

BRADY) for his very gracious and kind comments and also thank all the Members of the Pennsylvania delegation, including, of course, the gentleman from Pennsylvania (Mr. BORSKI), for bringing this nominee to our attention. And I would, finally, urge support from all our colleagues for this legislation.

Mr. BORSKI. Mr. Speaker, I rise in strong support of H.R. 4554, a bill that I introduced which would rename a United States Post Office in Philadelphia, PA to honor the late U.S. Congressman, Joseph F. Smith. I would like to thank Chairman MCHUGH for his efforts on behalf of this bill. I would also like to extend my deep appreciation to my fellow colleagues of the Philadelphia Delegation. Ranking Member FATTAH put in remarkable work at expediting this bill through Committee. Congressman BOB BRADY, the successor to Joe Smith as the Democratic Chairman of the City of Philadelphia, was an advocate of this bill from day one. Finally, I would like to thank the entire Pennsylvania Congressional Delegation for joining together in a bipartisan matter in strong support of this important legislation.

Joe Smith started his career of service to this Nation as a sergeant in the United States Army, receiving a Purple Heart for his actions during World War II. Joe began his career in politics as a Democratic Committeeman. He was a Ward Chairman, working directly under James Byrne, the Ward Leader who went on to become a U.S. Congressman, who Joe would eventually work for as an Administrative Assistant from 1965–1970. From 1970–1981, he served in the Pennsylvania State Senate. As you are aware, Joe was elected to the Ninety-seventh Congress in 1981 and served until 1983. He worked at the forefront of the Democratic Party as the Democratic City Chairman in Philadelphia from 1983–1986. This was an enormous accomplishment, because he achieved the difficult task of earning the trust and respect of the city's Ward Leaders who voted to elect him their Chairman. Joe also served as the 31st Ward Leader for more than 3 decades. He remained devoted to the people of his community until May of 1999, when he passed away.

Joe Smith served for over 60 years in politics. Through his old-fashioned values of working hard and starting from the grassroots, Joe climbed from Committeeman to U.S. Congressman. Regardless of the position he was serving, Joe Smith remained noble enough of a man to continuously work hard towards his goal of helping the people of his country and his community. He once told me that he considered himself a "dinosaur" because he still believed in the pure art of politics—going door to door in your community not only to get the vote, but also to learn about the people and families that you plan to serve. On another occasion, Joe answered a question given by group of labor leaders with a memorable quote. "I was Joe Smith yesterday, I'm Joe Smith today, and I'll be Joe Smith tomorrow." They understood what he meant—that they could always count on this unpretentious man who believed enough in the hard-working people and values of the 1st Congressional District, to adamantly work for their well being. I can only hope that more of today's leaders will abide by Joe's principle that "politics" is never a dirty word.

Throughout his career, the people of Philadelphia looked to him for leadership, and he

immersed himself in understanding their needs. Joe understood that public service is most effective when one understands and closely reflects the convictions and beliefs of one's constituents. No matter what body he was serving in, his heart was always with the people who resided in the communities of Kensington, Port Richmond, and Fishtown. After his retirement, Joe could still be found sharing wisdom and insight from his front steps to those who sought advice and kinship.

When I think of Joe Smith I also think of the dedicated women in his life. He was a committed husband to the love of his life, his wife, Jean, and a devoted father to his daughter, Gigi. Joe was certainly proud of Gigi who is following in his footsteps as a Democratic Committeeperson. His daughter has also sought elected office and I am sure that she has a bright political future ahead of her. Along with his wife and daughter, I am certainly reminded of the three "Peg's" in his life—Peg Butkowski, the late Peg McCook, and Peg Rzepski. Whenever you called his office, you were sure to be assisted by the ever-helpful Peg Butkowski and Peg McCook. These women fought the fight in reconnecting the community with their government. Peg Rzepski served as his loyal lieutenant as the Ward Chairman for years. As his successor of the 31st Ward, she has shared in his belief that politics is never a dirty word and should be seen as a noble cause.

Joe Smith was an outstanding legislator, a great human being, and a distinguished American. I urge my colleagues to join me in supporting this bill to honor his legacy in the community that he so diligently served throughout his life, by naming the Kensington Station Post Office after Joe Smith.

Mr. MCHUGH. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. MCHUGH) that the House suspend the rules and pass the bill, H.R. 4554.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

□

INTERCOUNTRY ADOPTION ACT OF 2000

Mr. GILMAN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2909) to provide for implementation by the United States of the Hague Convention on Protection of Children and Co-operation in Respect of Inter-country Adoption, and for other purposes, as amended.

The Clerk read as follows:

H.R. 2909

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Intercountry Adoption Act of 2000".

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

Sec. 1. Short title; table of contents.

Sec. 2. Findings and purposes.

Sec. 3. Definitions.

TITLE I—UNITED STATES CENTRAL AUTHORITY

Sec. 101. Designation of central authority.

Sec. 102. Responsibilities of the Secretary of State.

Sec. 103. Responsibilities of the Attorney General.

Sec. 104. Annual report on intercountry adoptions.

TITLE II—PROVISIONS RELATING TO ACCREDITATION AND APPROVAL

Sec. 201. Accreditation or approval required in order to provide adoption services in cases subject to the Convention.

Sec. 202. Process for accreditation and approval; role of accrediting entities.

Sec. 203. Standards and procedures for providing accreditation or approval.

Sec. 204. Secretarial oversight of accreditation and approval.

Sec. 205. State plan requirement.

TITLE III—RECOGNITION OF CONVENTION ADOPTIONS IN THE UNITED STATES

Sec. 301. Adoptions of children immigrating to the United States.

Sec. 302. Immigration and Nationality Act amendments relating to children adopted from Convention countries.

Sec. 303. Adoptions of children emigrating from the United States.

TITLE IV—ADMINISTRATION AND ENFORCEMENT

Sec. 401. Access to Convention records.

Sec. 402. Documents of other Convention countries.

Sec. 403. Authorization of appropriations; collection of fees.

Sec. 404. Enforcement.

TITLE V—GENERAL PROVISIONS

Sec. 501. Recognition of Convention adoptions.

