

118TH CONGRESS
2D SESSION

H. R. 8801

To amend the Public Health Service Act to provide more opportunities for mothers to succeed, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JUNE 21, 2024

Mrs. FISCHBACH (for herself, Mrs. HARSHBARGER, Ms. TENNEY, Mrs. HINSON, and Mr. LAMBORN) introduced the following bill; which was referred to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To amend the Public Health Service Act to provide more opportunities for mothers to succeed, 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; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “More Opportunities for Moms to Succeed Act” or the
6 “MOMS Act”.

7 (b) TABLE OF CONTENTS.—The table of contents for
8 this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—FEDERAL CLEARINGHOUSE OF RESOURCES FOR
EXPECTING MOMS

Sec. 101. Pregnancy.gov.

Sec. 102. National list of licensed child placement agencies.

Sec. 103. List of funding opportunities available to pregnancy support centers.

TITLE II—IMPROVING ACCESS TO PRENATAL AND POSTNATAL
RESOURCES

Sec. 201. Positive alternatives for women.

Sec. 202. Improving access to prenatal and postnatal telehealth care.

TITLE III—UNBORN CHILD SUPPORT

Sec. 301. Child support enforcement on behalf of unborn children.

1 TITLE I—FEDERAL CLEARING-
2 HOUSE OF RESOURCES FOR
3 EXPECTING MOMS

4 SEC. 101. PREGNANCY.GOV.

5 The Public Health Service Act (42 U.S.C. 201 et
6 seq.) is amended by adding at the end the following:

7 “TITLE XXXIV—RESOURCE
8 DIRECTORY FOR MOMS

9 “SEC. 3401. ESTABLISHMENT OF PREGNANCY.GOV
10 WEBSITE.

11 “(a) WEBSITE.—Not later than 1 year after the date
12 of enactment of this section, the Secretary shall publish
13 a public website entitled ‘pregnancy.gov’. The Secretary
14 may not delegate implementation or administration of the
15 website below the level of the Office of the Secretary. The
16 website shall include the following:

1 “(1) A clearinghouse of relevant resources
2 available for pregnant and postpartum women, and
3 women parenting young children.

4 “(2) A series of questions through which a user
5 is able to generate a list of relevant resources of in-
6 terest within the user’s ZIP Code.

7 “(3) A means to direct the user to identify
8 whether to list the relevant resources of interest that
9 are available online or within 1, 5, 10, 50, and 100
10 miles of the user.

11 “(4) A mechanism for users to take an assess-
12 ment through the website and provide consent to use
13 the user’s contact information, which the Secretary
14 may use to conduct outreach via phone or email to
15 follow up with users on additional resources that
16 would be helpful for the users to review.

17 “(b) RESOURCE LIST AGGREGATION.—

18 “(1) IN GENERAL.—The Secretary shall invite
19 each State to provide recommendations of relevant
20 resources referred to in subsection (a)(3) for such
21 State.

22 “(2) CRITERIA FOR MAKING RECOMMENDA-
23 TIONS.—The Secretary shall develop criteria to pro-
24 vide to the States to determine whether resources
25 recommended as described in paragraph (1) should

1 appear on the website. Such criteria shall include the
2 requirement that the relevant resource is not a pro-
3 hibited entity.

4 “(3) GRANT PROGRAM.—

5 “(A) IN GENERAL.—The Secretary shall
6 provide grants to States to establish or support
7 a system that—

8 “(i) aggregates relevant resources re-
9 ferred to in subsection (a)(3), in accord-
10 ance with the criteria developed under
11 paragraph (2); and

12 “(ii) may be coordinated, to the extent
13 determined appropriate by the State, by a
14 statewide, regionally-based, or community-
15 based public or private entity.

16 “(B) APPLICATIONS.—To be eligible to re-
17 ceive a grant under subparagraph (A), a State
18 shall submit an application to the Secretary at
19 such time, in such manner, and containing such
20 information as the Secretary may require, in-
21 cluding a plan for outreach and awareness ac-
22 tivities, and a list of relevant resources that
23 would be included in the State system sup-
24 ported by the grant.

