one exception, investigating some of these events seems to have a lack of curiosity about exactly how much money the liberal group was able to funnel into the 1996 Presidential campaign.

Maybe all of this curiosity is entwined with some of these folks having attended some of these White House coffees. Maybe there is something in the coffee that makes them curious on the one hand, but then lose their curiosity on something else, and maybe that is something that should be investigated as well.

TRIBUTE TO REV. DR. JOSEPH LOWERY

(Ms. MCKINNEY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. MCKINNEY. Mr. Speaker, I rise today to honor Rev. Dr. Joseph Lowery, who will retire in January on the anniversary of Martin Luther King Jr.'s birthday.

For over 30 years Dr. Lowery's was the voice of equality, reason and self-reliance both in this country and abroad. Dr. Lowery is best known for his leadership of SCLC, which he co-founded with Rev. Martin Luther King Jr., in 1957. Since then his life and his career have become synonymous with justice, equality, and human rights.

From the early days of the civil rights movement in Mobile, AL, to the founding of the SCLC in 1957, to the extension of the Voting Rights Act in 1982, and on to the fight against apartheid in South Africa, Dr. Lowery's views, voice, and vision have guided two generations of civil rights activism. Even in his retirement, Dr. Lowery will continue to guide and inspire us in our fight for equality, justice, and human dignity for many years to come.

Reverend Lowery, Mrs. Lowery, I wish you the best in your retirement.

SEND IN THE MARINES

(Mr. KINGSTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KINGSTON. Mr. Speaker, at first the Democrat leader, TOM DASCHLE, said he knew of no Americans who were overtaxed, and then the President of the United States, Bill Clinton, said he thought the people of Virginia were selfish for wanting to keep more of their own money rather than send it to expert Washington bureaucrats.

But now a top Democrat woman in the Pentagon says that the U.S. Marines are extremists. Now, think about this. Monday was the Marine Corps birthday, a great, proud, fighting outfit that has been in the battles and the wars fought for our freedom throughout the history of America, and yet here is what Democrat Sara Lister says: ''The Marines are extremists. Whenever you have extremists, you have some risk that a total disconnection with society will take place, and that is very dangerous.''

Well, I will say this to Ms. Lister. Although I do not know you and I was not a Marine, I would ask you this. Have you ever dug in a foxhole? Have you ever had dirt in your face? Have you ever had the blood splattered on your uniform of a buddy as he or she lies dying, and did that blood splatter make a permanent star on your emotions?

I say, Mr. Speaker, send in the Marines; send out Sara Lister. Let us have her resignation today.

IRS REFORM

(Mr. GRAHAM asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GRAHAM. Mr. Speaker, Americans who take an increasingly cynical view of politics and politicians often claim that politicians are all the same, and those who do not vote justify their passivity by saying it does not matter. Half the people in America who are eligible to vote choose not to, and there is something that we need to address.

There is an issue on the radar screen of most Americans called reforming the IRS. Hopefully we can convince folks that we are serious about changing Washington.

The Democratic Party had Washington for 40 years and there has been no major effort during that period of time to change the way we tax the American people and the way the IRS works. We have been in town for 3 years, and there are major overhauls of the IRS looming and some have come to fruition, with the help from the Democratic Party, which convinces me if we pick the right issue and drive it hard, people will come our way. Now the IRS has to prove that one has done something wrong; one does not have to prove oneself innocent.

I would ask every taxpayer in this country to watch this debate, closely follow who is leading it, and I can promise that the Republican Party is going to take our hopes and dreams for a new Tax Code for a new century and we are going to boldly go forward, and I hope our colleagues in the Democratic Party will join us.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. MILLER of Florida). Pursuant to the provisions of clause 5 of rule I, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 4 of rule XV. Such rollcall votes, if postponed, will be taken later in the day.

ADOPTION AND SAFE FAMILIES ACT OF 1997

Mr. SHAW. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 327), providing for the consideration of the bill H.R. 867 and the Senate amendment thereto.

The Clerk read as follows:

H. RES. 327

Resolved, That, upon the adoption of this resolution, the House shall be considered to have taken from the Speaker's table the bill H.R. 867 and an amendment of the Senate thereto and to have concurred in the amendment of the Senate with an amendment as follows: in lieu of the matter proposed to be inserted by the Senate, insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Adoption and Safe Families Act of 1997''.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

TITLE I—REASONABLE EFFORTS AND SAFETY REQUIREMENTS FOR FOSTER CARE AND ADOPTION PLACEMENTS

SEC. 101. CLARIFICATION OF THE REASONABLE EFFORTS REQUIREMENT.

(a) IN GENERAL.—Section 471(a)(15) of the Social Security Act (42 U.S.C. 671(a)(15)) is amended to read as follows:

''(15) provides that—

''(A) in determining reasonable efforts to be made with respect to a child, as described in this paragraph, and in making such reasonable efforts, the child's health and safety shall be the paramount concern;

''(B) except as provided in subparagraph (D), reasonable efforts shall be made to preserve and reunify families—

''(i) prior to the placement of a child in foster care, to prevent or eliminate the need for removing the child from the child's home; and

''(ii) to make it possible for a child to safely return to the child's home;

''(C) if continuation of reasonable efforts of the type described in subparagraph (B) is determined to be inconsistent with the permanency plan for the child, reasonable efforts shall be made to place the child in a timely manner in accordance with the permanency plan, and to complete whatever steps are necessary to finalize the permanent placement of the child;

''(D) reasonable efforts of the type described in subparagraph (B) shall not be required to be made with respect to a parent of a child if a court of competent jurisdiction has determined that—

''(i) the parent has subjected the child to aggravated circumstances (as defined in State law, which definition may include but need not be limited to abandonment, torture, chronic abuse, and sexual abuse);

''(ii) the parent has—

''(I) committed murder (which would have been an offense under section 1111(a) of title 18, United States Code, if the offense had occurred in the special maritime or territorial jurisdiction of the United States) of another child of the parent;

''(II) committed voluntary manslaughter (which would have been an offense under section 1112(a) of title 18, United States Code, if the offense had occurred in the special maritime or territorial jurisdiction of the United States) of another child of the parent;

''(III) aided or abetted, attempted, conspired, or solicited to commit such a murder or such a voluntary manslaughter; or

''(IV) committed a felony assault that results in serious bodily injury to the child or another child of the parent; or

''(iii) the parental rights of the parent to a sibling have been terminated involuntarily;

''(E) if reasonable efforts of the type described in subparagraph (B) are not made with respect to a child as a result of a determination made by a court of competent jurisdiction in accordance with subparagraph (D)—

''(i) a permanency hearing (as described in section 475(5)(C)) shall be held for the child within 30 days after the determination; and

''(ii) reasonable efforts shall be made to place the child in a timely manner in accordance with the permanency plan, and to complete whatever steps are necessary to finalize the permanent placement of the child; and

''(F) reasonable efforts to place a child for adoption or with a legal guardian may be made concurrently with reasonable efforts of the type described in subparagraph (B);''.

(b) DEFINITION OF LEGAL GUARDIANSHIP.—Section 475 of such Act (42 U.S.C. 675) is amended by adding at the end the following:

''(7) The term 'legal guardianship' means a judicially created relationship between child and caretaker which is intended to be permanent and self-sustaining as evidenced by the transfer to the caretaker of the following parental rights with respect to the child: protection, education, care and control of the person, custody of the person, and decision-making. The term 'legal guardian' means the caretaker in such a relationship.''.

(c) CONFORMING AMENDMENT.—Section 472(a)(1) of such Act (42 U.S.C. 672(a)(1)) is amended by inserting ''for a child'' before ''have been made''.

(d) RULE OF CONSTRUCTION.—Part E of title IV of such Act (42 U.S.C. 670–679) is amended by inserting after section 477 the following:

''SEC. 478. RULE OF CONSTRUCTION.

''Nothing in this part shall be construed as precluding State courts from exercising their discretion to protect the health and safety of children in individual cases, including cases other than those described in section 471(a)(15)(D).''.

SEC. 102. INCLUDING SAFETY IN CASE PLAN AND CASE REVIEW SYSTEM REQUIREMENTS.

Title IV of the Social Security Act (42 U.S.C. 601 et seq.) is amended—

(1) in section 422(b)(10)(B)—

(A) in clause (iii)(I), by inserting ''safe and'' after ''where''; and

(B) in clause (iv), by inserting ''safely'' after ''remain''; and

(2) in section 475—

(A) in paragraph (1)—

(i) in subparagraph (A), by inserting ''safety and'' after ''discussion of the''; and

(ii) in subparagraph (B)—

(I) by inserting ''safe and'' after ''child receives''; and

(II) by inserting ''safe'' after ''return of the child to his own''; and

(B) in paragraph (5)—

(i) in subparagraph (A), in the matter preceding clause (i), by inserting ''a safe setting that is'' after ''placement in''; and

(ii) in subparagraph (B)—

(I) by inserting ''the safety of the child,'' after ''determine''; and

(II) by inserting ''and safely maintained in'' after ''returned to''.

SEC. 103. STATES REQUIRED TO INITIATE OR JOIN PROCEEDINGS TO TERMINATE PARENTAL RIGHTS FOR CERTAIN CHILDREN IN FOSTER CARE.

(a) REQUIREMENT FOR PROCEEDINGS.—Section 475(5) of the Social Security Act (42 U.S.C. 675(5)) is amended—

(1) by striking ''and'' at the end of subparagraph (C);

(2) by striking the period at the end of subparagraph (D) and inserting ''; and''; and

(3) by adding at the end the following:

''(E) in the case of a child who has been in foster care under the responsibility of the State for 15 of the most recent 22 months, or, if a court of competent jurisdiction has determined a child to be an abandoned infant (as defined under State law) or has made a determination that the parent has committed murder of another child of the parent, committed voluntary manslaughter of another child of the parent, aided or abetted, attempted, conspired, or solicited to commit such a murder or such a voluntary manslaughter, or committed a felony assault that has resulted in serious bodily injury to the child or to another child of the parent, the State shall file a petition to terminate the parental rights of the child's parents (or, if such a petition has been filed by another party, seek to be joined as a party to the petition), and, concurrently, to identify, recruit, process, and approve a qualified family for an adoption, unless—

''(i) at the option of the State, the child is being cared for by a relative;

''(ii) a State agency has documented in the case plan (which shall be available for court review) a compelling reason for determining that filing such a petition would not be in the best interests of the child; or

''(iii) the State has not provided to the family of the child, consistent with the time period in the State case plan, such services as the State deems necessary for the safe return of the child to the child's home, if reasonable efforts of the type described in section 471(a)(15)(B)(ii) are required to be made with respect to the child.''.

(b) DETERMINATION OF BEGINNING OF FOSTER CARE.—Section 475(5) of the Social Security Act (42 U.S.C. 675(5)), as amended by subsection (a), is amended—

(1) by striking ''and'' at the end of subparagraph (D);

(2) by striking the period at the end of subparagraph (E) and inserting ''; and''; and

(3) by adding at the end the following:

''(F) a child shall be considered to have entered foster care on the earlier of—

''(i) the date of the first judicial finding that the child has been subjected to child abuse or neglect; or

''(ii) the date that is 60 days after the date on which the child is removed from the home.''.

(c) TRANSITION RULES.—

(1) NEW FOSTER CHILDREN.—In the case of a child who enters foster care (within the meaning of section 475(5)(F) of the Social Security Act) under the responsibility of a State after the date of the enactment of this Act—

(A) if the State comes into compliance with the amendments made by subsection (a) of this section before the child has been in such foster care for 15 of the most recent 22 months, the State shall comply with section 475(5)(E) of the Social Security Act with respect to the child when the child has been in such foster care for 15 of the most recent 22 months; and

(B) if the State comes into such compliance after the child has been in such foster care for 15 of the most recent 22 months, the State shall comply with such section 475(5)(E) with respect to the child not later than 3 months after the end of the first regular session of the State legislature that begins after such date of enactment.

(2) CURRENT FOSTER CHILDREN.—In the case of children in foster care under the responsibility of the State on the date of the enactment of this Act, the State shall—

(A) not later than 6 months after the end of the first regular session of the State legislature that begins after such date of enactment, comply with section 475(5)(E) of the Social Security Act with respect to not less than ⅓ of such children as the State shall select, giving priority to children for whom the permanency plan (within the meaning of part E of title IV of the Social Security Act) is adoption and children who have been in foster care for the greatest length of time;

(B) not later than 12 months after the end of such first regular session, comply with such section 475(5)(E) with respect to not less than ⅔ of such children as the State shall select; and

(C) not later than 18 months after the end of such first regular session, comply with such section 475(5)(E) with respect to all of such children.

(3) TREATMENT OF 2-YEAR LEGISLATIVE SESSIONS.—For purposes of this subsection, in the case of a State that has a 2-year legislative session, each year of the session is deemed to be a separate regular session of the State legislature.

(4) REQUIREMENTS TREATED AS STATE PLAN REQUIREMENTS.—For purposes of part E of

title IV of the Social Security Act, the requirements of this subsection shall be treated as State plan requirements imposed by section 471(a) of such Act.

(d) RULE OF CONSTRUCTION.—Nothing in this section or in part E of title IV of the Social Security Act (42 U.S.C. 670 et seq.), as amended by this Act, shall be construed as precluding State courts or State agencies from initiating the termination of parental rights for reasons other than, or for timelines earlier than, those specified in part E of title IV of such Act, when such actions are determined to be in the best interests of the child, including cases where the child has experienced multiple foster care placements of varying durations.

SEC. 104. NOTICE OF REVIEWS AND HEARINGS; OPPORTUNITY TO BE HEARD.

