTION SERVICE PROVIDERS**

3 **SEC. 601. ACCREDITATION OF ADOPTION SERVICE PRO-**
4 **VIDERS.**

5 Section 471(a) of the Social Security Act (42 U.S.C.
6 671(a)) is amended—

7 (1) by striking “and” at the end of paragraph
8 (22);

9 (2) by striking the period at the end of para-
10 graph (23) and inserting “; and”; and

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

12 “(24) provides that the State has enacted such
13 laws and procedures as may be necessary to—

14 “(A) prohibit the provision of adoption
15 services in the State by a person who is not ac-
16 credited by the State to provide such services;
17 and

18 “(B) require the State to establish stand-
19 ards which must be met in order to become an
20 accredited provider of adoption services in the
21 State, and to so accredit any person who meets
22 such standards.”.

1 **TITLE VII—ADOPTION AND FOS-**
2 **TER CARE DATA COLLECTION**

3 **SEC. 701. ADOPTION AND FOSTER CARE DATA COLLECTION**
4 **SYSTEM.**

5 (a) IN GENERAL.—Section 479 of the Social Security
6 Act (42 U.S.C. 679) is amended by adding at the end the
7 following:

8 “(d) Not later than 6 months after the date of the
9 enactment of this subsection, the Secretary shall imple-
10 ment the recommendations contained in the report sub-
11 mitted pursuant to subsection (a)(3), except to the extent
12 the recommendations involve a matter that is subject to
13 the Indian Child Welfare Act.”.

14 (b) STATE PLAN REQUIREMENT.—Section 471(a) of
15 such Act (42 U.S.C. 671(a)), as amended by section 601
16 of this Act, is amended—

17 (1) by striking “and” at the end of paragraph
18 (23);

19 (2) by striking the period at the end of para-
20 graph (24) and inserting “; and”; and

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

22 “(25) provides that the governor of the State
23 shall designate a lead institution to compile data on
24 adoptions in the State, ensure that the courts and
25 other institutions of the State provide such data to

1 the lead institution, and transmit such data and fos-
 2 ter care data electronically to the Secretary on a
 3 quarterly basis.”.

4 **TITLE VIII—REFUNDABLE CRED-**
 5 **IT FOR MEDICAL EXPENSES**
 6 **OF PREGNANCIES WITH CHIL-**
 7 **DREN PLACED FOR ADOP-**
 8 **TION**

9 **SEC. 801. REFUNDABLE CREDIT FOR MEDICAL EXPENSES**
 10 **OF PREGNANCIES WITH CHILDREN PLACED**
 11 **FOR ADOPTION.**

12 (a) IN GENERAL.—Subpart C of part IV of sub-
 13 chapter A of chapter 1 of the Internal Revenue Code of
 14 1986 (relating to refundable credits) is amended by redes-
 15 ignating section 35 as section 36 and by inserting after
 16 section 34 the following new section:

17 **“SEC. 35. MEDICAL EXPENSES OF PREGNANCIES WITH**
 18 **CHILDREN PLACED FOR ADOPTION.**

19 “(a) IN GENERAL.—In the case of an individual,
 20 there shall be allowed as a credit against the tax imposed
 21 by this subtitle for the taxable year an amount equal to
 22 the qualified medical expenses paid by the taxpayer during
 23 the taxable year.

1 “(b) LIMITATION.—The amount of the credit allowed
2 by subsection (a) with respect to any 1 child shall not ex-
3 ceed \$5,000.

4 “(c) QUALIFIED MEDICAL EXPENSES.—For pur-
5 poses of this section, the term ‘qualified medical expenses’
6 means any amount paid (and not compensated for by in-
7 surance or otherwise) by the taxpayer for medical care (as
8 defined in section 213) in connection with the pregnancy
9 and delivery (by the taxpayer, the taxpayer’s spouse, or
10 any dependent of the taxpayer) of a child which is placed
11 for adoption within 30 days after delivery.

