

obligation for that period. Although "ability to pay" is not an element of the offense, a demonstration of the obligor's ability to pay contributes to a showing of willful failure to pay the known obligation. The presumption in favor of ability to pay is needed because proof that the obligor is earning or acquiring income or assets is difficult. Child support offenders are notorious for hiding assets and failing to document earnings. A presumption of ability to pay, based on the existence of a support obligation determined under state law, is useful in the jury's determination of whether the nonpayment was willful. An offender who lacks the ability to pay a support obligation due to legitimate, changed circumstances occurring after the issuance of a support order has state civil means available to reduce the support obligation and thereby avoid violation of the federal criminal statute in the first instance. In addition, the presumption of ability to pay set forth in the bill is rebuttable, a defendant can put forth evidence of his or her inability to pay.

The reference to mandatory restitution in proposed section 228(d) of title 18, United States Code, amends the current restitution requirement in section 228(c). The amendment conforms the restitution citation to the new mandatory restitution provision of federal law, 18 U.S.C. 3663A, enacted as part of the Antiterrorism and Effective Death Penalty Act of 1996, P.L. 104-132, section 204. This change simply clarifies the applicability of that statute to the offense of failure to pay legal child support obligations.

Proposed subsection (e) clarifies that prosecutions for violations of this section may be brought either in the district where the child resided or the obligor resided during a period of nonpayment. Inclusion of this language is necessary in light of a recent case, *Murphy v. United States*, 934 F.Supp. 736 (W.D. Va. 1996), which held that a prosecution had been improperly brought in the Western District of Virginia, where the child resided, because the obligor was required, by court order, to send his child support payments to the state of Texas. Proposed subsection (e) is not meant to exclude other venue statutes, such as section 3237 of title 18, United States Code, which applies to offenses begun in one district and completed in another.

For all of the violations set forth in proposed subsection (a) of section 228, the government must show the existence of a determination regarding the support obligation, as under current law. Under proposed subsection (f)(3) the government must show, for example, that the support obligation is an amount determined under a court order or an order of an administrative process pursuant to the law of a State to be due from a person for the support and maintenance of a child or of a child and the parent with whom the child is living. Proposed subsection (f)(3), however, expands the scope of covered support obligations to include amounts determined under a court order or an order of an administrative process pursuant to the law of an Indian tribe. Subsection (f)(1) defines the term "Indian tribe" to mean an Indian or Alaska Native tribe, band, nation, pueblo, village, or community that the Secretary of Interior acknowledges to exist as an Indian tribe pursuant to section 102 of the Federally Recognized Indian Tribe List Act of 1994, 25 U.S.C. 479a. The expanded definition permits enforcement of the statute for all children for whom child support was ordered by either a state or tribal court or through a state or tribal administrative process.

Proposed subsection (f)(2) of section 228 amends the definition of "state," currently in subsection (d)(2), to clarify that prosecutions may be brought under this statute in a commonwealth, such as Puerto Rico. The current definition of "state" in section 228,

which includes possessions and territories of the United States, does not expressly include commonwealths.

Mr. LOTT. Mr. President, I ask unanimous consent that the bill be read the third time and passed; that the motion to reconsider be laid upon the table; and that any statements relating to the bill appear at the appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 1371) was read the third time and passed, as follows:

#### S. 1371

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Deadbeat Parents Punishment Act of 1997".

#### SEC. 2. ESTABLISHMENT OF FELONY VIOLATIONS.

Section 228 of title 18, United States Code, is amended to read as follows:

#### "§ 228. Failure to pay legal child support obligations

"(a) OFFENSE.—Any person who—

"(1) willfully fails to pay a support obligation with respect to a child who resides in another State, if such obligation has remained unpaid for a period longer than 1 year, or is greater than \$5,000;

"(2) travels in interstate or foreign commerce with the intent to evade a support obligation, if such obligation has remained unpaid for a period longer than 1 year, or is greater than \$5,000; or

"(3) willfully fails to pay a support obligation with respect to a child who resides in another State, if such obligation has remained unpaid for a period longer than 2 years, or is greater than \$10,000; shall be punished as provided in subsection (c).

"(b) PRESUMPTION.—The existence of a support obligation that was in effect for the time period charged in the indictment or information creates a rebuttable presumption that the obligor has the ability to pay the support obligation for that time period.

"(c) PUNISHMENT.—The punishment for an offense under this section is—

"(1) in the case of a first offense under subsection (a)(1), a fine under this title, imprisonment for not more than 6 months, or both; and

"(2) in the case of an offense under paragraph (2) or (3) of subsection (a), or a second or subsequent offense under subsection (a)(1), a fine under this title, imprisonment for not more than 2 years, or both.

"(d) MANDATORY RESTITUTION.—Upon a conviction under this section, the court shall order restitution under section 3663A in an amount equal to the total unpaid support obligation as it exists at the time of sentencing.

"(e) VENUE.—With respect to an offense under this section, an action may be inquired of and prosecuted in a district court of the United States for—

"(1) the district in which the child who is the subject of the support obligation involved resided during a period during which a person described in subsection (a) (referred to in this subsection as an 'obligor') failed to meet that support obligation;

"(2) the district in which the obligor resided during a period described in paragraph (1); or

"(3) any other district with jurisdiction otherwise provided for by law.

"(f) DEFINITIONS.—As used in this section—

"(1) the term 'Indian tribe' has the meaning given that term in section 102 of the Fed-

erally Recognized Indian Tribe List Act of 1994 (25 U.S.C. 479a);

"(2) the term 'State' includes any State of the United States, the District of Columbia, and any commonwealth, territory, or possession of the United States; and

"(3) the term 'support obligation' means any amount determined under a court order or an order of an administrative process pursuant to the law of a State or of an Indian tribe to be due from a person for the support and maintenance of a child or of a child and the parent with whom the child is living."

#### UNANIMOUS-CONSENT AGREEMENT—EXECUTIVE NOMINATIONS TO REMAIN IN STATUS QUO, WITH EXCEPTIONS

Mr. LOTT. Mr. President, I ask unanimous consent, as in executive session, that all nominations received in the Senate during the 105th Congress, 1st session, remain in status quo, notwithstanding the sine die adjournment of the Senate, with the following exceptions: Bill Lann Lee and Executive Calendar No. 370.

