

111TH CONGRESS
1ST SESSION

H. R. 643

To encourage and assist women to carry their children to live birth by providing services, during and after pregnancy, that will alleviate the financial, social, emotional, and other difficulties that may otherwise lead to abortion.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 22, 2009

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

A BILL

To encourage and assist women to carry their children to live birth by providing services, during and after pregnancy, that will alleviate the financial, social, emotional, and other difficulties that may otherwise lead to abortion.

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

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

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Care for Life Act of 2009”.

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

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

TITLE I—PREGNANCY SUPPORT SERVICES

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

TITLE II—DEPARTMENT OF EDUCATION

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

TITLE III—ADOPTION TAX INCENTIVES

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

3 **SEC. 2. FINDINGS.**

4 The Congress finds as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

4 It is the sense of the Congress that—

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

8 (2) recipients of care funded through title X of
9 the Public Health Service Act (42 U.S.C. 300 et
10 seq.) and expectant mothers in need should be aware
11 of the services available, during and after pregnancy,
12 to assist them to carry their children to live birth
13 and to care for themselves and their children fol-
14 lowing birth.

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

16 Part D of title III of the Public Health Service Act
17 (42 U.S.C. 254b et seq.) is amended—

18 (1) by redesignating section 330F¹ as section
19 330F–1; and

20 (2) by inserting after section 330E the fol-
21 lowing:

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

23 “(a) OFFICE.—

24 “(1) ESTABLISHMENT.—Not later than 180
25 days after the date of the enactment of this section,

1 the Secretary shall establish within the Department
2 of Health and Human Services an Office of Preg-
3 nancy Support Services.

4 “(2) PURPOSE.—The purpose of the Office
5 shall be to encourage and assist pregnant women to
6 carry their children to live birth by providing serv-
7 ices, during and after pregnancy, that will alleviate
8 the financial, social, emotional and other difficulties
9 that may otherwise lead to an abortion.

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

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

20 “(b) PREGNANCY CARE INFORMATION SERVICE.—

21 “(1) DATABASE.—The Secretary shall develop
22 and maintain a comprehensive, publicly accessible,
23 and user friendly database, to be known as the Preg-
24 nancy Care Information Service, to serve as a con-

1 solidated source of information on pregnancy sup-
2 port services.

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

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

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

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

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

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

1 “(e) LIFE CARE GRANTS.—

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

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

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

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

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

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

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

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

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

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

12 “(i) DEFINITIONS.—In this section:

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

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

20 “(3) The term ‘pregnancy support services’
21 means services offered by Federal, State, faith-
22 based, and other providers, during and after preg-
23 nancy, that will encourage and assist women to
24 carry their children to live birth by alleviating finan-
25 cial, social, emotional, and other difficulties that

1 may otherwise lead to an abortion, including the fol-
2 lowing:

3 “(A) Material assistance, including mater-
4 nity and baby clothing, diapers, baby food (in-
5 cluding formula), baby furniture, and car seats.

6 “(B) Referrals for adoption, job training,
7 housing, assistance with domestic violence, and
8 food stamps and other governmental assistance.

9 “(C) Crisis hotlines, including for violence
10 or suicide prevention.

11 “(D) Pro bono obstetric and prenatal care
12 services for women intending to carry their chil-
13 dren to live birth, including services during
14 pregnancy and following childbirth, and neo-
15 natal care services, including referrals for such
16 services.

17 “(E) Pro bono legal services to assist
18 women who wish to carry their children to live
19 birth and parents with newborn children.

20 “(F) Child care services.

21 “(G) Services to assist parents to care for,
22 and prepare to care for, a child with Down syn-
23 drome or another prenatally diagnosed condi-
24 tion, and to facilitate the adoption of such chil-
25 dren as appropriate.

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

3 “(i) Strengthening marriage.

4 “(ii) Communication and conflict
 5 management for building healthy mar-
 6 riages and families.

7 “(iii) Decisionmaking and relation-
 8 ship-building skills prior to marriage.

9 “(iv) High-risk behavior awareness.

10 “(I) Life-skills counseling.

11 “(J) Provision of any of the services identi-
 12 fied in subparagraphs (A) through (I) through
 13 pregnancy support centers.”.

14 **SEC. 103. INDIVIDUAL HEALTH INSURANCE COVERAGE FOR**
 15 **PREGNANT WOMEN.**

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

1 **“SEC. 2754. PROVIDING INDIVIDUAL HEALTH INSURANCE**
 2 **COVERAGE WITHOUT REGARD TO PRE-**
 3 **EXISTING CONDITION EXCLUSION AND WAIT-**
 4 **ING PERIODS FOR PREGNANT WOMEN WITH-**
 5 **IN ONE YEAR OF CONTINUOUS PRIOR COV-**
 6 **ERAGE.**

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

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

21 **TITLE II—DEPARTMENT OF** 22 **EDUCATION**

23 **SEC. 201. FUND FOR THE IMPROVEMENT OF POSTSEC-**
 24 **ONDARY EDUCATION.**

25 Section 741(a) of the Higher Education Act of 1965
 26 (20 U.S.C. 1138(a)) is amended—

1 (1) by striking “and” at the end of paragraph
2 (12);

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

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

6 “(14) establishing and operating pregnant and
7 parenting student services offices or agencies the ex-
8 clusive purpose of which shall be to provide preg-
9 nancy support services (as defined in section 330F
10 of the Public Health Service Act), including serv-
11 ices—

12 “(A) to assist students to carry their chil-
13 dren to live birth and to assist student parents
14 to care for their children or to place them for
15 adoption, as appropriate; and

16 “(B) to assist pregnant and parenting stu-
17 dents—

18 “(i) to locate and utilize child care,
19 family housing, health insurance for them-
20 selves and their family, flexible academic
21 scheduling such as telecommuting pro-
22 grams, parenting classes and programs,
23 postpartum counseling and support groups,
24 and adoption placement services; and

1 “(ii) to meet the material needs of
 2 their children, including maternity and
 3 baby clothing, diapers, baby food (includ-
 4 ing formula), baby furniture, car seats,
 5 and similar items.”.