Section 475(5) of the Social Security Act (42 U.S.C. 675(5)), as amended by section 103, is amended—

(1) by striking ''and'' at the end of subparagraph (E);

(2) by striking the period at the end of subparagraph (F) and inserting ''; and''; and

(3) by adding at the end the following:

''(G) the foster parents (if any) of a child and any preadoptive parent or relative providing care for the child are provided with notice of, and an opportunity to be heard in, any review or hearing to be held with respect to the child, except that this subparagraph shall not be construed to require that any foster parent, preadoptive parent, or relative providing care for the child be made a party to such a review or hearing solely on the basis of such notice and opportunity to be heard.''.

SEC. 105. USE OF THE FEDERAL PARENT LOCATOR SERVICE FOR CHILD WELFARE SERVICES.

Section 453 of the Social Security Act (42 U.S.C. 653) is amended—

(1) in subsection (a)(2)—

(A) in the matter preceding subparagraph (A), by inserting ''or making or enforcing child custody or visitation orders,'' after ''obligations,''; and

(B) in subparagraph (A)—

(i) by striking ''or'' at the end of clause (ii);

(ii) by striking the comma at the end of clause (iii) and inserting ''; or''; and

(iii) by inserting after clause (iii) the following:

''(iv) who has or may have parental rights with respect to a child,''; and

(2) in subsection (c)—

(A) by striking the period at the end of paragraph (3) and inserting ''; and''; and

(B) by adding at the end the following:

''(4) a State agency that is administering a program operated under a State plan under subpart 1 of part B, or a State plan approved under subpart 2 of part B or under part E.''.

SEC. 106. CRIMINAL RECORDS CHECKS FOR PROSPECTIVE FOSTER AND ADOPTIVE PARENTS.

Section 471(a) of the Social Security Act (42 U.S.C. 671(a)) is amended—

(1) by striking ''and'' at the end of paragraph (18);

(2) by striking the period at the end of paragraph (19) and inserting ''; and''; and

(3) by adding at the end the following:

''(20)(A) unless an election provided for in subparagraph (B) is made with respect to the State, provides procedures for criminal records checks for any prospective foster or adoptive parent before the foster or adoptive parent may be finally approved for placement of a child on whose behalf foster care maintenance payments or adoption assistance payments are to be made under the State plan under this part, including procedures requiring that—

''(i) in any case in which a record check reveals a felony conviction for child abuse or neglect, for spousal abuse, for a crime against children (including child pornography), or for a crime involving violence, including rape, sexual assault, or homicide, but not including other physical assault or battery, if a State finds that a court of competent jurisdiction has determined that the felony was committed at any time, such final approval shall not be granted; and

''(ii) in any case in which a record check reveals a felony conviction for physical assault, battery, or a drug-related offense, if a State finds that a court of competent jurisdiction has determined that the felony was committed within the past 5 years, such final approval shall not be granted; and

''(B) subparagraph (A) shall not apply to a State plan if the Governor of the State has notified the Secretary in writing that the State has elected to make subparagraph (A) inapplicable to the State, or if the State legislature, by law, has elected to make subparagraph (A) inapplicable to the State.''.

SEC. 107. DOCUMENTATION OF EFFORTS FOR ADOPTION OR LOCATION OF A PERMANENT HOME.

Section 475(1) of the Social Security Act (42 U.S.C. 675(1)) is amended—

(1) in the last sentence—

(A) by striking ''the case plan must also include''; and

(B) by redesignating such sentence as subparagraph (D) and indenting appropriately; and

(2) by adding at the end the following:

''(E) In the case of a child with respect to whom the permanency plan is adoption or placement in another permanent home, documentation of the steps the agency is taking to find an adoptive family or other permanent living arrangement for the child, to place the child with an adoptive family, a fit and willing relative, a legal guardian, or in another planned permanent living arrangement, and to finalize the adoption or legal guardianship. At a minimum, such documentation shall include child specific recruitment efforts such as the use of State, regional, and national adoption exchanges including electronic exchange systems.''.

TITLE II—INCENTIVES FOR PROVIDING PERMANENT FAMILIES FOR CHILDREN

SEC. 201. ADOPTION INCENTIVE PAYMENTS.

(a) IN GENERAL.—Part E of title IV of the Social Security Act (42 U.S.C. 670–679) is amended by inserting after section 473 the following:

''SEC. 473A. ADOPTION INCENTIVE PAYMENTS.

''(a) GRANT AUTHORITY.—Subject to the availability of such amounts as may be provided in advance in appropriations Acts for this purpose, the Secretary shall make a grant to each State that is an incentive-eligible State for a fiscal year in an amount equal to the adoption incentive payment payable to the State under this section for the fiscal year, which shall be payable in the immediately succeeding fiscal year.

''(b) INCENTIVE-ELIGIBLE STATE.—A State is an incentive-eligible State for a fiscal year if—

''(1) the State has a plan approved under this part for the fiscal year;

''(2) the number of foster child adoptions in the State during the fiscal year exceeds the base number of foster child adoptions for the State for the fiscal year;

''(3) the State is in compliance with subsection (c) for the fiscal year;

''(4) in the case of fiscal years 2001 and 2002, the State provides health insurance coverage to any child with special needs (as determined under section 473(c)) for whom there is in effect an adoption assistance agreement between a State and an adoptive parent or parents; and

''(5) the fiscal year is any of fiscal years 1998 through 2002.

''(c) DATA REQUIREMENTS.—

''(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)—

''(A) for fiscal years 1995 through 1997 (or, if the 1st fiscal year for which the State seeks a grant under this section is after fiscal year 1998, the fiscal year that precedes such 1st fiscal year); and

''(B) for each succeeding fiscal year that precedes the fiscal year.

''(2) DETERMINATION OF NUMBERS OF ADOPTIONS.—

''(A) DETERMINATIONS BASED ON AFCARS DATA.—Except as provided in subparagraph (B), the Secretary shall determine the numbers of foster child adoptions and of special needs adoptions in a State during each of fiscal years 1995 through 2002, for purposes of this section, on the basis of data meeting the requirements of the system established pursuant to section 479, as reported by the State and approved by the Secretary by August 1 of the succeeding fiscal year.

''(B) ALTERNATIVE DATA SOURCES PERMITTED FOR FISCAL YEARS 1995 THROUGH 1997.—For purposes of the determination described in subparagraph (A) for fiscal years 1995 through 1997, the Secretary may use data from a source or sources other than that specified in subparagraph (A) that the Secretary finds to be of equivalent completeness and reliability, as reported by a State by November 30, 1997, and approved by the Secretary by March 1, 1998.

''(3) NO WAIVER OF AFCARS REQUIREMENTS.—This section shall not be construed to alter or affect any requirement of section 479 or of any regulation prescribed under such section with respect to reporting of data by States, or to waive any penalty for failure to comply with such a requirement.

''(d) ADOPTION INCENTIVE PAYMENT.—

''(1) IN GENERAL.—Except as provided in paragraph (2), the adoption incentive payment payable to a State for a fiscal year under this section shall be equal to the sum of—

''(A) $4,000, multiplied by the amount (if any) by which the number of foster child adoptions in the State during the fiscal year exceeds the base number of foster child adoptions for the State for the fiscal year; and

''(B) $2,000, multiplied by the amount (if any) by which the number of special needs adoptions in the State during the fiscal year exceeds the base number of special needs adoptions for the State for the fiscal year.

''(2) PRO RATA ADJUSTMENT IF INSUFFICIENT FUNDS AVAILABLE.—For any fiscal year, if the total amount of adoption incentive payments otherwise payable under this section for a fiscal year exceeds the amount appropriated pursuant to subsection (h) for the fiscal year, the amount of the adoption incentive payment payable to each State under this section for the fiscal year shall be—

''(A) the amount of the adoption incentive payment that would otherwise be payable to the State under this section for the fiscal year; multiplied by

''(B) the percentage represented by the amount so appropriated for the fiscal year, divided by the total amount of adoption incentive payments otherwise payable under this section for the fiscal year.

''(e) 2-YEAR AVAILABILITY OF INCENTIVE PAYMENTS.—Payments to a State under this section in a fiscal year shall remain available for use by the State through the end of the succeeding fiscal year.

''(f) LIMITATIONS ON USE OF INCENTIVE PAYMENTS.—A State shall not expend an amount paid to the State under this section except to provide to children or families any service (including post-adoption services) that may

be provided under part B or E. Amounts expended by a State in accordance with the preceding sentence shall be disregarded in determining State expenditures for purposes of Federal matching payments under sections 423, 434, and 474.

''(g) DEFINITIONS.—As used in this section:

''(1) FOSTER CHILD ADOPTION.—The term 'foster child adoption' means the final adoption of a child who, at the time of adoptive placement, was in foster care under the supervision of the State.

''(2) SPECIAL NEEDS ADOPTION.—The term 'special needs adoption' means the final adoption of a child for whom an adoption assistance agreement is in effect under section 473.

''(3) BASE NUMBER OF FOSTER CHILD ADOPTIONS.—The term 'base number of foster child adoptions for a State' means—

''(A) with respect to fiscal year 1998, the average number of foster child adoptions in the State in fiscal years 1995, 1996, and 1997; and

''(B) with respect to any subsequent fiscal year, the number of foster child adoptions in the State in the fiscal year for which the number is the greatest in the period that begins with fiscal year 1997 and ends with the fiscal year preceding such subsequent fiscal year.

''(4) BASE NUMBER OF SPECIAL NEEDS ADOPTIONS.—The term 'base number of special needs adoptions for a State' means—

''(A) with respect to fiscal year 1998, the average number of special needs adoptions in the State in fiscal years 1995, 1996, and 1997; and

''(B) with respect to any subsequent fiscal year, the number of special needs adoptions in the State in the fiscal year for which the number is the greatest in the period that begins with fiscal year 1997 and ends with the fiscal year preceding such subsequent fiscal year.

''(h) LIMITATIONS ON AUTHORIZATION OF APPROPRIATIONS.—

''(1) IN GENERAL.—For grants under subsection (a), there are authorized to be appropriated to the Secretary $20,000,000 for each of fiscal years 1999 through 2003.

''(2) AVAILABILITY.—Amounts appropriated under paragraph (1) are authorized to remain available until expended, but not after fiscal year 2003.

''(i) TECHNICAL ASSISTANCE.—

''(1) IN GENERAL.—The Secretary may, directly or through grants or contracts, provide technical assistance to assist States and local communities to reach their targets for increased numbers of adoptions and, to the extent that adoption is not possible, alternative permanent placements, for children in foster care.

''(2) DESCRIPTION OF THE CHARACTER OF THE TECHNICAL ASSISTANCE.—The technical assistance provided under paragraph (1) may support the goal of encouraging more adoptions out of the foster care system, when adoptions promote the best interests of children, and may include the following:

''(A) The development of best practice guidelines for expediting termination of parental rights.

''(B) Models to encourage the use of concurrent planning.

''(C) The development of specialized units and expertise in moving children toward adoption as a permanency goal.

''(D) The development of risk assessment tools to facilitate early identification of the children who will be at risk of harm if returned home.

''(E) Models to encourage the fast tracking of children who have not attained 1 year of age into pre-adoptive placements.

''(F) Development of programs that place children into pre-adoptive families without waiting for termination of parental rights.

''(3) TARGETING OF TECHNICAL ASSISTANCE TO THE COURTS.—Not less than 50 percent of any amount appropriated pursuant to paragraph (4) shall be used to provide technical assistance to the courts.

''(4) LIMITATIONS ON AUTHORIZATION OF APPROPRIATIONS.—To carry out this subsection, there are authorized to be appropriated to the Secretary of Health and Human Services not to exceed $10,000,000 for each of fiscal years 1998 through 2000.''.

(b) DISCRETIONARY CAP ADJUSTMENT FOR ADOPTION INCENTIVE PAYMENTS.—

(1) SECTION 251 AMENDMENT.—Section 251(b)(2) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(b)(2)), as amended by section 10203(a)(4) of the Balanced Budget Act of 1997, is amended by adding at the end the following new subparagraph:

''(G) ADOPTION INCENTIVE PAYMENTS.—Whenever a bill or joint resolution making appropriations for fiscal year 1999, 2000, 2001, 2002, or 2003 is enacted that specifies an amount for adoption incentive payments pursuant to this part for the Department of Health and Human Services—

''(i) the adjustments for new budget authority shall be the amounts of new budget authority provided in that measure for adoption incentive payments, but not to exceed $20,000,000; and

''(ii) the adjustment for outlays shall be the additional outlays flowing from such amount.''.

(2) SECTION 314 AMENDMENT.—Section 314(b) of the Congressional Budget Act of 1974, as amended by section 10114(a) of the Balanced Budget Act of 1997, is amended—

(A) by striking ''or'' at the end of paragraph (4);

(B) by striking the period at the end of paragraph (5) and inserting ''; or''; and

(C) by adding at the end the following:

''(6) in the case of an amount for adoption incentive payments (as defined in section 251(b)(2)(G) of the Balanced Budget and Emergency Deficit Control Act of 1985) for fiscal year 1999, 2000, 2001, 2002, or 2003 for the Department of Health and Human Services, an amount not to exceed $20,000,000.''.

SEC. 202. ADOPTIONS ACROSS STATE AND COUNTY JURISDICTIONS.

(a) STATE PLAN FOR CHILD WELFARE SERVICES REQUIREMENT.—Section 422(b) of the Social Security Act (42 U.S.C. 622(b)) is amended—

(1) in paragraph (10), by striking ''and'' at the end;

(2) in paragraph (11), by striking the period and inserting ''; and''; and

(3) by adding at the end the following:

''(12) contain assurances that the State shall develop plans for the effective use of cross-jurisdictional resources to facilitate timely adoptive or permanent placements for waiting children.''.