1 “(c) PROHIBITION REGARDING CERTAIN ENTI-
2 TIES.—Relevant resources listed on the website, and any
3 additional resources promoted by the Secretary, may not
4 include any resource offered by a prohibited entity. No
5 prohibited entity may receive a grant provided under sub-
6 section (b)(3).

7 “(d) SERVICES IN DIFFERENT LANGUAGES.—The
8 Secretary shall ensure that the website provides the widest
9 possible access to services for families who speak lan-
10 guages other than English.

11 “(e) REPORTING REQUIREMENTS.—

12 “(1) IN GENERAL.—Not later than 180 days
13 after the date on which the website is established
14 under this section, the Secretary shall submit to
15 Congress a report on—

16 “(A) the traffic of the website;

17 “(B) user feedback on the accessibility and
18 helpfulness of the website in tailoring to the
19 user’s needs;

20 “(C) insights on gaps in relevant resources
21 with respect to services for pregnant and
22 postpartum women, or women parenting young
23 children;

24 “(D) suggestions on how to improve user
25 experience and accessibility based on user feed-

1 back and missing resources that would be help-
2 ful to include in future updates; and

3 “(E) certification that no prohibited enti-
4 ties are listed as a relevant resource or are in
5 receipt of a grant under subsection (b)(3).

6 “(2) CONFIDENTIALITY.—The report under
7 paragraph (1) shall not include any personal identi-
8 fying information regarding individuals who have
9 used the website.

10 “(f) AUTHORIZATION OF APPROPRIATIONS.—To
11 carry out this section, there are authorized to be appro-
12 priated such sums as may be necessary for each of fiscal
13 years 2024 through 2029.

14 “(g) DEFINITIONS.—In this section:

15 “(1) ABORTION.—The term ‘abortion’ means
16 the use or prescription of any instrument, medicine,
17 drug, or any other substance or device to inten-
18 tionally—

19 “(A) kill the unborn child of a woman
20 known to be pregnant; or

21 “(B) terminate the pregnancy of a woman
22 known to be pregnant, with an intention other
23 than—

1 “(i) after viability, to produce a live
2 birth and preserve the life and health of
3 the child born alive;

4 “(ii) to remove a dead unborn child;
5 or

6 “(iii) to treat an ectopic pregnancy.

7 “(2) BORN ALIVE.—The term ‘born alive’ has
8 the meaning given such term in section 8(b) of title
9 1, United States Code.

10 “(3) PROHIBITED ENTITY.—The term ‘prohib-
11 ited entity’ means an entity, including its affiliates,
12 subsidiaries, successors, and clinics, that performs,
13 induces, refers for, or counsels in favor of abortions,
14 or provides financial support to any other organiza-
15 tion that conducts such activities.

16 “(4) RELEVANT RESOURCES.—The term ‘rel-
17 evant resources’ means the Federal, State, local gov-
18 ernmental, and private resources that serve pregnant
19 and postpartum women, or women parenting young
20 children in the categories of the following topics:

21 “(A) Mentorship opportunities, including
22 pregnancy and parenting help and case man-
23 agement resources.

24 “(B) Health and well-being services, in-
25 cluding women’s medical services such as ob-

1 stetrical and gynecological support services for
2 women, abortion pill reversal, breastfeeding,
3 general health services, primary care, and den-
4 tal care.

5 “(C) Financial assistance, work opportuni-
6 ties, nutrition assistance, childcare, and edu-
7 cation opportunities for parents.

8 “(D) Material or legal support, including
9 transportation, food, nutrition, clothing, house-
10 hold goods, baby supplies, housing, shelters,
11 maternity homes, tax preparation, legal support
12 for child support, family leave, breastfeeding
13 protections, and custody issues.

14 “(E) Recovery and mental health services,
15 including services with respect to addiction or
16 suicide intervention, intimate partner violence,
17 sexual assault, rape, sex trafficking, and coun-
18 seling for women and families surrounding un-
19 expected loss of a child.

20 “(F) Prenatal diagnostic services, includ-
21 ing disability support organizations, medical
22 interventions for a baby, perinatal hospice re-
23 sources, pregnancy and infant loss support, and
24 literature on pregnancy wellness.

1 “(G) Healing and support services for
2 abortion survivors and their families.