I further ask unanimous consent that all provisions of rule XXXI, paragraph 6, of the Standing Rules of the Senate remain in effect, notwithstanding the previous agreement.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### UNANIMOUS-CONSENT AGREEMENT—H.J. RES. 106

Mr. LOTT. Mr. President, I ask unanimous consent that when the Senate receives House Joint Resolution 106, the continuing resolution, that it be considered read three times and passed, and that the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### ADOPTION AND SAFE FAMILIES ACT OF 1997

Mr. LOTT. Mr. President, I ask the Chair lay before the Senate a message from the House of Representatives on the bill (H.R. 867) to promote the adoption of children in foster care.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives.

[The bill was not available for printing. It will appear in a future issue of the RECORD.]

Mr. DEWINE. Mr. President, H.R. 867, the Adoption and Safe Families Act of 1997, is an extremely important piece of legislation. Let me begin by thanking Senators CRAIG, CHAFEE, ROCKEFELLER, JEFFORDS, COATS, GRASSLEY, MOYNIHAN, LANDRIEU, Chairman ROTH, and Senator LOTT, the majority leader, who has made this bill a priority. I thank all of them and I thank their staffs for all the hard work they have done. I also want to thank our distinguished House colleagues Representatives DAVE CAMP and BARBARA KENNELLY, as well as Chairman SHAW, and their staffs, for their hard work in moving the bill through the House of Representatives.

This is a significant bill for a number of reasons.

It will require reasonable efforts to be made to find adoptive homes for children.

It requires concurrent case planning, which will reduce the amount of time that a child has to wait to be adopted. It would do this by permitting States to develop an alternative permanency plan in case a child's reunification with his family doesn't work out.

The bill shortens the time line for children in foster care.

And it reduces interstate geographic barriers to adoption.

But there is one element of this bill that is especially important—a provision I have been working to enact for over 2 years now. This one provision will save the lives of many children—and ensure that many others get to live in safe, loving, and permanent adoptive homes.

My staff and I have been involved in the discussion, drafting, negotiation, and adoption of just about every provision in this bill. But I have been working for the passage of this one particular provision for a very long time—and I believe it merits extended discussion in detail.

This provision is a clarification of the so-called reasonable efforts law, that was first passed in 1980. I introduced this provision as S. 1974 in the 104th Congress, and again as S. 178 in the 105th Congress.

I have given at least nine speeches on the floor discussing the need for this legislation; chaired one hearing on it; and testified at several others.

Anyone who is seeking to understand the need for this legislation—and our legislative purpose in passing this bill today—would do well to review my remarks in the RECORD on those occasions. I will detail—in these remarks today—both the dates of these speeches, and their page citations in the RECORD for easy reference.

On May 23, 1996, I held my first press conference to call for a change in the reasonable efforts law.

On June 4, 1996, I discussed this problem here on the Senate floor. That speech will be found in the RECORD at page S5710.

On June 27, 1996, I testified before our colleagues over in the House Ways and Means Subcommittee on Human Resources, at a hearing on how P.L. 96-272, the Adoption Assistance and Child Welfare Act is a barrier to adoption.

On July 18, 1996, I introduced S. 1974, a bill to clarify what Congress means by reasonable efforts. I offered the bill the very same day as an amendment to the Senate's welfare reform legislation, but withdrew the amendment because it was not germane. Nevertheless, I continued to talk about this problem, in an effort to create momentum to bring this kind of legislation to the floor.

My remarks on that occasion will be found at page S8142 of the RECORD.

On November 20, 1996, we held a hearing in the Labor and Human Resources

Subcommittee on improving the well-being of abused and neglected children.

When the new Congress reconvened in January of this year, I reintroduced my bill to clarify reasonable efforts, as S. 178. It was my very first order of business in the new Congress.

On January 21, 1997, I spoke about this on the Senate floor. That can be found in the CONGRESSIONAL RECORD, page S551.

On February 14, President Clinton endorsed my reasonable efforts bill.

On February 24, I spoke about this on the Senate floor—page S1431.

On March 20, Senators CHAFEE and ROCKEFELLER introduced another bill to help us build momentum. That bill was titled S. 511, the Safe Adoptions and Family Environments Act.

On April 8, I testified again in the House Ways and Means Committee on this topic.

On April 30, H.R. 867, the Adoption Promotion Act of 1997, overwhelmingly passed the House of Representatives by a vote of 416 to 5. This bill, sponsored by Representatives DAVE CAMP and BARBARA KENNELLY, included my language to clarify reasonable efforts. I talked about that bill, on the same day that it passed in the House, on the floor of the Senate. Those remarks can be found at S3841.

Mr. President, I addressed this issue again on the Senate floor on May 1. Those remarks can be found at page S3898, and yet again, on May 5, I spoke about the issue, and those remarks can be found at S3947.

On May 21, I testified on this issue at a hearing in the Senate Finance Committee.

On October 1, I addressed this issue on the Senate floor again. Those remarks can be found at page S10262. On October 8, I testified yet again in a hearing before the Finance Committee on the Promotion of Adoption, Safety and Support of Abused and Neglected Children Act, the PASS Act, as it is commonly known.

Finally, on October 24 of this year, I addressed this issue again on the Senate floor, and those remarks can be found on page S11175.

The legislation that we will take up in a moment and that I hope we pass today is the culmination of that effort. I have taken the time of the Senate today to outline that history, as I stated a moment ago, because I want to make it very clear what the legislative history is and what the intent was behind that provision of the bill.

Let me turn now to the need for this provision.

Let me explain why this provision was the focus of so much attention and why we need this provision.

We need it, Mr. President, because of an unintended consequence of a bill that was passed by this Congress in 1980. The Adoption Assistance and Child Welfare Act of 1980 included a provision saying that for a State to be eligible for Federal funds for foster care spending, that State must have a

child welfare services plan approved by the Secretary of Health and Human Services and that plan must be in effect.

The State plan must provide, and I quote now from the 1980 law, it must provide "that, in each case, reasonable efforts will be made (A) prior to the placement of a child in foster care, to prevent or eliminate the need for removal of the child from his home and (B) to make it possible for the child to return to his home."

Mr. President, over the last 17 years, since this law went into effect and since this provision became part of our Federal law, this law, tragically, has often been seriously misinterpreted by those responsible for administering our foster care system.

