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

IN THE SENATE OF THE UNITED STATES

Mrs. BRYANT (for herself, Mr. RUBIO, and Mr. CRAMER) introduced the following bill; which was read twice and referred to the Committee on

A BILL

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

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) Short Title.—This Act may be cited as the “More Opportunities for Moms to Succeed Act” or the “MOMS Act”.

(b) Table of Contents.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—FEDERAL CLEARINGHOUSE OF RESOURCES FOR EXPECTING MOMS
TITLE I—FEDERAL CLEARING-HOUSE OF RESOURCES FOR EXPECTING MOMS

SEC. 101. PREGNANCY.GOV.

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

“TITLE XXXIV—RESOURCE DIRECTORY FOR MOMS

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

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

“(1) A clearinghouse of relevant resources available for pregnant and postpartum women, and women parenting young children.
“(2) A series of questions through which a user is able to generate a list of relevant resources of interest within the user’s zip code.

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

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

“(b) RESOURCE LIST AGGREGATION.—

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

“(2) CRITERIA FOR MAKING RECOMMENDATIONS.—The Secretary shall develop criteria to provide to the States to determine whether resources recommended as described in paragraph (1) should appear on the website. Such criteria shall include the requirement that the relevant resource is not a prohibited entity.
"(3) Grant Program.—

"(A) In general.—The Secretary shall provide grants to States to establish or support a system that—

"(i) aggregates relevant resources referred to in subsection (a)(3), in accordance with the criteria developed under paragraph (2); and

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

"(B) Applications.—To be eligible to receive a grant under subparagraph (A), a State shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require, including a plan for outreach and awareness activities, and a list of relevant resources that would be included in the State system supported by the grant.

"(c) Prohibition Regarding Certain Entities.—Relevant resources listed on the website, and any additional resources promoted by the Secretary, may not include any resource offered by a prohibited entity. No
prohibited entity may receive a grant provided under sub-
section (b)(3).

“(d) Services in Different Languages.—The Secretary shall ensure that the website provides the widest possible access to services for families who speak lan-
guages other than English.

“(e) Reporting Requirements.—

“(1) In general.—Not later than 180 days after the date on which the website is established under this section, the Secretary shall submit to Congress a report on—

“(A) the traffic of the website;

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

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

“(D) suggestions on how to improve user experience and accessibility based on user feedback and missing resources that would be help-
ful to include in future updates; and
“(E) certification that no prohibited entities are listed as a relevant resource or are in receipt of a grant under subsection (b)(3).

“(2) CONFIDENTIALITY.—The report under paragraph (1) shall not include any personal identifying information regarding individuals who have used the website.

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

“(g) DEFINITIONS.—In this section:

“(1) ABORTION.—The term ‘abortion’ means the use or prescription of any instrument, medicine, drug, or any other substance or device to intentionally—

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

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

“(i) after viability, to produce a live birth and preserve the life and health of the child born alive;
“(ii) to remove a dead unborn child;

or

“(iii) to treat an ectopic pregnancy.

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

“(3) PROHIBITED ENTITY.—The term ‘prohibited entity’ means an entity, including its affiliates, subsidiaries, successors, and clinics, that performs, induces, refers for, or counsels in favor of abortions, or provides financial support to any other organization that conducts such activities.

“(4) RELEVANT RESOURCES.—The term ‘relevant resources’ means the Federal, State, local governmental, and private resources that serve pregnant and postpartum women, or women parenting young children in the categories of the following topics:

“(A) Mentorship opportunities, including pregnancy and parenting help and case management resources.

“(B) Health and well-being services, including women’s medical services such as obstetrical and gynecological support services for women, abortion pill reversal, breastfeeding,
general health services, primary care, and dental care.

“(C) Financial assistance, work opportunities, nutrition assistance, childcare, and education opportunities for parents.

“(D) Material or legal support, including transportation, food, nutrition, clothing, household goods, baby supplies, housing, shelters, maternity homes, tax preparation, legal support for child support, family leave, breastfeeding protections, and custody issues.

