

103D CONGRESS
1ST SESSION

S. 844

To amend the Public Health Service Act to establish a program to fund maternity home expenses and improve programs for the collection and disclosure of adoption information, and for other purposes.

IN THE SENATE OF THE UNITED STATES

APRIL 29 (legislative day, APRIL 19), 1993

Mr. GORTON (for himself, Mr. CRAIG, Mr. NUNN, Mr. McCAIN, Mr. DeCONCINI, Mr. REID, Mr. WARNER, Mr. BOND, Mr. GRASSLEY, Mr. SHELBY, Mr. COCHRAN, and Mr. BINGAMAN) introduced the following bill; which was read twice and referred to the Committee on Labor and Human Resources

A BILL

To amend the Public Health Service Act to establish a program to fund maternity home expenses and improve programs for the collection and disclosure of adoption information, 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 “Fairness for Adopted
5 Children Act”.

6 **SEC. 2. FINDINGS.**

7 The Congress finds that—

1 (1) in the United States today, 25 percent of
2 children are born into single parent homes;

3 (2) the number of children in single female-
4 headed homes has increased 85 percent, rising from
5 7,500,000 in 1970 to 13,900,000 in 1988;

6 (3) the rise in single-parenthood is one of the
7 root causes of family disintegration in the Nation
8 today;

9 (4) adoption addresses the problem of family
10 disintegration at the beginning by getting children
11 into solid, two-parent homes and giving birthmothers
12 the opportunity to mature before taking on the adult
13 responsibilities of child-rearing;

14 (5) (A) in 1970 there were 89,000 adoptions;

15 (B) in 1990 there were 51,000 adoptions; and

16 (C) currently, only 6 percent of all teenage
17 mothers choose adoption;

18 (6) young, unmarried women who made an
19 adoption plan for babies are more likely to complete
20 high school, less likely to live in poverty, and less
21 likely to receive public assistance than single par-
22 ents;

23 (7) 60 percent of welfare recipients are, or were
24 at one time, teenage mothers;

1 (8) several studies show that, when compared to
2 teenage mothers, teenagers who choose adoption are
3 less likely to have repeat unwed pregnancies;

4 (9) 90 percent of adopted children live with two
5 married parents and 54 percent of the children live
6 in homes with family income three times higher than
7 poverty level;

8 (10) adopted children have been found to have
9 the same levels of confidence as, or greater levels of
10 confidence than, children who are not adopted;

11 (11) maternity homes provide young mothers a
12 safe haven away from peer pressure and time to con-
13 sider thoughtfully the best plan for themselves and
14 their babies;

15 (12) young mothers in maternity homes receive
16 counseling, a structured environment, and a variety
17 of other services such as schooling, job counseling,
18 and prenatal care;

19 (13) when comprehensive services, including
20 adoption services, are offered, the percentage of
21 mothers who choose adoption for their children is
22 significantly higher than the general adoption place-
23 ment rate;

24 (14) St. Anne's Maternity Home in California
25 reports that 22 percent of its residents choose adop-

1 tion, compared to a general rate of 5 percent of
2 California mothers who choose adoption;

3 (15) there are approximately 450,000 children
4 in foster care in the United States, of whom less
5 than 10 percent are available for adoption;

6 (16) 40 percent of the children in foster care
7 have been in the system 2 or more years, while 25
8 percent have been in foster care at least 3 years; and

9 (17) 60 percent of children in foster care are
10 classified as “children with special needs”, which
11 means the children have physical or emotional dif-
12 ficulties, belong to sibling or minority groups, or are
13 older children.

14 **SEC. 3. NATIONAL ADVISORY COUNCIL ON ADOPTION.**

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

18 (b) MEMBERSHIP.—

19 (1) IN GENERAL.—The Council shall be com-
20 posed of 13 members appointed by the Secretary of
21 Health and Human Services.

22 (2) REPRESENTATIVES.—Not later than 90
23 days after the date of the enactment of this Act, the
24 Secretary of Health and Human Services shall ap-
25 point the members of the Council, and shall include

1 in such appointment as Council members representa-
2 tives of—

3 (A) private, nonprofit organizations in-
4 volved in child welfare and maternity services,
5 including national organizations representing
6 organizations that provide adoption services or
7 maternity housing and services facilities;

8 (B) private, nonprofit organizations rep-
9 resenting adopted children, adoptive families or
10 biological parents;

11 (C) organizations or agencies involved with
12 privately arranged or international adoptions;

13 (D) organizations representing State and
14 local government agencies with responsibility
15 for coordinating or regulating adoption services
16 or maternity and housing services facilities; and

17 (E) organizations representing State and
18 local courts or judicial entities with jurisdiction
19 over issues of family law.