Too often, reasonable efforts, as outlined in the statute, have come to mean unreasonable efforts. It has come to mean efforts to reunite families which are families in name only. I am speaking now of dangerous, abusive adults who represent a threat to the health and safety and even the lives of these children.

This law has been misinterpreted in such a way that no matter what the particular circumstances of a household may be, it is argued that the State must make reasonable efforts to keep that family together and to put it back together if it falls apart. I have traveled across the State of Ohio, talking with child service representatives, with judges, other social welfare professionals who have told me about this problem. I have held hearings with experts from other parts of the United States, and we have discovered that this is a truly national problem.

There can be no doubt that this problem did, in fact, arise because of the 1980 law, and it arose because this 1980 law was and has been for 17 years misinterpreted. Clearly, the Congress of the United States in 1980 did not intend that children should be forced back into the custody of adults who are known to be dangerous and known to be abusive.

My purpose in making these comments today is to make absolutely certain that this legislation that I believe we are about to pass, H.R. 867, is not misinterpreted. My purpose today is to make sure the bill we are about to pass is not misinterpreted. I intend, therefore, to explain in some detail our purpose in passing this legislation.

Let me begin, if I can, Mr. President, by reading clause A of H.R. 867, and this is the bill we are about to take up.

Clause A of this bill says:

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

Let me read it again. Clause A of H.R. 867 that we are about to take up says:

In determining reasonable efforts to be made with respect to a child, as described in this section, and in making such reasonable

efforts, the child's health and safety shall be the paramount concern.

The purpose of clause A, Mr. President, is to make it clear to everyone involved in caring for our young people, not just judges, but also caseworkers, prosecutors, magistrates, court-appointed attorneys, and child advocates—all of them—that reasonable efforts to reunify families must be governed by one overriding principle, and that overriding principle is that the health and safety of the child must always, always, always come first.

In determining what efforts are required, in determining what efforts are reasonable, we must give priority to this clause.

Second, clause A also makes clear that there are some cases in which reasonable efforts do not need to be made to reunify children with dangerous adults. In some cases, no efforts are reasonable efforts. In some cases, any efforts are unreasonable efforts.

All the rest of this section of this bill, which will become law, must be read in the light of clause A which I just read. Clause A governs the law of reasonable efforts. Clause A defines, once and for all, the overriding principle, that the health and safety of the child must always, always, always come first.

This bill that we are about to take up also includes a list of certain very specific cases in which reasonable efforts are not required, very specific cases laid out in the statute. They include the crimes set forth already in the Child Abuse Prevention and Treatment Act, or CAPTA. They also include aggravated circumstances that will have to be defined by each individual State, and they include also cases in which the parental rights have been involuntarily terminated as to the sibling of the child in question.

Mr. President, let me point out now very carefully so there is no risk of misinterpretation on this floor, this list that I have just read is not meant to be an exclusive list. The authors of this legislation do not—do not—intend these specified items to constitute an exclusive definition of which cases do not require reasonable efforts to be made.

Rather, these are examples—these are just examples—of the kind of adult behavior that makes it unnecessary, that makes it unwise, makes it simply wrong for the Government to make continued efforts to send children back to their care. This is not meant to be an exclusive list. We make this clear in the text of the bill.

Let me read the rule of construction from the bill H.R. 867:

(c) 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).

“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).”

This leaves absolutely no room for doubt. Whether the case comes under the previously listed examples or not, the health and safety of the child must—must—come first.

The passage of this bill will cause a momentous change in how we look out for the interests of the most vulnerable children in this country. I thank a number of individuals who have helped us build a consensus for making this change. I must say that is what had to happen before we could pass this bill. We had to get a consensus, not just in the Senate, not just in the House, but, frankly, among caring people across this country. It had to become a public issue.

Let me thank some of the people who helped change that and build that consensus.

Dr. Richard Gelles, whose path-breaking book called “The Book of David,” did so much to educate me and the rest of America on this issue. He deserves a great deal of thanks.

Peter Digre, Director of the department of children and family services of the county of Los Angeles, was also instrumental and testified about the need for our bill.

Mrs. Sharon Aulton, the grandmother of Christina Lambert and Natalie Aulton, two children who lost their lives to child abuse. I think Mrs. Aulton was very brave when she came before us to share her heartbreaking story. She helped us bring the point home really as no one else could about the need for change.

Mary McGrory of the Washington Post, a tireless advocate for children, who wrote at least two very compelling columns about the need for change in our reasonable efforts law.

Dave Thomas of Ohio, a man who has devoted an incredible amount of effort to promote adoption as a way to provide a better future for America's endangered children.

All the caseworkers, the CASA volunteers, prosecutors and other concerned citizens throughout Ohio and across this country who took the time to help me and my staff learn about this issue and craft the beginnings of a solution.

Mr. President, speaking of my staff, I also thank my senior counsel, Karla Carpenter, who has worked so tirelessly on behalf of getting this bill passed. She has spent literally thousands of hours, both in the State of Ohio and here in Washington, working on this triumph today. The bill that is about to be passed today is a great credit to her fine work.

I thank all these individuals. They all deserve the gratitude of anyone who cares about our children.

Mr. President, you will notice and Members of the Senate will notice I said a moment ago we have crafted the beginnings of a solution. It is that, it is

the beginnings. It is, I think, precisely what we have started today, the beginnings of a solution to this problem.

The sad truth is, some children will continue to spend too much time waiting to be adopted. But without this bill, more children would have to wait, and they would have to wait longer. It is also true, Mr. President, that it is a tragic fact that children will continue to die in this country of child abuse. But without this bill, more children would have died.

Mr. President, we should make no mistake about the challenges ahead. We stand only at the very beginning of a long struggle to save America's children. I do not think it is enough, as we do in this bill, to get more children adopted, although we are doing that, nor it is enough to make sure that fewer children are killed.

It is our responsibility as a Congress, as citizens, as a people to do all we can to build an America, to build a country where children do not die of child abuse. I see an America and I want America, Mr. President, where every child has the opportunity to live in a safe, a stable, a loving, and a permanent home.

That is why, Mr. President, I intend to return to this issue next year. There is a great deal we can still do. There is a great deal we must do, and there is a great deal we must do soon.

We need, for example, to provide better training for caseworkers who look out for our children. We need to make sure that they have smaller case loads. We need to do more to emphasize adoption as the solution and provide greater resources and more emphasis on adoption so we can increase adoptions.

