

105TH CONGRESS  
2D SESSION

# H. R. 4677

To require the registration of all persons providing intercountry adoption services.

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## IN THE HOUSE OF REPRESENTATIVES

OCTOBER 1, 1998

Mr. TRAFICANT introduced the following bill; which was referred to the Committee on International Relations

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## A BILL

To require the registration of all persons providing intercountry adoption services.

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 “Intercountry Adoption  
5 Services Provider Registration Act”.

6 **SEC. 2. REGISTRATION REQUIREMENT.**

7 No person shall make available an intercountry adop-  
8 tion service unless that person has filed with the Secretary  
9 a registration statement, supplements, and other informa-  
10 tion as required by this Act.

1 **SEC. 3. REGISTRATION STATEMENT CONTENTS.**

2 A registration statement required under section 2  
3 shall disclose—

4 (1) the provider's name;

5 (2) all of the provider's business addresses in  
6 the United States and elsewhere;

7 (3) all of the provider's business telephone  
8 numbers in the United States and elsewhere;

9 (4) if the provider is an individual, the individ-  
10 ual's nationality and United States immigration sta-  
11 tus;

12 (5) if the provider is a partnership, each part-  
13 ner's name, nationality, and United States immigra-  
14 tion status, and a copy of the partnership agree-  
15 ment;

16 (6) if the provider is an association, a corpora-  
17 tion, or any other combination of individuals other  
18 than a partnership—

19 (A) the name, nationality, and United  
20 States immigration status of each officer and  
21 each director;

22 (B) a copy of the organization's charter or  
23 articles of incorporation;

24 (C) a copy of the organization's bylaws;  
25 and

1 (D) a statement describing the ownership  
2 and control of the organization;

3 (7) a statement describing the nature of the  
4 provider's business;

5 (8) a complete list of the provider's employees  
6 and a statement describing the nature of the work  
7 of each;

8 (9) a detailed statement describing each inter-  
9 country adoption service that the provider makes  
10 available or intends to make available;

11 (10) a schedule of all fees, including foreign  
12 and domestic program fees and fees for foster care,  
13 which the provider charges for its intercountry adop-  
14 tion services;

15 (11) a list of the sources of the children whom  
16 the provider makes or intends to make available for  
17 adoption, if any, and the names, addresses, and tele-  
18 phone numbers of such sources;

19 (12) a list of any coordinators or contractors  
20 not listed under paragraph (8) or (11) who are em-  
21 ployed or otherwise provided any remuneration by  
22 the provider to assist with the intercountry adoption  
23 services made available by the provider, and the  
24 names, addresses, and telephone numbers of those  
25 coordinators or contractors; and

1           (13) any further information which the Sec-  
2       retary considers necessary to make the statements  
3       made in the registration statement, or the support-  
4       ing documents disclosed under this section, accurate  
5       and not misleading.

6   **SEC. 4. REGISTRATION STATEMENT UPDATES.**

7       (a) ANNUAL SUPPLEMENTS.—Within 1 year after fil-  
8       ing a registration statement, and annually thereafter, each  
9       provider shall file with the Secretary a supplement to the  
10      registration statement. Such supplement shall disclose in-  
11      formation the Secretary requires to make the disclosures  
12      under section 3 accurate, complete, and current.

13      (b) ADDITIONAL SUPPLEMENTS.—The Secretary  
14      may require that supplements be filed at more frequent  
15      intervals than required by subsection (a), if such filings  
16      would serve the public interest, including the interests of  
17      persons seeking intercountry adoption services.

18      (c) NOTIFICATION OF CERTAIN CHANGES.—With re-  
19      spect to the information required to be disclosed by para-  
20      graphs (1), (2), (7), and (11) of section 3, the provider  
21      shall notify the Secretary of any changes in such informa-  
22      tion within 45 days after the changes occur.

23   **SEC. 5. FILING FEE.**

24       The Secretary shall establish a schedule of fees to  
25      charge providers for filing a registration statement. Such

1 schedule shall be designed to cover the cost of the adminis-  
2 tration of this Act.

3 **SEC. 6. ENFORCEMENT.**

4 (a) PENALTIES.—Any person convicted of a violation  
5 of section 2 shall be fined under title 18, United States  
6 Code, or imprisoned not more than 2 years, or both.

7 (b) NOTICE OF DEFICIENT REGISTRATION STATE-  
8 MENT.—If the Secretary finds that a registration state-  
9 ment does not comply the requirements of this Act and  
10 that such noncompliance is not willful, the Secretary shall  
11 notify the provider in writing, specifying the deficiencies.  
12 A provider charged with a violation of section 2 based on  
13 a deficiency cited in such notice shall not be prosecuted  
14 unless the provider has not remedied the deficiency within  
15 20 days after such notice is received.

16 **SEC. 7. PUBLIC AVAILABILITY OF INFORMATION.**

17 (a) PUBLIC INSPECTION.—Not later than 30 days  
18 after receipt by the Secretary, except as provided in sub-  
19 section (b), copies of all registration statements, supple-  
20 ments, and other documents filed with the Secretary under  
21 this Act shall be available for public inspection and  
22 photocopying at a reasonable cost at various locations  
23 around the country, as determined by the Secretary.

24 (b) INFORMATION ON SOURCES.—

25 (1) EXEMPTION FROM DISCLOSURE.—

1 (A) IN GENERAL.—Except as provided in  
 2 subparagraph (B), information provided to the  
 3 Secretary pursuant to section 3(11) shall not be  
 4 disclosed by the Secretary under subsection (a).

5 (B) DISCLOSURE.—The Secretary may dis-  
 6 close under subsection (a) information described  
 7 in subparagraph (A) only if the Secretary finds  
 8 that a person seeking or using intercountry  
 9 adoption services has a substantial need for  
 10 such a disclosure for the purposes of litigation.  
 11 The Secretary shall limit the breadth of such a  
 12 disclosure to that information which is reason-  
 13 ably necessary to satisfy such need.

14 (2) ADDITIONAL EXEMPTION FROM DISCLO-  
 15 SURE.—Section 552 of title 5, United States Code,  
 16 shall not apply to information provided to the Sec-  
 17 retary pursuant to section 3(11).

18 **SEC. 8. DEFINITIONS.**

19 For the purposes of this Act—

20 (1) the term “intercountry adoption service”  
 21 means a service provided in the United States, relat-  
 22 ed to the adoption of a person from outside the  
 23 United States, that—

24 (A) arranges adoptions;

25 (B) identifies prospective adoptees;

1 (C) secures the consent necessary for the  
2 termination of parental rights or for adoptions;

3 (D) performs background studies on pro-  
4 spective adoptees, home studies on prospective  
5 adoptive parents, or reports of such studies;

6 (E) determines the best interests of  
7 adoptees or the appropriateness of adoptive  
8 placements;

9 (F) counsels adoptees, birth parents, or  
10 adoptive parents with respect to adoptions;

11 (G) monitors adoptees and their placement  
12 until adoptions are finalized;

13 (H) in the case of adoptions that cannot be  
14 finalized, assumes custody of an adoptee or pro-  
15 vides child care or other social services to the  
16 adoptee pending an alternative placement; or

17 (I) is such other service related to inter-  
18 country adoption as the Secretary of State may  
19 by regulation provide;

20 (2) the term “provider” means a person who  
21 makes available or intends to make available an  
22 intercountry adoption service;

23 (3) the term “registration statement” means a  
24 registration statement filed pursuant to this Act;  
25 and

1           (4) the term “Secretary” means the Secretary  
2       of State.

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

4       This Act shall become effective 1 year after the date  
5   of its enactment.