Sec. 502. Special rules for certain cases.

Sec. 503. Relationship to other laws.

Sec. 504. No private right of action.

Sec. 505. Effective dates; transition rule.

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress recognizes—

(1) the international character of the Convention on Protection of Children and Co-operation in Respect of Inter-country Adoption (done at The Hague on May 29, 1993), and

(2) the need for uniform interpretation and implementation of the Convention in the United States and abroad,

and therefore finds that enactment of a Federal law governing adoptions and prospective adoptions subject to the Convention involving United States residents is essential.

(b) PURPOSES.—The purposes of this Act are—

(1) to provide for implementation by the United States of the Convention;

(2) to protect the rights of, and prevent abuses against, children, birth families, and adoptive parents involved in adoptions (or prospective adoptions) subject to the Convention, and to ensure that such adoptions are in the children's best interests; and

(3) to improve the ability of the Federal Government to assist United States citizens seeking to adopt children from abroad and residents of other countries party to the Convention seeking to adopt children from the United States.

SEC. 3. DEFINITIONS.

As used in this Act:

(1) ACCREDITED AGENCY.—The term "accredited agency" means an agency accredited under title II to provide adoption services in the United States in cases subject to the Convention.

(2) **ACCREDITING ENTITY.**—The term “accrediting entity” means an entity designated under section 202(a) to accredit agencies and approve persons under title II.

(3) **ADOPTION SERVICE.**—The term “adoption service” means—

(A) identifying a child for adoption and arranging an adoption;

(B) securing necessary consent to termination of parental rights and to adoption;

(C) performing a background study on a child or a home study on a prospective adoptive parent, and reporting on such a study;

(D) making determinations of the best interests of a child and the appropriateness of adoptive placement for the child;

(E) post-placement monitoring of a case until final adoption; and

(F) where made necessary by disruption before final adoption, assuming custody and providing child care or any other social service pending an alternative placement.

The term “providing”, with respect to an adoption service, includes facilitating the provision of the service.

(4) **AGENCY.**—The term “agency” means any person other than an individual.

(5) **APPROVED PERSON.**—The term “approved person” means a person approved under title II to provide adoption services in the United States in cases subject to the Convention.

(6) **ATTORNEY GENERAL.**—Except as used in section 404, the term “Attorney General” means the Attorney General, acting through the Commissioner of Immigration and Naturalization.

(7) **CENTRAL AUTHORITY.**—The term “central authority” means the entity designated as such by any Convention country under Article 6(1) of the Convention.

(8) **CENTRAL AUTHORITY FUNCTION.**—The term “central authority function” means any duty required to be carried out by a central authority under the Convention.

(9) **CONVENTION.**—The term “Convention” means the Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption, done at The Hague on May 29, 1993.

(10) **CONVENTION ADOPTION.**—The term “Convention adoption” means an adoption of a child resident in a foreign country party to the Convention by a United States citizen, or an adoption of a child resident in the United States by an individual residing in another Convention country.

(11) **CONVENTION RECORD.**—The term “Convention record” means any item, collection, or grouping of information contained in an electronic or physical document, an electronic collection of data, a photograph, an audio or video tape, or any other information storage medium of any type whatever that contains information about a specific past, current, or prospective Convention adoption (regardless of whether the adoption was made final) that has been preserved in accordance with section 401(a) by the Secretary of State or the Attorney General.

(12) **CONVENTION COUNTRY.**—The term “Convention country” means a country party to the Convention.

(13) **OTHER CONVENTION COUNTRY.**—The term “other Convention country” means a Convention country other than the United States.

(14) **PERSON.**—The term “person” shall have the meaning provided in section 1 of title 1, United States Code, and shall not include any agency of government or tribal government entity.

(15) **PERSON WITH AN OWNERSHIP OR CONTROL INTEREST.**—The term “person with an ownership or control interest” has the meaning given such term in section 1124(a)(3) of the Social Security Act (42 U.S.C. 1320a-3).

(16) **SECRETARY.**—The term “Secretary” means the Secretary of State.

(17) **STATE.**—The term “State” means the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, Guam, and the Virgin Islands.

TITLE I—UNITED STATES CENTRAL AUTHORITY

SEC. 101. DESIGNATION OF CENTRAL AUTHORITY.

(a) **IN GENERAL.**—For purposes of the Convention and this Act—

(1) the Department of State shall serve as the central authority of the United States; and

(2) the Secretary shall serve as the head of the central authority of the United States.

(b) **PERFORMANCE OF CENTRAL AUTHORITY FUNCTIONS.**—

(1) Except as otherwise provided in this Act, the Secretary shall be responsible for the performance of all central authority functions for the United States under the Convention and this Act.

(2) All personnel of the Department of State performing core central authority functions in a professional capacity in the Office of Children's Issues shall have a strong background in consular affairs, personal experience in international adoptions, or professional experience in international adoptions or child services.

(c) **AUTHORITY TO ISSUE REGULATIONS.**—Except as otherwise provided in this Act, the Secretary may prescribe such regulations as may be necessary to carry out central authority functions on behalf of the United States.

SEC. 102. RESPONSIBILITIES OF THE SECRETARY OF STATE.

(a) **LIAISON RESPONSIBILITIES.**—The Secretary shall have responsibility for—

(1) liaison with the central authorities of other Convention countries; and

(2) the coordination of activities under the Convention by persons subject to the jurisdiction of the United States.