12 “(d) DENIAL OF DOUBLE BENEFIT.—The amount
13 taken into account in determining the credit under this
14 section shall not be taken into account in determining the
15 amount of any deduction under section 162(l) or 213.”

16 (b) CONFORMING AMENDMENTS.—

17 (1) Paragraph (2) of section 1324(b) of title
18 31, United States Code, is amended by inserting be-
19 fore the period “, or from section 35 of such Code”.

20 (2) The table of sections for subpart C of part
21 IV of subchapter A of chapter 1 of such Code is
22 amended by striking the last item and inserting the
23 following new items:

“Sec. 35. Medical expenses of pregnancies with children placed for
adoption.

“Sec. 36. Overpayments of tax.”

1 (c) EFFECTIVE DATE.—The amendments made by
2 this section shall apply to taxable years beginning after
3 December 31, 1998.

4 **TITLE IX—MATERNAL HEALTH**
5 **CERTIFICATES PROGRAM**

6 **SEC. 901. MATERNAL HEALTH CERTIFICATES FOR ELIGI-**
7 **BLE PREGNANT WOMEN.**

8 (a) ESTABLISHMENT OF MATERNAL HEALTH CER-
9 TIFICATES FOR ELIGIBLE PREGNANT WOMEN.—Not later
10 than 180 days after the date of the enactment of this Act,
11 the Secretary shall establish a program to provide mater-
12 nal health certificates for eligible pregnant women to use
13 to cover expenses incurred in receiving services at a mater-
14 nity and housing services facility or other supervised set-
15 ting.

16 (b) ELIGIBILITY OF INDIVIDUALS.—

17 (1) IN GENERAL.—A pregnant woman is eligi-
18 ble to receive a maternal health certificate under the
19 program established under subsection (a) if the
20 woman—

21 (A) has an annual individual income (de-
22 termined without taking into account the in-
23 come of any parent or guardian of the indi-
24 vidual) not greater than 175 percent of the in-
25 come official poverty line (as defined by the Of-

1 fice of Management and Budget, and revised
2 annually in accordance with section 673(2) of
3 the Omnibus Budget Reconciliation Act of
4 1981) applicable to such individual; and

5 (B) provides the Secretary with such other
6 information and assurances as the Secretary
7 may require.

8 (2) INCOME OF ESTRANGED SPOUSE NOT IN-
9 CLUDED.—In determining the income of an indi-
10 vidual for purposes of paragraph (1)(A), there shall
11 not be included the income of a spouse if the spouse
12 has been living apart from the woman for not less
13 than 6 months.

14 (3) PARTICIPATION IN TANF PROGRAM NOT RE-
15 QUIRED.—An individual otherwise eligible to receive
16 a maternal health certificate under the program es-
17 tablished under subsection (a) shall not be found in-
18 eligible to receive such a certificate solely on the
19 grounds that the individual does not receive assist-
20 ance under a State program funded under part A of
21 title IV of the Social Security Act (relating to tem-
22 porary assistance for needy families).

23 (c) LIMITATIONS ON AMOUNT OF EXPENSES IN-
24 CURRED.—A certificate received under the program estab-
25 lished under subsection (a) may be used to cover an

1 amount of expenses incurred by an individual at a mater-
2 nity housing and services facility that does not exceed an
3 amount equal to—

4 (1) \$125; multiplied by

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

7 (d) DEFINITIONS.—For purposes of this section:

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

20 (A) Room and board.

21 (B) Medical care (provided either at the
22 facility or off-site) for the woman and her child,
23 including prenatal, delivery, and post-delivery
24 care.

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

3 (D) Nutrition services and nutrition coun-
4 seling.

5 (E) Counseling and education concerning
6 all aspects of prenatal care, childbirth, and
7 motherhood.

8 (F) General family counseling, including
9 child and family development counseling.

10 (G) Adoption counseling.

11 (H) Vocational and educational counseling
12 and services.

13 (I) Basic transportation services to enable
14 the woman to obtain services from the facility
15 or an approved referral source.