20 (3) RECOMMENDATIONS.—Of the 13 members
21 of the Council, the Secretary shall appoint—

22 (A) 3 members from among persons nomi-
23 nated by the Speaker of the House of Rep-
24 resentatives;

1 (B) 2 members from among persons nomi-
2 nated by the Minority Leader of the House of
3 Representatives;

4 (C) 3 members from among persons nomi-
5 nated by the Majority Leader of the Senate;
6 and

7 (D) 2 members from among persons nomi-
8 nated by the Minority Leader of the Senate.

9 (c) 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 determines appropriate to help
14 carry out the intent of Congress in establishing such
15 programs 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 deter-
20 mines appropriate, including recommendations re-
21 garding additional legislation, to carry out the pur-
22 poses of this Act.

23 (d) CHAIRPERSON.—The Secretary of Health and
24 Human Services shall select a Chairperson from among
25 the members of the Council.

1 (e) TERM OF OFFICE.—Members shall be appointed
2 for 3-year terms.

3 (f) VACANCIES.—Any vacancy occurring in the mem-
4 bership of the Council shall be filled in the same manner
5 as the original appointment for the position being vacated.
6 The vacancy shall not affect the power of the remaining
7 members to execute the duties of the Council.

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

11 (h) QUORUM.—A majority of the Council shall con-
12 stitute a quorum for the transaction of business.

13 (i) COMPENSATION AND EXPENSES.—Members of
14 the Council shall not be compensated for the performance
15 of duties for the Council. Each member of the Council
16 may, at the option of the member, receive travel expenses,
17 including per diem in lieu of subsistence, at rates author-
18 ized for employees of agencies under subchapter I of chap-
19 ter 57 of title 5, United States Code, for each day the
20 member is engaged in the performance of duties away
21 from the home or regular place of business of the member.

22 (j) POWERS.—The Council is authorized to hold such
23 hearings and sit and act at such times, and take such tes-
24 timony, as the Council may determine to be necessary to
25 carry out the duties of the Council.

1 (k) OATHS.—Any member of the Council may admin-
2 ister oaths or affirmations to witnesses appearing before
3 the Council.

4 (l) INFORMATION.—

5 (1) SECURING INFORMATION.—The Council
6 may secure directly from any Federal agency, and
7 from any State agency, or private organization, that
8 receives Federal assistance under this Act, such in-
9 formation as the Council may require to carry out
10 its duties.

11 (2) DISCLOSURE.—The Council shall comply
12 with the procedures described in section 4(c)(3) re-
13 garding the disclosure of the information described
14 in paragraph (1).

15 (m) GIFTS AND DONATIONS.—The Council may ac-
16 cept, use, and dispose of gifts or donations of property
17 in order to carry out the duties of the Council.

18 (n) USE OF MAIL.—The Council may use the United
19 States mails in the same manner and under the same con-
20 ditions as Federal agencies.

21 (o) DETAIL OF FEDERAL EMPLOYEES.—On the re-
22 quest of the Chairperson of the Council, the Secretary of
23 Health and Human Services shall detail, without reim-
24 bursement, any of the personnel of the Department of
25 Health and Human Services to the Council to assist the

1 Council in carrying out its duties. Any detail shall not in-
2 terrupt or otherwise affect the civil service status or privi-
3 leges of the Federal employee.

4 (p) TECHNICAL ASSISTANCE.—On the request of the
5 Chairperson of the Council, the Secretary of Health and
6 Human Services shall provide such technical assistance to
7 the Council as the Council determines to be necessary to
8 carry out its duties.

9 (q) AUTHORIZATION OF APPROPRIATIONS.—There
10 are authorized to be appropriated to carry out this section
11 such sums as may be necessary for fiscal years 1993
12 through 1995.

13 (r) TERMINATION.—The Council shall terminate at
14 the expiration of the 3-year period that begins on the date
15 of the enactment of this Act.

16 **SEC. 4. IMPLEMENTATION OF ADOPTION DATA COLLEC-**
17 **TION SYSTEM.**

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

19 (1) IN GENERAL.—Not later than 30 days after
20 the date of the enactment of this Act, the Secretary
21 of Health and Human Services shall prepare and
22 submit to the appropriate committees of Congress a
23 report containing information on the status of the
24 implementation of the data collection system re-

1 quired pursuant to section 479(b)(2) of the Social
2 Security Act (42 U.S.C. 679(b)(2)).