“(E) Recovery and mental health services, including services with respect to addiction or suicide intervention, intimate partner violence, sexual assault, rape, sex trafficking, and counseling for women and families surrounding unexpected loss of a child.

“(F) Prenatal diagnostic services, including disability support organizations, medical interventions for a baby, perinatal hospice resources, pregnancy and infant loss support, and literature on pregnancy wellness.

“(G) Healing and support services for abortion survivors and their families.
“(H) Services providing childcare, adoption, foster care, and short term childcare services and resources.

“(I) Comprehensive information on alternatives to abortion.

“(J) Information about abortion risks, including complications and failures.

“(K) Links to information on child development from moment of conception.

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

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

SEC. 102. NATIONAL LIST OF LICENSED CHILD PLACEMENT AGENCIES.

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

“(h) NATIONAL LIST OF LICENSED CHILD PLACEMENT AGENCIES.—

“(1) STATE REPORTING.—

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

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

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

“(3) ANNUAL REPORTS TO CONGRESS.—Not
later than the 2nd December 31 after the date of
the enactment of this subsection, and annually
thereafter, the Secretary shall submit to the Con-
gress a written report that contains the list main-
tained under paragraph (2) and identifies any child
 placement agency that is licensed by a State and is not on the list, and a specification of any disciplinary actions that a State has taken against a private child placement agency.”.

(b) Loss of Eligibility for Adoption and Legal Guardianship Incentive Payments for Failure of State to Comply With List Submission Requirement.—Section 473A(b) of such Act (42 U.S.C. 673b(b)) is amended—

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

(2) by striking the period at the end of paragraph (4) and inserting “; and”; and

(3) by adding at the end the following:

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

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

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

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

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

**TITLE II—IMPROVING ACCESS TO PRENATAL AND POSTNATAL RESOURCES**

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

(a) Program Authority.—

(1) Purpose.—The purpose of grants under this section shall be to support, encourage, and assist women—

(A) to carry their pregnancies to term; and

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

(2) Grants.—For the purpose described in paragraph (1), the Secretary shall award grants to eligible entities described in subsection (b) to provide information on, referral to, and direct services as described in subsection (c).

(b) Eligibility.—

(1) Eligible entities.—To be eligible for a grant under this section, an entity shall—

(A) be a nonprofit organization;
(B) support, encourage, and assist women as described in subsection (a)(1);

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

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

(E) provide each pregnant woman counseled through the grant with accurate information on the developmental characteristics of babies and of unborn children, including offering printed information; and

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

(i) the name, address, telephone number, or any other information that might identify any woman seeking services supported through the grant is not made public or shared with any other entity without the written consent of the woman; and

(ii) the grantee adheres to requirements comparable to those applicable under the HIPAA privacy regulation (as defined in section 1180(b)(3) of the Social Security Act (42 U.S.C. 1320d–9(b)(3)))
to covered entities (as defined for purposes of such regulation).

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

(A) performs, induces, refers for, or counsels in favor of abortions; or

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

(3) FINANCIAL RECORDS.—As a condition on receipt of a grant under this section, an eligible entity shall agree to maintain and make available to the Secretary records, including financial records, that demonstrate that the entity satisfies the requirements of paragraph (1) and is not ineligible by operation of paragraph (2).

(c) COVERED SERVICES.—

(1) REQUIRED INFORMATION AND REFERRAL.—For the purpose described in subsection (a)(1), an eligible entity receiving a grant under this section shall use the grant to provide to pregnant and postpartum women, or women parenting young
children, information on, and referral to, each of the
following services:

(A) Medical care.

(B) Nutritional services.

(C) Housing assistance.

(D) Adoption services.

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

(F) Child care assistance.

(G) Parenting education and support services.

(H) Voluntary substance abuse counseling and treatment.

(2) PERMISSIBLE DIRECT PROVISION OF SERVICES.—For the purpose described in subsection (a)(1), in addition to using a grant under this section as described in paragraph (1), an eligible entity receiving a grant under this section may use the grant for the direct provision of one or more services listed in paragraph (1).