We need, Mr. President, to provide better training for the courts that deal with our children. We need to make sure that the families who are in trouble, but who can be saved, do get help, and that they get good help, and that they get it before it is too late.

That is quite an extensive agenda, Mr. President, for this country, but I believe it is necessary, and I believe we are up to it.

If we want to continue to think of ourselves as a good country, we cannot afford to continue allowing so many of our children to be abused and so many to be killed, nor, Mr. President, can we allow so many of our children to languish in an unadoptable situation where they are sometimes shuttled, many times from home to home to home, without getting what every child deserves, needs, and should have—and that is a loving home and someone to love that child.

I think we can and we must do better. With the bill we pass today, we say plainly and simply that there are cases in which reasonable efforts are not required to reunite innocent children with dangerous adults. With the bill we pass today, we will truly save lives.

This historic change took a great deal of effort and consensus building. It is a good day's work and a good start

at fixing America's No. 1 challenge—protecting and rescuing our young people.

Mr. President, I thank the Chair and thank the Members of the Senate.

I yield the floor.

Mr. ROCKEFELLER. Mr. President, I am proud and pleased to be part of the successful effort to pass the Adoption and Safe Families Act of 1997. Having worked to achieve the objectives of this bill for many years, I am very grateful to everyone involved in reaching today's result—the final passage of a significant bill that will help children and families in true need across the country for many years to come.

This legislation is the culmination of extensive bipartisan negotiations between the House and Senate over the course of this year to enact the most effective ways to ensure the health, safety, and stability of America's most vulnerable population: abused and neglected children. The product of intense debate and sometimes difficult concessions on all sides, this bill has emerged as a positive first step in fixing our Nation's broken child welfare system. At the same time this process has demonstrated the undeniable benefits of bipartisan cooperation and compromise, it has also highlighted the mountain of work still left to be done on behalf of abused and neglected children. In that regard, I hope the Adoption and Safe Families Act of 1997 will be a cornerstone for future efforts on behalf of abused and neglected children, especially those children whose special needs present formidable barriers to their safe adoptive placement.

The Adoption and Safe Families Act of 1997 is most significant in its focus on moving children out of foster care and into adoptive and other positive, permanent placements. If American child welfare policy does not succeed in providing a real sense of belonging and identity to children living in the foster care system, we will be denying these young people the fundamental supports they need to become satisfied and caring adults. It would be a tragedy to write these children off as a lost generation, just another group of children from broken homes and a broken system who just didn't get enough support to make a difference.

In my role as chairman of the National Commission on Children, I had the unique opportunity to travel across the country and speak with hundreds of children, parents, and caregivers about how to effectively address their most basic needs and about how the Government can help to foster their most fundamental aspirations. Because of that commission, I spent a day in LA juvenile court and saw the system at its worst, overwhelmed and ineffectively serving children. But I also met a dedicated advocate, Nancy Daly, and she introduced me to the Independent Living Program and other efforts that can work to serve children. We've stayed in touch, working on these issues together ever since.

At the heart of the recent debate about the best policy for adoption and child welfare, dozens of complex questions have been raised about how Federal taxpayer dollars should be spent and who is worthy of receiving them. As we struggle with these difficult issues, which often pit social against fiscal responsibility, I keep returning to the same fundamental lesson I have learned from the families with whom I have spoken over the years: If we cannot build social policy that effectively protects our children, we have failed to do our job as a government and a society.

I would like to take this opportunity to thank my friends and colleagues, JOHN CHAFEE and LARRY CRAIG for their unflinching leadership in bringing the legislation this far. My partnership with Senator CHAFEE on children's issues is one of the most fulfilling aspects of my legislative work, and I thank him for his leadership. Senator CRAIG also provided tremendous help and fortitude in achieving the final consensus and action needed to produce results. There have been a series of premature reports about the collapse of negotiations. Without their efforts and the rest of our bipartisan coalition, the naysayers might have triumphed over the needs of almost a half a million children in foster care.

I would also like to share my sincere appreciation with the other Members of the Senate adoption working group who have worked so hard to create a solid bipartisan package: Senators JEFFORDS, DEWINE, COATS, BOND, LANDRIEU, LEVIN, MOYNIHAN, KERREY, and DORGAN. I would also like to acknowledge the work of Finance chairman, Senator ROTH, who has made it possible for the Adoption and Safe Families Act of 1997 to become a reality.

I also want to pay special tribute to the First Lady, Mrs. Clinton, for her longstanding and intense dedication to the goals pursued in this legislation. She has told me of the public's deep concern for children who are barred from becoming part of permanent, loving families. Her interest and encouragement have been invaluable to me and to others involved in this effort, and I know she will help ensure the administration's commitment to turning this new law into reality.

The Adoption and Safe Families Act of 1997 will fundamentally shift the focus of the foster care system by insisting that health and safety should be the paramount considerations when a State makes any decision concerning the well-being of an abused and neglected child. This legislation is designed to move children out of foster care and into adoptive and other permanent homes more quickly and more safely than ever before. For the first time, this legislation requires States to use reasonable efforts to move eligible foster children toward adoption by introducing a new fast-track provision for children who have been subjected to severe abuse and other crimes by their

parents. In such severe cases, this bill would require that a permanency hearing be held within 30 days. In the case of an abandoned infant where reasonable efforts have been waived to reunite the family, that child could be moved into a safe and permanent home in a month's time.

While this legislation appropriately preserves current Federal requirements to reunify families when that is best for the child, it does not require the States to use reasonable efforts to reunify families that have been irreparably broken by abandonment, torture, physical abuse, murder, manslaughter, and sexual assault. In cases where children should not be reunited with their biological families, the Adoption and Safe Families Act of 1997 requires that the States use the same reasonable efforts to move children toward adoption or another permanent placement consistent with a well thought-out and well-mentioned permanency plan.

In addition, the act encourages adoptions by rewarding States that increase adoptions with bonuses for foster care and special-needs children who are placed in adoptive homes. Most significantly, the legislation takes the essential first step of ensuring ongoing health coverage for all special-needs children who are adopted. Without this essential health coverage, many families who want to adopt children with a range of physical and mental health issues, would be unable to do so. I am delighted to see that medical coverage, which has always been a vital part of any program that substantively helps children, is also a key component of this bipartisan package.