(b) CONDITION OF ASSISTANCE.—Section 474 of such Act (42 U.S.C. 674) is amended by adding at the end the following:

''(e) Notwithstanding subsection (a), a State shall not be eligible for any payment under this section if the Secretary finds that, after the date of the enactment of this subsection, the State has—

''(1) denied or delayed the placement of a child for adoption when an approved family is available outside of the jurisdiction with responsibility for handling the case of the child; or

''(2) failed to grant an opportunity for a fair hearing, as described in section 471(a)(12), to an individual whose allegation of a violation of paragraph (1) of this subsection is denied by the State or not acted upon by the State with reasonable promptness.''.

(c) STUDY OF INTERJURISDICTIONAL ADOPTION ISSUES.—

(1) IN GENERAL.—The Comptroller General of the United States shall—

(A) study and consider how to improve procedures and policies to facilitate the timely and permanent adoptions of children across State and county jurisdictions; and

(B) examine, at a minimum, interjurisdictional adoption issues—

(i) concerning the recruitment of prospective adoptive families from other States and counties;

(ii) concerning the procedures to grant reciprocity to prospective adoptive family home studies from other States and counties;

(iii) arising from a review of the comity and full faith and credit provided to adoption decrees and termination of parental rights orders from other States; and

(iv) concerning the procedures related to the administration and implementation of the Interstate Compact on the Placement of Children.

(2) REPORT TO THE CONGRESS.—Not later than 1 year after the date of the enactment of this Act, the Comptroller General shall submit to the appropriate committees of the Congress a report that includes—

(A) the results of the study conducted under paragraph (1); and

(B) recommendations on how to improve procedures to facilitate the interjurisdictional adoption of children, including interstate and intercounty adoptions, so that children will be assured timely and permanent placements.

SEC. 203. PERFORMANCE OF STATES IN PROTECTING CHILDREN.

(a) ANNUAL REPORT ON STATE PERFORMANCE.—Part E of title IV of the Social Security Act (42 U.S.C. 670 et seq.) is amended by adding at the end the following:

''SEC. 479A. ANNUAL REPORT.

''The Secretary, in consultation with Governors, State legislatures, State and local public officials responsible for administering child welfare programs, and child welfare advocates, shall—

''(1) develop a set of outcome measures (including length of stay in foster care, number of foster care placements, and number of adoptions) that can be used to assess the performance of States in operating child protection and child welfare programs pursuant to parts B and E to ensure the safety of children;

''(2) to the maximum extent possible, the outcome measures should be developed from data available from the Adoption and Foster Care Analysis and Reporting System;

''(3) develop a system for rating the performance of States with respect to the outcome measures, and provide to the States an explanation of the rating system and how scores are determined under the rating system;

''(4) prescribe such regulations as may be necessary to ensure that States provide to the Secretary the data necessary to determine State performance with respect to each outcome measure, as a condition of the State receiving funds under this part; and

''(5) on May 1, 1999, and annually thereafter, prepare and submit to the Congress a report on the performance of each State on each outcome measure, which shall examine the reasons for high performance and low performance and, where possible, make recommendations as to how State performance could be improved.''.

(b) DEVELOPMENT OF PERFORMANCE-BASED INCENTIVE SYSTEM.—The Secretary of Health and Human Services, in consultation with State and local public officials responsible

for administering child welfare programs and child welfare advocates, shall study, develop, and recommend to Congress an incentive system to provide payments under parts B and E of title IV of the Social Security Act (42 U.S.C. 620 et seq., 670 et seq.) to any State based on the State's performance under such a system. Such a system shall, to the extent the Secretary determines feasible and appropriate, be based on the annual report required by section 479A of the Social Security Act (as added by subsection (a) of this section) or on any proposed modifications of the annual report. Not later than 6 months after the date of the enactment of this Act, the Secretary shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a progress report on the feasibility, timetable, and consultation process for conducting such a study. Not later than 15 months after such date of enactment, the Secretary shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate the final report on a performance-based incentive system. The report may include other recommendations for restructuring the program and payments under parts B and E of title IV of the Social Security Act.

TITLE III—ADDITIONAL IMPROVEMENTS AND REFORMS

SEC. 301. EXPANSION OF CHILD WELFARE DEMONSTRATION PROJECTS.

(a) IN GENERAL.—Section 1130(a) of the Social Security Act (42 U.S.C. 1320a–9) is amended to read as follows:

''(a) AUTHORITY TO APPROVE DEMONSTRATION PROJECTS.—

''(1) IN GENERAL.—The Secretary may authorize States to conduct demonstration projects pursuant to this section which the Secretary finds are likely to promote the objectives of part B or E of title IV.

''(2) LIMITATION.—The Secretary may authorize not more than 10 demonstration projects under paragraph (1) in each of fiscal years 1998 through 2002.

''(3) CERTAIN TYPES OF PROPOSALS REQUIRED TO BE CONSIDERED.—

''(A) If an appropriate application therefor is submitted, the Secretary shall consider authorizing a demonstration project which is designed to identify and address barriers that result in delays to adoptive placements for children in foster care.

''(B) If an appropriate application therefor is submitted, the Secretary shall consider authorizing a demonstration project which is designed to identify and address parental substance abuse problems that endanger children and result in the placement of children in foster care, including through the placement of children with their parents in residential treatment facilities (including residential treatment facilities for post-partum depression) that are specifically designed to serve parents and children together in order to promote family reunification and that can ensure the health and safety of the children in such placements.

''(C) If an appropriate application therefor is submitted, the Secretary shall consider authorizing a demonstration project which is designed to address kinship care.

''(4) LIMITATION ON ELIGIBILITY.—The Secretary may not authorize a State to conduct a demonstration project under this section if the State fails to provide health insurance coverage to any child with special needs (as determined under section 473(c)) for whom there is in effect an adoption assistance agreement between a State and an adoptive parent or parents.

''(5) REQUIREMENT TO CONSIDER EFFECT OF PROJECT ON TERMS AND CONDITIONS OF CERTAIN COURT ORDERS.—In considering an application to conduct a demonstration project under this section that has been submitted by a State in which there is in effect a court order determining that the State's child welfare program has failed to comply with the provisions of part B or E of title IV, or with the Constitution of the United States, the Secretary shall take into consideration the effect of approving the proposed project on the terms and conditions of the court order related to the failure to comply.''.

(b) RULE OF CONSTRUCTION.—Nothing in the amendment made by subsection (a) shall be construed as affecting the terms and conditions of any demonstration project approved under section 1130 of the Social Security Act (42 U.S.C. 1320a–9) before the date of the enactment of this Act.

(c) AUTHORITY TO EXTEND DURATION OF DEMONSTRATIONS.—Section 1130(d) of such Act (42 U.S.C. 1320a–9(d)) is amended by inserting '', unless in the judgment of the Secretary, the demonstration project should be allowed to continue'' before the period.

SEC. 302. PERMANENCY HEARINGS.

Section 475(5)(C) of the Social Security Act (42 U.S.C. 675(5)(C)) is amended—

(1) by striking ''dispositional'' and inserting ''permanency'';

(2) by striking ''eighteen'' and inserting ''12'';

(3) by striking ''original placement'' and inserting ''date the child is considered to have entered foster care (as determined under subparagraph (F))''; and

(4) by striking ''future status of'' and all that follows through ''long term basis)'' and inserting ''permanency plan for the child that includes whether, and if applicable when, the child will be returned to the parent, placed for adoption and the State will file a petition for termination of parental rights, or referred for legal guardianship, or (in cases where the State agency has documented to the State court a compelling reason for determining that it would not be in the best interests of the child to return home, be referred for termination of parental rights, or be placed for adoption, with a fit and willing relative, or with a legal guardian) placed in another planned permanent living arrangement''.

SEC. 303. KINSHIP CARE.

(a) REPORT.—

(1) IN GENERAL.—The Secretary of Health and Human Services shall—

(A) not later than June 1, 1998, convene the advisory panel provided for in subsection (b)(1) and prepare and submit to the advisory panel an initial report on the extent to which children in foster care are placed in the care of a relative (in this section referred to as ''kinship care''); and

(B) not later than June 1, 1999, submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a final report on the matter described in subparagraph (A), which shall—

(i) be based on the comments submitted by the advisory panel pursuant to subsection (b)(2) and other information and considerations; and

(ii) include the policy recommendations of the Secretary with respect to the matter.

(2) REQUIRED CONTENTS.—Each report required by paragraph (1) shall—

(A) include, to the extent available for each State, information on—

(i) the policy of the State regarding kinship care;

(ii) the characteristics of the kinship care providers (including age, income, ethnicity, and race, and the relationship of the kinship care providers to the children);

(iii) the characteristics of the household of such providers (such as number of other persons in the household and family composition);

(iv) how much access to the child is afforded to the parent from whom the child has been removed;

(v) the cost of, and source of funds for, kinship care (including any subsidies such as medicaid and cash assistance);

(vi) the permanency plan for the child and the actions being taken by the State to achieve the plan;

(vii) the services being provided to the parent from whom the child has been removed; and

(viii) the services being provided to the kinship care provider; and

(B) specifically note the circumstances or conditions under which children enter kinship care.

(b) ADVISORY PANEL.—

(1) ESTABLISHMENT.—The Secretary of Health and Human Services, in consultation with the Chairman of the Committee on Ways and Means of the House of Representatives and the Chairman of the Committee on Finance of the Senate, shall convene an advisory panel which shall include parents, foster parents, relative caregivers, former foster children, State and local public officials responsible for administering child welfare programs, private persons involved in the delivery of child welfare services, representatives of tribal governments and tribal courts, judges, and academic experts.

(2) DUTIES.—The advisory panel convened pursuant to paragraph (1) shall review the report prepared pursuant to subsection (a), and, not later than October 1, 1998, submit to the Secretary comments on the report.

SEC. 304. CLARIFICATION OF ELIGIBLE POPULATION FOR INDEPENDENT LIVING SERVICES.

Section 477(a)(2)(A) of the Social Security Act (42 U.S.C. 677(a)(2)(A)) is amended by inserting ''(including children with respect to whom such payments are no longer being made because the child has accumulated assets, not to exceed $5,000, which are otherwise regarded as resources for purposes of determining eligibility for benefits under this part)'' before the comma.

SEC. 305. REAUTHORIZATION AND EXPANSION OF FAMILY PRESERVATION AND SUPPORT SERVICES.

(a) REAUTHORIZATION OF FAMILY PRESERVATION AND SUPPORT SERVICES.—

(1) IN GENERAL.—Section 430(b) of the Social Security Act (42 U.S.C. 629(b)) is amended—

(A) in paragraph (4), by striking ''or'' at the end;

(B) in paragraph (5), by striking the period and inserting a semicolon; and

(C) by adding at the end the following:

''(6) for fiscal year 1999, $275,000,000;

''(7) for fiscal year 2000, $295,000,000; and

''(8) for fiscal year 2001, $305,000,000.''.

(2) CONTINUATION OF RESERVATION OF CERTAIN AMOUNTS.—Paragraphs (1) and (2) of section 430(d) of the Social Security Act (42 U.S.C. 629(d)(1) and (2)) are each amended by striking ''and 1998'' and inserting ''1998, 1999, 2000, and 2001''.

(3) CONFORMING AMENDMENTS.—Section 13712 of the Omnibus Budget Reconciliation Act of 1993 (42 U.S.C. 670 note) is amended—

(A) in subsection (c), by striking ''1998'' each place it appears and inserting ''2001''; and

(B) in subsection (d)(2), by striking ''and 1998'' and inserting ''1998, 1999, 2000, and 2001''.

(b) EXPANSION FOR TIME-LIMITED FAMILY REUNIFICATION SERVICES AND ADOPTION PROMOTION AND SUPPORT SERVICES.—

(1) ADDITIONS TO STATE PLAN.—Section 432 of the Social Security Act (42 U.S.C. 629b) is amended—

(A) in subsection (a)—

(i) in paragraph (4), by striking ''and community-based family support services'' and inserting '', community-based family support services, time-limited family reunification services, and adoption promotion and support services,''; and

(ii) in paragraph (5)(A), by striking ''and community-based family support services'' and inserting '', community-based family support services, time-limited family reunification services, and adoption promotion and support services''; and

(B) in subsection (b)(1), by striking ''and family support'' and inserting '', family support, time-limited family reunification, and adoption promotion and support''.

(2) DEFINITIONS OF TIME-LIMITED FAMILY REUNIFICATION SERVICES AND ADOPTION PROMOTION AND SUPPORT SERVICES.—Section 431(a) of the Social Security Act (42 U.S.C. 629a(a)) is amended by adding at the end the following:

''(7) TIME-LIMITED FAMILY REUNIFICATION SERVICES.—

''(A) IN GENERAL.—The term 'time-limited family reunification services' means the services and activities described in subparagraph (B) that are provided to a child that is removed from the child's home and placed in a foster family home or a child care institution and to the parents or primary caregiver of such a child, in order to facilitate the reunification of the child safely and appropriately within a timely fashion, but only during the 15-month period that begins on the date that the child, pursuant to section 475(5)(F), is considered to have entered foster care.

''(B) SERVICES AND ACTIVITIES DESCRIBED.—The services and activities described in this subparagraph are the following:

''(i) Individual, group, and family counseling.

''(ii) Inpatient, residential, or outpatient substance abuse treatment services.

''(iii) Mental health services.

''(iv) Assistance to address domestic violence.

''(v) Services designed to provide temporary child care and therapeutic services for families, including crisis nurseries.

''(vi) Transportation to or from any of the services and activities described in this subparagraph.

''(8) ADOPTION PROMOTION AND SUPPORT SERVICES.—The term 'adoption promotion and support services' means services and activities designed to encourage more adoptions out of the foster care system, when adoptions promote the best interests of children, including such activities as pre-and post-adoptive services and activities designed to expedite the adoption process and support adoptive families.''.