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

(1) for health benefits coverage that includes coverage of abortion;
(2) for providing or assisting a woman to obtain adoption services from a provider of adoption services that is not licensed; and

(3) for any of the activities described in subsection (b)(2).

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

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

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

(A) the purpose described in subsection (a)(1); and

(B) the requirements of this section; and

(2) cease to fund a program under this section if the grantee fails to adhere to such purpose and requirements.

(g) DEFINITIONS.—In this section:

(1) ABORTION.—The term “abortion” means the use or prescription of any instrument, medicine,
drug, or any other substance or device to intentionally—

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

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

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

(ii) to remove a dead unborn child; or

(iii) to treat an ectopic pregnancy.

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

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

SEC. 202. IMPROVING ACCESS TO PRENATAL AND POSTNATAL TELEHEALTH CARE.

(a) IN GENERAL.—The Secretary shall award grants to, or enter into cooperative agreements with, eligible entities to purchase equipment necessary for carrying out at-home telehealth visits for screening, monitoring, and management of prenatal and postnatal care for the purpose
of improving maternal and infant health outcomes, and
reducing maternal mortality, by improving access to care
in rural areas, frontier counties, medically underserved
areas, or jurisdictions of Indian Tribes and Tribal organi-
zations.

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

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

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

(c) USE OF FUNDS.—A recipient of a grant or coop-
erative agreement under this section shall use the award
funds as described in subsection (a), which may include
purchasing or providing equipment necessary for carrying
out at-home telehealth visits (such as remote physiologic
devices and related services, including pulse oximeters,
blood pressure cuffs, scales, and blood glucose monitors)
to screen, monitor, and manage prenatal and postnatal
care at home by means of telehealth visits and services
for the purpose described in subsection (a).
(d) REPORT TO CONGRESS.—Not later than September 30, 2028, the Secretary shall submit to Congress a report on activities supported through grants and cooperative agreements under this section, including—

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

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

(e) DEFINITIONS.—In this section:

(1) ELIGIBLE ENTITY.—The term “eligible entity” means an entity that provides prenatal care, labor care, birthing, or postpartum care services in a rural area, a frontier county, a medically underserved area, or the jurisdiction of an Indian Tribe or Tribal organization.

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

(3) INDIAN TRIBE; TRIBAL ORGANIZATION.—The terms “Indian Tribe” and “Tribal organization” have the meanings given such terms in section

(4) **Medically Underserved Area.**—The term “medically underserved area” means a health professional shortage area designated under section 332 of the Public Health Service Act (42 U.S.C. 254e).

(5) **Rural Area.**—The term “rural area” has the meaning given such term in section 330J(e) of the Public Health Service Act (42 U.S.C. 254e–15(e)).

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

(f) **Authorization of Appropriations.**—To carry out this section, there are authorized to be appropriated such sums as may be necessary for each of fiscal years 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—

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

“(B) the start date for such obligations may begin with the first month in which the child was conceived, as determined by a physician (and shall begin with that month if the mother so requests);
“(C) payments for such obligations may be retroactively collected or awarded, including in the case where paternity is established subsequent to the birth of the child;

“(D) the payment amount for such obligations shall be determined by a court, in consultation with the mother, taking into account the best interests of the mother and child;

“(E) any measure to establish the paternity of a child (born or unborn) shall not be required without the consent of the mother; and

“(F) any measure to establish the paternity of an unborn child shall not be taken if the measure poses any risk of harm to the child if unborn.”; and

(5) by adding at the end the following: “For purposes of paragraphs (4) and (35), the term ‘unborn child’ means a member of the species homo sapiens, at any stage of development, who is carried in the womb.”.

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

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

(2) in subsection (b)(1), in the matter preceding subparagraph (A), by striking “In the case of” and inserting “Except as provided in subsection (c), in the case of”; and

(3) by striking subsection (e) and inserting the following:

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

(e) Effective Date.—The amendments made by this section shall take effect on the date that is 2 years after the date of enactment of this Act and shall apply to payments under part D of title IV of the Social Security Act (42 U.S.C. 651 et seq.) for calendar quarters beginning on or after such date.