

103<sup>D</sup> CONGRESS  
1<sup>ST</sup> SESSION

# S. 1224

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.

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## IN THE SENATE OF THE UNITED STATES

JULY 14 (legislative day, JUNE 30), 1993

Mr. METZENBAUM (for himself and Ms. MOSELEY-BRAUN) introduced the following bill; which was read twice and referred to the Committee on Labor and Human Resources

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## 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 1993”.

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; and

7 (3) two years and 8 months is the median  
8 length of time for children waiting to be adopted.

9 (b) PURPOSE.—It is the purpose of this Act to de-  
10 crease the length of time for children waiting to be adopt-  
11 ed and to prevent discrimination in the placement of chil-  
12 dren on the basis of race, color or national origin.

13 **SEC. 3. MULTIETHNIC PLACEMENTS.**

14 (a) ACTIVITIES.—

15 (1) PROHIBITION.—An agency, or entity, that  
16 receives Federal assistance and is involved in adop-  
17 tion or foster care placements may not delay or deny  
18 the placement of a child for adoption or into foster  
19 care, or otherwise discriminate in making a place-  
20 ment decision, solely because of the race, color, or  
21 national origin of the adoptive (or foster) parent or  
22 parents or the child.

23 (2) PERMISSIBLE CONSIDERATION.—An agency  
24 or entity to which paragraph (1) applies may con-  
25 sider the race, color, or national origin of a child in  
26 arriving at a placement decision if such factors are

1 relevant to the best interests of the child involved  
2 and are considered in conjunction with other factors.

3 (3) DEFINITION.—As used in this subsection,  
4 the term “placement decision” means the decision to  
5 place, or to delay or deny the placement of a child  
6 in a foster care or adoptive home, and includes the  
7 decision of the agency or entity involved to seek the  
8 termination of birth parent rights or otherwise make  
9 a child legally available for adoptive placement.

10 (b) LIMITATION.—The Secretary of Health and  
11 Human Services shall not provide adoption assistance  
12 funds under section 474(a)(3) of the Social Security Act  
13 to an agency or entity that is not in compliance with sub-  
14 section (a).

15 (c) EQUITABLE RELIEF.—Any individual aggrieved  
16 by an agency or entity in violation of subsection (a) shall  
17 have the right to bring an action seeking relief in a United  
18 States District Court of appropriate jurisdiction.

19 (d) CONSTRUCTION.—Nothing in this section shall be  
20 construed to affect an adoption or foster care placement  
21 made pursuant to the Indian Child Welfare Act of 1978  
22 (25 U.S.C. 1901 et seq.).

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