

118TH CONGRESS
2D SESSION

S. _____

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. BRITT (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.

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:

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

1 “(2) A series of questions through which a user
2 is able to generate a list of relevant resources of in-
3 terest within the user’s zip code.

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

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

14 “(b) RESOURCE LIST AGGREGATION.—

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

19 “(2) CRITERIA FOR MAKING RECOMMENDA-
20 TIONS.—The Secretary shall develop criteria to pro-
21 vide to the States to determine whether resources
22 recommended as described in paragraph (1) should
23 appear on the website. Such criteria shall include the
24 requirement that the relevant resource is not a pro-
25 hibited entity.

1 “(3) GRANT PROGRAM.—

2 “(A) IN GENERAL.—The Secretary shall
3 provide grants to States to establish or support
4 a system that—

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

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

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

22 “(c) PROHIBITION REGARDING CERTAIN ENTI-
23 TIES.—Relevant resources listed on the website, and any
24 additional resources promoted by the Secretary, may not
25 include any resource offered by a prohibited entity. No

1 prohibited entity may receive a grant provided under sub-
2 section (b)(3).

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

7 “(e) REPORTING REQUIREMENTS.—

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

12 “(A) the traffic of the website;

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

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

20 “(D) suggestions on how to improve user
21 experience and accessibility based on user feed-
22 back and missing resources that would be help-
23 ful to include in future updates; and

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

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

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

12 “(g) DEFINITIONS.—In this section:

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

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

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

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

1 “(ii) to remove a dead unborn child;

2 or

3 “(iii) to treat an ectopic pregnancy.

4 “(2) BORN ALIVE.—The term ‘born alive’ has
5 the meaning given such term in section 8(b) of title
6 1, United States Code.

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

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

18 “(A) Mentorship opportunities, including
19 pregnancy and parenting help and case man-
20 agement resources.

21 “(B) Health and well-being services, in-
22 cluding women’s medical services such as ob-
23 stetrical and gynecological support services for
24 women, abortion pill reversal, breastfeeding,

1 general health services, primary care, and den-
2 tal care.

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

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

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

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

23 “(G) Healing and support services for
24 abortion survivors and their families.

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

4 “(I) Comprehensive information on alter-
5 natives to abortion.

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

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

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

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

16 **SEC. 102. NATIONAL LIST OF LICENSED CHILD PLACEMENT**
17 **AGENCIES.**

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

21 “(h) NATIONAL LIST OF LICENSED CHILD PLACE-
22 MENT AGENCIES.—

23 “(1) STATE REPORTING.—

24 “(A) IN GENERAL.—Not later than Janu-
25 ary 1 of each fiscal year, a State with a plan

1 approved under this part for the fiscal year
2 shall submit to the Secretary a list of private
3 child placement agencies that, as of the end of
4 the preceding fiscal year, were licensed or ac-
5 credited by, and in good standing with, the
6 State and exempt from Federal income tax by
7 reason of section 501(c)(3) of the Internal Rev-
8 enue Code of 1986.

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

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

20 “(3) ANNUAL REPORTS TO CONGRESS.—Not
21 later than the 2nd December 31 after the date of
22 the enactment of this subsection, and annually
23 thereafter, the Secretary shall submit to the Con-
24 gress a written report that contains the list main-
25 tained under paragraph (2) and identifies any child

1 placement agency that is licensed by a State and is
 2 not on the list, and a specification of any discipli-
 3 nary actions that a State has taken against a private
 4 child placement agency.”.

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

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

11 (3);

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

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

15 “(5) the State has complied with section
 16 474(h)(1) with respect to the preceding fiscal year.”.

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

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

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

24 “The Secretary shall compile and maintain on the
 25 public website entitled ‘pregnancy.gov’ required to be es-

1 tablished under section 3401, a publicly available list of
2 Federal funding opportunities available to nonprofit and
3 health care entities for pregnancy support services that
4 offer or provide the relevant resources (as defined in sub-
5 section (g) of such section).”.