(b) **INFORMATION EXCHANGE.**—The Secretary shall be responsible for—

(1) providing the central authorities of other Convention countries with information concerning—

(A) accredited agencies and approved persons, agencies and persons whose accreditation or approval has been suspended or canceled, and agencies and persons who have been temporarily or permanently debarred from accreditation or approval;

(B) Federal and State laws relevant to implementing the Convention; and

(C) any other matters necessary and appropriate for implementation of the Convention;

(2) not later than the date of the entry into force of the Convention for the United States (pursuant to Article 46(2)(a) of the Convention) and at least once during each subsequent calendar year, providing to the central authority of all other Convention countries a notice requesting the central authority of each such country to specify any requirements of such country regarding adoption, including restrictions on the eligibility of persons to adopt, with respect to which information on the prospective adoptive parent or parents in the United States would be relevant;

(3) making responses to notices under paragraph (2) available to—

(A) accredited agencies and approved persons; and

(B) other persons or entities performing home studies under section 201(b)(1);

(4) ensuring the provision of a background report (home study) on the prospective adoptive parent or parents (pursuant to the requirements of section 203(b)(1)(A)(ii)),

through the central authority of each child's country of origin, to the court having jurisdiction over the adoption (or in the case of a child emigrating to the United States for the purpose of adoption to the competent authority in the child's country of origin with responsibility for approving the child's emigration) in adequate time to be considered prior to the granting of such adoption or approval;

(5) providing Federal agencies, State courts, and accredited agencies and approved persons with an identification of Convention countries and persons authorized to perform functions under the Convention in each such country; and

(6) facilitating the transmittal of other appropriate information to, and among, central authorities, Federal and State agencies (including State courts), and accredited agencies and approved persons.

(c) **ACCREDITATION AND APPROVAL RESPONSIBILITIES.**—The Secretary shall carry out the functions prescribed by the Convention with respect to the accreditation of agencies and the approval of persons to provide adoption services in the United States in cases subject to the Convention as provided in title II. Such functions may not be delegated to any other Federal agency.

(d) **ADDITIONAL RESPONSIBILITIES.**—The Secretary—

(1) shall monitor individual Convention adoption cases involving United States citizens; and

(2) may facilitate interactions between such citizens and officials of other Convention countries on matters relating to the Convention in any case in which an accredited agency or approved person is unwilling or unable to provide such facilitation.

(e) **ESTABLISHMENT OF REGISTRY.**—The Secretary and the Attorney General shall jointly establish a case registry of all adoptions involving immigration of children into the United States and emigration of children from the United States, regardless of whether the adoption occurs under the Convention. Such registry shall permit tracking of pending cases and retrieval of information on both pending and closed cases.

(f) **METHODS OF PERFORMING RESPONSIBILITIES.**—The Secretary may—

(1) authorize public or private entities to perform appropriate central authority functions for which the Secretary is responsible, pursuant to regulations or under agreements published in the Federal Register; and

(2) carry out central authority functions through grants to, or contracts with, any individual or public or private entity, except as may be otherwise specifically provided in this Act.

SEC. 103. RESPONSIBILITIES OF THE ATTORNEY GENERAL.

In addition to such other responsibilities as are specifically conferred upon the Attorney General by this Act, the central authority functions specified in Article 14 of the Convention (relating to the filing of applications by prospective adoptive parents to the central authority of their country of residence) shall be performed by the Attorney General.

SEC. 104. ANNUAL REPORT ON INTERCOUNTRY ADOPTIONS.

(a) **REPORTS REQUIRED.**—Beginning one year after the date of the entry into force of the Convention for the United States and each year thereafter, the Secretary, in consultation with the Attorney General and other appropriate agencies, shall submit a report describing the activities of the central authority of the United States under this Act during the preceding year to the Committee on International Relations, the Committee on Ways and Means, and the

Committee on the Judiciary of the House of Representatives and the Committee on Foreign Relations, the Committee on Finance, and the Committee on the Judiciary of the Senate.

(b) **REPORT ELEMENTS.**—Each report under subsection (a) shall set forth with respect to the year concerned, the following:

(1) The number of intercountry adoptions involving immigration to the United States, regardless of whether the adoption occurred under the Convention, including the country from which each child emigrated, the State to which each child immigrated, and the country in which the adoption was finalized.

(2) The number of intercountry adoptions involving emigration from the United States, regardless of whether the adoption occurred under the Convention, including the country to which each child immigrated and the State from which each child emigrated.

(3) The number of Convention placements for adoption in the United States that were disrupted, including the country from which the child emigrated, the age of the child, the date of the placement for adoption, the reasons for the disruption, the resolution of the disruption, the agencies that handled the placement for adoption, and the plans for the child, and in addition, any information regarding disruption or dissolution of adoptions of children from other countries received pursuant to section 422(b)(14) of the Social Security Act, as amended by section 205 of this Act.

(4) The average time required for completion of a Convention adoption, set forth by country from which the child emigrated.

(5) The current list of agencies accredited and persons approved under this Act to provide adoption services.

(6) The names of the agencies and persons temporarily or permanently debarred under this Act, and the reasons for the debarment.

(7) The range of adoption fees charged in connection with Convention adoptions involving immigration to the United States and the median of such fees set forth by the country of origin.

(8) The range of fees charged for accreditation of agencies and the approval of persons in the United States engaged in providing adoption services under the Convention.

TITLE II—PROVISIONS RELATING TO ACCREDITATION AND APPROVAL

SEC. 201. ACCREDITATION OR APPROVAL REQUIRED IN ORDER TO PROVIDE ADOPTION SERVICES IN CASES SUBJECT TO THE CONVENTION.

(a) **IN GENERAL.**—Except as otherwise provided in this title, no person may offer or provide adoption services in connection with a Convention adoption in the United States unless that person—

(1) is accredited or approved in accordance with this title; or

(2) is providing such services through or under the supervision and responsibility of an accredited agency or approved person.

(b) **EXCEPTIONS.**—Subsection (a) shall not apply to the following:

(1) **BACKGROUND STUDIES AND HOME STUDIES.**—The performance of a background study on a child or a home study on a prospective adoptive parent, or any report on any such study by a social work professional or organization who is not providing any other adoption service in the case, if the background or home study is approved by an accredited agency.

(2) **CHILD WELFARE SERVICES.**—The provision of a child welfare service by a person who is not providing any other adoption service in the case.

(3) **LEGAL SERVICES.**—The provision of legal services by a person who is not providing any adoption service in the case.

(4) **PROSPECTIVE ADOPTIVE PARENTS ACTING ON OWN BEHALF.**—The conduct of a prospective adoptive parent on his or her own behalf in the case, to the extent not prohibited by the law of the State in which the prospective adoptive parent resides.

SEC. 202. PROCEEDINGS FOR ACCREDITATION AND APPROVAL; ROLE OF ACCREDITING ENTITIES.