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

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

21 (e) AUTHORIZATION OF APPROPRIATIONS.—There
22 are authorized to be appropriated for maternal health cer-
23 tificates under this section—

24 (1) \$50,000,000 for fiscal year 2000;

25 (2) \$75,000,000 for fiscal year 2001; and

1 (3) \$100,000,000 for fiscal year 2002.

2 **TITLE X—REHABILITATION**
3 **GRANTS FOR MATERNITY**
4 **HOUSING AND SERVICES FA-**
5 **CILITIES**

6 **SEC. 1001. ESTABLISHMENT OF GRANT PROGRAM.**

7 The Secretary of Housing and Urban Development
8 shall carry out a program to provide assistance under this
9 title to eligible nonprofit entities for rehabilitation of exist-
10 ing structures for use as facilities to provide housing and
11 services to pregnant women.

12 **SEC. 1002. AUTHORITY AND APPLICATIONS.**

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

17 (b) **APPLICATIONS.**—The Secretary may make grants
18 only to nonprofit entities that submit applications for
19 grants under this title in the form and manner that the
20 Secretary shall prescribe, which shall include assurances
21 that grant amounts will be used to provide a maternity
22 housing and services facility.

23 **SEC. 1003. GRANT LIMITATIONS.**

24 (a) **MAXIMUM GRANT AMOUNT.**—A grant under this
25 title may not be in an amount greater than \$1,000,000.

1 An eligible nonprofit entity may not receive more than 1
2 grant under this title in any fiscal year.

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

6 (c) USE OF GRANTS FOR REHABILITATION ACTIVI-
7 TIES.—Any eligible nonprofit entity that receives a grant
8 under this title shall use the grant amounts for the acqui-
9 sition or rehabilitation (or both) of existing structures for
10 use as a maternity housing and services facility, which
11 may include planning and development costs, professional
12 fees, and administrative costs related to such acquisition
13 or rehabilitation.

14 **SEC. 1004. REPORTS.**

15 The Secretary shall require each eligible nonprofit en-
16 tity that receives a grant under this title to submit to the
17 Secretary a report, at such times and including such infor-
18 mation as the Secretary shall determine, describing the
19 activities carried out by the eligible nonprofit entity with
20 the grant amounts.

21 **SEC. 1005. PARTICIPATION OF RELIGIOUS ORGANIZATIONS.**

22 (a) IN GENERAL.—Religious organizations may re-
23 ceive grants under this title on the same basis as any other
24 eligible nonprofit entity without impairing the religious

1 character of such organizations, and without diminishing
 2 the religious freedom of beneficiaries of such grants.

3 (b) NONDISCRIMINATION AGAINST RELIGIOUS ORGA-
 4 NIZATIONS.—Religious organizations are eligible for
 5 grants under this title on the same basis as any other eligi-
 6 ble nonprofit entity as long as the programs are imple-
 7 mented consistent with the Establishment Clause of the
 8 United States Constitution. The Secretary shall not dis-
 9 criminate against an organization that applies to receive
 10 such a grant on the basis that the organization has a reli-
 11 gious character.

12 (c) RELIGIOUS CHARACTER AND FREEDOM.—

13 (1) RELIGIOUS ORGANIZATIONS.—A religious
 14 organization receiving a grant under this title shall
 15 retain its independence from Federal, State, and
 16 local governments, including such organization’s con-
 17 trol over the definition, development, practice, and
 18 expression of its religious beliefs.

19 (2) ADDITIONAL SAFEGUARDS.—The Secretary
 20 shall not require a religious organization receiving a
 21 grant under this title—

22 (A) to alter its form of internal govern-
 23 ance; or

24 (B) to remove religious art, icons, scrip-
 25 ture, or other symbols;

1 in order to be eligible for a grant under this title.

2 (d) RIGHTS OF BENEFICIARIES OF ASSISTANCE.—

3 (1) IN GENERAL.—If an individual described in
4 paragraph (2) has an objection to the religious char-
5 acter of the organization from which the individual
6 receives services pursuant to a grant under this title,
7 the organization shall provide such individual, within
8 a reasonable period of time after the date of such
9 objection, with services from an alternative provider
10 that is accessible to the individual and the value of
11 which is not less than the value of the services that
12 the individual would have received from such organi-
13 zation.

