

103D CONGRESS  
1ST SESSION

# H. R. 3029

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

SEPTEMBER 8, 1993

Mr. SMITH of New Jersey (for himself, Mr. LIGHTFOOT, Mr. MAZZOLI, Mr. UPTON, Mr. PORTER, Mr. INGLIS of South Carolina, Mr. BONIOR, Mr. JOHNSON of South Dakota, Mr. PARKER, Mr. LAFALCE, Mr. EMERSON, Mr. HALL of Ohio, Mr. SCHIFF, Mr. RANGEL, Mr. WALSH, Mr. GALLEGLY, Mr. SOLOMON, Mr. WELDON, Mr. PAXON, Mr. HUTTO, Mr. RIDGE, Mr. OBERSTAR, Mr. VISCLOSKY, Mrs. VUCANOVICH, Mr. ZIMMER, Mr. WOLF, Mr. HYDE, and Mr. KYL) introduced the following bill; which was referred jointly to the Committees on Energy and Commerce, Banking, Finance and Urban Affairs, Education and Labor, Post Office and Civil Service, Armed Services, Merchant Marine and Fisheries, and Ways and Means

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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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Omnibus Adoption Act  
3 of 1993”.

4 **TITLE I—NATIONAL ADVISORY**  
5 **COUNCIL ON ADOPTION**

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

7 (a) ESTABLISHMENT.—There is hereby established  
8 the National Advisory Council on Adoption (in this section  
9 referred to as the “Council”).

10 (b) MEMBERSHIP.—Not later than 90 days after the  
11 date of the enactment of this Act, the Secretary of Health  
12 and Human Services shall appoint the members of the  
13 Council, and shall include in such appointment as Council  
14 members representatives of—

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

20 (2) private, nonprofit organizations represent-  
21 ing adopted children, adoptive families or biological  
22 parents;

23 (3) organizations or agencies involved with pri-  
24 vately arranged or international adoptions;

25 (4) organizations representing State and local  
26 government agencies with responsibility for coordi-

1 nating or regulating adoption services or maternity  
2 and housing services facilities; and

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

6 (c) MEETINGS.—The Council shall hold such meet-  
7 ings as may be appropriate, but shall meet at least once  
8 every 90 days.

9 (d) DUTIES.—The Council shall—

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

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

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

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

1           **TITLE II—ADOPTION DATA**  
2           **COLLECTION SYSTEM**

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

5           (a) REPORT ON STATUS OF FINAL REGULATIONS.—

6                 (1) IN GENERAL.—Not later than 30 days after  
7           the date of the enactment of this Act, the Secretary  
8           of Health and Human Services shall submit to the  
9           Congress a report on the status of the implementa-  
10          tion of the data collection system required pursuant  
11          to section 479 of the Social Security Act.

12                 (2) SPECIFIC ASSURANCES REQUIRED.—The re-  
13          port described in paragraph (1) shall include specific  
14          assurances that under the data collection system—

15                         (A) unnecessary diversions of resources  
16                         from agencies responsible for adoption and fos-  
17                         ter care shall be avoided;

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

22                         (C) comprehensive national information  
23                         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 length and type of place-  
7 ment, availability for adoption, and goals  
8 for ending or continuing foster care,

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

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

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

23 (b) MONTHLY PROGRESS REPORTS.—Every 30 days  
24 after the report described in subsection (a) is required to  
25 be submitted, the Secretary of Health and Human Serv-

1 ices shall submit to the Congress reports on the progress  
2 made in implementing the data collection system referred  
3 to in subsection (a).

4 (c) CONSULTATION WITH ADVISORY COUNCIL.—In  
5 developing regulations needed to carry out this section, the  
6 Secretary of Health and Human Services shall consult  
7 with the National Advisory Council on Adoption estab-  
8 lished under section 101(a).

## 9 **TITLE III—ADOPTION** 10 **EDUCATION PROGRAMS**

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

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

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

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

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

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

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

19       **“SEC. 982. STIPENDS.**

20       “(a) AWARD BY SECRETARY.—The Secretary shall  
21 pay to individuals awarded fellowships under this part  
22 such stipends (including such allowances for subsistence  
23 and other expenses for such individuals and their depend-  
24 ents) as the Secretary may determine to be appropriate,  
25 adjusting such stipends as necessary so as not to exceed

1 the fellow's demonstrated level of need according to meas-  
2 urements of need approved by the Secretary. The stipend  
3 levels established by the Secretary shall reflect the purpose  
4 of this program to encourage highly talented students to  
5 undertake graduate study and shall provide a level of sup-  
6 port comparable to that provided by federally funded grad-  
7 uate fellowships in the science and engineering fields.