(a) **DESIGNATION OF ACCREDITING ENTITIES.**—

(1) **IN GENERAL.**—The Secretary shall enter into agreements with one or more qualified entities under which such entities will perform the duties described in subsection (b) in accordance with the Convention, this title, and the regulations prescribed under section 203, and upon entering into each such agreement shall designate the qualified entity as an accrediting entity.

(2) **QUALIFIED ENTITY.**—In paragraph (1), the term “qualified entity” means—

(A) a nonprofit private entity that has expertise in developing and administering standards for entities providing child welfare services and that meets such other criteria as the Secretary may by regulation establish; or

(B) a public entity (other than a Federal entity), including an agency or instrumentality of State government having responsibility for licensing adoption agencies, that—

(i) has expertise in developing and administering standards for entities providing child welfare services;

(ii) accredits only agencies located in the State in which the public entity is located;

(iii) on the basis of the most recent review, has not been found to have conducted a State program that has been found to have failed substantially to conform with the requirements of the child and family services review system authorized under section 1123A of the Social Security Act; and

(iv) meets such other criteria as the Secretary may by regulation establish.

(b) **DUTIES OF ACCREDITING ENTITIES.**—The duties described in this subsection are the following:

(1) **ACCREDITATION AND APPROVAL.**—Accreditation of agencies, and approval of persons, to provide adoption services in the United States in cases subject to the Convention.

(2) **OVERSIGHT.**—Ongoing monitoring of the compliance of accredited agencies and approved persons with applicable requirements, including review of complaints against such agencies and persons in accordance with procedures established by the accrediting entity and approved by the Secretary.

(3) **ENFORCEMENT.**—Taking of adverse actions (including requiring corrective action, imposing sanctions, and refusing to renew, suspending, or canceling accreditation or approval) for noncompliance with applicable requirements, and notifying the agency or person against whom adverse actions are taken of the deficiencies necessitating the adverse action.

(4) **DATA, RECORDS, AND REPORTS.**—Collection of data, maintenance of records, and reporting to the Secretary, the United States central authority, State courts, and other entities (including on persons and agencies granted or denied approval or accreditation), to the extent and in the manner that the Secretary requires.

(c) **REMEDIES FOR ADVERSE ACTION BY ACCREDITING ENTITY.**—

(1) **CORRECTION OF DEFICIENCY.**—An agency or person who is the subject of an adverse action by an accrediting entity may re-apply for accreditation or approval (or petition for termination of the adverse action) on demonstrating to the satisfaction of the accrediting entity that the deficiencies necessitating the adverse action have been corrected.

(2) **NO OTHER ADMINISTRATIVE REVIEW.**—An adverse action by an accrediting entity shall not be subject to administrative review.

(3) **JUDICIAL REVIEW.**—An agency or person who is the subject of an adverse action by an accrediting entity may petition the United States district court in the judicial district in which the agency is located or the person resides to set aside the adverse action. The court shall review the adverse action in accordance with section 706 of title 5, United States Code, and for purposes of such review the accrediting entity shall be considered an agency within the meaning of section 701 of such title.

(d) **FEES.**—The amount of fees assessed by accrediting entities for the costs of accreditation shall be subject to approval by the Secretary. Such fees may not exceed the costs of accreditation. In reviewing the level of such fees, the Secretary shall consider the relative size of, the geographic location of, and the number of Convention adoption cases managed by the agencies or persons subject to accreditation or approval by the accrediting entity.

SEC. 203. STANDARDS AND PROCEDURES FOR PROVIDING ACCREDITATION OR APPROVAL.

(a) **IN GENERAL.**—

(1) **PROMULGATION OF REGULATIONS.**—The Secretary, shall, by regulation, prescribe the standards and procedures to be used by accrediting entities for the accreditation of agencies and the approval of persons to provide adoption services in the United States in cases subject to the Convention.

(2) **CONSIDERATION OF VIEWS.**—In developing such regulations, the Secretary shall consider any standards or procedures developed or proposed by, and the views of, individuals and entities with interest and expertise in international adoptions and family social services, including public and private entities with experience in licensing and accrediting adoption agencies.

(3) **APPLICABILITY OF NOTICE AND COMMENT RULES.**—Subsections (b), (c), and (d) of section 553 of title 5, United States Code, shall apply in the development and issuance of regulations under this section.

(b) **MINIMUM REQUIREMENTS.**—

(1) **ACCREDITATION.**—The standards prescribed under subsection (a) shall include the requirement that accreditation of an agency may not be provided or continued under this title unless the agency meets the following requirements:

(A) **SPECIFIC REQUIREMENTS.**—

(i) The agency provides prospective adoptive parents of a child in a prospective Convention adoption a copy of the medical records of the child (which, to the fullest extent practicable, shall include an English-language translation of such records) on a date which is not later than the earlier of the date that is 2 weeks before (I) the adoption, or (II) the date on which the prospective parents travel to a foreign country to complete all procedures in such country relating to the adoption.

(ii) The agency ensures that a thorough background report (home study) on the prospective adoptive parent or parents has been completed in accordance with the Convention and with applicable Federal and State requirements and transmitted to the Attorney General with respect to each Convention adoption. Each such report shall include a criminal background check and a full and complete statement of all facts relevant to the eligibility of the prospective adopting parent or parents to adopt a child under any requirements specified by the central authority of the child's country of origin under section 102(b)(3), including in the case of a child emigrating to the United States for the purpose of adoption the requirements of the

child's country of origin applicable to adoptions taking place in such country. For purposes of this clause, the term "background report (home study)" shall include any supplemental statement submitted by the agency to the Attorney General for the purpose of providing information relevant to any requirements specified by the child's country of origin.

(iii) The agency provides prospective adoptive parents with a training program that includes counseling and guidance for the purpose of promoting a successful intercountry adoption before such parents travel to adopt the child or the child is placed with such parents for adoption.

(iv) The agency employs personnel providing intercountry adoption services on a fee for service basis rather than on a contingent fee basis.

(v) The agency discloses fully its policies and practices, the disruption rates of its placements for intercountry adoption, and all fees charged by such agency for intercountry adoption.