3 “(H) Services providing childcare, adop-
4 tion, foster care, and short term childcare serv-
5 ices and resources.

6 “(I) Comprehensive information on alter-
7 natives to abortion.

8 “(J) Information about abortion risks, in-
9 cluding complications and failures.

10 “(K) Links to information on child devel-
11 opment from moment of conception.

12 “(5) UNBORN CHILD.—The term ‘unborn child’
13 has the meaning given such term in section 1841(d)
14 of title 18, United States Code.

15 “(6) WEBSITE.—The term ‘website’ means the
16 public website entitled ‘pregnancy.gov’ required to be
17 established under subsection (a).”.

18 **SEC. 102. NATIONAL LIST OF LICENSED CHILD PLACEMENT**
19 **AGENCIES.**

20 (a) IN GENERAL.—Section 474 of the Social Security
21 Act (42 U.S.C. 674) is amended by adding at the end the
22 following:

23 “(h) NATIONAL LIST OF LICENSED CHILD PLACE-
24 MENT AGENCIES.—

25 “(1) STATE REPORTING.—

1 “(A) IN GENERAL.—Not later than Janu-
2 ary 1 of each fiscal year, a State with a plan
3 approved under this part for the fiscal year
4 shall submit to the Secretary a list of private
5 child placement agencies that, as of the end of
6 the preceding fiscal year, were licensed or ac-
7 credited by, and in good standing with, the
8 State and exempt from Federal income tax by
9 reason of section 501(c)(3) of the Internal Rev-
10 enue Code of 1986.

11 “(B) CHILD PLACEMENT AGENCY.—In
12 subparagraph (A), the term ‘child placement
13 agency’ means an agency that places children in
14 prospective adoptive homes.

15 “(2) NATIONAL LIST.—The Secretary, through
16 the United States Children’s Bureau, shall compile
17 and maintain on the public website entitled ‘preg-
18 nancy.gov’ required to be established under title
19 XXXIV of the Public Health Service Act, a publicly
20 available list consisting of each list most recently
21 submitted by a State under paragraph (1).

22 “(3) ANNUAL REPORTS TO CONGRESS.—Not
23 later than the 2nd December 31 after the date of
24 the enactment of this subsection, and annually
25 thereafter, the Secretary shall submit to the Con-

1 gress a written report that contains the list main-
 2 tained under paragraph (2) and identifies any child
 3 placement agency that is licensed by a State and is
 4 not on the list, and a specification of any discipli-
 5 nary actions that a State has taken against a private
 6 child placement agency.”.

7 (b) LOSS OF ELIGIBILITY FOR ADOPTION AND
 8 LEGAL GUARDIANSHIP INCENTIVE PAYMENTS FOR FAIL-
 9 URE OF STATE TO COMPLY WITH LIST SUBMISSION RE-
 10 QUIREMENT.—Section 473A(b) of such Act (42 U.S.C.
 11 673b(b)) is amended—

12 (1) by striking “and” at the end of paragraph
 13 (3);

14 (2) by striking the period at the end of para-
 15 graph (4) and inserting “; and”; and

16 (3) by adding at the end the following:

17 “(5) the State has complied with section
 18 474(h)(1) with respect to the preceding fiscal year.”.

19 **SEC. 103. LIST OF FUNDING OPPORTUNITIES AVAILABLE**
 20 **TO PREGNANCY SUPPORT CENTERS.**

21 Title XXXIV of the Public Health Service Act (as
 22 added by section 101) is amended by adding at the end
 23 the following:

1 **“SEC. 3402. LIST OF FUNDING OPPORTUNITIES AVAILABLE**
 2 **TO PREGNANCY SUPPORT CENTERS.**

3 “The Secretary shall compile and maintain on the
 4 public website entitled ‘pregnancy.gov’ required to be es-
 5 tablished under section 3401, a publicly available list of
 6 Federal funding opportunities available to nonprofit and
 7 health care entities for pregnancy support services that
 8 offer or provide the relevant resources (as defined in sub-
 9 section (g) of such section).”.