Ensuring safety for abused and neglected children is another significant goal of this legislation. The Adoption and Safe Families Act of 1997 seeks to accomplish this goal by ensuring that the safety of the child is considered at every stage of the child's case plan and review process. Moreover, the bill requires criminal background checks for all potential foster and adoptive parents.

The legislation also substantially cuts the time a child must wait to be legally available for adoption into a permanent home by requiring States to file a petition for termination of parental rights for a child who has been waiting too long in a foster care placement. At the same time that it speeds adoptions where appropriate, it also gives States the discretion to choose not to initiate legal proceedings when a child is safely placed with a relative, where there is a compelling reason not to go forward, or where appropriate services have not been provided in accordance with the child's permanency plan.

At the same time that this bill imposes tough but effective measures to decrease a child's unnecessary wait in foster care, it reauthorizes and provides \$60 million in increased funding

for community-based family support and court improvements over the next 3 years, collectively referred to as the "Promoting Safe and Stable Families Program." As part of a balanced bipartisan package, these programs will support a range of fundamental State services to help children and families and to provide necessary services to adoptive families. This legislation also takes care to assure that children who have gone through adoptions that have been disrupted or whose adoptive parents die will remain eligible for Federal support.

For West Virginia, and every State, this legislation means positive change. Our State currently has about 3,000 children in foster care. Under this new legislation, the emphasis will shift the primary focus to their health and safety and to finding them a stable, permanent home. Throughout these debates, I have listened to West Virginia leaders, including Chief Justice Margaret Workman, who testified before the Senate Finance Committee, and Joan Ohl, our West Virginia Secretary of Health and Human Resources. I have visited agencies in my State that provide the full range of services from family supports to adoption, and I have been in touch with social workers and families. I know that the provisions of this legislation will challenge my State, but I am equally confident that its leaders are ready to make the necessary changes to do more for the thousands of children in West Virginia who are depending upon us.

I am pleased to have been a part of this tremendous effort on behalf of abused and neglected children, and am hopeful that the Adoption and Safe Families Act of 1997 will bring about real and positive improvements in the lives of the half a million American children living in foster care.

Mr. GRASSLEY. Mr. President, since the Senator from Indiana is in the chair, I want to compliment Senator COATS for his involvement in this legislation. He had a very important role in this adoption and foster care legislation. I know the bill contains key parts in which he was interested. Senator COATS was very much a part of this being a successful product.

Confronting the issues for children in foster care, is uncomfortable, almost painful. But the foster care system is in crisis and children are suffering. We are compelled to confront these problems.

Foster care is a complicated entitlement program. While the issues are complex, so are the solutions. Today we are getting what we are paying for. It is not such a good situation, because what we are getting is long-term foster care—not permanency for these kids.

Foster care was set up to be a temporary emergency situation for kids. The foster care system now is a lifestyle for so many of them. The Federal Government continues to pour billions of dollars into a system that lacks genuine accountability. Instead of encour-

aging States to increase adoptions, the current system rewards long-term foster care arrangements.

Jennifer Toth described in her book "Orphans of the Living," that children are "consigned to the substitute child care system, a chaotic prison-like system intended to raise children whose parents and relatives cannot or will not care for them." She also wrote, "The children in substitute child care today have all suffered trauma. They are all at greater risk than the general child population. Yet they are given less care, when they need more care."

In Iowa, we have an organization called the Iowa Citizens Foster Care Review Board. They had a project of asking children in foster care and kids who were waiting to be adopted what they would like to tell us and the rest of the world. I could give lots of quotes, but these are examples from two of the children. "Don't leave us in foster care so long." "Check on us frequently while we're in foster care to ask us how we're doing and make sure we are safe." "Tell us what's going on so we don't have to guess. Tell us how long it will be before we're adopted and why things seem to take so long."

Children need to know that they have permanency, which means successful, healthy reunification with their birth families or permanency in an adoptive home.

A happy, permanent home life provides more than just a safe haven for kids; it gives kids confidence to grow into positive contributors to our society.

In the United States, at least a half million children are not living in permanent homes. While waiting for adoption or a safe return to their natural families, too many kids live out their entire childhoods in the foster care system.

Sadly, it often turns into an lonely, even futile transition. There is a short window of opportunity to do something about this with each and every kid, and each and every kid is a little different in this regard. If this window of opportunity is missed, a child can leave the foster care system a legal orphan—as an adult—having gone through their entire childhood never having permanency—never having a place that they can call home.

More needs to be done to dispel the myth that some kids are unadoptable. I have had people right here in Washington, DC, tell me that some kids are not adoptable. No kid is unadoptable. The only problem is that we just haven't found a home for them yet.

I support the Adoption and Safe Families Act because it takes the initial, necessary steps toward real reform. For the first time in 17 years, this body has strived to address the pain and suffering of these children. A cornerstone has been laid upon which future adjustments can be made and reforms can be built.

The bill will ensure health care coverage for adopted special needs chil-

dren, break down geographic restrictions facing adoptive families, and encourage creative adoptive efforts and outreach.

One of the problems we as legislators have experienced has been that inadequate statistics are not kept; we don't have good enough statistics to understand how States are performing with their child care system. The data is too sparse and States can't tell us how many children they actually have in their care, or how long they have been there. When the situation is that way, Mr. President, some children can be lost in the system. So our bill is requiring States to report critical statistics. Children will be identified and their lives will be personalized to those responsible for them. The status quo will not be able to hide behind the lack of information excuse. We have run into that when dealing with this legislation.

Currently, the Federal Government does not require that States actively seek adoptive homes for all "free-to-be-adopted" children, who often are assigned to long-term foster care. This bill, however, compels States to make reasonable efforts to place a child in a permanent adoptive home. Long-term foster care should never be a solution for any kid.

In most States, children are being denied permanency because of the artificial barrier of geography. This bill will break down the geographic barriers to adoption—prohibiting discrimination against out-of-State adoptive families—allowing more children to find permanent families.

There is a mismatch between the location of children free to be adopted and families willing to adopt. Above all, these children need loving homes, and no State line should get in the way of their well-being.

The bill establishes for foster and pre-adoptive parents the right to be given notice of hearings and the right to testify on behalf of the children in their care. How could anyone ever want to leave these people out of the process?

These parents have been in charge of the children 24 hours a day, 7 days a week. They are the ones in the best position to know the problems that these children might have and can represent the children's concerns. It is an important change to make as we seek to better represent the children's best interests.