14 (2) INDIVIDUAL DESCRIBED.—An individual de-
15 scribed in this paragraph is an individual who re-
16 ceives, applies for, or requests to apply for, services
17 under a program carried out with a grant under this
18 title.

19 (e) EMPLOYMENT PRACTICES.—A religious organiza-
20 tion's exemption provided under section 702 of the Civil
21 Rights Act of 1964 regarding employment practices shall
22 not be affected by its participation in, or receipt of funds
23 from, a program carried out with a grant under this title.

24 (f) NONDISCRIMINATION AGAINST BENEFICIARIES.—
25 Except as otherwise provided in law, a religious organiza-

1 tion shall not discriminate against an individual in regard
2 to providing services under a grant under this title on the
3 basis of religion, a religious belief, or refusal to actively
4 participate in a religious practice.

5 (g) FISCAL ACCOUNTABILITY.—

6 (1) IN GENERAL.—Except as provided in para-
7 graph (2), any religious organization receiving a
8 grant under this title shall be subject to the same
9 regulations as other grantees under this title to ac-
10 count in accord with generally accepted auditing
11 principles for the expenditure of the grant.

12 (2) LIMITED AUDIT.—If a religious organiza-
13 tion receiving a grant under this title segregates the
14 grant funds into separate accounts, then only such
15 funds shall be subject to audit.

16 (h) COMPLIANCE.—Any party which seeks to enforce
17 its rights under this section may assert a civil action for
18 injunctive relief exclusively in an appropriate State court
19 against the entity or agency that allegedly commits such
20 violation.

21 (i) NO PREEMPTION.—This section shall not be con-
22 strued to preempt any provision of a State constitution
23 or State statute that prohibits or restricts the expenditure
24 of State funds in or by religious organizations.

1 (j) LIMITATIONS ON USE OF FUNDS FOR CERTAIN
2 PURPOSES.—A grant under this title may not be expended
3 for sectarian worship, instruction, or proselytization.

4 **SEC. 1006. DEFINITIONS.**

5 For purposes of this title:

6 (1) ELIGIBLE NONPROFIT ENTITIES.—The term
7 “eligible nonprofit entity” means any organization
8 that—

9 (A) is described in section 501(c)(3) of the
10 Internal Revenue Code of 1986 that is exempt
11 from taxation under subtitle A of such Code;
12 and

13 (B) has submitted an application under
14 section 1002(b) for a grant under this title.

15 (2) MATERNITY HOUSING AND SERVICES FACIL-
16 ITY.—The term “maternity housing and services fa-
17 cility” means a facility licensed or otherwise ap-
18 proved by the State in which the facility is located
19 to serve as a residence for not fewer than 4 preg-
20 nant women during pregnancy and for a limited pe-
21 riod after the date on which the child carried during
22 the pregnancy is born, as the Secretary may deter-
23 mine, that provides such pregnant women with ap-
24 propriate supportive services, which may include the
25 following services:

1 (A) Room and board.

2 (B) Medical care for the woman and her
3 child, including prenatal, delivery, and post-de-
4 livery care.

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

7 (D) Nutrition services and nutrition coun-
8 seling.

9 (E) Counseling and education concerning
10 all aspects of prenatal care, childbirth, and
11 motherhood.

12 (F) General family counseling, including
13 child and family development counseling.

14 (G) Adoption counseling.

15 (H) Vocational and educational counseling
16 and services.

17 (I) Basic transportation services to enable
18 the woman to obtain services from the facility
19 or an approved referral source.

20 (J) Any other appropriate supportive serv-
21 ices.

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

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

3 **SEC. 1007. REGULATIONS.**

4 The Secretary shall issue any regulations necessary
5 to carry out this title.

6 **SEC. 1008. AUTHORIZATION OF APPROPRIATIONS.**

7 There are authorized to be appropriated to carry out
8 this title \$25,000,000 for fiscal year 2000, \$40,000,000
9 for fiscal year 2001, and \$60,000,000 for fiscal year 2002.

