

106TH CONGRESS  
1ST SESSION

# S. 1382

To amend the Public Health Service Act to make grants to carry out certain activities toward promoting adoption counseling, and for other purposes.

---

## IN THE SENATE OF THE UNITED STATES

JULY 15, 1999

Mr. MCCAIN (for himself and Mr. BROWNBACK) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

---

## A BILL

To amend the Public Health Service Act to make grants to carry out certain activities toward promoting adoption counseling, and for other purposes.

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 “Adoption Awareness  
5       Act of 1999”.

1 **SEC. 2. GRANTS FOR CERTAIN ACTIVITIES TOWARD PRO-**  
 2 **MOTING ADOPTION COUNSELING.**

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

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

7 **“(a) ADOPTION COUNSELING.—**

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

14 **“(A)** a national adoption organization may  
 15 expend the grant to carry out the programs di-  
 16 rectly or through grants to or contracts with  
 17 other adoption organizations;

18 **“(B)** the purposes for which the national  
 19 adoption organization expends the grant may  
 20 include the development of a training cur-  
 21 rriculum; and

22 **“(C)** a condition for the receipt of the  
 23 grant is that, with respect to an eligible health  
 24 center for which such training is to be provided,  
 25 the national adoption organization agree to  
 26 make reasonable efforts—

1 “(i) to provide such training at the  
 2 center or at a site that is near the center;  
 3 and

4 “(ii) to provide the training through  
 5 individuals who are experienced in pro-  
 6 viding adoption counseling in the geo-  
 7 graphic area in which the center is located.

8 “(2) ADOPTION ORGANIZATIONS; ELIGIBLE  
 9 HEALTH CENTERS; OTHER DEFINITIONS.—For pur-  
 10 poses of this section:

11 “(A) The term ‘adoption organization’  
 12 means an organization—

13 “(i) whose primary purpose is the pro-  
 14 motion of adoption;

15 “(ii) that is knowledgeable on the  
 16 process for adopting a child and on pro-  
 17 viding adoption counseling to pregnant  
 18 women; and

19 “(iii) that is a nonprofit private en-  
 20 tity.

21 “(B) The term ‘eligible health centers’  
 22 means public and nonprofit private entities that  
 23 provide health-related services to pregnant  
 24 women.

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

4           “(3) TRAINING FOR CERTAIN ELIGIBLE  
5 HEALTH CENTERS.—A condition for the receipt of a  
6 grant under paragraph (1) is that the national adop-  
7 tion organization involved agree to make reasonable  
8 efforts to ensure that the eligible health centers with  
9 respect to which training under the grant is provided  
10 include—

11           “(A) eligible health centers that receive  
12 grants under section 1001 (relating to vol-  
13 untary family planning projects);

14           “(B) eligible health centers that receive  
15 grants under section 330 (relating to commu-  
16 nity health centers, migrant health centers, and  
17 centers regarding homeless individuals and resi-  
18 dents of public housing);

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

22           “(D) eligible health centers that do not  
23 perform or make referrals for abortions, or pro-  
24 vide or make referrals for counseling that pre-  
25 sents abortion as an option.

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

7           “(b) REQUIREMENTS REGARDING FEDERALLY  
 8 FUNDED FAMILY PLANNING SERVICES.—The Secretary  
 9 shall require that each program providing voluntary family  
 10 planning services with a grant from the Secretary provide  
 11 nondirective counseling and referrals regarding—

12               “(1) prenatal care and delivery;

13               “(2) infant care;

14               “(3) foster care; and

15               “(4) adoption.

16           “(c) RELIGIOUS ORGANIZATIONS.—

17               “(1) IN GENERAL.—Religious organizations  
 18 may receive grants under subsection (a) on the same  
 19 basis as any other nongovernmental provider without  
 20 impairing the religious character of such organiza-  
 21 tions, and without diminishing the religious freedom  
 22 of beneficiaries of assistance funded under such pro-  
 23 gram.

24               “(2) NONDISCRIMINATION AGAINST RELIGIOUS  
 25 ORGANIZATIONS.—Religious organizations are eligi-

ble for grants under subsection (a) on the same basis as any other nonprofit private entity as long as the programs are implemented consistent with the Establishment Clause of the United States Constitution. The Federal Government shall not discriminate against an organization that applies to receive such a grant on the basis that the organization has a religious character.

“(3) RELIGIOUS CHARACTER AND FREEDOM.—

“(A) RELIGIOUS ORGANIZATIONS.—A religious organization receiving a grant under subsection (a) shall retain its independence from Federal, State, and local governments, including such organization’s control over the definition, development, practice, and expression of its religious beliefs.

“(B) ADDITIONAL SAFEGUARDS.—The Federal Government shall not require a religious organization receiving a grant under subsection (a)—

“(i) to alter its form of internal governance; or

“(ii) to remove religious art, icons, scripture, or other symbols;

1 in order to be eligible for a grant under sub-  
 2 section (a).

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

5 “(A) IN GENERAL.—If an individual de-  
 6 scribed in subparagraph (B) has an objection to  
 7 the religious character of the organization from  
 8 which the individual receives services pursuant  
 9 to a grant under subsection (a), the organiza-  
 10 tion shall provide such individual, within a rea-  
 11 sonable period of time after the date of such ob-  
 12 jection, with services from an alternative pro-  
 13 vider that is accessible to the individual and the  
 14 value of which is not less than the value of the  
 15 services that the individual would have received  
 16 from such organization.

17 “(B) INDIVIDUAL DESCRIBED.—An indi-  
 18 vidual described in this subparagraph is an in-  
 19 dividual who receives, applies for, or requests to  
 20 apply for, services under a program carried out  
 21 with a grant under subsection (a).

22 “(5) EMPLOYMENT PRACTICES.—A religious or-  
 23 ganization’s exemption provided under section 702  
 24 of the Civil Rights Act of 1964 regarding employ-  
 25 ment practices shall not be affected by its participa-

tion 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.

“(7) FISCAL ACCOUNTABILITY.—

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

“(B) LIMITED AUDIT.—If a religious organization receiving a grant under subsection (a) segregates the grant funds into separate accounts, then only such funds shall be subject to audit.

“(8) COMPLIANCE.—Any party which seeks to enforce its rights under this subsection may assert a civil action for injunctive relief exclusively in an



1 appropriate State court against the entity or agency  
 2 that allegedly commits such violation.

3 “(9) PREEMPTION.—Nothing in this subsection  
 4 shall be construed to preempt any provision of a  
 5 State constitution or State statute that prohibits or  
 6 restricts the expenditure of State funds in or by reli-  
 7 gious organizations.

8 “(10) LIMITATIONS ON USE OF FUNDS FOR  
 9 CERTAIN PURPOSES.—A grant under subsection (a)  
 10 may not be expended for sectarian worship, instruc-  
 11 tion, or proselytization.

12 “(d) APPLICATION FOR GRANT.—The Secretary may  
 13 make a grant under subsection (a) only if an application  
 14 for the grant is submitted to the Secretary and the appli-  
 15 cation is in such form, is made in such manner, and con-  
 16 tains such agreements, assurances, and information as the  
 17 Secretary determines to be necessary to carry out this sec-  
 18 tion.

19 “(e) AUTHORIZATION OF APPROPRIATIONS.—For the  
 20 purpose of carrying out this section, there are authorized  
 21 to be appropriated \$7,000,000 for fiscal year 2000, and  
 22 such sums as may be necessary for each of the fiscal years  
 23 2001 through 2004.”.

○