

104TH CONGRESS
1ST SESSION

S. 637

To remove barriers to interracial and interethnic adoptions, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MARCH 28 (legislative day, MARCH 27), 1995

Mr. McCAIN introduced the following bill; which was read twice and referred to the Committee on Finance

A BILL

To remove barriers to interracial and interethnic adoptions, 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 “Adoption Antidiscrimi-
5 nation Act of 1995”.

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;

1 the race, color, or national origin of the person, or
2 of the child, involved; or

3 (2) delay or deny the placement of a child for
4 adoption or into foster care, or otherwise discrimi-
5 nate in making a placement decision, on the basis of
6 the race, color, or national origin of the adoptive or
7 foster parent, or the child, involved.

8 (b) PENALTIES.—

9 (1) STATE VIOLATORS.—A State that violates
10 subsection (a) shall remit to the Secretary of Health
11 and Human Services all funds that were paid to the
12 State under part E of title IV of the Social Security
13 Act (42 U.S.C. 670 et seq.) (relating to foster care
14 and adoption assistance) during the period of the
15 violation.

16 (2) PRIVATE VIOLATORS.—Any other entity
17 that violates subsection (a) shall remit to the Sec-
18 retary of Health and Human Services all funds that
19 were paid to the entity during the period of the vio-
20 lation by a State from funds provided under part E
21 of title IV of the Social Security Act.

22 (c) PRIVATE CAUSE OF ACTION.—

23 (1) IN GENERAL.—Any individual or class of in-
24 dividuals aggrieved by a violation of subsection (a)
25 by a State or other entity may bring an action seek-

1 ing relief in any United States district court or State
2 court of appropriate jurisdiction.

3 (2) STATUTE OF LIMITATIONS.—An action
4 under this subsection may not be brought more than
5 2 years after the date the alleged violation occurred.

6 (d) ATTORNEY'S FEES.—In any action or proceeding
7 under this Act, the court, in the discretion of the court,
8 may allow the prevailing party, other than the United
9 States, a reasonable attorney's fee, including litigation ex-
10 penses and costs, and the States and the United States
11 shall be liable for the fee to the same extent as a private
12 individual.

13 (e) STATE IMMUNITY.—A State shall not be immune
14 under the 11th amendment to the Constitution from an
15 action in Federal or State court of appropriate jurisdiction
16 for a violation of this Act.

17 (f) NO EFFECT ON INDIAN CHILD WELFARE ACT OF
18 1978.—Nothing in this Act shall be construed to affect
19 the application of the Indian Child Welfare Act of 1978
20 (25 U.S.C. 1901 et seq.).

21 **SEC. 4. REPEAL.**

22 Subpart 1 of part E of title V of the Improving Amer-
23 ica's Schools Act of 1994 (42 U.S.C. 5115a) is amended—

24 (1) by repealing sections 551 through 553; and

25 (2) by redesignating section 554 as section 551.

1 **SEC. 5. EFFECTIVE DATE.**

2 This Act, and the amendments made by this Act,
3 shall take effect 90 days after the date of enactment of
4 this Act.

○