8       “(b) INSTITUTIONAL PAYMENTS.—(1) The Secretary  
9 shall (in addition to the stipends paid to individuals under  
10 subsection (a)) pay to the institution of higher education,  
11 for each individual awarded a fellowship for pursuing a  
12 course at such institution, \$6,000, except that such  
13 amount charged to a fellowship recipient and collected  
14 from such recipient for tuition and other expenses re-  
15 quired by the institution as part of the recipient's instruc-  
16 tional program shall be deducted from the payment of the  
17 institution under this subsection.

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

22 **“SEC. 983. FELLOWSHIP CONDITIONS.**

23       “(a) REQUIREMENTS FOR RECEIPT.—An individual  
24 awarded a fellowship under the provisions of this part  
25 shall continue to receive payments provided in section 982

1 only during such periods as the Secretary finds that he  
2 is maintaining satisfactory proficiency in, and devoting es-  
3 sentially full time to, study or research in the field in  
4 which such fellowship was awarded, in an institution of  
5 higher education, and is not engaging in gainful employ-  
6 ment other than part-time employment by such institution  
7 in teaching, research, or similar activities, approved by the  
8 Secretary.

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

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

20       “There are authorized to be appropriated to carry out  
21 this part \$1,000,000 for fiscal year 1993, and such sums  
22 as may be necessary for each of the 4 succeeding fiscal  
23 years.”.

24       (b) CONSULTATION WITH ADVISORY COUNCIL.—In  
25 developing regulations needed to carry out part H of title

1 IX of the Higher Education Act of 1965 (as added by  
2 subsection (a)), the Secretary of Education shall consult  
3 with the National Advisory Council on Adoption estab-  
4 lished under section 101(a).

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

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

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

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

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

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

5 (f) AUTHORIZATION OF APPROPRIATIONS.—There  
6 are authorized to be appropriated to carry out this section  
7 \$25,000,000 for each of the fiscal years 1993, 1994, and  
8 1995.

9 **TITLE IV—ADOPTION BENEFITS**  
10 **FOR FEDERAL EMPLOYEES**  
11 **AND MILITARY PERSONNEL**

12 **SEC. 401. ADOPTION BENEFITS FOR FEDERAL EMPLOYEES.**

13 (a) LEAVE.—Section 6307 of title 5, United States  
14 Code, is amended—

15 (1) by redesignating subsection (c) as sub-  
16 section (d);

17 (2) by inserting after subsection (b) the follow-  
18 ing:

19 “(c) Sick leave provided by this section may be used  
20 for purposes relating to the adoption of a child.”; and

21 (3) in subsection (d) (as so redesignated by  
22 paragraph (1)), by inserting “or for purposes relat-  
23 ing to the adoption of a child,” after “ailment,”.

24 (b) HEALTH BENEFITS FOR THE BIOLOGICAL  
25 MOTHER.—

1           (1) GENERALLY.—Section 8904(a) of title 5,  
2 United States Code, is amended in each of para-  
3 graphs (1) and (2) by adding after subparagraph  
4 (F) the following new subparagraph:

5           “(G) Prenatal and maternity benefits  
6 (other than benefits relating to a surrogate  
7 parenting arrangement) for the biological moth-  
8 er of an adoptive child.”.

9           (2) SPECIFICS.—Section 8902 of title 5, United  
10 States Code, is amended by adding at the end the  
11 following:

12          “(o)(1) The Office shall by regulation establish mini-  
13 mum standards relating to benefits provided by any health  
14 benefits plan described in section 8903 or 8903a in con-  
15 nection with prenatal or maternity care for the biological  
16 mother of a child adopted by an enrollee and medical care  
17 for the adopted child. Under the regulations, benefits—

18           “(A) shall be payable for care for the mother  
19 and for the child provided after the date as of which  
20 the enrollee furnishes written notice (complete with  
21 such information and in such form as the Office  
22 may reasonably require, except that such informa-  
23 tion may not include information relating to the  
24 identity of the biological parents) of a specific intent  
25 to adopt;

1           “(B) shall be contingent on the adoption be-  
2           coming final; and

3           “(C) may not be payable in connection with any  
4           surrogate parenting arrangement.

5           “(2) Nothing in this subsection shall be considered  
6           to prevent the Office from entering into a contract under  
7           which the carrier agrees to provide benefits in connection  
8           with care provided on or before the date referred to in  
9           paragraph (1)(A).”.