3 (2) SPECIFIC ASSURANCES REQUIRED.—The re-
4 port described in paragraph (1) shall include specific
5 assurances that the data collection system will com-
6 ply with the regulations described in subsection (c).

7 (b) MONTHLY PROGRESS REPORTS.—Every 30 days
8 after the report described in subsection (a) is required to
9 be submitted, the Secretary of Health and Human Serv-
10 ices shall prepare and submit to the appropriate commit-
11 tees of Congress a report containing information on the
12 progress made in implementing the data collection system.

13 (c) REGULATIONS.—

14 (1) IN GENERAL.—The Secretary of Health and
15 Human Services shall issue such regulations as the
16 Secretary determines to be necessary to carry out
17 this section, including appropriate requirements and
18 incentives to ensure that the data collection system
19 functions reliably throughout the United States.

20 (2) SUBJECTS.—The regulations issued under
21 paragraph (1) shall require that the data collection
22 system—

23 (A) shall avoid unnecessary diversions of
24 resources from agencies responsible for adop-
25 tion and foster care;

1 (B) shall use uniform definitions and
2 methodologies to ensure that any data collected
3 is reliable and consistent over time and among
4 jurisdictions;

5 (C) shall include in the data collection sys-
6 tem—

7 (i) data concerning adoptions ar-
8 ranged through State and private agencies
9 that receive Federal assistance; and

10 (ii) to the extent such data are volun-
11 tarily released by State and private agen-
12 cies that receive no Federal assistance,
13 data concerning adoptions arranged
14 through the agencies; and

15 (D) shall, using data described in subpara-
16 graph (C), and in accordance with paragraph
17 (3), provide comprehensive national information
18 with respect to—

19 (i) the demographic characteristics of
20 all adopted and foster children and their
21 biological and adoptive or foster parents;

22 (ii) the status of the foster care popu-
23 lation, including the number of children in
24 foster care, the length and type of place-

1 ment, availability for adoption, and goals
2 for ending or continuing foster care;

3 (iii) the number and demographic
4 characteristics of all children placed in or
5 removed from foster care, children adopt-
6 ed, and children with respect to whom
7 adoptions have been terminated; and

8 (iv) the extent and nature of assist-
9 ance provided by Federal, State, and local
10 adoption and foster care programs and the
11 characteristics of the children with respect
12 to whom such assistance is provided.

13 (3) DISCLOSURE AND CONFIDENTIALITY.—The
14 regulations issued under paragraph (1) shall provide
15 for the establishment of procedures—

16 (A) for the disclosure by the Secretary of
17 aggregate information collected under this sec-
18 tion relating to adoption and foster care in the
19 United States; and

20 (B) for the maintenance of confidentiality
21 by the Secretary, the agencies described in
22 paragraph (2)(C)(i), and the agencies described
23 in paragraph (2)(C)(ii) to the extent such agen-
24 cies collect information under this section, of in-

1 formation collected under this section with re-
2 spect to the identity of an individual.

3 (4) CONSULTATION.—In developing the regula-
4 tions issued under paragraph (1), the Secretary shall
5 consult with the National Advisory Council on Adop-
6 tion established under section 3(a).

7 **SEC. 5. MATERNAL HEALTH CERTIFICATES.**

8 Title III of the Public Health Service Act (42 U.S.C.
9 241 et seq.) is amended by adding at the end the following
10 new part:

11 **“PART M—MATERNAL HEALTH AND ADOPTION**

12 **“SEC. 399F. MATERNAL HEALTH CERTIFICATES PROGRAM.**

13 “(a) GRANTS.—The Secretary shall award grants to
14 States to enable the States to establish programs to pro-
15 vide maternal health certificates to eligible women within
16 such States.

17 “(b) STATE ELIGIBILITY.—To be eligible to receive
18 a grant under subsection (a), a State shall prepare and
19 submit to the Secretary, an application at such time, in
20 such form, and containing such information as the Sec-
21 retary shall require, including—

22 “(1) an assurance that the State shall establish
23 a maternal health certificates program in accordance
24 with this section;

1 “(2) an assurance that the State shall establish
2 procedures to comply with the requirements of sub-
3 section (f)(3); and

4 “(3) the name of an agency designated by the
5 State to administer the maternal health certificates
6 program.