(3) ADDITIONAL CONFORMING AMENDMENTS.—

(A) PURPOSES.—Section 430(a) of the Social Security Act (42 U.S.C. 629(a)) is amended by striking ''and community-based family support services'' and inserting '', community-based family support services, time-limited family reunification services, and adoption promotion and support services''.

(B) PROGRAM TITLE.—The heading of subpart 2 of part B of title IV of the Social Security Act (42 U.S.C. 629 et seq.) is amended to read as follows:

''Subpart 2—Promoting Safe and Stable Families''.

(c) EMPHASIZING THE SAFETY OF THE CHILD.—

(1) REQUIRING ASSURANCES THAT THE SAFETY OF CHILDREN SHALL BE OF PARAMOUNT CONCERN.—Section 432(a) of the Social Security Act (42 U.S.C. 629b(a)) is amended—

(A) by striking ''and'' at the end of paragraph (7);

(B) by striking the period at the end of paragraph (8); and

(C) by adding at the end the following:

''(9) contains assurances that in administering and conducting service programs under the plan, the safety of the children to be served shall be of paramount concern.''.

(2) DEFINITIONS OF FAMILY PRESERVATION AND FAMILY SUPPORT SERVICES.—Section 431(a) of the Social Security Act (42 U.S.C. 629a(a)) is amended—

(A) in paragraph (1)—

(i) in subparagraph (A), by inserting ''safe and'' before ''appropriate'' each place it appears; and

(ii) in subparagraph (B), by inserting ''safely'' after ''remain''; and

(B) in paragraph (2)—

(i) by inserting ''safety and'' before ''well-being''; and

(ii) by striking ''stable'' and inserting ''safe, stable,''.

(d) CLARIFICATION OF MAINTENANCE OF EFFORT REQUIREMENT.—

(1) DEFINITION OF NON-FEDERAL FUNDS.—Section 431(a) of the Social Security Act (42 U.S.C. 629a(a)), as amended by subsection (b)(2), is amended by adding at the end the following:

''(9) NON-FEDERAL FUNDS.—The term 'non-Federal funds' means State funds, or at the option of a State, State and local funds.''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) takes effect as if included in the enactment of section 13711 of the Omnibus Budget Reconciliation Act of 1993 (Public Law 103–33; 107 Stat. 649).

SEC. 306. HEALTH INSURANCE COVERAGE FOR CHILDREN WITH SPECIAL NEEDS.

Section 471(a) of the Social Security Act (42 U.S.C. 671(a)), as amended by section 106, is amended—

(1) in paragraph (19), by striking ''and'' at the end;

(2) in paragraph (20), by striking the period and inserting ''; and''; and

(3) by adding at the end the following:

''(21) provides for health insurance coverage (including, at State option, through the program under the State plan approved under title XIX) for any child who has been determined to be a child with special needs, for whom there is in effect an adoption assistance agreement (other than an agreement under this part) between the State and an adoptive parent or parents, and who the State has determined cannot be placed with an adoptive parent or parents without medical assistance because such child has special needs for medical, mental health, or rehabilitative care, and that with respect to the provision of such health insurance coverage—

''(A) such coverage may be provided through 1 or more State medical assistance programs;

''(B) the State, in providing such coverage, shall ensure that the medical benefits, including mental health benefits, provided are of the same type and kind as those that would be provided for children by the State under title XIX;

''(C) in the event that the State provides such coverage through a State medical assistance program other than the program under title XIX, and the State exceeds its funding for services under such other program, any such child shall be deemed to be receiving aid or assistance under the State plan under this part for purposes of section 1902(a)(10)(A)(i)(I); and

''(D) in determining cost-sharing requirements, the State shall take into consideration the circumstances of the adopting parent or parents and the needs of the child being adopted consistent, to the extent coverage is provided through a State medical assistance program, with the rules under such program.''.

SEC. 307. CONTINUATION OF ELIGIBILITY FOR ADOPTION ASSISTANCE PAYMENTS ON BEHALF OF CHILDREN WITH SPECIAL NEEDS WHOSE INITIAL ADOPTION HAS BEEN DISSOLVED.

(a) CONTINUATION OF ELIGIBILITY.—Section 473(a)(2) of the Social Security Act (42 U.S.C. 673(a)(2)) is amended by adding at the end the following: ''Any child who meets the requirements of subparagraph (C), who was determined eligible for adoption assistance payments under this part with respect to a prior adoption, who is available for adoption because the prior adoption has been dissolved and the parental rights of the adoptive parents have been terminated or because the child's adoptive parents have died, and who fails to meet the requirements of subparagraphs (A) and (B) but would meet such requirements if the child were treated as if the child were in the same financial and other circumstances the child was in the last time the child was determined eligible for adoption assistance payments under this part and the prior adoption were treated as never having occurred, shall be treated as meeting the requirements of this paragraph for purposes of paragraph (1)(B)(ii).''.

(b) APPLICABILITY.—The amendment made by subsection (a) shall only apply to children who are adopted on or after October 1, 1997.

SEC. 308. STATE STANDARDS TO ENSURE QUALITY SERVICES FOR CHILDREN IN FOSTER CARE.

Section 471(a) of the Social Security Act (42 U.S.C. 671(a)), as amended by sections 106 and 306, is amended—

(1) in paragraph (20), by striking ''and'' at the end;

(2) in paragraph (21), by striking the period and inserting ''; and''; and

(3) by adding at the end the following:

''(22) provides that, not later than January 1, 1999, the State shall develop and implement standards to ensure that children in foster care placements in public or private agencies are provided quality services that protect the safety and health of the children.''.

TITLE IV—MISCELLANEOUS

SEC. 401. PRESERVATION OF REASONABLE PARENTING.

Nothing in this Act is intended to disrupt the family unnecessarily or to intrude inappropriately into family life, to prohibit the use of reasonable methods of parental discipline, or to prescribe a particular method of parenting.

SEC. 402. REPORTING REQUIREMENTS.

Any information required to be reported under this Act shall be supplied to the Secretary of Health and Human Services through data meeting the requirements of the Adoption and Foster Care Analysis and Reporting System established pursuant to section 479 of the Social Security Act (42 U.S.C. 679), to the extent such data is available under that system. The Secretary shall make such modifications to regulations issued under section 479 of such Act with respect to the Adoption and Foster Care Analysis and Reporting System as may be necessary to allow States to obtain data that meets the requirements of such system in order to satisfy the reporting requirements of this Act.

SEC. 403. SENSE OF CONGRESS REGARDING STANDBY GUARDIANSHIP.

It is the sense of Congress that the States should have in effect laws and procedures that permit any parent who is chronically ill or near death, without surrendering parental rights, to designate a standby guardian for the parent's minor children, whose authority would take effect upon—

(1) the death of the parent;
(2) the mental incapacity of the parent; or
(3) the physical debilitation and consent of the parent.

SEC. 404. TEMPORARY ADJUSTMENT OF CONTINGENCY FUND FOR STATE WELFARE PROGRAMS.

(a) REDUCTION OF APPROPRIATION.—Section 403(b)(2) of the Social Security Act (42 U.S.C. 603(b)(2)) is amended by inserting ‘‘, reduced by the sum of the dollar amounts specified in paragraph (6)(C)(ii)’’ before the period.

(b) INCREASE IN STATE REMITTANCES.— Section 403(b)(6) of such Act (42 U.S.C. 603(b)(6)) is amended by adding at the end the following:

‘‘(C) ADJUSTMENT OF STATE REMITTANCES.—

‘‘(i) IN GENERAL.—The amount otherwise required by subparagraph (A) to be remitted by a State for a fiscal year shall be increased by the lesser of—

‘‘(I) the total adjustment for the fiscal year, multiplied by the adjustment percentage for the State for the fiscal year; or

‘‘(II) the unadjusted net payment to the State for the fiscal year.

‘‘(ii) TOTAL ADJUSTMENT.—As used in clause (i), the term ‘total adjustment’ means—

‘‘(I) in the case of fiscal year 1998, $2,000,000;

‘‘(II) in the case of fiscal year 1999, $9,000,000;

‘‘(III) in the case of fiscal year 2000, $16,000,000; and

‘‘(IV) in the case of fiscal year 2001, $13,000,000.

‘‘(iii) ADJUSTMENT PERCENTAGE.—As used in clause (i), the term ‘adjustment percentage’ means, with respect to a State and a fiscal year—

‘‘(I) the unadjusted net payment to the State for the fiscal year; divided by

‘‘(II) the sum of the unadjusted net payments to all States for the fiscal year.

‘‘(iv) UNADJUSTED NET PAYMENT.—As used in this subparagraph, the term, ‘unadjusted net payment’ means with respect to a State and a fiscal year—

‘‘(I) the total amount paid to the State under paragraph (3) in the fiscal year; minus

‘‘(II) the amount that, in the absence of this subparagraph, would be required by subparagraph (A) or by section 409(a)(10) to be remitted by the State in respect of the payment.’’.

(c) RECOMMENDATIONS FOR IMPROVING THE OPERATION OF THE CONTINGENCY FUND.—Not later than March 1, 1998, the Secretary of Health and Human Services shall make recommendations to the Congress for improving the operation of the Contingency Fund for State Welfare Programs.

SEC. 405. COORDINATION OF SUBSTANCE ABUSE AND CHILD PROTECTION SERVICES.

Within 1 year after the date of the enactment of this Act, the Secretary of Health and Human Services, based on information from the Substance Abuse and Mental Health Services Administration and the Administration for Children and Families in the Department of Health of Human Services, shall prepare and submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a report which describes the extent and scope of the problem of substance abuse in the child welfare population, the types of services provided to such population, and the outcomes resulting from the provision of such services to such population. The report shall include recommendations for any legislation that may be needed to improve coordination in providing such services to such population.

SEC. 406. PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.

(a) IN GENERAL.—It is the sense of the Congress that, to the greatest extent practicable, all equipment and products purchased with funds made available under this Act should be American-made.

(b) NOTICE REQUIREMENT.—In providing financial assistance to, or entering into any contract with, any entity using funds made available under this Act, the head of each Federal agency, to the greatest extent practicable, shall provide to such entity a notice describing the statement made in subsection (a) by the Congress.

TITLE V—EFFECTIVE DATE

SEC. 501. EFFECTIVE DATE.

(a) IN GENERAL.—Except as otherwise provided in this Act, the amendments made by this Act take effect on the date of enactment of this Act.

(b) DELAY PERMITTED IF STATE LEGISLATION REQUIRED.—In the case of a State plan under part B or E of title IV of the Social Security Act which the Secretary of Health and Human Services determines requires State legislation (other than legislation appropriating funds) in order for the plan to meet the additional requirements imposed by the amendments made by this Act, the State plan shall not be regarded as failing to comply with the requirements of such part solely on the basis of the failure of the plan to meet such additional requirements before the first day of the first calendar quarter beginning after the close of the first regular session of the State legislature that begins after the date of enactment of this Act. For purposes of the previous sentence, in the case of a State that has a 2-year legislative session, each year of such session shall be deemed to be a separate regular session of the State legislature.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida [Mr. SHAW] and the gentlewoman from Connecticut [Mrs. KENNELLY] each will control 20 minutes.

The Chair recognizes the gentleman from Florida [Mr. SHAW].

GENERAL LEAVE

Mr. SHAW. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the resolution now under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. SHAW. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the resolution we are now considering is needed to resolve the differences between the House on bill H.R. 867, the Adoption and Safe Families Act of 1997. This legislation passed this House last April by a vote of 416 to 5. It was approved last week by the other body by unanimous consent.

The resolution before us provides for a House amendment to the Senate-passed amendment, with an agreed-upon compromise of the differences remaining between the two houses. We are doing this with the expectation that the Senate will agree quickly to this compromise and send the bill to the President for his anticipated signature.

I have seldom been so proud as I am today to have been involved in this most historic legislation. Let me briefly tell my colleagues why.

In 1980, the Congress enacted legislation that provided badly needed money to help the States protect abused and neglected children. Designed primarily by Democrats, the legislation was a great achievement in its time. However, we can now see that some of the technical provisions of the 1980 legislation have caused too many children to remain too long in foster care. In our highly justified efforts to help unfortunate parents and their children, we have inadvertently created a system that keeps children in the limbo of foster care, and in all too many cases, in harm’s way.

This wonderful bill corrects that problem. It does so by use of three tried and true methods. First, it establishes time lines to which States must conform in getting children into permanent placement. We are talking about permanent adoptive, loving homes. The effort of these time lines is to force States to make quicker decisions about when the child should be returned to the biological parents or made available for adoption.

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Second, the bill gives the States much more flexibility in identifying cases in which no attempt to help the biological family should be made. These include cases in which a parent has murdered another child or has lost custody of another child, plus other aggravated circumstances of this type which would be identified by the States.

Third, we give States a cash incentive for increasing the number of adoptions of children in foster care. Specifically, we pay the States up to $6,000 per adoption for increasing the number of children who are adopted out of foster care.

The bill does other fine things, but this is its great achievement. That great achievement is moving children toward adoption with dispatch. As a result, we can expect adoptions to increase by many thousands of cases in the next 5 years. Think of that, thousands of additional children removed from the uncertainty of foster care and placed in warm, loving, and permanent families.

For this great achievement, two Members of the House deserve special recognition. The gentleman from Michigan, Mr. DAVE CAMP, a member of the Committee on Ways and Means, has worked for more than a year now to guide this bill to final passage. As a matter of fact, he brought a great deal of expertise from his own experience as a lawyer in this area. His tireless work on this legislation and especially his persistence in working with the U.S. Senate, which sometimes is not an easy task, has enabled us to achieve a bill that is assured of passage in both the House and Senate.