(B) CAPACITY TO PROVIDE ADOPTION SERVICES.—The agency has, directly or through arrangements with other persons, a sufficient number of appropriately trained and qualified personnel, sufficient financial resources, appropriate organizational structure, and appropriate procedures to enable the agency to provide, in accordance with this Act, all adoption services in cases subject to the Convention.

(C) USE OF SOCIAL SERVICE PROFESSIONALS.—The agency has established procedures designed to ensure that social service functions requiring the application of clinical skills and judgment are performed only by professionals with appropriate qualifications and credentials.

(D) RECORDS, REPORTS, AND INFORMATION MATTERS.—The agency is capable of—

(i) maintaining such records and making such reports as may be required by the Secretary, the United States central authority, and the accrediting entity that accredits the agency;

(ii) cooperating with reviews, inspections, and audits;

(iii) safeguarding sensitive individual information; and

(iv) complying with other requirements concerning information management necessary to ensure compliance with the Convention, this Act, and any other applicable law.

(E) LIABILITY INSURANCE.—The agency agrees to have in force adequate liability insurance for professional negligence and any other insurance that the Secretary considers appropriate.

(F) COMPLIANCE WITH APPLICABLE RULES.—The agency has established adequate measures to comply (and to ensure compliance of their agents and clients) with the Convention, this Act, and any other applicable law.

(G) NONPROFIT ORGANIZATION WITH STATE LICENSE TO PROVIDE ADOPTION SERVICES.—The agency is a private nonprofit organization licensed to provide adoption services in at least one State.

(2) APPROVAL.—The standards prescribed under subsection (a) shall include the requirement that a person shall not be approved under this title unless the person is a private for-profit entity that meets the requirements of subparagraphs (A) through (F) of paragraph (1) of this subsection.

(3) RENEWAL OF ACCREDITATION OR APPROVAL.—The standards prescribed under subsection (a) shall provide that the accreditation of an agency or approval of a person under this title shall be for a period of not less than 3 years and not more than 5 years, and may be renewed on a showing that the agency or person meets the requirements ap-

plicable to original accreditation or approval under this title.

(c) TEMPORARY REGISTRATION OF COMMUNITY-BASED AGENCIES.—

(1) 1-YEAR REGISTRATION PERIOD FOR MEDIUM COMMUNITY-BASED AGENCIES.—For a 1-year period after the entry into force of the Convention and notwithstanding subsection (b), the Secretary may provide, in regulations issued pursuant to subsection (a), that an agency may register with the Secretary and be accredited to provide adoption services in the United States in cases subject to the Convention during such period if the agency has provided adoption services in fewer than 100 intercountry adoptions in the preceding calendar year and meets the criteria described in paragraph (3).

(2) 2-YEAR REGISTRATION PERIOD FOR SMALL COMMUNITY-BASED AGENCIES.—For a 2-year period after the entry into force of the Convention and notwithstanding subsection (b), the Secretary may provide, in regulations issued pursuant to subsection (a), that an agency may register with the Secretary and be accredited to provide adoption services in the United States in cases subject to the Convention during such period if the agency has provided adoption services in fewer than 50 intercountry adoptions in the preceding calendar year and meets the criteria described in paragraph (3).

(3) CRITERIA FOR REGISTRATION.—Agencies registered under this subsection shall meet the following criteria:

(A) The agency is licensed in the State in which it is located and is a nonprofit agency.

(B) The agency has been providing adoption services in connection with intercountry adoptions for at least 3 years.

(C) The agency has demonstrated that it will be able to provide the United States Government with all information related to the elements described in section 104(b) and provides such information.

(D) The agency has initiated the process of becoming accredited under the provisions of this Act and is actively taking steps to become an accredited agency.

(E) The agency has not been found to be involved in any improper conduct relating to intercountry adoptions.

SEC. 204. SECRETARIAL OVERSIGHT OF ACCREDITATION AND APPROVAL.

(a) OVERSIGHT OF ACCREDITING ENTITIES.—The Secretary shall—

(1) monitor the performance by each accrediting entity of its duties under section 202 and its compliance with the requirements of the Convention, this Act, other applicable laws, and implementing regulations under this Act; and

(2) suspend or cancel the designation of an accrediting entity found to be substantially out of compliance with the Convention, this Act, other applicable laws, or implementing regulations under this Act.

(b) SUSPENSION OR CANCELLATION OF ACCREDITATION OR APPROVAL.—

(1) SECRETARY'S AUTHORITY.—The Secretary shall suspend or cancel the accreditation or approval granted by an accrediting entity to an agency or person pursuant to section 202 when the Secretary finds that—

(A) the agency or person is substantially out of compliance with applicable requirements; and

(B) the accrediting entity has failed or refused, after consultation with the Secretary, to take appropriate enforcement action.

(2) CORRECTION OF DEFICIENCY.—At any time when the Secretary is satisfied that the deficiencies on the basis of which an adverse action is taken under paragraph (1) have been corrected, the Secretary shall—

(A) notify the accrediting entity that the deficiencies have been corrected; and

(B)(i) in the case of a suspension, terminate the suspension; or

(ii) in the case of a cancellation, notify the agency or person that the agency or person may re-apply to the accrediting entity for accreditation or approval.

(c) DEBARMENT.—

(1) SECRETARY'S AUTHORITY.—On the initiative of the Secretary, or on request of an accrediting entity, the Secretary may temporarily or permanently debar an agency from accreditation or a person from approval under this title, but only if—

(A) there is substantial evidence that the agency or person is out of compliance with applicable requirements; and

(B) there has been a pattern of serious, willful, or grossly negligent failures to comply or other aggravating circumstances indicating that continued accreditation or approval would not be in the best interests of the children and families concerned.

(2) PERIOD OF DEBARMENT.—The Secretary's debarment order shall state whether the debarment is temporary or permanent. If the debarment is temporary, the Secretary shall specify a date, not earlier than 3 years after the date of the order, on or after which the agency or person may apply to the Secretary for withdrawal of the debarment.