7 “(c) ELIGIBLE WOMEN.—To be eligible to receive a
8 maternal health certificate under a program established
9 under this section, a woman shall—

10 “(1) be a pregnant female;

11 “(2) have an annual income (within the mean-
12 ing of section 1612(a) of the Social Security Act (42
13 U.S.C. 1382a(a)) but not including the income of, or
14 support received by the woman from, parents,
15 guardians, or the father of the child) that does not
16 exceed 175 percent of the State poverty level;

17 “(3) be a current resident of a maternity home,
18 on a waiting list for such a home, or receiving out-
19 patient services from such a home;

20 “(4) prepare and submit, to the State agency
21 designated under subsection (b)(3), an application at
22 such time, in such form, and containing such infor-
23 mation as such agency shall require, including—

24 “(A) the name and address of the mater-
25 nity home in which the woman resides or in-

1 tends to reside, or from which the woman in-
2 tends to receive services; and

3 “(B) the rates charged by the maternity
4 home and the estimated length of time the
5 woman expects to stay or receive services from
6 the home; and

7 “(5) comply with any other requirements deter-
8 mined appropriate by the Secretary.

9 “(d) MATERNITY HOME ELIGIBILITY.—To be eligible
10 to receive a maternal health certificate as payment for
11 services provided to a eligible woman under a program es-
12 tablished under this section, a maternity home shall—

13 “(1) be a residence for pregnant women or pro-
14 vide outpatient services for pregnant women;

15 “(2) have the capacity to serve at least four
16 pregnant women concurrently;

17 “(3) be licensed or approved by the State; and

18 “(4) provide, either directly or by referral, to el-
19 igible women and, where appropriate, to their babies
20 a range of services that are in accordance with the
21 standards promulgated by the Secretary under sub-
22 section (g), including standards regarding—

23 “(A) room and board;

1 “(B) medical care for the women and their
2 babies, including prenatal, delivery, and post-
3 delivery care;

4 “(C) instruction and education concerning
5 future health care for both the women and ba-
6 bies;

7 “(D) nutrition and nutrition counseling;

8 “(E) counseling and education concerning
9 all aspects of pregnancy, childbirth, and moth-
10 erhood;

11 “(F) general family counseling;

12 “(G) child and family development edu-
13 cation;

14 “(H) adoption counseling, which shall in-
15 clude referral to a licensed nonprofit adoption
16 agency, if the home is not such an agency;

17 “(I) counseling and services concerning
18 education, vocation, or employment; and

19 “(J) reasonable transportation services.

20 “(e) USE OF CERTIFICATES.—A woman who receives
21 a certificate awarded under a program established under
22 this section shall use such certificate to pay the costs asso-
23 ciated with the residence of or services provided to the
24 woman in a maternity home. Such costs shall be reason-

1 ably related to the range of services described in sub-
2 section (d)(4).

3 “(f) LIMITATIONS ON CERTIFICATES.—

4 “(1) TIME.—Certificates awarded under a pro-
5 gram established under this section shall cover ex-
6 penses incurred during a period that shall end not
7 later than 1 month after the birth of the baby to the
8 eligible woman.

9 “(2) AMOUNT.—The amount of a certificate
10 awarded under a program established under this sec-
11 tion shall not exceed, during the period in which the
12 certificate is valid—

13 “(A) in the case of a resident, \$80 per day;
14 and

15 “(B) in the case of a woman receiving out-
16 patient services, \$50 per day.

17 “(3) MATCHING REQUIREMENT.—Procedures
18 established under subsection (b)(2) shall require
19 that—

20 “(A) the State agency designated under
21 subsection (b)(3);

22 “(B) the maternity home receiving a cer-
23 tificate under a program established under this
24 section; or

1 “(C) both the State agency and the mater-
2 nity home receiving the certificate;
3 provide an amount that is at least equal to the
4 amount of the certificate awarded to an eligible
5 woman for the payment of the costs associated with
6 providing residence or services to the woman in a
7 maternity home.

8 “(g) REGULATIONS.—Not later than 90 days after
9 the date of the enactment of this part, the Secretary shall
10 promulgate regulations to establish the standards de-
11 scribed in subsection (c)(4). In promulgating the regula-
12 tions, the Secretary shall consider such standards as the
13 Council on Accreditation for Services to Children and
14 Families may determine to be appropriate.

15 “(h) PARTICIPATION IN AID TO FAMILIES WITH DE-
16 PENDENT CHILDREN PROGRAM.—Notwithstanding any
17 other provision of this section, no woman shall be required
18 to participate in the program established under part A of
19 title IV of the Social Security Act (42 U.S.C. 601 et seq.)
20 to be eligible for a maternal health certificate under this
21 section.

22 “(i) PROHIBITION ON SUPPLANTING OF SERVICES.—
23 No maternal health certificate issued under this section
24 shall be used to supplant existing State, county, or local
25 government funds that are used to provide services similar

1 to those described in subsection (d)(4) for low-income
2 pregnant females.