10 **SEC. 402. ADOPTION PROVISIONS RELATING TO MEMBERS**  
11 **OF THE UNIFORMED SERVICES.**

12           (a) REIMBURSEMENT OF EXPENSES FOR PRENATAL  
13 AND MATERNITY CARE FOR THE BIOLOGICAL MOTHER  
14 UNDER DOD ADOPTION PROGRAM.—

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

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

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

22                           “(D) prenatal and maternity care provided  
23                           to the biological mother of the child to be  
24                           adopted on and after the date on which the  
25                           member notifies the Secretary of Defense, in

1 such manner as the Secretary may require by  
2 rule, of the intent of the member to adopt the  
3 child of the biological mother; and

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

6 (2) EXPANSION.—Such section is further  
7 amended—

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

12 (B) by adding at the end of subsection (g)  
13 the following new paragraph:

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

18 (3) EXCEPTION TO REIMBURSEMENT.—Sub-  
19 section (b) of such section is amended by adding at  
20 the end the following new sentence: “No reimburse-  
21 ment may be made under subsection (a) for ex-  
22 penses incurred in carrying out a surrogate  
23 parenting arrangement.”.

24 (4) CONFIDENTIALITY.—Subsection (f) of such  
25 section is amended by adding at the end the follow-

1 ing new sentence: “The Secretary may not require  
2 the member to provide information relating to the  
3 identity of the biological mother.”.

4 (5) APPLICATION OF AMENDMENTS.—In the  
5 case of a member of the commissioned corps of the  
6 National Oceanic and Atmospheric Administration  
7 or the commissioned corps of the Public Health  
8 Service, section 1052 of title 10, United States  
9 Code, as amended by paragraph (2), shall apply with  
10 respect to an adoption of a child by such a member  
11 that becomes final after September 30, 1993.

12 (b) REIMBURSEMENT OF EXPENSES FOR PRENATAL  
13 AND MATERNITY CARE FOR THE BIOLOGICAL MOTHER  
14 UNDER COAST GUARD ADOPTION PROGRAM.—

15 (1) REIMBURSEMENT.—Subsection (g)(2) of  
16 section 514 of title 14, United States Code, is  
17 amended—

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

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

22 “(D) prenatal and maternity care provided  
23 to the biological mother of the child to be  
24 adopted on and after the date on which the  
25 member notifies the Secretary, in such manner

1 as the Secretary may require by rule, of the in-  
2 tent of the member to adopt the child of the bi-  
3 ological mother; and

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

6 (2) EXCEPTION TO REIMBURSEMENT.—Sub-  
7 section (b) of such section is amended by adding at  
8 the end the following new sentence: “No reimburse-  
9 ment may be made under subsection (a) for ex-  
10 penses incurred in carrying out a surrogate  
11 parenting arrangement.”.

12 (3) CONFIDENTIALITY.—Subsection (f) of such  
13 section is amended by adding at the end the follow-  
14 ing new sentence: “The Secretary may not require  
15 the member to provide information relating to the  
16 identity of the biological mother.”.

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

21 (d) AUTHORIZED CARE FOR ADOPTED CHILDREN TO  
22 INCLUDE CARE FOR PREEXISTING CONDITIONS.—Section  
23 1077 of title 10, United States Code, is amended by add-  
24 ing at the end the following new subsection:

1       “(e) In the case of an adopted child of a member of  
2 a uniformed service, health care provided under section  
3 1076 of this title shall include care for any condition of  
4 the adopted child that predates the date of the adoption  
5 of the child.”.

6       (e) ADOPTED CHILD DEFINED.—Section 1072 of  
7 title 10, United States Code, is amended by adding at the  
8 end the following new paragraph:

9               “(6) The term ‘adopted child’ means a child  
10 with respect to whom a written plan of adoption by  
11 the member has been entered into pursuant to the  
12 laws of the State in which the child resides.”.

13 **SEC. 403. COORDINATION OF EFFORTS BETWEEN OFFICE**  
14                       **OF PERSONNEL MANAGEMENT AND DEPART-**  
15                       **MENT OF DEFENSE.**

16       The Director of the Office of Personnel Management,  
17 the Secretary of Defense, and the Secretary of Transpor-  
18 tation shall, to the greatest extent possible—

19               (1) coordinate their efforts in developing regula-  
20 tions and guidelines necessary to carry out their re-  
21 spective responsibilities resulting from the amend-  
22 ments made by sections 401 and 402; and

23               (2) consult with the National Advisory Council  
24 on Adoption established under section 101(a) in de-  
25 veloping such regulations and guidelines.