(3) EFFECT OF DEBARMENT.—An accrediting entity may take into account the circumstances of the debarment of an agency or person that has been debarred pursuant to this subsection in considering any subsequent application of the agency or person, or of any other entity in which the agency or person has an ownership or control interest, for accreditation or approval under this title.

(d) JUDICIAL REVIEW.—A person (other than a prospective adoptive parent), an agency, or an accrediting entity who is the subject of a final action of suspension, cancellation, or debarment by the Secretary under this title may petition the United States District Court for the District of Columbia or the United States district court in the judicial district in which the person resides or the agency or accrediting entity is located to set aside the action. The court shall review the action in accordance with section 706 of title 5, United States Code.

(e) FAILURE TO ENSURE A FULL AND COMPLETE HOME STUDY.—

(1) Willful, grossly negligent, or repeated failure to ensure the completion and transmission of a background report (home study) that fully complies with the requirements of section 203(b)(1)(A)(ii) shall constitute substantial noncompliance with applicable requirements.

(2) Regulations promulgated under section 203 shall provide for—

(A) frequent and careful monitoring of compliance by agencies and approved persons with the requirements of section 203(b)(1)(A)(ii); and

(B) consultation between the Secretary and the accrediting entity where an agency or person has engaged in substantial noncompliance with the requirements of section 203(b)(1)(A)(ii), unless the accrediting entity has taken appropriate corrective action and the noncompliance has not recurred.

(3) Repeated serious, willful, or grossly negligent failures to comply with the requirements of section 203(b)(1)(A)(ii) by an agency or person after consultation between the Secretary and the accrediting entity with respect to previous noncompliance by such agency or person shall constitute a pattern of serious, willful, or grossly negligent failures to comply under subsection (c)(1)(B).

(4) A failure to comply with the requirements of section 203(b)(1)(A)(ii) shall constitute a serious failure to comply under subsection (c)(1)(B) unless it is shown by clear

and convincing evidence that such non-compliance had neither the purpose nor the effect of determining the outcome of a decision or proceeding by a court or other competent authority in the United States or the child's country of origin.

SEC. 205. STATE PLAN REQUIREMENT.

Section 422(b) of the Social Security Act (42 U.S.C. 622(b)) is amended—

(1) in paragraph (11), by striking “and” at the end;

(2) in paragraph (12), by striking “children,” and inserting “children;”; and

(3) by adding at the end the following new paragraphs:

“(13) contain a description of the activities that the State has undertaken for children adopted from other countries, including the provision of adoption and post-adoption services; and

“(14) provide that the State shall collect and report information on children who are adopted from other countries and who enter into State custody as a result of the disruption of a placement for adoption or the dissolution of an adoption, including the number of children, the agencies who handled the placement or adoption, the plans for the child, and the reasons for the disruption or dissolution.”.

TITLE III—RECOGNITION OF CONVENTION ADOPTIONS IN THE UNITED STATES

SEC. 301. ADOPTIONS OF CHILDREN IMMIGRATING TO THE UNITED STATES.

(a) LEGAL EFFECT OF CERTIFICATES ISSUED BY THE SECRETARY OF STATE.—

(1) ISSUANCE OF CERTIFICATES BY THE SECRETARY OF STATE.—The Secretary of State shall, with respect to each Convention adoption, issue a certificate to the adoptive citizen parent domiciled in the United States that the adoption has been granted or, in the case of a prospective adoptive citizen parent, that legal custody of the child has been granted to the citizen parent for purposes of emigration and adoption, pursuant to the Convention and this Act, if the Secretary of State—

(A) receives appropriate notification from the central authority of such child's country of origin; and

(B) has verified that the requirements of the Convention and this Act have been met with respect to the adoption.

(2) LEGAL EFFECT OF CERTIFICATES.—If appended to an original adoption decree, the certificate described in paragraph (1) shall be treated by Federal and State agencies, courts, and other public and private persons and entities as conclusive evidence of the facts certified therein and shall constitute the certification required by section 204(d)(2) of the Immigration and Nationality Act, as amended by this Act.

(b) LEGAL EFFECT OF CONVENTION ADOPTION FINALIZED IN ANOTHER CONVENTION COUNTRY.—A final adoption in another Convention country, certified by the Secretary of State pursuant to subsection (a) of this section or section 303(c), shall be recognized as a final valid adoption for purposes of all Federal, State, and local laws of the United States.

(c) CONDITION ON FINALIZATION OF CONVENTION ADOPTION BY STATE COURT.—In the case of a child who has entered the United States from another Convention country for the purpose of adoption, an order declaring the adoption final shall not be entered unless the Secretary of State has issued the certificate provided for in subsection (a) with respect to the adoption.

SEC. 302. IMMIGRATION AND NATIONALITY ACT AMENDMENTS RELATING TO CHILDREN ADOPTED FROM CONVENTION COUNTRIES.

(a) DEFINITION OF CHILD.—Section 101(b)(1) of the Immigration and Nationality Act (8 U.S.C. 1101(b)(1)) is amended—

(1) by striking “or” at the end of subparagraph (E);

(2) by striking the period at the end of subparagraph (F) and inserting “; or”; and

(3) by adding after subparagraph (F) the following new subparagraph:

“(G) a child, under the age of sixteen at the time a petition is filed on the child's behalf to accord a classification as an immediate relative under section 201(b), who has been adopted in a foreign state that is a party to the Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption done at The Hague on May 29, 1993, or who is emigrating from such a foreign state to be adopted in the United States, by a United States citizen and spouse jointly, or by an unmarried United States citizen at least twenty-five years of age—

“(i) if—

“(I) the Attorney General is satisfied that proper care will be furnished the child if admitted to the United States;

“(II) the child's natural parents (or parent, in the case of a child who has one sole or surviving parent because of the death or disappearance of, abandonment or desertion by, the other parent), or other persons or institutions that retain legal custody of the child, have freely given their written irrevocable consent to the termination of their legal relationship with the child, and to the child's emigration and adoption;

“(III) the child is not the grandchild, niece, nephew, brother, sister, aunt, uncle, or first cousin of one or both of the adopting parents, unless—

“(aa) the child has no living parents because of the death or disappearance of, abandonment or desertion by, separation from, or loss of, both parents; or

“(bb) the sole or surviving parent is incapable of providing the proper care for the child and has in writing irrevocably released the child for emigration and adoption; and

“(IV) in the case of a child who has not been adopted—

“(aa) the competent authority of the foreign state has approved the child's emigration to the United States for the purpose of adoption by the prospective adoptive parent or parents; and

“(bb) the prospective adoptive parent or parents has or have complied with any pre-adoption requirements of the child's proposed residence; and

“(ii) except that no natural parent or prior adoptive parent of any such child shall thereafter, by virtue of such parentage, be accorded any right, privilege, or status under this Act.”.