3 “(j) EVALUATION.—

4 “(1) IN GENERAL.—The Secretary shall pro-
5 vide, through grants or contracts, for the continuing
6 evaluation of programs established under this sec-
7 tion, to determine—

8 “(A) the effectiveness of such programs in
9 achieving the goals stated in paragraph (3) in
10 general, and in relation to cost;

11 “(B) the impact of such programs on relat-
12 ed programs, including programs under titles
13 IV, V, and XIX of the Social Security Act (42
14 U.S.C. 601 et seq., 701 et seq., and 1396 et
15 seq.) and titles X and XX of this Act; and

16 “(C) the structure and mechanisms for the
17 delivery of services for such programs.

18 “(2) COMPARISONS.—The Secretary shall in-
19 clude in evaluations under paragraph (1), where ap-
20 propriate, comparisons of participants in such pro-
21 grams with individuals who have not participated in
22 such programs.

23 “(3) GOALS.—For purposes of paragraph
24 (1)(A), the goals of this section shall be to—

1 “(A) increase the availability of services to
2 low-income pregnant eligible women;

3 “(B) improve the physical and psycho-
4 logical health of such a woman;

5 “(C) ensure a safe and healthy pregnancy,
6 delivery, and postpartum period for the woman;

7 “(D) promote the delivery of a healthy
8 baby to the woman;

9 “(E) increase the knowledge of the woman
10 regarding proper health and nutrition for the
11 woman and her baby;

12 “(F) increase the ability of the woman to
13 support herself financially;

14 “(G) help the woman make an informed
15 decision whether to parent her baby or to make
16 an adoption plan for her baby;

17 “(H) increase the ability of the woman to
18 support her baby financially and emotionally, if
19 the woman so chooses; and

20 “(I) assist the woman in placing her baby
21 for adoption, if the woman so chooses.

22 “(k) CONSULTATION WITH ADVISORY COUNCIL.—
23 The Secretary of Health and Human Services shall issue
24 such regulations as the Secretary determines to be nec-
25 essary to carry out the program established under sub-

1 section (a). In developing the regulations, the Secretary
 2 shall consult with the National Advisory Council on Adop-
 3 tion established under section 3(a) of the Omnibus Adop-
 4 tion Assistance and Maternal Health Certificates Act.

5 “(l) AUTHORIZATION OF APPROPRIATIONS.—There
 6 are authorized to be appropriated to carry out this section,
 7 \$30,000,000 for each of the fiscal years 1993 through
 8 1995.”.

9 **SEC. 6. SOCIAL WORK GRADUATE STUDY FELLOWSHIPS.**

10 (a) PROGRAM ESTABLISHMENT.—Title IX of the
 11 Higher Education Act of 1965 (20 U.S.C. 1134 et seq.)
 12 is amended—

13 (1) by redesignating part G as part H;

14 (2) by redesignating section 971 as section 981;

15 and

16 (3) by inserting after part F the following new
 17 part:

18 **“PART G—GRADUATE SOCIAL WORK**

19 **FELLOWSHIPS**

20 **“SEC. 971. AWARD OF FELLOWSHIPS.**

21 “(a) IN GENERAL.—

22 “(1) FELLOWSHIPS AUTHORIZED.—From the
 23 amount appropriated pursuant to the authority of
 24 section 981(g), the Secretary shall award not more
 25 than 50 fellowships in accordance with the provi-

1 sions of this part for study in graduate schools of
2 social work that offer innovative programs described
3 in subsection (b) to students selected on the basis of
4 demonstrated achievement and exceptional promise.

5 “(2) DURATION.—The fellowships described in
6 paragraph (1) shall be awarded for only one aca-
7 demic year of study and shall be renewable for two
8 additional years.

9 “(b) INNOVATIVE PROGRAMS DEFINED.—The inno-
10 vative programs described in subsection (a) are innovative
11 programs concerning the effects of adoption on the chil-
12 dren who are adopted, the families who adopt children and
13 the biological parents who make an adoption plan, includ-
14 ing—

15 “(1) a basic research program on the short-
16 term and long-term effects of adoption on adopted
17 children, biological parents and adoptive families;

18 “(2) development of a model curriculum and in-
19 structional program to assist adopted children, bio-
20 logical parents and adoptive families;

21 “(3) development of an innovative program to
22 counsel pregnant women on the availability and ben-
23 efits of choosing to make an adoption plan; or

24 “(4) any other program determined to be con-
25 sistent with the provisions of this part.