6 **TITLE III—ADOPTION TAX** 7 **INCENTIVES**

8 **SEC. 301. EXPANSION OF ADOPTION CREDIT AND ADOP-** 9 **TION ASSISTANCE PROGRAMS.**

10 (a) INCREASE IN DOLLAR LIMITATIONS.—

11 (1) ADOPTION CREDIT.—

12 (A) IN GENERAL.—Paragraph (1) of sec-
 13 tion 23(b) of the Internal Revenue Code of
 14 1986 (relating to dollar limitation) is amended
 15 by striking “\$10,000” and inserting “\$15,000”.

16 (B) CHILD WITH SPECIAL NEEDS.—Para-
 17 graph (3) of section 23(a) of such Code (relat-
 18 ing to \$10,000 credit for adoption of child with
 19 special needs regardless of expenses) is amend-
 20 ed—

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

23 (ii) in the heading by striking
 24 “\$10,000” and inserting “\$15,000”.

1 (C) INCOME LIMITATION.—Clause (i) of
2 section 23(b)(2)(A) of such Code (relating to
3 general rule for income limitation) is amended
4 by striking “\$150,000” and inserting
5 “\$200,000”.

6 (D) CONFORMING AMENDMENT TO INFLA-
7 TION ADJUSTMENT.—Subsection (h) of section
8 23 of such Code (relating to adjustments for in-
9 flation) is amended—

10 (i) in the matter preceding paragraph
11 (1) by striking “December 31, 2002” and
12 inserting “December 31, 2009,” and

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

16 (2) ADOPTION ASSISTANCE PROGRAMS.—

17 (A) IN GENERAL.—Paragraph (1) of sec-
18 tion 137(b) of the Internal Revenue Code of
19 1986 (relating to dollar limitation) is amended
20 by striking “\$10,000” and inserting “\$15,000”.

21 (B) CHILD WITH SPECIAL NEEDS.—Para-
22 graph (2) of section 137(a) of such Code (relat-
23 ing to \$10,000 exclusion for adoption of child
24 with special needs regardless of expenses) is
25 amended—

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

3 (ii) in the heading by striking
4 “\$10,000” and inserting “\$15,000”.

5 (C) INCOME LIMITATION.—Clause (i) of
6 section 137(b)(2)(A) of such Code (relating to
7 general rule for income limitation) is amended
8 by striking “\$150,000” and inserting
9 “\$200,000”.

10 (D) CONFORMING AMENDMENT TO INFLA-
11 TION ADJUSTMENT.—Subsection (f) of section
12 137 of such Code (relating to adjustments for
13 inflation) is amended—

14 (i) in the matter preceding paragraph
15 (1) by striking “December 31, 2002” and
16 inserting “December 31, 2009,”, and

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

20 (b) CREDIT MADE REFUNDABLE.—

21 (1) CREDIT MOVED TO SUBPART RELATING TO
22 REFUNDABLE CREDITS.—The Internal Revenue
23 Code of 1986 is amended—

24 (A) by redesignating section 37 as section
25 37A,

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

3 (C) by moving section 37 (as so redesign-
4 nated) from subpart A of part IV of subchapter
5 A of chapter 1 to the location immediately be-
6 fore section 37 (as so redesignated) in subpart
7 C of part IV of subchapter A of chapter 1.

8 (2) CONFORMING AMENDMENTS.—

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

12 (B) Section 25(e)(1)(C) of such Code is
13 amended—

14 (i) in clause (i) by striking “23,
15 25D,” and inserting “25D”, and

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

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

19 (D) Section 25D(c)(2) of such Code is
20 amended by striking “23, 24,” and inserting
21 “24”.

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

1 (F) Section 37 of such Code, as so redesignated,
2 nated, is amended—

3 (i) by striking paragraph (4) of subsection (b), and

5 (ii) by striking subsection (c).

6 (G) Section 137 of such Code is amended—

8 (i) in subsection (d) by striking “section 23(d)” and inserting “section 37(d)”,
9 and

11 (ii) in subsection (e) by striking “section 23” and inserting “section 37”.

13 (H) Section 904(i) of such Code is amended by striking “23, 24,” and inserting “24”.

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

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

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

23 (L) Paragraph (2) of section 1324(b) of title 31, United States Code, is amended by inserting “37,” after “36,”.

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

“Sec. 37. Adoption expenses.

“Sec. 37A. Overpayments of tax.”.

6 (c) MODIFICATIONS MADE BY EGTRRA TO ADOP-
 7 TION CREDIT MADE PERMANENT.—Title IX of the Eco-
 8 nomic Growth and Tax Relief Reconciliation Act of 2001
 9 shall not apply to the amendments made by section 202
 10 of such Act (relating to expansion of adoption credit and
 11 adoption assistance programs).

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

○