1           **TITLE V—ADOPTION TAX**  
2                           **CREDIT**

3 **SEC. 501. REFUNDABLE CREDIT FOR ADOPTION EXPENSES.**

4           (a) CREDIT FOR ADOPTION EXPENSES.—

5                   (1) IN GENERAL.—Subpart C of part IV of sub-  
6           chapter A of chapter 1 of the Internal Revenue Code  
7           of 1986 (relating to refundable credits) is amended  
8           by redesignating section 35 as section 36 and by in-  
9           serting after section 34 the following new section:

10 **“SEC. 35. ADOPTION EXPENSES.**

11           “(a) ALLOWANCE OF CREDIT.—In the case of an in-  
12           dividual, there shall be allowed as a credit against the tax  
13           imposed by this subtitle for the taxable year the amount  
14           of the qualified adoption expenses paid or incurred by the  
15           taxpayer during such taxable year.

16           “(b) LIMITATIONS.—

17                   “(1) DOLLAR LIMITATION.—The aggregate  
18           amount of qualified adoptions expenses which may  
19           be taken into account under subsection (a) with re-  
20           spect to the adoption of a child shall not exceed  
21           \$5,000.

22                   “(2) INCOME LIMITATION.—The amount allow-  
23           able as a credit under subsection (a) for any taxable  
24           year shall be reduced (but not below zero) by an  
25           amount which bears the same ratio to the amount

1 so allowable (determined without regard to this  
2 paragraph but with regard to paragraph (1)) as—

3 “(A) the amount (if any) by which the tax-  
4 payer’s adjusted gross income exceeds \$60,000,  
5 bears to

6 “(B) \$40,000.

7 For purposes of this paragraph, adjusted gross in-  
8 come shall be determined without regard to section  
9 136.

10 “(3) DENIAL OF DOUBLE BENEFIT.—

11 “(A) IN GENERAL.—No credit shall be al-  
12 lowed under subsection (a) for any expense for  
13 which a deduction or credit is allowable under  
14 any other provision of this chapter.

15 “(B) GRANTS.—No credit shall be allowed  
16 under subsection (a) for any expenses paid from  
17 any funds received under any Federal, State, or  
18 local program.

19 “(c) QUALIFIED ADOPTION EXPENSES.—For pur-  
20 poses of this section, the term ‘qualified adoption ex-  
21 penses’ means reasonable and necessary adoption fees,  
22 court costs, attorney fees, and other expenses which are  
23 directly related to the legal adoption of a child by the tax-  
24 payer and which are not incurred in violation of State or  
25 Federal law or in carrying out any surrogate parenting

1 arrangement. The term ‘qualified adoption expenses’ shall  
 2 not include any expenses in connection with the adoption  
 3 by an individual of a child who is the child of such individ-  
 4 ual’s spouse.’’.

5 (2) CLERICAL AMENDMENT.—The table of sec-  
 6 tions for such subpart C is amended by striking the  
 7 last item and inserting the following:

“Sec. 35. Adoption expenses.  
 “Sec. 36. Overpayments of tax.”.

8 (b) EFFECTIVE DATE.—The amendments made by  
 9 subsection (a) shall apply to taxable years beginning after  
 10 December 31, 1992.

## 11 **TITLE VI—MATERNAL HEALTH** 12 **CERTIFICATES PROGRAM**

### 13 **SEC. 601. MATERNAL HEALTH CERTIFICATES FOR ELIGI-** 14 **BLE PREGNANT WOMEN.**

15 (a) ESTABLISHMENT OF MATERNAL HEALTH CER-  
 16 TIFICATES FOR ELIGIBLE PREGNANT WOMEN.—Not later  
 17 than 180 days after the date of the enactment of this Act,  
 18 the Secretary shall establish a program to provide mater-  
 19 nal health certificates for eligible pregnant women to use  
 20 to cover expenses incurred in receiving services at a mater-  
 21 nity and housing services facility.

22 (b) ELIGIBILITY OF INDIVIDUALS.—

23 (1) IN GENERAL.—A pregnant woman is eligi-  
 24 ble to receive a maternal health certificate under the

1 program established under subsection (a) if the  
2 woman—

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

12 (B) provides the Secretary with such other  
13 information and assurances as the Secretary  
14 may require.