And the gentlewoman from Connecticut, Mrs. BARBARA KENNELLY, has worked closely with the gentleman from Michigan on this bill and has succeeded in representing the interests of

the Democrats in a wide variety and array of advocacy groups.

I have always respected the legislative skills of the gentlewoman from Connecticut, [Mrs. KENNELLY], but sometimes working on different sides of important issues. Thus, it has been a special pleasure for me to work on the same side of an issue with her and to profit from, rather than sometimes and occasionally being the victim of, her great legislative skills.

Because of the demands of the legislative schedule, the House and Senate were not able to conduct a formal conference on this legislation. Even so, we have worked closely with the Senate at both the Member and the staff levels to achieve a bill that both Houses could accept. But because there is no conference, there is no conference report to establish and to clarify the legislative history of this important legislation.

For this reason, Mr. Speaker, I include for the RECORD an abbreviated version of the legislative history of this bill.

The material referred to is as follows:

LEGISLATIVE HISTORY OF HOUSE AMENDMENT TO ADOPTION AND SAFE FAMILIES ACT OF 1997—NOVEMBER 13, 1997

Title I. ''Reasonable Efforts'' and Child Safety Provisions

1. ''REASONABLE EFFORTS'' TO PRESERVE AND REUNIFY FAMILIES

House bill

As a component of their state Title IV–E plan, states would continue to be required to make reasonable efforts to preserve and reunify families; however, this requirement would not apply in cases in which a court has found that: a child has been subjected to ''aggravated circumstances'' as defined in state law (which may include abandonment, torture, chronic abuse, and sexual abuse); a parent has assaulted the child or another of their children or has killed another of their children (as defined in the Child Abuse Prevention and Treatment Act); or a parent's rights to a sibling have been involuntarily terminated. States would not be required to make reasonable efforts on behalf of any parent who has been involved in subjecting children to these circumstances.

Reasonable efforts to preserve or reunify families could be made concurrently with efforts to place the child for adoption, with a legal guardian, or in another planned permanent arrangement (see item 3). (Section 2 of the House bill)

Senate amendment

As a component of their state Title IV–E plan, states would be required to make reasonable efforts to preserve families when the child can be cared for at home without endangering the child's health or safety or to make it possible for the child to safely return home. Such reasonable efforts would not be required on behalf of any parent: if a court has determined that the parent has killed or assaulted another of their children; or if a court has determined that returning the child home would pose a serious risk to the child's health or safety (including but not limited to cases of abandonment, torture, chronic physical abuse, sexual abuse, or a previous involuntary termination of parental rights to a sibling); or if the state has specified in legislation cases in which reasonable efforts would not be required because of serious circumstances that endanger a child's health or safety. Reasonable efforts to place a child for adoption or with a legal guardian or custodian could be made concurrently with reasonable efforts to preserve or reunify families (see item 3).

Nothing in Title IV–E, as amended by this Act, would be construed as precluding state courts from exercising their discretion to protect the health and safety of children in individual cases when such cases do not include aggravated circumstances as defined by state law. (Section 101 of the Senate amendment)

House amendment

The House Amendment follows the House bill with minor differences in wording, except the agreement: clarifies that the state law definition of ''aggravated circumstances'' may include, but need not be limited to, abandonment, torture, chronic abuse, and sexual abuse; adds a rule of construction specifying that nothing in this legislation would be construed as precluding state courts from exercising their discretion to protect the health and safety of children in individual cases, including cases other than those described in this provision; and establishes new definitions, under Title IV–E, of the terms ''legal guardianship'' and ''legal guardian.'' (Section 101 of the House Amendment)

2. CONSIDERATION OF CHILD HEALTH AND SAFETY

House bill

In determining and making reasonable efforts on behalf of a child, the child's health and safety must be of paramount concern. (Section 2)

Senate amendment

Same as House bill. (Section 101) In addition, the Senate amendment amends current law to include references to child safety in provisions dealing with child welfare services, case plans, and case review procedures. (Section 102)

House amendment

The House Amendment follows the Senate amendment.

3. ''REASONABLE EFFORTS'' TO PLACE CHILDREN FOR ADOPTION OR OTHER PERMANENT ARRANGEMENT

House bill

If reasonable efforts to preserve or reunify a family are not made because of the reasons cited in item 1 or are no longer consistent with the child's permanency plan, then states would be required to make reasonable efforts to place the child for adoption, with a legal guardian, or (if adoption or guardianship were not appropriate) in another planned, permanent arrangement. Reasonable efforts to preserve or reunify families could be made concurrently with efforts to place the child for adoption, guardianship, or in another planned, permanent arrangement. (Section 2)

Senate amendment

If reasonable efforts to preserve or reunify a family are not made because of the reasons cited in item 1 (as determined by a court), then a permanency planning hearing must be held for the child within 30 days of the court determination. In such cases, states are required to place the child in a timely manner in accordance with the permanency plan and to complete whatever steps are necessary to finalize the placement. Reasonable efforts to place a child for adoption or with a legal custodian could be made concurrently with reasonable efforts to preserve or reunify the family. (Section 101)

House amendment

The House Amendment follows the Senate amendment with minor differences in wording. (Section 101)

4. DOCUMENTATION OF EFFORTS TO ADOPT

House bill

For every child whose permanency plan is adoption or another permanent placement, states would be required to document the steps taken to find an adoptive family or permanent home; to place the child with the adoptive family, legal guardian, or other permanent home (including the custody of a fit and willing relative); and to finalize the adoption or guardianship. The documentation must cover child-specific recruitment efforts such as use of adoption information exchanges, including electronic exchange systems. (Section 7)

Senate amendment

Same as House bill, with minor differences in wording. (Section 108)

House amendment

The House Amendment follows the House bill and Senate amendment. (Section 107)

5. TERMINATION OF PARENTAL RIGHTS

House Bill

In the case of a child who is younger than 10 and has been in foster care for 18 of the most recent 24 months, states would be required to initiate a petition (or join any existing petition) to terminate parental rights, unless: at the option of the state, the child is being cared for by a relative; a state court or agency has documented a compelling reason for determining that such a petition would not be in the best interests of the child; or the state has not provided the family with services deemed appropriate by the state (in cases in which reasonable efforts to preserve or reunify the family have been required).

This provision would apply only to children who enter foster care on or after October 1, 1997. (Section 3)

Senate amendment

In the case of a child who has been in foster care for 12 of the most recent 18 months, an infant who is determined by the court to have been abandoned (as defined under state law), or a court determination that a parent of a child has assaulted the child or killed or assaulted another of their children, states would be required to initiate a petition (or join any existing petition) to terminate parental rights, and concurrently, to identify, recruit, process, and approve a qualified adoptive family, unless: at the option of the state, the child is being cared for by a relative; a state agency has documented to the state court a compelling reason for determining that such a petition would not be in the best interests of the child; or the state has not provided the family of the child with services deemed necessary by the state for the child's safe return home. (Section 104(a))

A child would be considered as having entered foster care on the earlier of the date of the first judicial hearing after the child's removal from home or 30 days after the child's removal from home. (Section 104(b))

Nothing in Title IV–E, as amended by this legislation, would preclude state courts or agencies from initiating termination of parental rights for other reasons, or according to earlier timetables than those specified, if such actions are determined to be in the child's best interests. These special cases include those in which the child has experienced multiple foster care placements. (Section 104(c))

For children in foster care on or before the date of enactment, this provision would apply as though the children first entered care on the date of enactment. The effective date of this bill, providing time for state legislatures to enact necessary legislation, would apply to this provision (see item 28). (Section 104(d))

House amendment

The House Amendment follows the House bill and Senate amendment with modifications. With regard to cases taken into state custody after the date of enactment of this legislation, states are required to initiate a petition (or join any existing petition) to terminate parental rights, and concurrently, to identify, recruit, process, and approve a qualified adoptive family for groups of children: those who have been in foster care for 15 of the most recent 22 months; those who the court has determined to be abandoned infants (as defined in state law); or those for whom there has been a court determination that their parent has assaulted the child or killed or assaulted another of their children.

There are three exceptions to the requirement for terminating parental rights in these cases: at the option of the state, if the child is being cared for by a relative; if a state agency has documented in the case plan, which must be available for court review, a compelling reason for determining that filing such a petition would not be in the best interests of the child; or if the state has not provided to the family of the child, consistent with the time period in the case plan, such services as the state deems necessary for the safe return of the child (in cases in which reasonable efforts to reunify the family have been required). (Section 103(a))

For purposes of applying the 15 of 22 month rule to new cases, the clock begins on the date of the first judicial finding that the child has been subjected to child abuse or neglect or 60 days after the childs removal from home. (Section 103(b))

With regard to children who enter foster care after the date of enactment, states would be required to comply with this provision when any such child has been in care for 15 of the most recent 22 months, but no later than 3 months after the end of the first regular session of the state's legislature that begins after the date of enactment. With regard to children who are in foster care on the date of enactment, states would be required to apply the 15 of 22 months rule to one-third of the caseload no later than 6 months after the end of the first legislative session, and would give priority to children with permanency plans of adoption and children who have been in foster care for the greatest length of time. States then would be required to apply the 15 of 22 months rule to two-thirds of the caseload no later than 12 months after the end of the first legislative session. Finally, states must apply the 15 of 22 months rule to all children who are in foster care on the date of enactment within 18 months after the end of the first legislative session that begins after the date of enactment. (Section 103(c))

Nothing in Title IV–E, as amended by this legislation, can be construed as precluding state courts or state agencies from initiating the termination of parental rights for other reasons, or according to earlier timetables, than those specified, when determined to be in the child's best interests. These exceptions include cases in which the child has experienced multiple foster care placements. (Section 103(d))

6. CHILD DEATH REVIEW TEAMS

House bill

No provision.

Senate amendment

To be eligible for payments under Title IV–E, no later than 2 years after enactment states must certify that they have established and are maintaining a state child death review team (and, if necessary, regional and local teams) to investigate child deaths. Such deaths include those in which there has been a prior report of abuse or neglect or there is reason to suspect that the death was related to abuse or neglect, or the child was a ward of the state or otherwise known to the child welfare agency. State, regional, or local teams may be existing citizen review panels, as authorized under CAPTA, or existing foster care review boards.

In addition, HHS would be required to establish a federal child death review team, with representatives from other federal agencies, to investigate deaths on federal lands, provide guidance and technical assistance to states and localities upon request, and make recommendations to prevent child deaths. (Section 103)

House amendment

The House Amendment follows the House bill.

7. CRIMINAL RECORD CHECKS

House bill

At state option, states could provide, as a component of their Title IV–E plan, procedures for criminal records checks and checks of a state's child abuse registry for any prospective foster parents or adoptive parents, and employees of child care institutions, before the parents or institutions are finally approved for a placement of a child eligible for federal subsidies under Title IV–E.

In any case of a criminal conviction of child abuse or neglect, spousal abuse, crimes against children, or crimes involving violence (including rape, sexual or other assault, or homicide), approval could not be granted. In any case of a criminal conviction for a felony or misdemeanor not involving violence, or the existence of a substantiated report of abuse or neglect, final approval could be granted only after consideration of the nature of the offense, the length of time since it occurred, the individual's life experiences since the offense occurred, and any risk to the child. (Section 17)

Senate amendment

States would be required to provide, as a component of their Title IV–E plan, procedures for federal and state criminal records checks for any prospective foster or adoptive parents and other adults living in their home. Background checks also would be required for employees of residential child care institutions. Parents and institutions must have background checks before being approved for placement of a child eligible for federal subsidies under Title IV–E.

In any case of a criminal conviction of child abuse or neglect, spousal abuse, crimes against children (including child pornography), or crimes involving violence (including rape, sexual or other physical assault, battery, or homicide), approval could not be granted. In addition, if a state finds that a court of competent jurisdiction has determined that a drug-related offense has occurred within the past 5 years, approval could not be granted. (Section 107(a))

This provision would not be construed to supercede any provision of state law regarding criminal records checks and other background checks for prospective foster and adoptive parents and employees of residential child care institutions, unless such provisions prevent the application of the requirements in this amendment. (Section 107(b))

House amendment

The House Amendment follows the Senate amendment with modifications. States would be required to provide, as a component of their Title IV–E plan, procedures for criminal records checks for any prospective foster or adoptive parents, before the parents are finally approved for placement of a child eligible for federal subsidies under Title IV–E. In any case of a felony conviction for child abuse or neglect, spousal abuse, crimes against children (including child pornography), or crimes involving violence (including rape, sexual assault, or homicide), approval could not be granted. In any case of a felony conviction for physical assault, battery, or a drug-related offense, approval could not be granted if the felony was committed within the past 5 years. States could opt out of this provision through a written notification from the Governor to the Secretary, or through state law enacted by the legislature.

8. QUALITY STANDARDS FOR OUT-OF-HOME CARE

House bill

No provision.

