

103<sup>D</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 4181

To prohibit an agency, or entity, that receives Federal assistance and is involved in adoption or foster care programs from delaying or denying the placement of a child based on the race, color, or national origin of the child or adoptive or foster parent or parents involved, and for other purposes.

---

## IN THE HOUSE OF REPRESENTATIVES

APRIL 12, 1994

Mr. WHEAT introduced the following bill; which was referred to the Committee on Ways and Means

---

## A BILL

To prohibit an agency, or entity, that receives Federal assistance and is involved in adoption or foster care programs from delaying or denying the placement of a child based on the race, color, or national origin of the child or adoptive or foster parent or parents involved, 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 “Multiethnic Placement  
5 Act of 1994”.

1 **SEC. 2. FINDINGS AND PURPOSE.**

2 (a) FINDINGS.—Congress finds that—

3 (1) nearly 500,000 children are in foster care in  
4 the United States;

5 (2) tens of thousands of children in foster care  
6 are waiting for adoption;

7 (3) 2 years and 8 months is the median length  
8 of time that children wait to be adopted;

9 (4) child welfare agencies should work to elimi-  
10 nate racial, ethnic, and national origin discrimina-  
11 tion and bias in adoption and foster care recruit-  
12 ment, selection, and placement procedures; and

13 (5) active, creative, and diligent efforts are  
14 needed to recruit parents, from every race and cul-  
15 ture, for children needing foster care or adoptive  
16 parents.

17 (b) PURPOSE.—It is the purpose of this Act to de-  
18 crease the length of time that children wait to be adopted  
19 and to prevent discrimination in the placement of children  
20 on the basis of race, color, or national origin.

21 **SEC. 3. MULTIETHNIC PLACEMENTS.**

22 (a) ACTIVITIES.—

23 (1) PROHIBITION.—An agency, or entity, that  
24 receives Federal assistance and is involved in adop-  
25 tion or foster care placements may not—

1 (A) categorically deny to any person the  
2 opportunity to become an adoptive or a foster  
3 parent, solely on the basis of the race, color, or  
4 national origin of the adoptive or foster parent,  
5 or the child, involved; or

6 (B) delay or deny the placement of a child  
7 for adoption or into foster care, or otherwise  
8 discriminate in making a placement decision,  
9 solely on the basis of the race, color, or national  
10 origin of the adoptive or foster parent, or the  
11 child, involved.

12 (2) PERMISSIBLE CONSIDERATION.—An agency  
13 or entity to which paragraph (1) applies may con-  
14 sider the race, color, or national origin of a child as  
15 a factor in making a placement decision if such fac-  
16 tor is relevant to the best interests of the child in-  
17 volved and is considered in conjunction with other  
18 factors.

19 (3) DEFINITION.—As used in this subsection,  
20 the term “placement decision” means the decision to  
21 place, or to delay or deny the placement of, a child  
22 in a foster care or an adoptive home, and includes  
23 the decision of the agency or entity involved to seek  
24 the termination of birth parent rights or otherwise

1 make a child legally available for adoptive place-  
2 ment.

3 (b) LIMITATION.—The Secretary of Health and  
4 Human Services shall not provide placement and adminis-  
5 trative funds under section 474(a)(3) of the Social Secu-  
6 rity Act (42 U.S.C. 674(a)(3)) to an agency or entity de-  
7 scribed in subsection (a) that is not in compliance with  
8 subsection (a).

9 (c) EQUITABLE RELIEF.—Any individual who is ag-  
10 grieved by an action in violation of subsection (a), taken  
11 by an agency or entity described in subsection (a), shall  
12 have the right to bring an action seeking relief in a United  
13 States district court of appropriate jurisdiction.

14 (d) CONSTRUCTION.—Nothing in this section shall be  
15 construed to affect the application of the Indian Child  
16 Welfare Act of 1978 (25 U.S.C. 1901 et seq.).

○