10 **TITLE II—IMPROVING ACCESS**
 11 **TO PRENATAL AND POST-**
 12 **NATAL RESOURCES**

13 **SEC. 201. POSITIVE ALTERNATIVES FOR WOMEN.**

14 (a) PROGRAM AUTHORITY.—

15 (1) PURPOSE.—The purpose of grants under
 16 this section shall be to support, encourage, and as-
 17 sist women—

18 (A) to carry their pregnancies to term; and

19 (B) to care for themselves and their babies
 20 after birth.

21 (2) GRANTS.—For the purpose described in
 22 paragraph (1), the Secretary shall award grants to
 23 eligible entities described in subsection (b) to provide
 24 information on, referral to, and direct services as de-
 25 scribed in subsection (c).

26 (b) ELIGIBILITY.—

1 (1) ELIGIBLE ENTITIES.—To be eligible for a
2 grant under this section, an entity shall—

3 (A) be a nonprofit organization;

4 (B) support, encourage, and assist women
5 as described in subsection (a)(1);

6 (C) agree to be subject to such monitoring
7 and review as the Secretary may require under
8 subsection (g);

9 (D) agree to not charge women for services
10 provided through the grant;

11 (E) provide each pregnant woman coun-
12 seled through the grant with accurate informa-
13 tion on the developmental characteristics of ba-
14 bies and of unborn children, including offering
15 printed information; and

16 (F) have a privacy policy and procedures
17 in place to ensure that—

18 (i) the name, address, telephone num-
19 ber, or any other information that might
20 identify any woman seeking services sup-
21 ported through the grant is not made pub-
22 lic or shared with any other entity without
23 the written consent of the woman; and

24 (ii) the grantee adheres to require-
25 ments comparable to those applicable

1 under the HIPAA privacy regulation (as
2 defined in section 1180(b)(3) of the Social
3 Security Act (42 U.S.C. 1320d–9(b)(3)))
4 to covered entities (as defined for purposes
5 of such regulation).

6 (2) INELIGIBLE ENTITIES.—An entity shall be
7 ineligible to receive a grant under this section if the
8 entity or any affiliate, subsidiary, successor, or clinic
9 thereof—

10 (A) performs, induces, refers for, or coun-
11 sels in favor of abortions; or

12 (B) provides financial support to any other
13 entity that conducts any activity described in
14 subparagraph (A).

15 (3) FINANCIAL RECORDS.—As a condition on
16 receipt of a grant under this section, an eligible enti-
17 ty shall agree to maintain and make available to the
18 Secretary records, including financial records, that
19 demonstrate that the entity satisfies the require-
20 ments of paragraph (1) and is not ineligible by oper-
21 ation of paragraph (2).

22 (c) COVERED SERVICES.—

23 (1) REQUIRED INFORMATION AND REFER-
24 RAL.—For the purpose described in subsection
25 (a)(1), an eligible entity receiving a grant under this

1 section shall use the grant to provide to pregnant
2 and postpartum women, or women parenting young
3 children, information on, and referral to, each of the
4 following services:

5 (A) Medical care.

6 (B) Nutritional services.

7 (C) Housing assistance.

8 (D) Adoption services.

9 (E) Education and employment assistance,
10 including services that support the continuation
11 and completion of high school.

12 (F) Child care assistance.

13 (G) Parenting education and support serv-
14 ices.

15 (H) Voluntary substance abuse counseling
16 and treatment.

17 (2) PERMISSIBLE DIRECT PROVISION OF SERV-
18 ICES.—For the purpose described in subsection
19 (a)(1), in addition to using a grant under this sec-
20 tion as described in paragraph (1), an eligible entity
21 receiving a grant under this section may use the
22 grant for the direct provision of one or more services
23 listed in paragraph (1).

24 (d) PROHIBITED USES OF FUNDS.—None of the
25 funds made available under this section shall be used—

1 (1) for health benefits coverage that includes
2 coverage of abortion;

3 (2) for providing or assisting a woman to obtain
4 adoption services from a provider of adoption serv-
5 ices that is not licensed; and

6 (3) for any of the activities described in sub-
7 section (b)(2).

8 (e) CONSIDERATION.—In selecting the recipients of
9 grants under this section, the Secretary shall consider
10 each applicant’s demonstrated capacity in providing serv-
11 ices to assist a pregnant woman in carrying her pregnancy
12 to term.