Senate amendment

As a component of their state Title IV–E plan, states would be required to develop and implement standards to ensure that children in foster care placements in public or private agencies receive quality services that protect the safety and health of children. The standards must be developed by January 1, 1999. (Section 308)

House amendment

The House Amendment follows the Senate amendment. (Section 308)

Title II. Adoption Promotion Provisions

9. ADOPTION INCENTIVE PAYMENTS

House bill

The Secretary of Health and Human Services (HHS) would be required to make adoption incentive payments to eligible states for any adoptions of foster children in a given fiscal year that exceed the number of such adoptions in a base year. Adoption incentive payments would equal $4,000 for each adoption of a foster child above the number in the base year, plus an additional $2,000 for each adoption of a foster child with special needs above the number in the base year (for a total of $6,000 for each special needs adoption). For these incentive payments, $15 million would be authorized for each of fiscal years 1999 through 2003. The base year is the previous year with the highest number of adoptions. Relevant budget acts would be amended to require adjustments in discretionary spending limits. (Section 4)

Senate amendment

The Senate amendment is similar to the House bill, except: the Secretary would be authorized, rather than required, to make adoption incentive payments; to be eligible to receive incentive payments, states would be required to provide health insurance coverage to any special needs child for whom there is an adoption assistance agreement between a state and the child's adoptive parents; adoption incentive payments would equal $3,000 for each adoption of a foster child above the base number, and an additional $3,000 for each adoption of a foster child with special needs (total of $6,000 for each special needs adoption); and the base number of adoptions for determining adoption incentive payments would be the average number of adoptions for the 3 most recent fiscal years. (Section 201)

Information required by this legislation would be supplied through the Adoption and Foster Care Analysis and Reporting System (AFCARS), to the extent available (see item 26).

House amendment

The House Amendment follows the House bill and the Senate amendment. The Secretary of HHS would be required to make adoption incentive payments to eligible states. An eligible state is one in which adoptions of foster children in FY 1998 exceed the average number during FY 1995–FY

1997 or, in FY 1999 and subsequent years, in which adoptions of foster children are higher than in any previous fiscal year after FY 1996. To be eligible to receive adoption incentive payments for FY 2001 or FY 2002, states would be required to provide health insurance coverage to any special needs child for whom there is an adoption assistance agreement between a state and the child's adoptive parents. Adoption incentive payments would equal $4,000 for each adoption of a foster child above the base number, and an additional $2,000 for each adoption of a foster child with special needs (for a total of $6,000 for each special needs adoption). For these incentive payments, $20 million would be authorized to be appropriated for each of FYs 1999 through 2003, and discretionary budget caps would be adjusted to accommodate this additional spending. (Section 201)

10. TECHNICAL ASSISTANCE TO PROMOTE ADOPTION

House bill

HHS would be authorized to provide technical assistance to states and localities to promote adoption for foster children, including: guidelines for expediting termination of parental rights; encouraged use of concurrent planning; specialized units and expertise in moving children toward adoption; risk assessment tools for early identification of children who would be at risk of harm if returned home; encouraged use of fast tracking for children under age 1 into pre-adoptive placements; and programs to place children into pre-adoptive placements prior to termination of parental rights

For technical assistance, $10 million would be authorized for each of fiscal years 1998–2000. (Section 12)

Senate amendment

HHS would be required to provide technical assistance, upon request, to help states and localities reach their targets for increased numbers of adoptions. No authorization of appropriations would be included. (Section 201)

House amendment

The House Amendment follows the House bill, except HHS would be required to use half of funds appropriated for technical assistance to the courts. (Section 201)

11. ELIGIBILITY FOR ADOPTION ASSISTANCE IN CASES OF DISSOLVED ADOPTIONS

House bill

No provision.

Senate amendment

Children with special needs who had previously been eligible for federally subsidized adoption assistance under Title IV–E, and who again become available for adoption because of the dissolution of their adoption or death of their adoptive parents, would continue to be eligible for federally subsidized adoption assistance under Title IV–E in a subsequent adoption. (Section 307(a)) This provision would only apply to children who become available for adoption due to the dissolution of their previous adoption or the death of their adoptive parents, and whose subsequent adoption occurs on or after October 1, 1997. (Section 307(b))

House amendment

The House Amendment follows the Senate bill with minor differences in wording. (Section 307)

12. HEALTH CARE COVERAGE FOR SPECIAL NEEDS ADOPTED CHILDREN

House bill

No provision.

Senate amendment

As a component of their state Title IV–E plans, states would be required to provide health insurance coverage for any child determined to be a child with special needs, for whom there is an adoption assistance agreement between the state and the adoptive parents, and who the state has determined could not be placed for adoption without medical assistance because the child has special needs for medical or rehabilitative care. In addition: such health insurance coverage could be provided through one or more state medical assistance program; the state would ensure that medical benefits, including mental health benefits, would be of the same type and kind as those provided for children by the state under Medicaid; if the state provides such health insurance coverage through a program other than Medicaid, and the state exceeds its funding for services under such program, then any such child would be deemed to be Title IV–E-eligible for purposes of Medicaid; and in determining cost-sharing requirements, the state would be required to take into consideration the circumstances of the adoptive parents and the needs of the child. (Section 306)

House amendment

The House Amendment generally follows the Senate amendment. The agreement makes clear that the state may choose to comply with this provision by covering the child under Medicaid. (Section 306)

13. INTERJURISDICTIONAL ADOPTION

House bill

No provision.

Senate amendment

As a component of their state Title IV–E plan, states would be required to provide that neither the state nor any other entity in the state that receives federal funds and is involved in adoption would delay or deny the adoptive placement of a child on the basis of the geographic residence of the adoptive parent or child. (Section 202(a))

In addition, the Secretary of HHS would be required to appoint an advisory panel to study interjurisdictional adoption issues. The panel would submit a report to the Secretary within 12 months of appointment, including recommendations for improvements in interjurisdictional adoptions. The Secretary would forward the report to Congress and, if appropriate, make recommendations for legislation. (Section 202(b))

House amendment

The House Amendment generally follows the Senate amendment. As a component of their Title IV–E state plan, states would be required to assure that the state would develop plans for the effective use of cross-jurisdictional resources to facilitate timely permanent placements for waiting children. In addition, states would not be eligible for any Title IV–E payment if the Secretary found that, after the date of enactment, a state had denied or delayed the placement of a child when an approved family was available outside the jurisdiction with responsibility for handling the case of the child, or denied to grant an opportunity for a fair hearing to an individual whose allegation of a violation of this provision was denied by the state or not acted upon with reasonable promptness. (Sections 202(a) and (b)) It is the intention of Congress that the best interests of children remain the critical consideration in adoptive placement decisions. Congress does not intend to interfere with the ability of the Interstate Compact on the Placement of Children to ensure safe and appropriate adoptive placements.

The General Accounting Office (rather than HHS through an advisory panel) would be required to study and report to Congress on interjurisdictional adoption issues. (Section 202(b))

Title III. System Accountability and Improvement Provisions

14. PERMANENCY HEARINGS

House bill

States would be required to hold a first dispositional hearing within 12 months of a childs placement, instead of the current 18, and the name of the proceeding would be changed to ''permanency'' hearing. The hearing's purpose would be to determine the childs permanency plan, which could include: returning home; referral for adoption and termination of parental rights; guardianship; or another planned, permanent arrangement, which could include the custody of a fit and willing relative. (Section 5)

Senate amendment

States would be required to hold a first dispositional hearing within 12 months of the date the child is considered to have entered foster care, defined as the earlier of the date of the first judicial hearing after the childs removal or 30 days after the removal. The hearing would be renamed ''permanency planning'' hearing, and its purpose would be to determine the childs permanency plan, which could include: returning home; being placed for adoption and the state would file a petition to terminate parental rights; being referred for legal guardianship; or in cases in which the state agency has documented to the state court a compelling reason why it would not be in the child's best interest to return home, being referred for termination of parental rights, being placed for adoption with a qualified relative or a legal guardian, or being placed in another planned, permanent living arrangement. (Section 302)

House amendment

The House Amendment follows the Senate amendment, except the name of the proceeding is changed to a ''permanency'' hearing rather than a ''permanency planning'' hearing. (Section 302)

15. PARTICIPATION IN CASE REVIEWS AND HEARINGS

House bill

Foster parents and relatives providing care for a child would be given notice and an opportunity to be heard at any review or hearing held with regard to the child. This provision, however, must not be construed to make any foster parent a party to such a review or hearing. (Section 6)

Senate amendment

Same as the House bill, except the Senate amendment: would also apply to any preadoptive parent or any other individual who has provided substitute care for the child; and would make explicit that relative caretakers, pre-adoptive parents, and other individuals who have cared for the child, in addition to foster parents, would not be considered parties to reviews or hearings solely on the basis of receiving notice. (Section 105)

House amendment

The House Amendment follows the House bill and Senate amendment, with minor modifications. Foster parents and preadoptive parents or relatives providing care for a child would be given notice and an opportunity to be heard at any review or hearing held with regard to the child. This provision must not be construed to make any foster parent, preadoptive parent or relative a party to such a review or hearing solely on the basis of receiving notice. (Section 104)

16. PERFORMANCE MEASURES FOR STATE CHILD WELFARE PROGRAMS

House bill

The Secretary of HHS, in conjunction with the American Public Welfare Association,

the National Governors' Association, and child advocates, would be required to develop outcome measures to assess state child welfare programs and to rate state performance according to these measures. HHS would submit an annual report to Congress on state performance; the report would contain recommendations for improving state performance. The first report would be due on May 1, 1999. Outcome measures would include length of stay in foster care, number of foster care placements, and number of adoptions. To the maximum extent possible, the report would be developed from data available from the Adoption and Foster Care Analysis and Reporting System (AFCARS). (Section 10)

Senate amendment

The Secretary of HHS would be required to issue an annual report containing ratings of state performance in protecting children. The first report would be due on May 1, 1999. In developing the performance measures, the Secretary would be required to consult with the American Public Welfare Association, the National Governors Association, the National Conference of State Legislatures, and child welfare advocates. The measures would track state performance over time in the following categories: number of placements for adoption and for foster care, and whether such placements were with a relative or a guardian; number of children who ''age out'' of foster care without having been adopted or placed with a guardian; length of stay in foster care; length of time between a child's availability for adoption and actual adoption; number of deaths and substantiated cases of child abuse or neglect in foster care; and specific steps taken by the state to facilitate permanence for children. (Section 203(a))

In addition, the Secretary of HHS, in consultation with state and local public child welfare officials and child welfare advocates, would be required to develop and recommend to Congress a performance-based incentive funding system for payments under Titles IV–B and IV–E. The report would be due no later than 6 months after enactment. (Section 203(b)) Information required by this legislation would be supplied through the Adoption and Foster Care Analysis and Reporting System (AFCARS) to the extent the information is available through AFCARS (see item 26).

House amendment

The House Amendment follows the House bill and the Senate amendment, with modifications. The Secretary of HHS, in conjunction with Governors, state legislatures, state and local public officials responsible for administering child welfare programs, and child advocates, would be required to develop outcome measures to assess state child welfare programs and to rate state performance according to these measures. HHS would submit an annual report to Congress on state performance, with recommendations for improving state performance; the first report would be due on May 1, 1999. Outcome measures would include length of stay in foster care, number of foster care placements, and number of adoptions, and, to the maximum extent possible, would be developed from data available from the Adoption and Foster Care Analysis and Reporting System (AFCARS). (Section 203(a))

In addition, the Secretary of HHS, in consultation with state and local public child welfare officials and child welfare advocates, would be required to develop and recommend to Congress a performance-based incentive funding system for payments under Titles IV–B and IV–E. No later than 6 months after enactment, the Secretary would submit a progress report on the feasibility, timetable, and consultation process for conducting a study, with a final report due within 15 months of enactment. The report may include other recommendations for restructuring the program and for making payments to states under Titles IV–B and IV–E. (Section 203(b))

17. CHILD WELFARE DEMONSTRATIONS

House bill

The number of child welfare demonstrations would be increased from 10 to 15. At least one of the additional demonstrations would have to address the issue of kinship care. (Section 11)

Senate amendment

The current law limitation on the number of demonstrations that HHS could approve would be eliminated. Demonstrations would have to be designed to achieve one or more of the following goals: reducing a backlog of children in long-term foster care or awaiting adoptive placement; ensuring an adoptive placement for a child no later than 1 year after the child enters foster care; identifying and addressing barriers that result in delays to adoptive placements for children in foster care; identifying and addressing parental substance abuse problems that endanger children and result in foster care placement, including placement of children and parents together in residential treatment facilities that are specifically designed to serve parents and children together to promote family reunification; overcoming barriers to the adoption of children with special needs resulting from a lack of health insurance coverage for such children; and any other goal that the Secretary has already approved on the date of enactment, or, after the date of enactment, specifies by regulation.

In considering applications for waivers from states in which there has been a court order determining a state's failure to comply with provisions of Titles IV–B or IV–E or the Constitution, the Secretary would be required to consider the effect of the waiver on the terms and conditions of the court order. (Section 301(a)) This provision would not be construed to affect the terms and conditions of any demonstrations that had been approved as of the date of enactment. (Section 301(b))

House amendment

The House Amendment follows the House bill and the Senate amendment, with modifications. The Secretary would be authorized to conduct demonstrations that the Secretary finds are likely to promote the objectives of Title IV–B or IV–E. The Secretary would be authorized to approve no more than 10 such demonstrations in each of FYs 1998 through 2002. If appropriate applications were submitted, the Secretary would be required to consider applications designed to identify and address barriers that result in delays to adoptive placements for foster children; identify and address parental substance abuse problems that endanger children and result in their placement in foster care, including through placement of children and parents together in residential treatment facilities that are specifically designed to serve parents and children together to promote family reunification; and to address kinship care. In addition, waivers could be approved only for those states which provide health insurance coverage to any child with special needs for whom there is in effect an adoption assistance agreement between a state and an adoptive parent or parents. The Secretary may waive the current law requirement that demonstrations end after 5 years. In approving demonstrations, the Secretary shall consider the effect of the demonstration on any court orders in the state for violations of federal requirements under Titles IV–B or IV–E or the U.S. Constitution. (Section 301)

Title IV. Additional Provisions

18. REAUTHORIZATION AND EXPANSION OF THE FAMILY PRESERVATION PROGRAM

House bill

No provision.