6 **TITLE II—IMPROVING ACCESS**
7 **TO PRENATAL AND POST-**
8 **NATAL RESOURCES**

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

10 (a) PROGRAM AUTHORITY.—

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

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

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

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

22 (b) ELIGIBILITY.—

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

25 (A) be a nonprofit organization;

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

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

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

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

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

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

21 (ii) the grantee adheres to require-
22 ments comparable to those applicable
23 under the HIPAA privacy regulation (as
24 defined in section 1180(b)(3) of the Social
25 Security Act (42 U.S.C. 1320d-9(b)(3)))

1 to covered entities (as defined for purposes
2 of such regulation).

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

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

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

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

19 (c) COVERED SERVICES.—

20 (1) REQUIRED INFORMATION AND REFER-
21 RAL.—For the purpose described in subsection
22 (a)(1), an eligible entity receiving a grant under this
23 section shall use the grant to provide to pregnant
24 and postpartum women, or women parenting young

1 children, information on, and referral to, each of the
2 following services:

3 (A) Medical care.

4 (B) Nutritional services.

5 (C) Housing assistance.

6 (D) Adoption services.

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

10 (F) Child care assistance.

11 (G) Parenting education and support serv-
12 ices.

13 (H) Voluntary substance abuse counseling
14 and treatment.

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

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

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

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

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

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

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

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

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

18 (B) the requirements of this section; and

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

22 (g) DEFINITIONS.—In this section:

23 (1) ABORTION.—The term “abortion” means
24 the use or prescription of any instrument, medicine,

1 drug, or any other substance or device to inten-
2 tionally—

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

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

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

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

12 (iii) to treat an ectopic pregnancy.

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

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

19 **SEC. 202. IMPROVING ACCESS TO PRENATAL AND POST-**
20 **NATAL TELEHEALTH CARE.**

21 (a) IN GENERAL.—The Secretary shall award grants
22 to, or enter into cooperative agreements with, eligible enti-
23 ties to purchase equipment necessary for carrying out at-
24 home telehealth visits for screening, monitoring, and man-
25 agement of prenatal and postnatal care for the purpose

1 of improving maternal and infant health outcomes, and
2 reducing maternal mortality, by improving access to care
3 in rural areas, frontier counties, medically underserved
4 areas, or jurisdictions of Indian Tribes and Tribal organi-
5 zations.

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

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

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

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

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

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

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

12 (e) DEFINITIONS.—In this section:

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

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

23 (3) INDIAN TRIBE; TRIBAL ORGANIZATION.—
24 The terms “Indian Tribe” and “Tribal organiza-
25 tion” have the meanings given such terms in section

1 4 of the Indian Self-Determination and Education
2 Assistance Act (25 U.S.C. 5304).

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

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

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

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

18 **TITLE III—UNBORN CHILD**

19 **SUPPORT**

20 **SEC. 301. CHILD SUPPORT ENFORCEMENT ON BEHALF OF** 21 **UNBORN CHILDREN.**

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

24 (1) in paragraph (4)(A)—

25 (A) in clause (i)—

21

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

3 (ii) by inserting “and” after the semi-
4 colon; and

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

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

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

11 (4) by inserting after paragraph (34), the fol-
12 lowing:

13 “(35) provide that the State will establish and
14 enforce child support obligations of the biological fa-
15 ther of an unborn child (and subsequent to the birth
16 of the child) to the mother of such child provided
17 that—

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

20 “(B) the start date for such obligations
21 may begin with the first month in which the
22 child was conceived, as determined by a physi-
23 cian (and shall begin with that month if the
24 mother so requests);

1 “(C) payments for such obligations may be
2 retroactively collected or awarded, including in
3 the case where paternity is established subse-
4 quent to the birth of the child;

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

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

12 “(F) any measure to establish the pater-
13 nity of an unborn child shall not be taken if the
14 measure poses any risk of harm to the child if
15 unborn.”; and

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

21 (b) LIMITATION OF WAIVER AUTHORITY.—Section
22 1115 of the Social Security Act (42 U.S.C. 1315) is
23 amended—

24 (1) in subsection (a), in the matter preceding
25 paragraph (1), by striking “In the case of” and in-

1 serting “Except as provided in subsection (c), in the
2 case of”;

3 (2) in subsection (b)(1), in the matter pre-
4 ceding subparagraph (A), by striking “In the case
5 of” and inserting “Except as provided in subsection
6 (c), in the case of”; and

7 (3) by striking subsection (c) and inserting the
8 following:

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

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