10 **TITLE XI—REPEAL OF NATIONAL**
11 **CLEARINGHOUSE ON ADOPT-**
12 **ION INFORMATION**

13 **SEC. 1101. REPEAL OF NATIONAL CLEARINGHOUSE ON**
14 **ADOPTION INFORMATION.**

15 Section 9442 of the Omnibus Budget Reconciliation
16 Act of 1986 (42 U.S.C. 679a) is repealed.

17 **TITLE XII—NATIONAL**
18 **COMMISSION ON ADOPTION**

19 **SEC. 1201. NATIONAL COMMISSION ON ADOPTION.**

20 (a) ESTABLISHMENT.—There is established a com-
21 mission to be known as the National Commission on Adop-
22 tion (in this section referred to as the “Commission”).

23 (b) DUTIES OF THE COMMISSION.—The Commission
24 shall review all adoption programs and all activities relat-
25 ing to adoption in the United States, focusing particularly

1 on how often adoption is presented as an option for un-
2 married pregnant women and on the extent to which pro-
3 spective adoptive parents are aware that there are children
4 waiting to be adopted.

5 (c) MEMBERSHIP.—

6 (1) NUMBER AND APPOINTMENT.—The Com-
7 mission shall be composed of 9 members, of whom—

8 (A) 2 shall be appointed by the Speaker of
9 the House of Representatives;

10 (B) 1 shall be appointed by the Minority
11 Leader of the House of Representatives;

12 (C) 2 shall be appointed by the Majority
13 Leader of the Senate;

14 (D) 1 shall be appointed by the Minority
15 Leader of the Senate; and

16 (E) 3 shall be appointed by the President.

17 (2) TERMS OF APPOINTMENT.—The term of
18 any appointment under paragraph (1) to the Com-
19 mission shall be for the life of the Commission.

20 (3) MEETINGS.—The Commission shall meet at
21 the call of its Chairman or a majority of its mem-
22 bers.

23 (4) QUORUM.—A quorum shall consist of 5
24 members of the Commission.

1 (5) VACANCIES.—A vacancy on the Commission
2 shall be filled in the same manner in which the origi-
3 nal appointment was made, not later than 30 days
4 after the Commission is given notice of the vacancy,
5 and shall not affect the power of the remaining
6 members to execute the duties of the Commission.

7 (6) COMPENSATION.—Members of the Commis-
8 sion shall receive no additional pay, allowances, or
9 benefits by reason of their service on the Commis-
10 sion.

11 (7) EXPENSES.—Each member of the Commis-
12 sion shall receive travel expenses and per diem in
13 lieu of subsistence in accordance with sections 5702
14 and 5703 of title 5, United States Code.

15 (d) STAFF AND SUPPORT SERVICES.—

16 (1) EXECUTIVE DIRECTOR.—

17 (A) APPOINTMENT.—The Chairman shall
18 appoint an executive director of the Commis-
19 sion.

20 (B) COMPENSATION.—The executive direc-
21 tor shall be paid the rate of basic pay for level
22 V of the Executive Schedule.

23 (2) STAFF.—With the approval of the Commis-
24 sion, the executive director may appoint such per-

1 sonnel as the executive director considers appro-
2 priate.

3 (3) APPLICABILITY OF CIVIL SERVICE LAWS.—

4 The staff of the Commission shall be appointed with-
5 out regard to the provisions of title 5, United States
6 Code, governing appointments in the competitive
7 service, and shall be paid without regard to the pro-
8 visions of chapter 51 and subchapter III of chapter
9 53 of such title (relating to classification and Gen-
10 eral Schedule pay rates).

11 (4) EXPERTS AND CONSULTANTS.—With the
12 approval of the Commission, the executive director
13 may procure temporary and intermittent services
14 under section 3109(b) of title 5, United States Code.