Senate amendment

The family preservation and family support program under Title IV–B, Subpart 2, would be reauthorized through FY2001, at the following levels: $275 million in FY1999; $295 million in FY2000; and $305 million in FY2001. As under current law, these are capped entitlement funding levels. Existing allocation formula provisions, including a 1 percent reserve for Indian tribes, would remain intact. Set-asides for court improvement grants and for evaluation and research would also be reauthorized. (Section 305(a))

States would be required to devote significant portions of their expenditures, after spending no more than 10 percent of their allotment for administrative costs, to each of the following four categories of services: community-based family support services, family preservation services, time-limited family reunification services, and adoption promotion and support services.

Time-limited family reunification services would be defined as services and activities provided to children (and their parents) who have been removed from home and placed in foster care, for no longer than 15 months beginning on the date of their removal from home, to facilitate the child's safe and appropriate reunification with the family. Such services and activities include counseling, substance abuse treatment, mental health services, assistance to address domestic violence, and transportation. Adoption promotion and support services would be defined as services and activities designed to encourage more adoptions out of the foster care system when adoptions promote the best interests of children.

Subpart 2 of Title IV–B would be renamed ''Promoting Adoptive, Safe, and Stable Families.'' (Section 305(b)) State plans under Subpart 2 would be required to contain assurances that in administering and conducting service programs, the safety of the children to be served would be of paramount concern. Additional references to child safety would be added to the statute. (Section 305(c)) Maintenance of effort provisions in current law would be clarified to define nonfederal funds as meaning state funds, or at the option of the state, state and local funds. This provision would take effect as if included in the Omnibus Budget Reconciliation Act of 1993. (Section 305(d))

House amendment

The House Amendment follows the Senate amendment, except specific examples of adoption promotion and support services would be deleted and time-limited family reunification services are limited to 15 months from the date the child enters foster care. The program would be renamed ''Promoting Safe and Stable Families.'' (Section 305)

19. REPORT ON SUBSTANCE ABUSE AND CHILD PROTECTION

House bill

The Secretary of HHS would be required to submit a report to the Committees on Ways and Means and Finance on the problem of substance abuse in the child welfare population, services provided to parents who abuse substances, and the outcomes of such services. This report would be based on information from the Substance Abuse and Mental Health Services Administration and the Administration for Children and Families within HHS, and would be due within 1 year

of enactment. The report would include recommendations for legislation. (Section 13)

Senate amendment

No provision.

House amendment

The House Amendment follows the House bill. (Section 405)

20. KINSHIP CARE REPORT

House bill

The Secretary of HHS would be required to convene an advisory panel on kinship care no later than March 1, 1998. By the same date, the Secretary would submit an initial report to the advisory panel on the extent to which foster children are placed with relatives. The advisory panel would review the Secretary's initial report and submit comments by July 1, 1998. Based on these comments and other information, the Secretary would submit a final report, by November 1, 1998, to the Committees on Ways and Means and Finance, containing recommendations. (Section 8)

Senate amendment

Same as the House bill with slight differences in data to be collected. (Section 303)

House amendment

The House Amendment follows the Senate amendment, except the dates are changed so that the Secretary would be required to convene the advisory panel and submit an initial report to the advisory panel no later than June 1, 1998. The advisory panel would submit comments to the Secretary no later than October 1, 1998, and the Secretary would report to Congress no later than June 1, 1999. (Section 303)

21. FEDERAL PARENT LOCATOR SERVICE

House bill

Child welfare agencies would be authorized to use the Federal Parent Locator Service to assist in locating absent parents. (Section 9)

Senate amendment

Same as the House bill with minor differences in wording. (Section 106)

House amendment

The House Amendment follows the Senate amendment. (Section 105)

22. ELIGIBILITY FOR INDEPENDENT LIVING SERVICES

House bill

The primary target population for independent living services would be revised to include children who are no longer eligible for foster care subsidies under Title IV–E because they have accumulated assets of up to $5,000. (Section 14)

Senate amendment

Same as the House bill. (Section 304)

House amendment

The House Amendment follows the House bill and the Senate amendment.

23. STANDBY GUARDIANSHIP

House bill

It would be the sense of Congress that states should have laws and procedures that would permit a parent who is chronically ill or near death to designate a standby guardian for their minor child without surrendering their own parental rights. The standby guardians authority would take effect upon the parents death, the onset of mental incapacity of the parent, or the physical debilitation and consent of the parent. (Section 18)

Senate amendment

Same as House bill. (Section 403)

House amendment

The House Amendment follows the House bill and the Senate amendment.

24. PURCHASE OF AMERICAN-MADE EQUIPMENT

House bill

It would be the sense of Congress that, to the greatest extent possible, all equipment and products purchased with funds provided under the Adoption Promotion Act should be American-made. (Section 16)

Senate amendment

No provision.

House amendment

The House Amendment follows the House bill with a change to reflect the name of the bill. (Section 406)

25. PRESERVATION OF REASONABLE PARENTING

House bill

No provision.

Senate amendment

Specifies that nothing in this legislation is intended to disrupt the family unnecessarily or intrude inappropriately into family life, to prohibit the use of reasonable methods of parental discipline, or to prescribe a particular method of parenting. (Section 401)

House amendment

The House Amendment follows the Senate amendment. (Section 401)

26. USE OF DATA FROM THE ADOPTION AND FOSTER CARE ANALYSIS AND REPORTING SYSTEM (AFCARS)

House bill

No provision.

Senate amendment

Any information required to be reported by this legislation would be supplied through AFCARS to the extent such information is available in AFCARS. The Secretary would be required to modify the AFCARS regulations if necessary to allow states to obtain data required by this legislation. (Section 402)

House amendment

The House Amendment follows the Senate amendment. (Section 402)

27. TEMPORARY REDUCTION IN CONTINGENCY FUND

House bill

No provision.

Senate amendment

The federal matching rate under Medicaid for state expenditures related to skilled professional medical personnel would be reduced to 73%. (Section 405)

House amendment

Neither the House bill nor the Senate amendment was followed. Rather, the $2 billion federal Contingency Fund for the Temporary Assistance for Needy Families (TANF) program, created by the 1996 welfare reform law (P.L. 104–193), would be reduced by a total of $40 million in outlays over the period 1998–2002. (Section 404)

Title V. Effective Dates

28. EFFECTIVE DATES

House bill

October 1, 1997. If the Secretary determines that states need to enact legislation to comply with state plan requirements imposed by this legislation, a state plan would not be considered out of compliance solely because it fails to meet these requirements until the first day of the calendar quarter beginning after the close of the next regular session of the state legislature. In states with a 2-year legislative session, each year would be deemed a separate session. (Section 15)

Senate amendment

Same as House bill, except for provisions dealing with termination of parental rights (see item 5), disrupted adoptions (see item 11), and the definition of nonfederal funds under family preservation (see item 18). (Section 501)

House amendment

The House Amendment follows the House bill and Senate amendment, with a modification to change October 1, 1997, to the date of enactment. (Section 501)

Mrs. KENNELLY of Connecticut. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, first let me thank the gentleman from Florida, Mr. CLAY SHAW, the subcommittee chair with jurisdiction over this bill, for his incredible support, his patience, and his willingness to work alongside the gentleman from Michigan, Mr. CAMP, and myself to make sure that this day came about. I really appreciate what he has done. His leadership has been outstanding. I thank him very much.

I also want to say on the floor today what a delight it has been to work with the gentleman from Michigan, Mr. DAVE CAMP. He truly intimately, personally understood what this bill was about. He personally cared about the children of America.

The past week or so as we were having the struggle to see if the Senate would in fact take up this bill, he daily went to see his Senate friends, and sometimes I wondered if they were his friends, but those that were working on this bill, trying to tell them how important it was that we pass this bill before this session ended.

The reason for that, Mr. Speaker, was this past April the House took the important step toward protecting children and promoting adoption. Today we can finish that job by sending to the President this bill, an amended version of the same legislation that we passed in April.

As I said to the Senators on the finance committee a little over a month ago, I could not understand how we could go home to our loving families for the holidays, for Thanksgiving and Christmas, and not act upon this bill, because this bill is about children of America who do not have safe, loving, and permanent homes. If we did not act upon this bill they would not have the hope of safe, loving, permanent homes.

This legislation we can all agree on is putting children on a fast track from foster care to safe and loving and permanent homes. This is what this is all about.

Before I continue I also want to thank the gentleman from Michigan [Mr. LEVIN], the ranking member, the democratic ranking member of the subcommittee, for being so supportive of this legislation. Also, one of the reasons we have reached this point is that our First Lady, Mrs. Hillary Clinton, was incredibly supportive of this effort, to the point that she went one on one on one to the various members of the Senate who really wanted this legislation, wanted it as badly, I think, as we did, but they wanted a perfect piece of legislation.

What the gentleman from Michigan, Mr. DAVID CAMP and I realized is that at this point in time we could not do a perfect piece of legislation, but what we could do was a very good piece of legislation. Mrs. Clinton understood that we were beginning down the path

of giving children safe, permanent, loving homes. She was there with us lobbying on behalf of the children of the United States of America, urging, urging and pleading that we pass this legislation now.

When we think about a child who is 3 years old, and the fact that they can spend 18 months in a foster care home and be returned to their home that is not a good home, and then returned to another foster care home, this is their life. For a child, this is something that we should not do to them. Mrs. Clinton understood it, the gentleman from Florida [Mr. SHAW] understood it, the gentleman from Michigan [Mr. CAMP] and I understood it. That is where we are today.

This legislation is very similar to that that we passed in April by 416 votes to 5. The focus remains on providing permanency and protection for foster care children. Like the original House-passed adoption bill, this legislation includes financial bonuses for States and increases the number of children leaving foster care for adoption, and requires States to expedite permanency hearings for children in foster care.

Also, like the House bill, this measure clarifies when children should not be returned home, such as, and I cannot believe I am saying these words, but the fact of the matter happens, such as when torture or sexual abuse or chronic physical abuse is occurring in that home, no child should have to remain in that home.

This might sound like common sense, but we told the States about 15 years ago to make reasonable efforts to reunify families, without telling them exactly what we meant by reasonable. Unfortunately, in practice, reasonable efforts became every effort, putting a child at risk. So we are now telling States there are times when returning a child home presents too great a risk to that child's safety, and that is not a risk that we are willing to take.

The legislation also requires States to expedite the termination of parental rights when reunifying the family is not possible. This will eliminate one more barrier to adoption. There are also a few additions to the original House-passed legislation, including the reauthorization of the family preservation program, which has been amended to place a greater emphasis on adoption services when returning children to their birth families, and when that is not possible, we are very clear in defining what we mean by reasonable efforts.

The National Governors Association has already expressed its strong support for reauthorizing this program, saying the ability of States to tailor these funds to particular needs of the community have made this particularly a valuable program. Furthermore, this legislation includes a Senate provision ensuring that special needs children with severe medical problems will have continued access to health coverage, when they are in foster care or in the process of adoption.

Mr. Speaker, this legislation will not eliminate child abuse or guarantee a permanent home for every child, but it will take a significant first step forward on the road to providing protection and permanency for our Nation's abused, neglected, and sometimes forgotten children. I urge passage of this measure.

Mr. Speaker, I reserve the balance of my time.

Mr. SHAW. Mr. Speaker, I yield such time as he may consume to the gentleman from Michigan [Mr. CAMP], the coauthor of this legislation.

Mr. CAMP. Mr. Speaker, I thank the gentleman from Florida [Mr. SHAW], the chairman, for yielding time to me. Without his steadfast support, we would not be on the floor with this adoption bill today. He has been every bit a chairman, has been very much involved with this process, and I very much want to thank him for his efforts in bringing this to a reality.

I also want to thank my coauthor, the gentlewoman from Connecticut, Mrs. BARBARA KENNELLY, who has also been there every step of the way, and I believe her testimony before the Senate, where she implored them to pass a bill to help children before we go home for the holidays to our own loving families, was a turning point in the negotiation; and also the ranking member, the gentleman from Michigan, Mr. SANDER LEVIN, for his support and effort in this area as well. The administration, we worked with them as well, and this has been a bipartisan bill. I think that is one of the reasons why we are on the floor today.

I think today is a great day for our Nation's foster and adoptive children. Today is the day that Congress improves our foster care laws and eases the pathway for adoption. Since 1980, foster care children have entered a system that has often worked against them, making foster care a permanent answer instead of a temporary solution to their problems.

In 1980 Congress enacted the Adoption Assistance and Child Welfare Act, which sought to improve the foster care system. The 1980 law, while well-intended, has created a system where nearly half a million children currently reside in foster care. Many remain in the system for more than 2 years, which is a lifetime for a child. This legislation, however, is not about numbers and statistics, it is about children and families.

For a child of any age, 2 years in foster care is far too long. It is 2 years of uncertainty, 2 years of not knowing where their next home will be, or not knowing the love of a parent. This legislation makes several changes that will ensure our children grow up in the sanctuary of a permanent, loving home instead of a temporary shelter.

First, we make the health and safety of the child of paramount importance in any decision affecting our children. No child should be returned to a dangerous environment where they may face continued abuse or even death. Our bill makes sure the child's health and safety are taken into account in that decision.

We also clarify the circumstances under which States are not required to pursue reasonable efforts. Under the bill, States would not be required to pursue reasonable efforts if a child had been abandoned, tortured, chronically or sexually abused, or if the parents had murdered a sibling.

Second, we allow States to conduct what is known as concurrent planning, which allows the State to make permanency arrangements for adoption while attempts to reunite the family are made. Many children remain in foster care so long because States fail to make arrangements for the child should reunification efforts fail.

Third, we provide incentive payments to States that quickly find permanent, loving homes. States will receive incentive payments of $4,000 for each adoption and $6,000 for special needs adoptions. From the beginning, Republicans and Democrats, both House and Senate, have worked together on behalf of our Nation's children. I have no doubt that the commitment to helping those children will continue until this bill is signed into law.