The Federal Government plays a significant role in child welfare by providing funds to States and attaching conditions to those funds. The single largest category of Federal expenditure under the child welfare programs is for maintaining low-income foster care children. To receive Federal funds, States must comply with the requirements of this bill, and States will be penalized for noncompliance. We are sick and tired of kids being kept in the foster care system because there is money that comes from the Federal Government for those kids. There is an

incentive—a monetary incentive—not to move these children toward permanency.

I am pleased with the provisions in this bill which emphasizes adoption promotion and support services in the Family Preservation and Support Services Act.

To help ensure that new adoptive families are healthy and stay together, the bill provides post-adoptive services and respite care. It is a proven approach.

In States where post-adoption services are offered, the number of adoptive families that have trouble staying together is significantly lower.

I congratulate the Members for their efforts on this issue and commend the authors of this monumental piece of legislation. One person that hasn't gotten much attention—and he played a very important role in this process—is Senator ROTH, the chairman of the Senate Finance Committee. He was instrumental in forging an agreement with members so that this bill could pass, as it will tonight. His guidance and insight were critical to the bill's success.

Today, we begin to dramatically change the culture surrounding adoption. We begin the education process. We begin by dismissing the dehumanizing myth surrounding special-needs children. These children deserve permanent homes, too. These children are precious, and all children in need of permanent homes are adoptable.

I have been impressed by the compassion of those who adopt these special children. They are gifted and they ought to inspire all of us to be more concerned about kids in need. We know that more families are willing to adopt children, including those with the most challenging of circumstances.

Let's build upon the cornerstone of this monumental bill. Even though we will have passed this legislation, some children will still remain hostages in an inefficient system. More reform is needed to help place more children in a safe, permanent home.

I am looking toward future years to do more in the following areas. People should know that CHUCK GRASSLEY, the Senator from Iowa, is not done with changes in foster care and adoption at the Federal level.

First, we need to dramatically limit the time a child can legally spend in foster care. The national average length of stay in foster care is 3 years. That is three birthdays, three Christmases, and that is going through the first, second, and third grades, without having a mom and dad.

Second, we need to remove financial incentives to keep children in foster care, and provide incentives for success, not just for attempts to adopt. Currently, the system pays the same rate per child per month without limitation. The Federal Government must pay for performance.

These children are the most vulnerable of all; their lives begin with abuse

and neglect by their own parents and, for many, they experience systemic abuse by languishing in long-term foster care.

The Congressional Research Service stated, "Children are vulnerable, and their well-being is affected by conditions beyond their control." But their well-being is not beyond our control. These children depend on sound Federal policy that promotes permanency. Together with those on the front lines, we can make this policy work.

Congress has said that long-term foster care should never be a solution for a child who needs a home. It takes the critical first steps toward complete reform of a broken-down system, and it lays the cornerstone for continued improvement on behalf of tens of thousands of children left in limbo each year in the foster care system.

Foster care is a poor parent. A loving, committed family is the best gift that we can give to any child.

I yield the floor.

Mr. CRAIG. Mr. President, with the Senate's vote today on "The Adoption and Safe Families Act," we are sending the President a landmark reform of the nation's foster care system and a bill that will make an enormous difference in the lives of many children in America.

Every child deserves a safe, loving, permanent family. For a lot of us, it's inconceivable that this most basic need is out of reach for hundreds of thousands of children across the nation. Although we've tried to provide a safety net to protect children at risk of abuse or neglect, that safety net is failing all too many children. The problem does not lie with the vast majority of foster parents, relatives and caseworkers who work valiantly to provide the care needed by these children. Rather, the problem is the system itself, and incentives built into it. On one end, it's allowing children to slip back into abusive homes; on the other end, it's trapping them in what was supposed to be "temporary" foster care, instead of moving them into permanent homes.

The Adoption and Safe Families Act of 1997 will bring more children home—to safe, permanent homes—and it will bring them home faster. It will change the culture of foster care with a number of fundamental reforms:

Currently, to obtain federal funds, states are required to use "reasonable efforts" to keep families together. While that sounds like a goal we all can support, this requirement has resulted in states using extraordinary efforts to keep children in what may actually be abusive or unsafe situations. Tragically, it's the children who ultimately pay for mistakes when this happens—sometimes with their very lives.

Our bill will change this. It requires that the child's health and safety must be the paramount concerns in any decisions made by the state on behalf of that child. While the reforms in the bill respect the rights of others—such as

birth parents, relatives, foster families and adoptive parents—it makes clear that the focus must always be on the child's health and safety.

In addition to this general rule, the bill provides that the "reasonable efforts" requirement does not apply where there are aggravated circumstances such as abandonment, torture, chronic abuse or sexual abuse. This is not a comprehensive list; we've tried to make clear that states have the power to suspend the requirement for other aggravated circumstances that jeopardize the health and safety of the child.

Mr. President, these critical reforms will help save the lives of children. That's probably the most important goal of the Adoption and Safe Families Act. But it's not the only goal; other reforms in the bill are aimed at encouraging adoption and helping to move children through the foster care system and into permanent, loving homes.

For instance, for the first time, steps will have to be taken to free a child for adoption or other permanent placement once the child has been in foster care for fifteen months or more. In cases of severe abuse, when "reasonable efforts" are not appropriate, this bill establishes a new expedited process, requiring a permanency planning hearing to be held within 30 days. For the first time, states will be required to use "reasonable efforts" to place a child for adoption, if returning the child to the family is not an option. For the first time, those efforts must be documented.

We were particularly concerned about helping make adoption more likely for foster children with "special needs." These are children who, by definition, are hard to place, perhaps because they require special medical help or mental health services, or the like. This bill requires health insurance coverage for children with special needs, which will make it more possible for families of all incomes to give these children a home.

This bill also provides states with financial rewards based on their success in increasing adoptions. An even higher reward is provided for increasing the adoptions of special needs children. The bill authorizes the Department of Health and Human Services to provide technical assistance to states and localities to promote adoption of foster children. We've also highlighted adoption promotion and support as services funded by the Family Preservation Program, which we have reauthorized for three years and renamed the "Promoting Adoptive, Safe and Stable Families" program.