(b) APPROVAL OF PETITIONS.—Section 204(d) of the Immigration and Nationality Act (8 U.S.C. 1154(d)) is amended—

(1) by striking “(d)” and inserting “(d)(1)”;

(2) by striking “section 101(b)(1)(F)” and inserting “subparagraph (F) or (G) of section 101(b)(1)”; and

(3) by adding at the end the following new paragraph:

“(2) Notwithstanding the provisions of subsections (a) and (b), no petition may be approved on behalf of a child defined in section 101(b)(1)(G) unless the Secretary of State has certified that the central authority of the child's country of origin has notified the United States central authority under the convention referred to in such section 101(b)(1)(G) that a United States citizen habitually resident in the United States has effected final adoption of the child, or has been

granted custody of the child for the purpose of emigration and adoption, in accordance with such convention and the Intercountry Adoption Act of 2000.”.

(c) DEFINITION OF PARENT.—Section 101(b)(2) of the Immigration and Nationality Act (8 U.S.C. 1101(b)(2)) is amended by inserting “and paragraph (1)(G)(i)” after “second proviso therein”).

SEC. 303. ADOPTIONS OF CHILDREN EMIGRATING FROM THE UNITED STATES.

(a) DUTIES OF ACCREDITED AGENCY OR APPROVED PERSON.—In the case of a Convention adoption involving the emigration of a child residing in the United States to a foreign country, the accredited agency or approved person providing adoption services, or the prospective adoptive parent or parents acting on their own behalf (if permitted by the laws of such other Convention country in which they reside and the laws of the State in which the child resides), shall do the following:

(1) Ensure that, in accordance with the Convention—

(A) a background study on the child is completed;

(B) the accredited agency or approved person—

(i) has made reasonable efforts to actively recruit and make a diligent search for prospective adoptive parents to adopt the child in the United States; and

(ii) despite such efforts, has not been able to place the child for adoption in the United States in a timely manner; and

(C) a determination is made that placement with the prospective adoptive parent or parents is in the best interests of the child.

(2) Furnish to the State court with jurisdiction over the case—

(A) documentation of the matters described in paragraph (1);

(B) a background report (home study) on the prospective adoptive parent or parents (including a criminal background check) prepared in accordance with the laws of the receiving country; and

(C) a declaration by the central authority (or other competent authority) of such other Convention country—

(i) that the child will be permitted to enter and reside permanently, or on the same basis as the adopting parent, in the receiving country; and

(ii) that the central authority (or other competent authority) of such other Convention country consents to the adoption, if such consent is necessary under the laws of such country for the adoption to become final.

(3) Furnish to the United States central authority—

(A) official copies of State court orders certifying the final adoption or grant of custody for the purpose of adoption;

(B) the information and documents described in paragraph (2), to the extent required by the United States central authority; and

(C) any other information concerning the case required by the United States central authority to perform the functions specified in subsection (c) or otherwise to carry out the duties of the United States central authority under the Convention.

(b) CONDITIONS ON STATE COURT ORDERS.—An order declaring an adoption to be final or granting custody for the purpose of adoption in a case described in subsection (a) shall not be entered unless the court—

(1) has received and verified to the extent the court may find necessary—

(A) the material described in subsection (a)(2); and

(B) satisfactory evidence that the requirements of Articles 4 and 15 through 21 of the Convention have been met; and

(2) has determined that the adoptive placement is in the best interests of the child.

(c) DUTIES OF THE SECRETARY OF STATE.—In a case described in subsection (a), the Secretary, on receipt and verification as necessary of the material and information described in subsection (a)(3), shall issue, as applicable, an official certification that the child has been adopted or a declaration that custody for purposes of adoption has been granted, in accordance with the Convention and this Act.

(d) FILING WITH REGISTRY REGARDING NON-CONVENTION ADOPTIONS.—Accredited agencies, approved persons, and other persons, including governmental authorities, providing adoption services in an intercountry adoption not subject to the Convention that involves the emigration of a child from the United States shall file information required by regulations jointly issued by the Attorney General and the Secretary of State for purposes of implementing section 102(e).

TITLE IV—ADMINISTRATION AND ENFORCEMENT

SEC. 401. ACCESS TO CONVENTION RECORDS.

(a) PRESERVATION OF CONVENTION RECORDS.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary, in consultation with the Attorney General, shall issue regulations that establish procedures and requirements in accordance with the Convention and this section for the preservation of Convention records.

(2) APPLICABILITY OF NOTICE AND COMMENT RULES.—Subsections (b), (c), and (d) of section 553 of title 5, United States Code, shall apply in the development and issuance of regulations under this section.

(b) ACCESS TO CONVENTION RECORDS.—

(1) PROHIBITION.—Except as provided in paragraph (2), the Secretary or the Attorney General may disclose a Convention record, and access to such a record may be provided in whole or in part, only if such record is maintained under the authority of the Immigration and Nationality Act and disclosure of, or access to, such record is permitted or required by applicable Federal law.

(2) EXCEPTION FOR ADMINISTRATION OF THE CONVENTION.—A Convention record may be disclosed, and access to such a record may be provided, in whole or in part, among the Secretary, the Attorney General, central authorities, accredited agencies, and approved persons, only to the extent necessary to administer the Convention or this Act.

(3) PENALTIES FOR UNLAWFUL DISCLOSURE.—Unlawful disclosure of all or part of a Convention record shall be punishable in accordance with applicable Federal law.