15 (2) INCOME OF ESTRANGED SPOUSE NOT IN-  
16 CLUDED.—In determining the income of an individ-  
17 ual for purposes of paragraph (1)(A), there shall not  
18 be included the income of a spouse if the spouse has  
19 been living apart from the woman for not less than  
20 6 months.

21 (3) PARTICIPATION IN AFDC PROGRAM NOT RE-  
22 QUIRED.—An individual otherwise eligible to receive  
23 a maternal health certificate under the program es-  
24 tablished under subsection (a) shall not be found in-  
25 eligible to receive such a certificate solely on the

1 grounds that the individual does not receive aid  
2 under the State plan for aid to families with depend-  
3 ent children under part A of title IV of the Social  
4 Security Act.

5 (c) LIMITATIONS ON AMOUNT OF EXPENSES IN-  
6 CURRED.—A certificate received under the program estab-  
7 lished under subsection (a) may be used to cover an  
8 amount of expenses incurred by an individual at a mater-  
9 nity housing and services facility that does not exceed an  
10 amount equal to—

11 (1) \$100; multiplied by

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

14 (d) CONSULTATION WITH ADVISORY COUNCIL.—In  
15 developing regulations needed to carry out the program  
16 established under subsection (a), the Secretary shall con-  
17 sult with the National Advisory Council on Adoption es-  
18 tablished under section 101(a).

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

20 (1) MATERNITY AND HOUSING SERVICES FA-  
21 CILITY.—The term “maternity and housing services  
22 facility” means a nonprofit facility licensed or other-  
23 wise approved by the State in which the facility is  
24 located to serve as a residence for not fewer than 4  
25 pregnant women during pregnancy and for a limited

1 period after the date on which the child carried dur-  
2 ing the pregnancy is born, as the Secretary may de-  
3 termine, that provides such pregnant women with  
4 appropriate supportive services, which may include  
5 the following supportive services:

6 (A) Room and board.

7 (B) Medical care (provided either at the  
8 facility or off-site) for the woman and her child,  
9 including prenatal, delivery, and post-delivery  
10 care.

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

13 (D) Nutrition services and nutrition coun-  
14 seling.

15 (E) Counseling and education concerning  
16 all aspects of prenatal care, childbirth, and  
17 motherhood.

18 (F) General family counseling, including  
19 child and family development counseling.

20 (G) Adoption counseling.

21 (H) Vocational and educational counseling  
22 and services.

23 (I) Basic transportation services to enable  
24 the woman to obtain services from the facility.

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

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

6           (f) AUTHORIZATION OF APPROPRIATIONS.—There  
7 are authorized to be appropriated for maternal health cer-  
8 tificates under this section—

9           (1) \$50,000,000 for fiscal year 1993;

10           (2) \$75,000,000 for fiscal year 1994; and

11           (3) \$100,000,000 for fiscal year 1995.

12 **TITLE           VII—REHABILITATION**  
13 **GRANTS       FOR       MATERNITY**  
14 **HOUSING AND SERVICES FA-**  
15 **CILITIES**

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

17       The Secretary of Housing and Urban Development  
18 shall carry out a program to provide assistance under this  
19 title to eligible nonprofit entities for rehabilitation of exist-  
20 ing structures for use as facilities to provide housing and  
21 services to pregnant women.

22 **SEC. 702. AUTHORITY AND APPLICATIONS.**

23       (a) AUTHORITY.—The Secretary may make grants  
24 under the program under this title to eligible nonprofit

1 entities to rehabilitate existing structures for use as ma-  
2 ternity housing and services facilities.

3 (b) APPLICATIONS.—The Secretary may make grants  
4 only to nonprofit entities that submit applications for  
5 grants under this title in the form and manner that the  
6 Secretary shall prescribe, which shall include assurances  
7 that grant amounts will be used to provide a maternity  
8 housing and services facility.

9 **SEC. 703. GRANT LIMITATIONS.**

10 (a) MAXIMUM GRANT AMOUNT.—A grant under this  
11 title may not be in an amount greater than \$1,000,000.  
12 An eligible nonprofit entity may not receive more than 1  
13 grant under this title in any fiscal year.

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

17 (c) USE OF GRANTS FOR REHABILITATION ACTIVI-  
18 TIES.—Any eligible nonprofit entity that receives a grant  
19 under this title shall use the grant amounts for the acqui-  
20 sition or rehabilitation (or both) of existing structures for  
21 use as a maternity housing and services facility, which  
22 may include planning and development costs, professional  
23 fees, and administrative costs related to such acquisition  
24 or rehabilitation.