We also attempted to address what many in the field have told us is a major hindrance to adoption: geographic barriers. It's my understanding that states are working independently to resolve this problem. Our bill gives them an additional push toward resolution, by providing that states risk losing their federal payments if they deny



or delay the placement of a child when an approved family is available outside their jurisdiction. We've also required a study and report to Congress on interjurisdictional adoption issues, so that we can take additional actions in the future in this area, if necessary.

This bill makes a number of system reforms aimed both at helping to advance our goals and providing a foundation for additional reforms in the future.

For instance, we're requiring the Secretary of Health and Human Services to work with state and local officials, child advocates and others in developing performance measures and publishing a report evaluating the effectiveness of our child welfare programs. This bill also requires HHS to develop and recommend to Congress a system for basing federal assistance payments on performance. It allows child welfare agencies to use the Federal Parent Locator Service to assist in locating absent parents. It allows agencies to use concurrent planning—that is, providing services to reunite or preserve the family while simultaneously recruiting adoptive parents, so that if the family cannot be preserved or reunited, the child will not have to wait such a long time before moving into a permanent home.

Before concluding, let me acknowledge the hard work of a number of members in both the House and the Senate, without which we wouldn't have a bill today. Although we may have started with fundamentally different views as to how best to change the system, we were united—and driven to resolve our differences—by the strong belief that reform is urgently needed now. I am pleased to have had a part in the bipartisan Senate coalition that worked and re-worked this legislation: Senator DEWINE, Senator CHAFEE, Senator ROCKEFELLER, Senator MOYNIHAN, Senator JEFFORDS, Senator COATS, Senator BOND, Senator LEVIN, Senator NICKLES, and Senator GRASSLEY. Special thanks must go to Chairman ROTH of the Senate Finance Committee, and his staff, who helped navigate the Senate bill to the floor and through the House. The Senate coalition appreciated having excellent technical assistance from Karen Spar of the Congressional Research Service. I'd like to thank the other cosponsors of the Senate PASS Act for their support: Senator DORGAN, Senator LANDRIEU, Senator JOHNSON, Senator KERREY and Senator MOSELEY-BRAUN. I also appreciate the efforts on the House side, led by Congressmen CAMP and KENNELLY, and Chairman SHAW.

Mr. President, these reforms will save lives and help move children out of foster care, faster, and into safe, permanent, loving homes. It's the hope of all who support this legislation that President Clinton will sign it into law before the end of November—which, appropriately enough, is National Adoption Month. Let's bring these children home.

Mr. DOMENICI. Mr. President, I would like to thank Senators ROTH, CHAFEE, CRAIG, and ROCKEFELLER for bringing this foster care and adoption assistance bill to the floor.

This bill contains a number of long overdue programmatic changes to strengthen the foster care system.

In addition, the bill provides more funds to reward states that increase adoptions. These adoptions will preclude children from having long, or even worse, permanent stays in state foster care systems.

To achieve this additional funding, the bill contains a discretionary spending cap adjustment of \$20 million per year for the years 1999 to 2002.

One could argue that this cap adjustment would result in an increase in the deficit. However, the Congressional Budget Office estimates that spending from this incentive payment will reduce mandatory foster care spending by \$25 million over the next 5 years.

The bill also contains additional mandatory spending for family preservation services. The Family Preservation Program attempts to provide intensive services to families at risk of having children removed from the home and put into foster care.

This additional money would raise total funding for family preservation services to \$1.435 billion over the next 5 years or \$80 million above the President's request.

I want to raise a couple concerns. First, there are a number of minor Budget Act violations, like the cap adjustment.

Second, and of greater concern, is an offset for the additional Family Preservation spending. The offset was conceived of and added at the last minute. I do not believe the policy was thought out and the effects certainly are not well known to this body.

The offset would tap into the Temporary Assistance for Needy Families [TANF] contingency fund and could unfairly target small, poor states with volatile unemployment rates. Moreover, the offset would, perversely, take away funds from states when they are needed the most.

The contingency fund was a vital part of making welfare reform work by increasing funds to states experiencing increased unemployment or rising food stamp caseloads.

The offset allows states to receive a contingency grant payment in one year, but then require that state to pay back at least a portion in the next year.

The repayment would be prorated among the states that qualify in any given year. For example if five states qualify for payments in the year 2000, those states would split the \$16 million required repayment in the year 2001.

However, the risk is that one state or a handful of very small states will qualify for contingency grant payments and will be forced to pay back the full amount.

This risk is justified. In 1997 only one state, New Mexico, qualified for contin-

gency payments. Had this bill been in effect this year, New Mexico would have had to pay back almost all of their contingency grant.

The economy in New Mexico is currently doing better, unemployment is down to 6.4 percent and the state does not currently qualify for the contingency fund. But my state and many other similar states are always vulnerable. One plant closing can mean a substantial increase in unemployment and need.

While \$16 million with respect to the Federal Budget does not sound like a lot to many people, this is a substantial sum to New Mexico. \$16 million represents over ten percent of New Mexico's entire TANF grant.

In fact this offset would represent over a ten percent reduction in the TANF grant for 31 states and a cut of over fifty percent for 6 states.

Further this grant reduction would come at time when a state needs it the most, when state coffers are under pressure from an increase in unemployment.

I understand that this bill enjoys broad support and that the bill on net contains important, necessary changes. I do not intend to hold it up today.

I wish to enter into a colloquy with Senator ROTH to formalize my understanding that next year the Finance Committee will address this problem and restore full funding to the contingency grant.

Mr. DOMENICI. Mr. President, I would like to congratulate Senator ROTH for bringing this foster care and adoption assistance bill to the floor. The bill contains a number of long overdue changes to the foster care system. However, the bill contains an offset for new spending that would take money out of the temporary assistance for needy families [TANF] contingency fund. It is my understanding that only those states that qualify for contingency payments would be affected by this offset.

Mr. ROTH. Yes. That is true. States that qualify for payments in one year would pay back a prorated share in the next.

Mr. DOMENICI. I am concerned that this repayment would target states that need the funding most: states with rising unemployment.

Mr. ROTH. The Finance Committee is aware of that potential situation. We will monitor the situation and work with you and the Administration to make adjustments in the operation of the contingency fund if necessary.

Mr. DOMENICI. I thank the Senator very much. I look forward to an equitable resolution in this matter.