15 (5) PHYSICAL FACILITIES.—The Administrator
16 of the General Services Administration shall locate
17 suitable office space for the operation of the Com-
18 mission. The facilities shall serve as the head-
19 quarters of the Commission and shall include all
20 necessary equipment and incidentals required for the
21 proper functioning of the Commission.

22 (e) POWERS OF COMMISSION.—

23 (1) HEARINGS AND OTHER ACTIVITIES.—For
24 the purpose of carrying out its duties, the Commis-
25 sion may hold such hearings and undertake such

1 other activities as the Commission determines to be
2 necessary to carry out its duties.

3 (2) STUDIES BY GAO.—Upon the request of the
4 Commission, the Comptroller General shall conduct
5 such studies or investigations as the Commission de-
6 termines to be necessary to carry out its duties.

7 (3) COST ESTIMATES BY CONGRESSIONAL
8 BUDGET OFFICE AND OFFICE OF THE CHIEF ACTU-
9 ARY OF HCFA.—

10 (A) The Director of the Congressional
11 Budget Office or the Chief Actuary of the
12 Health Care Financing Administration, or both,
13 shall provide to the Commission, upon the re-
14 quest of the Commission, such cost estimates as
15 the Commission determines to be necessary to
16 carry out its duties.

17 (B) The Commission shall reimburse the
18 Director of the Congressional Budget Office for
19 expenses relating to the employment in the of-
20 fice of the Director of such additional staff as
21 may be necessary for the Director to comply
22 with requests by the Commission under sub-
23 paragraph (A).

24 (4) DETAIL OF FEDERAL EMPLOYEES.—Upon
25 the request of the Commission, the head of any Fed-

1 eral agency is authorized to detail, without reim-
2 bursement, any of the personnel of such agency to
3 the Commission to assist the Commission in car-
4 rying out its duties. Any such detail shall not inter-
5 rupt or otherwise affect the civil service status or
6 privileges of the Federal employee.

7 (5) TECHNICAL ASSISTANCE.—Upon the re-
8 quest of the Commission, the head of a Federal
9 agency shall provide such technical assistance to the
10 Commission as the Commission determines to be
11 necessary to carry out its duties.

12 (6) USE OF MAILS.—The Commission may use
13 the United States mails in the same manner and
14 under the same conditions as Federal agencies and
15 shall, for purposes of the frank, be considered a
16 commission of Congress as described in section 3215
17 of title 39, United States Code.

18 (7) OBTAINING INFORMATION.—The Commis-
19 sion may secure directly from any Federal agency
20 information necessary to enable it to carry out its
21 duties, if the information may be disclosed under
22 section 552 of title 5, United States Code. Upon re-
23 quest of the Chairman of the Commission, the head
24 of such agency shall furnish such information to the
25 Commission.

1 (8) ADMINISTRATIVE SUPPORT SERVICES.—

2 Upon the request of the Commission, the Adminis-
3 trator of General Services shall provide to the Com-
4 mission on a reimbursable basis such administrative
5 support services as the Commission may request.

6 (9) PRINTING.—For purposes of costs relating
7 to printing and binding, including the cost of per-
8 sonnel detailed from the Government Printing Of-
9 fice, the Commission shall be deemed to be a com-
10 mittee of the Congress.

11 (f) REPORT.—Not later than 3 years after the date
12 of the enactment of this Act, the Commission shall submit
13 a report to the President and to the Committees on Ways
14 and Means and on Education and the Workforce of the
15 House of Representatives and the Committees on Finance
16 and on Health, Education, Labor, and Pensions of the
17 Senate which shall contain a detailed statement of the rec-
18 ommendations, findings, and conclusions of the Commis-
19 sion.

20 (g) TERMINATION.—The Commission shall terminate
21 30 days after the date of submission of the report required
22 in subsection (f). Section 14(a)(2)(B) of the Federal Advi-
23 sory Committee Act shall not apply to the Commission.

24 (h) LIMITATIONS ON AUTHORIZATION OF APPRO-
25 PRIATIONS.—There are authorized to be appropriated to

- 1 the Commission not more than \$1,500,000 to carry out
- 2 this section.