1 **SEC. 704. REPORTS.**

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

8 **SEC. 705. DEFINITIONS.**

9 For purposes of this title:

10 (1) ELIGIBLE NONPROFIT ENTITIES.—The term  
11 “eligible nonprofit entity” means any organization  
12 that—

13 (A) is described in section 501(c)(3) of the  
14 Internal Revenue Code of 1986 that is exempt  
15 from taxation under subtitle A of such Code;  
16 and

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

19 (2) MATERNITY HOUSING AND SERVICES FA-  
20 CILITY.—The term “maternity housing and services  
21 facility” means a facility licensed or otherwise ap-  
22 proved by the State in which the facility is located  
23 to serve as a residence for not fewer than 4 preg-  
24 nant women during pregnancy and for a limited pe-  
25 riod after the date on which the child carried during  
26 the pregnancy is born, as the Secretary may deter-

1 mine, that provides such pregnant women with ap-  
2 appropriate supportive services, which may include the  
3 following services:

4 (A) Room and board.

5 (B) Medical care for the woman and her  
6 child, including prenatal, delivery, and post-de-  
7 livery care.

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

10 (D) Nutrition services and nutrition coun-  
11 seling.

12 (E) Counseling and education concerning  
13 all aspects of prenatal care, childbirth, and  
14 motherhood.

15 (F) General family counseling, including  
16 child and family development counseling.

17 (G) Adoption counseling.

18 (H) Vocational and educational counseling  
19 and services.

20 (I) Basic transportation services to enable  
21 the woman to obtain services from the facility.

22 (J) Any other appropriate supportive serv-  
23 ices.

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

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

6 **SEC. 706. REGULATIONS AND CONSULTATION WITH ADVI-**  
7 **SORY COUNCIL.**

8           The Secretary shall issue any regulations necessary  
9 to carry out this title. In developing such regulations, the  
10 Secretary shall consult with the National Advisory Council  
11 on Adoption established under section 101(a).

12 **SEC. 707. AUTHORIZATION OF APPROPRIATIONS.**

13           There are authorized to be appropriated to carry out  
14 this title \$25,000,000 for fiscal year 1993, \$40,000,000  
15 for fiscal year 1994, and \$60,000,000 for fiscal year 1995.

16 **TITLE VIII—SENSE OF CON-**  
17 **GRESS REGARDING CHANGES**  
18 **IN STATE ADOPTION LAWS**

19 **SEC. 801. SENSE OF CONGRESS.**

20           (a) IN GENERAL.—It is the sense of Congress that  
21 each State should adopt, and assume responsibility for en-  
22 forcing, laws, rules, or regulations that would provide  
23 that—

24           (1) the State shall make available to a prospec-  
25 tive adoptive parent all relevant information with re-

1       spect to the placement of the child for adoption, in-  
2       cluding information with respect to the medical, so-  
3       cial, and economic history and ethnic background of  
4       the child and the child's biological parents (except to  
5       the extent that such information would identify the  
6       child or biological parents) and shall impose criminal  
7       penalties on any person who makes an unauthorized  
8       disclosure of such information;

9               (2) a State-approved professional working in a  
10       licensed agency setting shall investigate the prospec-  
11       tive adoptive parent of a child before the child is  
12       placed with such parent for adoption;

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

19              (4) the State shall guarantee adequate legal  
20       representation with respect to the adoption proceed-  
21       ing to the biological mother of a child who is the  
22       subject of such proceeding, if the parent wants sepa-  
23       rate legal representation;

24              (5) if a child is placed with an individual pursu-  
25       ant to a written plan of adoption before the adoption

1 occurs and such individual does not file a petition  
2 for the adoption of the child with the appropriate  
3 court during the the 1-year period beginning on the  
4 date the child is placed with such individual, such  
5 individual shall be barred from adopting the child;  
6 and

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

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

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

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

24 (B) the sponsor of such a plan may not ex-  
25 clude, terminate, or otherwise limit coverage

1 under the plan with respect to the adopted child  
2 of an individual enrolled in the plan on the  
3 basis that such child has a pre-existing condi-  
4 tion.

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

6 (1) the term “health benefit plan” means any  
7 plan, fund, or program that provides medical care to  
8 participants or beneficiaries directly or through in-  
9 surance, reimbursement, or otherwise;

10 (2) the term “pre-existing condition” means  
11 any disease, disability, disorder, impairment, or  
12 other health condition; and

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

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