Mr. JEFFORDS. Mr. President, the bill before us is a remarkable achievement. It not only represents a true bipartisan effort to change a system that too often becomes mired in bureaucracy, but it also represents a significant change in the way that system works and what its goals should be. I am very proud to have played a part in

negotiating a good bill, and I want to commend, in particular, my colleagues Senator CHAFEE, Senator ROCKEFELLER, Senator COATS, and Senator CRAIG for their hard work on this bill. I also want to thank Senator ROTH for his efforts in negotiating this legislation with our House counterparts.

This legislation will lead to an improvement in the services we provide to nearly 100,000 children in the foster care system who are unable to return to their biological families because of threats to their health and safety. This bill guarantee as never before that their health and safety will be the "paramount concern" at every step of their stay in foster care, including in the development of their permanency plan. It also assures that every effort will be made to move children into safe, permanent homes as quickly as possible.

Why is this important? Too often, children languish in foster care for years—years—before they find a safe, loving family. Many children, especially those with special needs, often never are placed with an adoptive family. Those children grow up in the foster care system, never knowing the security and warmth that a loving family provides.

To help ensure that the child's safety remains the paramount concern, this bill changes the focus on the way states define the term "reasonable effort." Too often, states have placed too much emphasis on returning a child to his or her biological family, even when doing so may mean endangering the child. This bill provides that states should still make every attempt to keep families intact, but—and this is a significant change in the current law—it also makes it very clear that there are a number of circumstances in which a state does NOT have to make a reasonable effort to reunite a child with the biological family. For example, if a parent has been found to have murdered another child in the family, or has subjected a child to chronic abuse, it is unreasonable—and irrational—to insist that the state return that child to the family. That seems like common sense, but, as we all know, the law doesn't always lead to common sense conclusion. This legislation clarifies this.

I also want to point out that this bill requires, for the first time, states to implement procedures by which they will perform criminal background checks on potential foster and adoptive parents. I think the average citizen would be very surprised to learn that we do not currently require states to do such checks. While some states check prospective adoptive parents for evidence of past criminal activity which might indicate that it would be dangerous to place a child in their care, most states do not. This bill would change that situation. The original House bill did not contain this provision, and I want to commend the Senate conferees, especially Senator

COATS, for insisting the Senate's language remain intact. It makes good sense.

Another hard-fought provision that the Senate can be very proud of provides that when a special needs child is adopted—that is, one who is hard to place because of a physical or mental disability—then the state must ensure that the child will have health insurance coverage. Too many of these special needs children have found that when they are adopted, their access to health care disappears and the adoptive family must shoulder the entire financial responsibility for the child. That can create a huge disincentive for an otherwise loving family to adopt a child with a physical disability. Our bill says that when a child is adopted, he or she will have the health insurance needed to meet his or her needs. That is a significant step, and, again, I am pleased the Senate remained steadfast in its insistence on this provision.

Mr. President, this bill is a victory for children and adoptive parents nationwide. There are more than 100,000 children awaiting adoption or other permanent placements, and this bill is a good step toward moving many of them into safe, loving, permanent homes.

Again, I extend my deepest thanks to Senators CHAFEE, ROCKEFELLER, CRAIG, COATS, DEWINE, KERREY, and ROTH for their hard work on this bill. We have been working to come to this agreement for months, and this bill is the hard-fought result of those efforts. I urge all my colleagues to give their support to this legislation.

Mr. MOYNIHAN. Mr. President, I rise today in support of H.R. 867, the Adoption and Safe Families Act of 1997. This legislation promotes adoption and makes important reforms in foster care. It includes provisions drawn from two bills I co-sponsored earlier this year, S. 511 [the "SAFE" Act] and S. 1195 [the "PASS" Act]. We have been able to work out bipartisan legislation with two goals we all share—ensuring the safety of children in the child welfare system, and finding permanent homes for as many children in foster care as possible.

Children in the child welfare system, victims of abuse and neglect, are among the most vulnerable in our society. Just this week, in my own state, we learned of another tragic death, that of little Sabrina Green. Sabrina, nine years old, lived in the Bronx. After both her mother and her latest foster mother died, Sabrina went to live with her oldest sister, Yvette Green. After what appears to have been months of abuse—such as burning Sabrina's hand over a stove as punishment for taking food out of the refrigerator—she was found beaten to death. Her sister and her sister's boyfriend have been accused of this crime.

We owe it to these abused and neglected children to do our best on their behalf. And I am encouraged that a group of our colleagues has worked to-

gether—on a bipartisan basis—to develop this legislation. I thank Senators CHAFEE, ROCKEFELLER, ROTH, CRAIG, JEFFORDS, KERREY, COATS, DEWINE, LANDRIEU, and the others who have played important roles in this effort.

This bill clarifies that the health and safety of the child are to be the "paramount" concern when making the difficult decisions involved in the child welfare system and it contains several other "safety first" provisions, such as requiring criminal records checks for prospective adoptive and foster parents. The bill accelerates the process for determining the permanent placement for a child in foster care, so that children do not spend years bouncing among foster homes. H.R. 867 also promotes adoption by providing states with financial incentives to get children in foster care adopted, and by breaking down health insurance and geographic barriers to adoption.

This legislation is an important step forward in our efforts to help abused and neglected children. I am proud to support it.

Mr. LOTT. I do want to say, Mr. President, for the RECORD, and I note Senator DASCHLE is also very interested in this, that I am very pleased we were able to get this legislation through the whole process. There was a lot of work by Senators on both sides of the aisle. I believe this will be one of the two or three important bills we passed this year, because it will help with foster care and adoption. I commend all Senators.

Mr. DASCHLE. Mr. President, I concur in what the majority leader just said. This is an important issue to the administration. They called again this afternoon to confirm it was going to pass.

Mr. LOTT. Mr. President, I move that the Senate concur in the amendment of the House to the Senate amendment.

The PRESIDING OFFICER. The question is on agreeing to the motion. The motion was agreed to.

#### AUTHORITY TO WAIVE CERTAIN ENROLLMENT REQUIREMENTS

Mr. LOTT. Mr. President, I call up House Joint Resolution 103, which is at the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A joint resolution (H.J. Res. 103) waiving certain enrollment requirements with respect to certain specified bills of the 105th Congress.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the joint resolution?

There being no objection, the Senate proceeded to consider the joint resolution.

Mr. LOTT. Mr. President, I ask unanimous consent that the resolution be considered agreed to, and that the motion to reconsider be laid upon the table.