13 (f) MONITORING AND REVIEW.—The Secretary
14 shall—

15 (1) monitor and review each program funded
16 through a grant under this section to ensure that
17 the grantee carefully adheres to—

18 (A) the purpose described in subsection

19 (a)(1); and

20 (B) the requirements of this section; and

21 (2) cease to fund a program under this section
22 if the grantee fails to adhere to such purpose and re-
23 quirements.

24 (g) DEFINITIONS.—In this section:

1 (1) ABORTION.—The term “abortion” means
 2 the use or prescription of any instrument, medicine,
 3 drug, or any other substance or device to inten-
 4 tionally—

5 (A) kill the unborn child of a woman
 6 known to be pregnant; or

7 (B) terminate the pregnancy of a woman
 8 known to be pregnant, with an intention other
 9 than—

10 (i) after viability, to produce a live
 11 birth and preserve the life and health of
 12 the child born alive;

13 (ii) to remove a dead unborn child; or

14 (iii) to treat an ectopic pregnancy.

15 (2) SECRETARY.—The term “Secretary” means
 16 the Secretary of Health and Human Services.

17 (h) AUTHORIZATION OF APPROPRIATIONS.—To carry
 18 out this section, there are authorized to be appropriated
 19 such sums as may be necessary for each of fiscal years
 20 2024 through 2029.

21 **SEC. 202. IMPROVING ACCESS TO PRENATAL AND POST-**
 22 **NATAL TELEHEALTH CARE.**

23 (a) IN GENERAL.—The Secretary shall award grants
 24 to, or enter into cooperative agreements with, eligible enti-
 25 ties to purchase equipment necessary for carrying out at-

1 home telehealth visits for screening, monitoring, and man-
2 agement of prenatal and postnatal care for the purpose
3 of improving maternal and infant health outcomes, and
4 reducing maternal mortality, by improving access to care
5 in rural areas, frontier counties, medically underserved
6 areas, or jurisdictions of Indian Tribes and Tribal organi-
7 zations.

8 (b) INELIGIBLE ENTITIES.—An entity shall be ineli-
9 gible to receive a grant or enter into a cooperative agree-
10 ment under this section if the entity or any affiliate, sub-
11 sidiary, successor, or clinic thereof—

12 (1) performs, induces, refers for, or counsels in
13 favor of abortions; or

14 (2) provides financial support to any other enti-
15 ty that conducts any activity described in paragraph
16 (1).

17 (c) USE OF FUNDS.—A recipient of a grant or coop-
18 erative agreement under this section shall use the award
19 funds as described in subsection (a), which may include
20 purchasing or providing equipment necessary for carrying
21 out at-home telehealth visits (such as remote physiologic
22 devices and related services, including pulse oximeters,
23 blood pressure cuffs, scales, and blood glucose monitors)
24 to screen, monitor, and manage prenatal and postnatal

1 care at home by means of telehealth visits and services
2 for the purpose described in subsection (a).

3 (d) REPORT TO CONGRESS.—Not later than Sep-
4 tember 30, 2028, the Secretary shall submit to Congress
5 a report on activities supported through grants and coop-
6 erative agreements under this section, including—

7 (1) a description of the activities conducted
8 pursuant to such grants and cooperative agreements;
9 and

10 (2) an analysis of the effects of such grants and
11 cooperative agreements on improving prenatal and
12 postnatal care in areas and jurisdictions described in
13 subsection (a).

14 (e) DEFINITIONS.—In this section:

15 (1) ELIGIBLE ENTITY.—The term “eligible enti-
16 ty” means an entity that provides prenatal care,
17 labor care, birthing, or postpartum care services in
18 a rural area, a frontier county, a medically under-
19 served area, or the jurisdiction of an Indian Tribe
20 or Tribal organization.

21 (2) FRONTIER COUNTY.—The term “frontier
22 county” has the meaning given such term in section
23 1886(d)(3)(E)(iii)(III) of the Social Security Act
24 (42 U.S.C. 1395ww(d)(3)(E)(iii)(III)).