We are on the brink of a significant accomplishment. It is our children who are the beneficiaries. This bill will ensure that a permanent, loving home is within the reach of every child. In the eyes of every child, we see the boundless possibilities for our future. No child should grow up without a loving home. But in those instances where changes must be made, we must have a system that works on behalf of the child, not against them.

Again, I want to thank the chairman of the subcommittee for his efforts, and my coauthor, the gentlewoman from Connecticut, Mrs. BARBARA KENNELLY, for bringing this bill to the floor.

Mrs. KENNELLY of Connecticut. Mr. Speaker, I yield 3 minutes to the gentleman from Michigan [Mr. LEVIN], the ranking member on the Subcommittee on Human Resources of the Committee on Ways and Means,

Mr. LEVIN. Mr. Speaker, I thank the gentlewoman for yielding time to me.

Mr. Speaker, I offer congratulations to the gentleman from Michigan, Mr. DAVID CAMP, and the gentleman from Florida, Mr. CLAY SHAW, the chairman of the subcommittee. The gentlewoman from Connecticut [Mrs. KENNELLY] will some day in the next year or so be leaving this institution, I hope for another one. But it is interesting how her energy has been unflagging, as has that of the gentleman from Michigan [Mr. CAMP]. Without their enterprise, this bill would not be in the process of enactment. I have enjoyed, again, working with the chairman of the committee on this important measure.

I would also like to pay tribute to the administration for all of its dedication and its energy, as well as to our staff, to all of the staff who worked so hard on this.

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The big winners today are obviously the tens of thousands of children who are in the foster care system who need to move on into a permanent setting.

I want to, though, say just a word about other implications of this legislation. I think it reflects the fact that, indeed, in certain vital areas it is critical that there be a constructive partnership between the Federal Government and State and local government. We often here get hung up in theoretical battles about who should do what. Often the answer is working together on the Federal, State, and local levels. We have in this bill certain roles for the Federal Government, not only funding, but a scorecard. And this indicates that we need to do this together.

Second, I think this bill shows that the wild swings of the pendulum in this area are really unfortunate. In my years on the committee, we have been arguing which is better, family preservation or reunification or adoption. I think what this bill says is kind of, get on with it. Let us do what is right for the child, and what is right for the child will depend on each particular case. But do not tarry. We should make a decision.

One last point. The funding for this comes from a slight deviation from the contingency fund, or diversion. And we have discussed this. And as I have indicated to the gentleman from Florida [Mr. SHAW], it is my hope that next year we will be able to look at the contingency fund in welfare reform to be sure there is adequate funding. It was critical, though, that we move ahead this year. I am pleased to have been a small part of it.

Again, I want to pay tribute to the gentleman from Michigan [Mr. CAMP], to the gentlewoman from Connecticut [Mrs. KENNELLY] and to the gentleman from Florida [Mr. SHAW] for all of their work.

Mr. SHAW. Mr. Speaker, I yield 3 minutes to the gentlewoman from Ohio [Ms. PRYCE], who has been very active in this area of adoption on both the floor and since she has come to the Congress.

Ms. PRYCE of Ohio. Mr. Speaker, I thank the gentleman from Florida [Mr. SHAW] for yielding me the time.

I rise in strong support of the bipartisan Adoption Promotion Act. I want to thank my colleagues, especially the gentleman from Florida [Mr. SHAW], the gentleman from Michigan [Mr. CAMP] and the gentlewoman from Connecticut [Mrs. KENNELLY] for all their hard work and dedication on this issue, and also my colleague from Ohio in the other body Senator DEWINE.

Last April, the House passed this bill by an overwhelming vote of 416 to 5. Since then, we have been patiently waiting for the Senate to follow our lead. That day has come. With the passage of this bill today, we will move one step closer to giving the hope of permanency to children in need of a stable, loving home.

Mr. Speaker, every child in America deserves a family and home filled with love and security, free from abuse, free from neglect or the threat of violence. The sad truth is that many children do not enjoy that most basic human right. Of nearly half a million children in foster care, only about 17,000 have entered permanent adoptive homes. What is more astonishing is that, during each of the past 10 years, more children have entered the foster care system than have left it.

This legislation will speed the adoption process, especially for those children with the greatest need, those who have been abused or neglected. In addition, we will elevate children's rights so that a child's health and safety will be of paramount concern under the law.

Mr. Speaker, this is one of the most important changes we can make. Because too often a foster child's best interest, along with common sense, are abandoned as courts and welfare agencies work overtime to put children back in dangerous situations in the name of family reunification. This bill corrects the perverse incentives of the current system that gives States more money if they have more children in foster care. That is just crazy. Now we will provide States more money if they reduce their foster care caseload by placing kids in permanent, stable homes.

Congress and the Federal Government cannot legislate compassion and love for all the Nation's children, but through this legislation we can take reasonable steps to promote family stability and to give children, especially foster children, a fighting chance to see the loving homes that they deserve.

Mr. Speaker, in the interest of thousands of children who need a true family to love and protect them, I urge my colleagues to support this most important legislation. Let us do it for the children.

Mrs. KENNELLY of Connecticut. Mr. Speaker, I yield 4 minutes to the gentleman from North Dakota [Mr. POMEROY].

Mr. POMEROY. Mr. Speaker, it is very, very rare to sit as a Member of this body and to feel so strongly about the good of the legislation before us. I just want to go ''yes.'' But that is what I feel on this legislation. And for all we get up and gasp, one Member to another, about how we have been working together and all that, this time I mean it, the gentleman from Michigan [Mr. CAMP] and the gentlewoman from Connecticut [Mrs. KENNELLY], I will forever appreciate and never forget how good their work has been. It is just fabulous.

It is an emotional topic to me because I have adopted two children out of foster care. We got Katherine at 3½ months and Scott at 4½ months. They were babies. We could get on with the business of being a family. And we know that from that comes not just emotional dimensions of stability and security and self-esteem, but actually neurological development issues that are so critical to the ultimate opportunity and fate and lives that these little beings will have.

We face the reality today that there are tens of thousands of precious lives out there in a state of limbo, unable to know where they are going to end up, unable to attach to the loving caregivers that they are spending their days with because they do not know whether they are not going to be with that care-giver anymore.

In some instances, abused children live daily with the fear that they may be sent back by some people in some process they do not begin to understand into a home where the abuse occurred in the first place. They do not even go to bed at night with the sense of personal safety and security. This legislation offers an opportunity to change that.

We have on the books a bill that requires reasonable efforts to achieve family reunification, and that has sent a mixed signal from this body to those on the front lines trying to make this excruciatingly difficult system work. It is time we help clarify the primary objective. And the primary objective comes down to something terribly, terribly simple: Children need families. And that needs to be the overriding goal.

Now, as a parent, I can tell my colleagues that families need children as an also urgent part of this process. But it is the children's interest that is clearly before us and advanced by this legislation. It does so significantly. First of all, it addresses that safety issue. If they are from an abusive home or where there is a question in terms of their safety, they will never be sent back there again, they will never be subject to that threat again.

Second, it brings resolution to the process. For those that are on their fourth or fifth or sixth foster home, while some social worker works to try and make an adult out of a parent whose immaturity has made parenting skills impossible, we bring resolution to that process; we put this child on track toward a permanent home so they can get on with their development within 1 year.

And finally, we provide the resources to help the States in this regard: $10 million annually over the next 3 years for technical assistance, $208 million over the next 5 years to fund the incentives for States so they might take the steps to get this done.

I thank the gentleman from Michigan [Mr. CAMP], the gentleman from Florida [Mr. SHAW]. I thank the gentleman from Michigan [Mr. LEVIN] and the gentlewoman from Connecticut [Mrs. KENNELLY]. As they leave this

chamber at the end of this Congress, they will have many, many works of legislative achievement to look back upon. For my money, this one will be the hallmark. They have made a lasting contribution to the well-beings of the children of this country and foster care this morning. And again, I thank them. And on behalf of the people of this country, I thank them for this good work.

Mrs. KENNELLY of Connecticut. Mr. Speaker, I would like to wrap up this side of the aisle, and I yield myself such time as I may consume.

Also, I want to thank the gentleman from North Dakota [Mr. POMEROY] for that statement. He has been there. He has lived it. He has done it. And I thank him very much for coming here today and telling us about it.

I also want to put on the RECORD the fact that Sister Josephine Murphy, director of St. Anne's Infant and Maternity Home in Hyattsville, MD, has been very, very helpful in bringing this piece of legislation forward. As the gentleman from North Dakota [Mr. POMEROY] spoke from a permanent position, so did Sister Josephine tell us about her day-in, day-out work with children and the facts of the matter of one child is returned to an abusive home and how, in fact, that child knows how wrong that is and the suffering that is involved.

Mr. Speaker, our foster care system is an extremely valuable safety net, and I want to emphasize that. The foster care parents across this country are doing valuable service for children who cannot stay in their own birth homes, and I salute them and thank them.

What this bill is about really, though, is to have a child in a permanent home. And where that safety net is there in a foster care home, the child knows when the home is not permanent. When they go to school, they know that the home they are in is not a permanent home. And though they are glad to be there in the safety of that foster care home, what this bill does is bring forward a safe harbor, a place of permanency and love for this child.

We have to state that the number of children in foster care has almost doubled over the last 12 years; 276,000 12 years ago, now twice that amount. And more than 40 percent of foster children stay in the system for more than 2 years. And when a child is 3 years old, obviously that is much too much. This legislation attempts to reverse this trend by placing greater emphasis on finding adoptive parents for children in foster care.

The bill provides States with a financial incentive; $4,000 a child, $6,000 if it is a hard-to-place child. This legislation requires States to remove barriers to adoptions such as parental rights to children who will never return to their birth home.

This does not mean we intend to end our Nation's policy of keeping families together. What this legislation leaves intact is a so-called reasonable effort requirement to help reunify families and reauthorize the preservation program for these families. But the bill does attempt to identify situations in which reunifying the family seems unwise or unlikely, such as when severe abuse is taking place.

Let me quote one more time the Washington Post, who summed it up best when it said the bill ''puts a new and welcome emphasis on the children.''

Mr. Speaker, I yield back the remainder of my time.

Mr. SHAW. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, I think there are so many people who have been working on this legislation. The gentlewoman from Connecticut [Mrs. KENNELLY] mentioned Sister Josephine Murphy, whose personal experience that she shared with us in such a dynamic way both at a press conference immediately preceding this bill coming to the floor, as well as before the committee. We had so many wonderful witnesses give testimony as to what is happening out there and the tragedy of foster care as opposed to getting people into adoption.

I want to thank a few of the staff people, too: Casey Bevan, whose experience in this area has been invaluable to the committee. Deborah Colton, the chief of staff on the Democrat side of the subcommittee, has done a tremendous job of cooperation, as, of course, her boss, the gentleman from Michigan [Mr. LEVIN] has done a tremendous job, for which I am deeply appreciative; and, of course, Ron Haskins, who is the chief of staff on the Republican side and the subcommittee. To all of them, all of my colleagues know that we cannot function with good legislation without competent staff. The competence has been tremendous in this regard, and we certainly appreciate it.

I want to close at this time, Mr. Speaker, in sharing with my colleagues an article that was in the Orlando Sentinel. I was in Orlando Monday night, spending the night, and Tuesday morning. The headline in one of the lead stories in the Orlando Sentinel was a colored picture of a baby who is designated as ''Disney's darling.'' The reason she was is that she was found in the restroom in the Magic Kingdom, actually in a toilet, where the mother had left this poor child. They had to give the child CPR. But I am pleased to tell my colleagues that this child is doing well. She is loved by the care she is receiving now in the hospital. Her mother is unknown, as, of course, her father is, too. She has been named by the people at the hospital as Baby Jasmine.

I think the House should reflect a moment on the historic nature of what we are doing today. Baby Jasmine has a real good shot, in fact, I would say a probability at this point, partly because of this legislation, that Christmas of 1998 will find her with a real family, her permanent family, a loving family in which she will celebrate the Christmas holidays. And that is a wonderful thing to look forward to for Baby Jasmine, as well as thousands of other kids.

So when we approach the holiday season next year, we will know that this vote, this legislation, has been responsible for placing so many of these kids in a permanent loving home.

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I want to close with the words of a 3-year-old. I stated these words when the original bill came to the House floor, but I cannot think of any words that express the meaning of what we are doing today better than these words from a 3-year-old. In meeting her adoptive family, the first family that she had ever known in her 3 years, her first comment, standing in front of them with her hands on her hips, saying, ''Where have you been?'' ''Where have you been?''

This bill is going to expedite this entire process and it is going to bring about the joy of adoption and the bonding of a real family to so many kids.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. MILLER of Florida). The question is on the motion offered by the gentleman from Florida [Mr. SHAW], that the House suspend the rules and agree to the resolution, House Resolution 327.

The question was taken.

Mr. SHAW. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I and the Chair's prior announcement, further proceedings on this motion will be postponed.

ANNOUNCEMENT OF LEGISLATION TO BE CONSIDERED UNDER SUSPENSION OF THE RULES TODAY

Mr. LINDER. Mr. Speaker, pursuant to House Resolution 314, the following suspensions are expected to be considered today:

S. 738, Amtrak Reform and Accountability Act of 1997;

S. 562, Senior Citizen Home Equity Protection Act;

H.R. 3025, a bill to repeal the Federal charter of group hospitalization and medical services;

And the FDA reform bill.

PROVIDING FOR AN EXCEPTION FROM THE LIMITATION OF CLAUSE 6(d) OF RULE X FOR THE COMMITTEE ON GOVERNMENT REFORM AND OVERSIGHT

Mr. LINDER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 326 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 326

Resolved, That upon the adoption of this resolution the Committee on Government