

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

# H. R. 3307

To prohibit any entity that receives Federal assistance from delaying or denying the placement of a child into foster care or for adoption based on any difference between the race, color, or national origin of the child and that of the prospective foster or adoptive parent or parents if a prospective parent of the same race, color, or national origin is not available.

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## IN THE HOUSE OF REPRESENTATIVES

OCTOBER 19, 1993

Mr. GUTIERREZ introduced the following bill; which was referred to the  
Committee on Ways and Means

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## A BILL

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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. MULTIETHNIC PLACEMENTS.**

2 (a) PROHIBITION AGAINST DISCRIMINATION BASED  
3 ON DIFFERENCES IN RACE, COLOR, OR NATIONAL ORI-  
4 GIN.—In determining the placement of a child for foster  
5 care or adoption, in a case in which an individual of the  
6 same race, color, or national origin as the child is not  
7 available to be the parent of the child, an entity that re-  
8 ceives Federal assistance may not give greater weight to  
9 any difference between the race, color, or national origin  
10 of the child and that of any prospective parent of the child  
11 than the entity gives to any other factor used in determin-  
12 ing the best interests of the child.

13 (b) INAPPLICABILITY TO PLACEMENTS UNDER THE  
14 INDIAN CHILD WELFARE ACT OF 1978.—Subsection (a)  
15 shall not apply to the placement of a child into foster care  
16 or for adoption under the Indian Child Welfare Act of  
17 1978 (25 U.S.C. 1901 et seq.).

18 (c) PRIVATE RIGHT OF ACTION.—Any individual ag-  
19 grieved by a violation of subsection (a) by an entity may  
20 bring an action in the United States district court for the  
21 district in which the individual or the entity is located for  
22 damages and such other relief as the court may deem  
23 appropriate.

1 **SEC. 3. DENIAL OF FEDERAL PAYMENTS FOR FOSTER CARE**  
2 **AND ADOPTION ASSISTANCE IF STATE PRO-**  
3 **GRAM UNLAWFULLY DISCRIMINATES IN**  
4 **CHILD PLACEMENT DECISIONS.**

5 (a) IN GENERAL.—Section 471(a) of the Social Secu-  
6 rity Act (42 U.S.C. 671(a)) is amended—

7 (1) by striking “and” at the end of paragraph  
8 (16);

9 (2) by striking the period at the end of para-  
10 graph (17); and

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

12 “(18) provides that the State agency, and any  
13 local agency involved in the placement of children  
14 into foster care or for adoption, will comply with sec-  
15 tion 2 of the Multiethnic Placement Act of 1993.”.

16 (b) EFFECTIVE DATE.—The amendments made by  
17 subsection (a) shall apply to payments under part E of  
18 title IV of the Social Security Act for calendar quarters  
19 beginning after the date of the enactment of this Act.

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