1 (3) INDIAN TRIBE; TRIBAL ORGANIZATION.—

2 The terms “Indian Tribe” and “Tribal organiza-
3 tion” have the meanings given such terms in section
4 4 of the Indian Self-Determination and Education
5 Assistance Act (25 U.S.C. 5304).

6 (4) MEDICALLY UNDERSERVED AREA.—The
7 term “medically underserved area” means a health
8 professional shortage area designated under section
9 332 of the Public Health Service Act (42 U.S.C.
10 254e).

11 (5) RURAL AREA.—The term “rural area” has
12 the meaning given such term in section 330J(e) of
13 the Public Health Service Act (42 U.S.C. 254c–
14 15(e)).

15 (6) SECRETARY.—The term “Secretary” means
16 the Secretary of Health and Human Services.

17 (f) AUTHORIZATION OF APPROPRIATIONS.—To carry
18 out this section, there are authorized to be appropriated
19 such sums as may be necessary for each of fiscal years
20 2024 through 2029.

TITLE III—UNBORN CHILD SUPPORT

SEC. 301. CHILD SUPPORT ENFORCEMENT ON BEHALF OF UNBORN CHILDREN.

(a) STATE PLAN AMENDMENT.—Section 454 of the Social Security Act (42 U.S.C. 654) is amended—

(1) in paragraph (4)(A)—

(A) in clause (i)—

(i) by inserting “, including an unborn child,” after “child”; and

(ii) by inserting “and” after the semicolon; and

(B) in clause (ii), by inserting “, including an unborn child” after “other child”;

(2) in paragraph (33), by striking “and” after the semicolon;

(3) in paragraph (34), by striking the period and inserting “; and”;

(4) by inserting after paragraph (34), the following:

“(35) provide that the State will establish and enforce child support obligations of the biological father of an unborn child (and subsequent to the birth of the child) to the mother of such child provided that—

1 “(A) the mother has requested payment of
2 such child support obligations;

3 “(B) the start date for such obligations
4 may begin with the first month in which the
5 child was conceived, as determined by a physi-
6 cian (and shall begin with that month if the
7 mother so requests);

8 “(C) payments for such obligations may be
9 retroactively collected or awarded, including in
10 the case where paternity is established subse-
11 quent to the birth of the child;

12 “(D) the payment amount for such obliga-
13 tions shall be determined by a court, in con-
14 sultation with the mother, taking into account
15 the best interests of the mother and child;

16 “(E) any measure to establish the pater-
17 nity of a child (born or unborn) shall not be re-
18 quired without the consent of the mother; and

19 “(F) any measure to establish the pater-
20 nity of an unborn child shall not be taken if the
21 measure poses any risk of harm to the child if
22 unborn.”; and

23 (5) by adding at the end the following: “For
24 purposes of paragraphs (4) and (35), the term ‘un-
25 born child’ means a member of the species homo

1 sapiens, at any stage of development, who is carried
2 in the womb.”.

3 (b) LIMITATION OF WAIVER AUTHORITY.—Section
4 1115 of the Social Security Act (42 U.S.C. 1315) is
5 amended—

6 (1) in subsection (a), in the matter preceding
7 paragraph (1), by striking “In the case of” and in-
8 serting “Except as provided in subsection (c), in the
9 case of”;

10 (2) in subsection (b)(1), in the matter pre-
11 ceding subparagraph (A), by striking “In the case
12 of” and inserting “Except as provided in subsection
13 (c), in the case of”; and

14 (3) by striking subsection (c) and inserting the
15 following:

16 “(c) No experimental, pilot, or demonstration project
17 undertaken under subsection (a) to assist in promoting the
18 objectives of part D of title IV, may permit modifications
19 of paragraphs (4)(A)(ii) and (35) of section 454 to estab-
20 lish and enforce child support obligations of the biological
21 father of an unborn child. For purposes of the preceding
22 sentence, the term ‘unborn child’ means a member of the
23 species homo sapiens, at any stage of development, who
24 is carried in the womb.”.

1 (c) EFFECTIVE DATE.—The amendments made by
2 this section shall take effect on the date that is 2 years
3 after the date of enactment of this Act and shall apply
4 to payments under part D of title IV of the Social Security
5 Act (42 U.S.C. 651 et seq.) for calendar quarters begin-
6 ning on or after such date.

○