1 “(c) FELLOWSHIP RECIPIENT SELECTION PROCE-
2 DURES.—The Secretary, by regulation, shall establish
3 such selection procedures for fellowship recipients as are
4 appropriate to carry out this part.

5 **“SEC. 972. STIPENDS.**

6 “(a) AWARD BY SECRETARY.—The Secretary shall
7 pay to individuals awarded fellowships under this part
8 such stipends (including such allowances for subsistence
9 and other expenses for such individuals and their depend-
10 ents) as the Secretary may determine to be appropriate,
11 adjusting such stipends as necessary so as not to exceed
12 the fellow’s demonstrated level of need according to meas-
13 urements of need approved by the Secretary. The stipend
14 levels established by the Secretary shall reflect the purpose
15 of the fellowship program assisted under this part to en-
16 courage highly talented students to undertake graduate
17 study and shall provide a level of support comparable to
18 that provided by federally funded graduate fellowships in
19 the science and engineering fields.

20 “(b) INSTITUTIONAL PAYMENTS.—

21 “(1) IN GENERAL.—The Secretary (in addition
22 to the stipends paid to individuals under subsection
23 (a)) shall pay to the institution of higher education,
24 for each individual awarded a fellowship for pursu-
25 ing a course of study at such institution, \$6,000, ex-

1 cept that such amount charged to a fellowship recip-
2 ient and collected from such recipient for tuition and
3 other expenses required by the institution as part of
4 the recipient's instructional program shall be de-
5 ducted from the payment of the institution under
6 this subsection.

7 “(2) REDUCTION LIMITATION.—Subject to the
8 availability of appropriations, amounts payable to an
9 institution of higher education by the Secretary pur-
10 suant to this subsection shall not be reduced for any
11 purpose other than the purpose specified under
12 paragraph (1).

13 **“SEC. 973. FELLOWSHIP CONDITIONS.**

14 “(a) REQUIREMENTS FOR RECEIPT.—An individual
15 awarded a fellowship under this part shall continue to re-
16 ceive payments described in section 972(a) only during
17 such periods as the Secretary finds that such individual
18 is maintaining satisfactory proficiency in, and devoting es-
19 sentially full time to, study or research in the field in
20 which such fellowship was awarded, in an institution of
21 higher education, and is not engaging in gainful employ-
22 ment other than part-time employment by such institution
23 in teaching, research, or similar activities, approved by the
24 Secretary.

1 “(b) REPORTS FROM RECIPIENTS.—The Secretary is
2 authorized to require reports containing such information
3 in such form and at such times as the Secretary deter-
4 mines necessary from any individual awarded a fellowship
5 under this part. The reports shall be accompanied by a
6 certificate from an appropriate official at the institution
7 of higher education, stating that such individual is making
8 satisfactory progress in, and is devoting essentially full
9 time to, the program for which the fellowship was award-
10 ed.”.

11 (b) CONSULTATION WITH ADVISORY COUNCIL.—In
12 developing regulations needed to carry out part G of title
13 IX of the Higher Education Act of 1965 (as added by
14 subsection (a)), the Secretary of Education shall consult
15 with the National Advisory Council on Adoption estab-
16 lished under section 3(a).

17 (c) AUTHORIZATION OF APPROPRIATIONS.—Section
18 981 of the Higher Education Act of 1965 (as redesignated
19 by subsection (a)(2)) is further amended—

20 (1) by redesignating subsection (g) as sub-
21 section (h); and

22 (2) by inserting after subsection (f) the follow-
23 ing new subsection:

24 “(g) PART G.—There are authorized to be appro-
25 priated to carry out part G of this title such sums as may

1 be necessary for each of the fiscal years 1993, 1994, and
2 1995.”.

3 **SEC. 7. GRANTS FOR ADOPTION EDUCATION PROGRAMS.**

4 (a) PROGRAM AUTHORIZED.—Not later than 1 year
5 after the date of the enactment of this Act, the Secretary
6 of Education (hereafter in this section referred to as the
7 “Secretary”) shall make grants to States to enable such
8 States to carry out adoption education programs.

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

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

19 (d) GUIDELINES.—The Secretary shall by regulation
20 publish guidelines for model adoption education programs
21 to be assisted under this section.

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

1 (f) AUTHORIZATION OF APPROPRIATIONS.—There
2 are authorized to be appropriated \$10,000,000 for each
3 of the fiscal years 1993, 1994, and 1995 to carry out this
4 section.

