

108TH CONGRESS  
1ST SESSION

# S. 1439

To amend part E of title IV of the Social Security Act to reauthorize adoption incentives payments under section 473A of that Act and to provide incentives for the adoption of older children.

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## IN THE SENATE OF THE UNITED STATES

JULY 22 (legislative day, JULY 21), 2003

Mr. BUNNING introduced the following bill; which was read twice and referred to the Committee on Finance

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## A BILL

To amend part E of title IV of the Social Security Act to reauthorize adoption incentives payments under section 473A of that Act and to provide incentives for the adoption of older children.

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 “Adoption Incentive  
5       Program Reauthorization Act of 2003”.

6       **SEC. 2. ADOPTION INCENTIVE PAYMENTS.**

7       (a) REAUTHORIZATION.—

(1) IN GENERAL.—Section 473A of the Social Security Act (42 U.S.C. 673b) is amended—

(A) in subsection (b)(5), by striking “1998 through 2002” and inserting “2004 through 2008”; and

(B) in subsection (h)—

(i) in paragraph (1), by striking “Secretary” and all that follows through the period and inserting “Secretary, \$43,000,000 for each of fiscal years 2004 through 2008.”; and

(ii) in paragraph (2), by striking “2003” and inserting “2008”.

(2) OLDER CHILD BASELINE.—

(A) DETERMINATIONS OF NUMBER OF ADOPTIONS.—Section 473A(c)(2) of the Social Security Act (42 U.S.C. 673b(c)(2)) is amended to read as follows:

“(2) DETERMINATION OF NUMBERS OF ADOPTIONS BASED ON AFCARS DATA.—The Secretary shall determine the numbers of foster child adoptions and of older child adoptions in a State during each of fiscal years 2004 through 2008, for purposes of this section, on the basis of data meeting the requirements of the system established pursuant to

1 section 479, as reported by the State and approved  
 2 by the Secretary by August 1 of the succeeding fis-  
 3 cal year.”.

4 (B) ADOPTION INCENTIVE PAYMENT.—

5 Section 473A(d)(1)(B) of the Social Security  
 6 Act (42 U.S.C. 673b(d)(1)(B)) is amended—

7 (i) by striking “\$2,000” and inserting  
 8 “\$6,000”; and

9 (ii) by striking “special needs” each  
 10 place it appears and inserting “older  
 11 child”.

12 (C) DEFINITIONS.—Section 473A(g) of the  
 13 Social Security Act (42 U.S.C. 673b(g)) is  
 14 amended—

15 (i) by striking paragraph (2) and in-  
 16 serting the following:

17 “(2) OLDER CHILD ADOPTION.—The term  
 18 ‘older child adoption’ means the final adoption of a  
 19 child who has attained age 9 and—

20 “(A) at the time of adoptive placement,  
 21 was in foster care under the supervision of the  
 22 State; or

23 “(B) for whom an adoption assistance  
 24 agreement is in effect under section 473.”; and

1 (ii) by striking paragraph (4), and in-  
 2 serting the following:

3 “(4) BASE NUMBER OF OLDER CHILD ADOPT-  
 4 TIONS.—The term ‘base number of older child adop-  
 5 tions for a State’ means—

6 “(A) with respect to fiscal year 2004, the  
 7 number of older child adoptions in the State in  
 8 fiscal year 2003; and

9 “(B) with respect to any subsequent fiscal  
 10 year, the number of older child adoptions in the  
 11 State in the fiscal year for which the number is  
 12 the greatest in the period that begins with fiscal  
 13 year 2003 and ends with the fiscal year pre-  
 14 ceding such fiscal year.”.

15 (3) CONFORMING AMENDMENTS.—

16 (A) HEALTH INSURANCE COVERAGE FOR  
 17 CHILDREN WITH SPECIAL NEEDS.—Section  
 18 473A(b)(4) of the Social Security Act (42  
 19 U.S.C. 673b(b)(4)) is amended by striking “fis-  
 20 cal years 2001 and 2002” and inserting “each  
 21 of fiscal years 2004 through 2008”.

22 (B) DATA REQUIREMENTS.—Section  
 23 473A(c)(1) of the Social Security Act (42  
 24 U.S.C. 673b(c)(1)) is amended to read as fol-  
 25 lows:

“(1) IN GENERAL.—A State is in compliance with this subsection for a fiscal year if the State has provided to the Secretary the data described in paragraph (2) for the fiscal year that precedes the fiscal year for which the State seeks a grant under this section.”.

(C) DEFINITION OF BASE NUMBER OF FOSTER CHILD ADOPTIONS.—Section 473A(g)(3) of the Social Security Act (42 U.S.C. 673b(g)(3)) is amended—

(i) by striking “means” and all that follows through “any subsequent fiscal year,” and inserting “means, with respect to a fiscal year,”; and

(ii) by striking “such subsequent fiscal year” and inserting “such fiscal year”.

(D) TECHNICAL ASSISTANCE.—Section 473A(i)(4) of the Social Security Act (42 U.S.C. 673b(i)(4)) is amended by striking “1998 through 2000” and inserting “2004 through 2008”.

(b) DISCRETIONARY CAP ADJUSTMENT.—

(1) SECTION 251.—Section 251(b)(2)(G) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(b)(2)(G)) is amended—

1 (A) in the matter preceding clause (i), by  
2 striking “1999, 2000, 2001, 2002, or 2003”  
3 and inserting “2004, 2005, 2006, 2007, or  
4 2008”; and

5 (B) in clause (i), by striking  
6 “\$20,000,000” and inserting “\$43,000,000”.

7 (2) SECTION 314.—Section 314(b)(6) of the  
8 Congressional Budget Act of 1974 (2 U.S.C.  
9 645(b)(6)) is amended—

10 (A) by striking “1999, 2000, 2001, 2002,  
11 or 2003” and inserting “2004, 2005, 2006,  
12 2007, or 2008”; and

13 (B) by striking “\$20,000,000” and insert-  
14 ing “\$43,000,000”.

15 (c) EFFECTIVE DATE.—The amendments made by  
16 this section take effect on October 1, 2003.

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