

105TH CONGRESS
1ST SESSION

H. R. 2170

To amend title 5, United States Code, to provide for the reimbursement of expenses incurred by a Federal employee in the adoption of a child, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 16, 1997

Mr. BURTON of Indiana (for himself and Mr. KENNEDY of Massachusetts) introduced the following bill; which was referred to the Committee on Government Reform and Oversight

A BILL

To amend title 5, United States Code, to provide for the reimbursement of expenses incurred by a Federal employee in the adoption of a child, 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. REIMBURSEMENT FOR ADOPTION EXPENSES.**

4 (a) IN GENERAL.—Subpart G of part III of title 5,
5 United States Code, is amended by adding at the end the
6 following:

7 **“CHAPTER 90—MISCELLANEOUS EMPLOYEE**
8 **BENEFITS**

“9001. Adoption benefits.

1 **“§ 9001. Adoption benefits**

2 “(a) For the purpose of this section—

3 “(1) the term ‘agency’ means—

4 “(A) an Executive agency;

5 “(B) an agency in the judicial branch; and

6 “(C) an agency in the legislative branch

7 (other than any included under subparagraph

8 (A));

9 “(2) the term ‘employee’ does not include any
10 individual who, pursuant to the exercise of any au-
11 thority under section 8913(b), is excluded from par-
12 ticipating in the health insurance program under
13 chapter 89; and

14 “(3) the term ‘adoption expenses’, as used with
15 respect to a child, means any reasonable and nec-
16 essary expenses directly relating to the adoption of
17 such child, including—

18 “(A) fees charged by an adoption agency;

19 “(B) placement fees;

20 “(C) legal fees;

21 “(D) counseling fees;

22 “(E) medical expenses, including those re-
23 lating to obstetrical care for the biological
24 mother, medical care for the child, and physical
25 examinations for the adopting parent or par-
26 ents;

1 “(F) foster-care charges; and

2 “(G) transportation expenses.

3 “(b) The head of each agency shall by regulation es-
4 tablish a program under which any employee of such agen-
5 cy who adopts a child shall be reimbursed for any adoption
6 expenses incurred by such employee in the adoption of
7 such child.

8 “(c) Under the regulations, reimbursement may be
9 provided only—

10 “(1) after the adoption becomes final, as
11 determined under the laws of the jurisdiction
12 governing the adoption;

13 “(2) if, at the time the adoption becomes
14 final, the child is under 18 years of age and un-
15 married; and

16 “(3) if appropriate written application is
17 filed within such time, complete with such infor-
18 mation, and otherwise in accordance with such
19 procedures as may be required.

20 “(d)(1) Reimbursement for an employee under this
21 section with respect to any particular child—

22 “(A) shall be payable only if, or to the extent
23 that, similar benefits paid (or payable) under one or
24 more programs established under State law or an-
25 other Federal statute have not met (or would not

1 meet) the full amount of the adoption expenses in-
2 curred; and

3 “(B) may not exceed \$2,000.

4 “(2)(A) In any case in which both adopting parents
5 are employees eligible for reimbursement under this sec-
6 tion, each parent shall be eligible for an amount deter-
7 mined in accordance with paragraph (1), except as pro-
8 vided in subparagraph (B).

9 “(B) No amount shall be payable under this section
10 if, or to the extent that, payment of such amount would
11 cause the sum of the total amount payable to the adoptive
12 parents under this section, and the total amount paid (or
13 payable) to them under any program or programs referred
14 to in paragraph (1)(A), to exceed the lesser of—

15 “(i) the total adoption expenses incurred; or

16 “(ii) \$5,000.

17 “(3) The guidelines issued under subsection (g) shall
18 include provisions relating to interagency cooperation and
19 other appropriate measures to carry out this subsection.

20 “(e) Any amount payable under this section shall be
21 paid from the appropriation or fund used to pay the em-
22 ployee involved.

23 “(f) An application for reimbursement under this sec-
24 tion may not be denied based on the marital status of the
25 individual applying.

1 “(g)(1) The Office of Personnel Management may
 2 issue any general guidelines which the Office considers
 3 necessary to promote the uniform administration of this
 4 section.

5 “(2) The regulations prescribed by the head of each
 6 Executive agency under this section shall be consistent
 7 with any guidelines issued under paragraph (1).

8 “(3) Upon the request of any agency, the Office may
 9 provide consulting, technical, and any other similar assist-
 10 ance necessary to carry out this section.”.

11 (b) CONFORMING AMENDMENTS.—(1) The heading
 12 of subpart G of part III of title 5, United States Code,
 13 is amended to read as follows:

14 **“SUBPART G—ANNUITIES, INSURANCE, AND**
 15 **MISCELLANEOUS BENEFITS”.**

16 (2) The analysis for part III of title 5, United States
 17 Code, is amended—

18 (A) by striking the item relating to subpart G
 19 and inserting in lieu thereof the following:

20 **“SUBPART G—ANNUITIES, INSURANCE, AND**
 21 **MISCELLANEOUS BENEFITS”;** and

22 (B) by adding after the item relating to chapter
 23 89 the following:

“90. Miscellaneous Employee Benefits 9001”.

1 **SEC. 2. APPLICABILITY TO POSTAL EMPLOYEES.**

2 Section 1005 of title 39, United States Code, is
3 amended by adding at the end the following:

4 “(g) Section 9001 of title 5 shall apply to the Postal
5 Service. Regulations prescribed by the Postal Service to
6 carry out this subsection shall be consistent with any
7 guidelines issued under subsection (g)(1) of such sec-
8 tion.”.

9 **SEC. 3. EFFECTIVE DATE.**

10 This Act shall take effect on October 1, 1997, and
11 shall apply with respect to any adoption which becomes
12 final (determined in the manner described in section
13 9001(c)(1) of title 5, United States Code, as added by this
14 Act) on or after that date.

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