5 **SEC. 8. EQUAL INSURANCE COVERAGE FOR ADOPTED CHIL-**
6 **DREN.**

7 Section 510 of the Employee Retirement Income
8 Security Act of 1974 (29 U.S.C. 1140) is amended—

9 (1) by inserting “(a)” after “510.”;

10 (2) by striking the last sentence; and

11 (3) by adding at the end the following new sub-
12 sections:

13 “(b)(1) As used in this subsection, the term ‘son or
14 daughter’ means a biological or adopted child, a stepchild,
15 a legal ward, or a child placed for adoption.

16 “(2) Notwithstanding any other provision of law, it
17 shall be unlawful for any person to discharge, fine, sus-
18 pend, expel, discipline, or discriminate against a partici-
19 pant or beneficiary for the purpose of interfering with the
20 attainment of any right, including a right with respect to
21 coverage, benefits, or cost sharing, to which such partici-
22 pant may become entitled under an employee benefit plan,
23 this title, or the Welfare and Pension Plans Disclosure
24 Act, on the basis of the fact that—

1 “(A) a son or daughter of the participant is not
2 a biological child of the participant; or

3 “(B) a son or daughter that is not a biological
4 child of the participant has a health-related condi-
5 tion that existed prior to the date on which the child
6 became a son or daughter of the participant.

7 “(3) Nothing in this subsection shall be construed to
8 require any person to extend a benefit under an employee
9 benefit plan to any participant if the person would not
10 otherwise be required to extend the benefit to a participant
11 with a biological child.

12 “(c) The provisions of section 502 shall be applicable
13 in the enforcement of this section.”.

14 **SEC. 9. EQUAL LEAVE BENEFITS FOR ADOPTIVE PARENTS.**

15 (a) DEFINITIONS.—As used in this section:

16 (1) COMMERCE.—The terms “commerce” and
17 “industry or activity affecting commerce” mean any
18 activity, business, or industry in commerce or in
19 which a labor dispute would hinder or obstruct com-
20 merce or the free flow of commerce, and include
21 “commerce” and any “industry affecting com-
22 merce”, as defined in paragraphs (3) and (1), re-
23 spectively, of section 120 of the Labor Management
24 Relations Act, 1947 (29 U.S.C. 142 (3) and (1)).

1 (2) EMPLOY.—The term “employ” has the
2 meaning given the term in section 3(g) of the Fair
3 Labor Standards Act of 1938 (29 U.S.C. 203(g)).

4 (3) EMPLOYEE.—The term “employee” means
5 any individual employed by an employer.

6 (4) EMPLOYER.—The term “employer” means
7 any person engaged in commerce or in any industry
8 or activity affecting commerce.

9 (5) EMPLOYMENT BENEFITS.—The term “em-
10 ployment benefits” means all benefits provided or
11 made available to employees by an employer, includ-
12 ing health insurance, sick leave, and annual leave,
13 regardless of whether such benefits are provided by
14 a policy or practice of an employer or through an
15 “employee welfare benefit plan”, as defined in sec-
16 tion 3(3) of the Employee Retirement Income Secu-
17 rity Act of 1974 (29 U.S.C. 1002(1)).

18 (6) LEAVE BENEFIT.—The term “leave benefit”
19 means—

20 (A) any leave provided by the employer to
21 enable a parent to prepare for the arrival of a
22 son or daughter or to care for a son or daugh-
23 ter;

1 (B) any right to reemployment with the
2 employer after the leave described in subpara-
3 graph (A); and

4 (C) any right to the receipt of pay or em-
5 ployment benefits, or the accrual of seniority,
6 during the leave described in subparagraph (A).

7 (7) PARENT.—The term “parent” means the
8 biological parent, adoptive parent, prospective adop-
9 tive parent, legal guardian, or stepparent, of the
10 child.

11 (8) SON OR DAUGHTER.—The term “son or
12 daughter” means a biological or adopted child, a
13 stepchild, a legal ward, or a child placed for adop-
14 tion.

15 (b) NONDISCRIMINATION.—It shall be an unlawful
16 employment practice for an employer to discriminate
17 against an employee with respect to a term or condition
18 of any leave benefit on the basis of the fact that a son
19 or daughter of an employee is not a biological child of the
20 employee.

21 (c) RIGHT TO BRING CIVIL ACTION.—

22 (1) IN GENERAL.—Subject to the limitations
23 contained in this section, any person may bring a
24 civil action against an employer to enforce the provi-
25 sions of this section in any appropriate court of the

1 United States or in any State court of competent ju-
2 risdiction.

3 (2) TIMING OF COMMENCEMENT OF CIVIL AC-
4 TION.—No civil action may be commenced under
5 paragraph (1) later than 1 year after the date of the
6 last event that constitutes the alleged violation.

