

Calendar No. 377

103D CONGRESS
2D SESSION

S. 1224

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.

MARCH 3 (legislative day, FEBRUARY 22), 1994

Reported with an amendment

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IN THE SENATE OF THE UNITED STATES

JULY 14 (legislative day, JUNE 30), 1993

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

MARCH 3 (legislative day, FEBRUARY 22), 1994

Reported by Mr. KENNEDY, with an amendment

[Strike out all after the enacting clause and insert the part printed in italic]

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”.

6 **SEC. 2. FINDINGS AND PURPOSE.**

7 (a) FINDINGS.—Congress finds that—

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

10 (2) tens of thousands of children in foster care
11 are waiting for adoption; and

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

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

18 **SEC. 3. MULTIETHNIC PLACEMENTS.**

19 (a) ACTIVITIES.—

20 (1) PROHIBITION.—An agency, or entity, that
21 receives Federal assistance and is involved in adop-
22 tion or foster care placements may not delay or deny
23 the placement of a child for adoption or into foster
24 care, or otherwise discriminate in making a place-
25 ment decision, solely because of the race, color, or

1 national origin of the adoptive (or foster) parent or
2 parents or the child.

3 (2) PERMISSIBLE CONSIDERATION.—An agency
4 or entity to which paragraph (1) applies may con-
5 sider the race, color, or national origin of a child in
6 arriving at a placement decision if such factors are
7 relevant to the best interests of the child involved
8 and are considered in conjunction with other factors.

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

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

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

1 (d) CONSTRUCTION.—Nothing in this section shall be
2 construed to affect an adoption or foster care placement
3 made pursuant to the Indian Child Welfare Act of 1978
4 (25 U.S.C. 1901 et seq.).

5 **SECTION 1. SHORT TITLE.**

6 This Act may be cited as the “Multiethnic Placement
7 Act of 1993”.

8 **SEC. 2. FINDINGS AND PURPOSE.**

9 (a) FINDINGS.—Congress finds that—

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

12 (2) tens of thousands of children in foster care
13 are waiting for adoption;

14 (3) 2 years and 8 months is the median length
15 of time that children wait to be adopted;

16 (4) child welfare agencies should work to elimi-
17 nate racial, ethnic, and national origin discrimina-
18 tion and bias in adoption and foster care recruit-
19 ment, selection, and placement procedures; and

20 (5) active, creative, and diligent efforts are need-
21 ed to recruit parents, from every race and culture, for
22 children needing foster care or adoptive parents.

23 (b) PURPOSE.—It is the purpose of this Act to decrease
24 the length of time that children wait to be adopted and to

1 *prevent discrimination in the placement of children on the*
2 *basis of race, color, or national origin.*

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

4 (a) *ACTIVITIES.*—

5 (1) *PROHIBITION.*—*An agency, or entity, that*
6 *receives Federal assistance and is involved in adop-*
7 *tion or foster care placements may not—*

8 (A) *categorically deny to any person the op-*
9 *portunity to become an adoptive or a foster par-*
10 *ent, solely on the basis of the race, color, or na-*
11 *tional origin of the adoptive or foster parent, or*
12 *the child, involved; or*

13 (B) *unduly delay or deny the placement of*
14 *a child for adoption or into foster care, or other-*
15 *wise discriminate in making a placement deci-*
16 *sion, solely on the basis of the race, color, or na-*
17 *tional origin of the adoptive or foster parent, or*
18 *the child, involved.*

19 (2) *PERMISSIBLE CONSIDERATION.*—*An agency*
20 *or entity to which paragraph (1) applies may con-*
21 *sider the race, color, or national origin of a child as*
22 *a factor in making a placement decision if such factor*
23 *is relevant to the best interests of the child involved*
24 *and is considered in conjunction with other factors.*

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

8 (b) *LIMITATION.*—The Secretary of Health and
9 Human Services shall not provide placement and adminis-
10 trative funds under section 474(a)(3) of the Social Security
11 Act (42 U.S.C. 674(a)(3)) to an agency or entity described
12 in subsection (a) that is not in compliance with subsection
13 (a).

14 (c) *EQUITABLE RELIEF.*—Any individual who is ag-
15 grieved by an action in violation of subsection (a), taken
16 by an agency or entity described in 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 the application of the Indian Child Wel-
21 fare Act of 1978 (25 U.S.C. 1901 et seq.).