7 (3) VENUE.—An action brought under para-
8 graph (1) in a district court of the United States
9 may be brought in any appropriate judicial district
10 under section 1391 of title 28, United States Code.

11 (4) RELIEF.—In any civil action brought under
12 paragraph (1), the court may—

13 (A) grant as relief against any respondent
14 that violates any provision of this title—

15 (i) any permanent or temporary in-
16 junction, temporary restraining order, or
17 other equitable relief as the court deter-
18 mines appropriate; and

19 (ii) damages in an amount equal to
20 any wages, salary, employment benefits, or
21 other compensation denied or lost to such
22 eligible employee by reason of the violation,
23 plus interest on the total monetary dam-
24 ages calculated at the prevailing rate; and

1 (B) award to a prevailing party (other
 2 than the United States) in the action a reason-
 3 able attorney's fee.

4 (d) CONSTRUCTION.—Nothing in this section shall be
 5 construed to require an employer to provide any leave ben-
 6 efit that the employer would not otherwise have provided
 7 to an employee with a biological child.

8 **SEC. 10. PAYMENTS TO STATES FOR EXPEDITED PLACE-**
 9 **MENT UNDER THE ADOPTION ASSISTANCE**
 10 **PROGRAM.**

11 (a) IN GENERAL.—Section 474(a)(3) of the Social
 12 Security Act (42 U.S.C. 674(a)(3)), as amended by sec-
 13 tion 5071 of the Omnibus Budget Reconciliation Act of
 14 1990, is amended—

15 (1) by redesignating subparagraph (C) as sub-
 16 paragraph (D);

17 (2) by striking “and” at the end of subpara-
 18 graph (B); and

19 (3) by inserting after subparagraph (B) the fol-
 20 lowing new subparagraph:

21 “(C) 80 percent of so much expenditures
 22 as are for the recruitment of adoptive parents
 23 in any case where the placement for adoption of
 24 a child with special needs occurs not later than

1 3 months after the child is determined under
2 State law to be legally free for adoption, and”.

3 (b) EFFECTIVE DATE.—The amendments made by
4 this section shall apply to payments made for each quarter
5 beginning on or after 60 days after the date of enactment
6 of this Act.

7 **SEC. 11. SENSE OF CONGRESS REGARDING CHANGES IN**
8 **STATE ADOPTION LAWS.**

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

13 (1) the State shall make available to a prospec-
14 tive adoptive parent all relevant information with re-
15 spect to the placement of the child for adoption, in-
16 cluding information with respect to the medical, so-
17 cial, and adoption and foster care placement history
18 and ethnic background of the child and the biologi-
19 cal parents of the child (except to the extent that
20 such information would identify the child or biologi-
21 cal parents) and shall impose criminal penalties on
22 any person who makes an unauthorized disclosure of
23 such information;

24 (2) a State-approved professional working in a
25 licensed agency setting shall investigate the prospec-

1 tive adoptive parent of a child before the child is
2 placed with such parent for adoption;

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

9 (4) the State shall require adequate legal rep-
10 representation with respect to the adoption proceeding
11 for the biological mother of a child who is the sub-
12 ject of such proceeding, if the biological mother
13 wants separate legal representation;

14 (5) if a child is placed with an individual pursu-
15 ant to a written plan of adoption before the adoption
16 occurs and such individual does not file a petition
17 for the adoption of the child with the appropriate
18 court during the 6-month period beginning on the
19 date the child is placed with such individual, and the
20 individual cannot demonstrate just cause for failure
21 to file the petition during such period, such individ-
22 ual shall be barred from adopting the child; and

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

1 (A) each such plan shall provide coverage
2 of health expenses relating to pregnancy and
3 childbirth (not including any expenses relating
4 to carrying out a surrogate parenting arrange-
5 ment)—

6 (i) upon the adoption of a child by an
7 individual enrolled in the plan, for the
8 child and for the biological mother of such
9 child, with respect to expenses incurred
10 after the individual enrolled in the plan
11 furnishes written notice to the sponsor of
12 the plan of the intent of the individual to
13 adopt the child of the biological mother,
14 and

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

17 (B) the sponsor of such a plan may not ex-
18 clude, terminate, or otherwise limit coverage
19 under the plan with respect to the adopted child
20 of an individual enrolled in the plan on the
21 basis that such child has a preexisting condi-
22 tion.

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

24 (1) the term “health benefit plan” means any
25 plan, fund, or program that provides medical care to

1 participants or beneficiaries directly or through in-
2 surance, reimbursement, or otherwise;

3 (2) the term “preexisting condition” means any
4 disease, disability, disorder, impairment, or other
5 health condition; and

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

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