(c) ACCESS TO NON-CONVENTION RECORDS.—Disclosure of, access to, and penalties for unlawful disclosure of, adoption records that are not Convention records, including records of adoption proceedings conducted in the United States, shall be governed by applicable State law.

SEC. 402. DOCUMENTS OF OTHER CONVENTION COUNTRIES.

Documents originating in any other Convention country and related to a Convention adoption case shall require no authentication in order to be admissible in any Federal, State, or local court in the United States, unless a specific and supported claim is made that the documents are false, have been altered, or are otherwise unreliable.

SEC. 403. AUTHORIZATION OF APPROPRIATIONS; COLLECTION OF FEES.

(a) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated such sums as may be necessary to agencies of the Federal Government implementing the Convention and the provisions of this Act.

(2) AVAILABILITY OF FUNDS.—Amounts appropriated pursuant to paragraph (1) are authorized to remain available until expended.

(b) ASSESSMENT OF FEES.—

(1) The Secretary may charge a fee for new or enhanced services that will be undertaken by the Department of State to meet the requirements of this Act with respect to intercountry adoptions under the Convention and comparable services with respect to other intercountry adoptions. Such fee shall be prescribed by regulation and shall not exceed the cost of such services.

(2) Fees collected under paragraph (1) shall be retained and deposited as an offsetting collection to any Department of State appropriation to recover the costs of providing such services.

(3) Fees authorized under this section shall be available for obligation only to the extent and in the amount provided in advance in appropriations Acts.

(c) RESTRICTION.—No funds collected under the authority of this section may be made available to an accrediting entity to carry out the purposes of this Act.

SEC. 404. ENFORCEMENT.

(a) CIVIL PENALTIES.—Any person who—

(1) violates section 201;

(2) makes a false or fraudulent statement, or misrepresentation, with respect to a material fact, or offers, gives, solicits, or accepts inducement by way of compensation, intended to influence or affect in the United States or a foreign country—

(A) a decision by an accrediting entity with respect to the accreditation of an agency or approval of a person under title II;

(B) the relinquishment of parental rights or the giving of parental consent relating to the adoption of a child in a case subject to the Convention; or

(C) a decision or action of any entity performing a central authority function; or

(3) engages another person as an agent, whether in the United States or in a foreign country, who in the course of that agency takes any of the actions described in paragraph (1) or (2), shall be subject, in addition to any other penalty that may be prescribed by law, to a civil money penalty of not more than \$50,000 for a first violation, and not more than \$100,000 for each succeeding violation.

(b) CIVIL ENFORCEMENT.—

(1) AUTHORITY OF ATTORNEY GENERAL.—The Attorney General may bring a civil action to enforce subsection (a) against any person in any United States district court.

(2) FACTORS TO BE CONSIDERED IN IMPOSING PENALTIES.—In imposing penalties the court shall consider the gravity of the violation, the degree of culpability of the defendant, and any history of prior violations by the defendant.

(c) CRIMINAL PENALTIES.—Whoever knowingly and willfully violates paragraph (1) or (2) of subsection (a) shall be subject to a fine of not more than \$250,000, imprisonment for not more than 5 years, or both.

TITLE V—GENERAL PROVISIONS

SEC. 501. RECOGNITION OF CONVENTION ADOPTIONS.

Subject to Article 24 of the Convention, adoptions concluded between two other Convention countries that meet the requirements of Article 23 of the Convention and that became final before the date of entry into force of the Convention for the United States shall be recognized thereafter in the United States and given full effect. Such recognition shall include the specific effects described in Article 26 of the Convention.

SEC. 502. SPECIAL RULES FOR CERTAIN CASES.

(a) AUTHORITY TO ESTABLISH ALTERNATIVE PROCEDURES FOR ADOPTION OF CHILDREN BY RELATIVES.—To the extent consistent with

the Convention, the Secretary may establish by regulation alternative procedures for the adoption of children by individuals related to them by blood, marriage, or adoption, in cases subject to the Convention.

(b) WAIVER AUTHORITY.—

(1) IN GENERAL.—Notwithstanding any other provision of this Act, to the extent consistent with the Convention, the Secretary may, on a case-by-case basis, waive applicable requirements of this Act or regulations issued under this Act, in the interests of justice or to prevent grave physical harm to the child.

(2) NONDELEGATION.—The authority provided by paragraph (1) may not be delegated.

SEC. 503. RELATIONSHIP TO OTHER LAWS.

(a) PREEMPTION OF INCONSISTENT STATE LAW.—The Convention and this Act shall not be construed to preempt any provision of the law of any State or political subdivision thereof, or prevent a State or political subdivision thereof from enacting any provision of law with respect to the subject matter of the Convention or this Act, except to the extent that such provision of State law is inconsistent with the Convention or this Act, and then only to the extent of the inconsistency.

(b) APPLICABILITY OF THE INDIAN CHILD WELFARE ACT.—The Convention and this Act shall not be construed to affect the application of the Indian Child Welfare Act of 1978 (25 U.S.C. 1901 et seq.).

(c) RELATIONSHIP TO OTHER LAWS.—Sections 3506(c), 3507, and 3512 of title 44, United States Code, shall not apply to information collection for purposes of sections 104, 202(b)(4), and 303(d) of this Act or for use as a Convention record as defined in this Act.

SEC. 504. NO PRIVATE RIGHT OF ACTION.

The Convention and this Act shall not be construed to create a private right of action to seek administrative or judicial relief, except to the extent expressly provided in this Act.

SEC. 505. EFFECTIVE DATES; TRANSITION RULE.

(a) EFFECTIVE DATES.—

(1) PROVISIONS EFFECTIVE UPON ENACTMENT.—Sections 2, 3, 101 through 103, 202 through 205, 401(a), 403, 503, and 505(a) shall take effect on the date of the enactment of this Act.

(2) PROVISIONS EFFECTIVE UPON THE ENTRY INTO FORCE OF THE CONVENTION.—Subject to subsection (b), the provisions of this Act not specified in paragraph (1) shall take effect upon the entry into force of the Convention for the United States pursuant to Article 46(2)(a) of the Convention.

(b) TRANSITION RULE.—The Convention and this Act shall not apply—

(1) in the case of a child immigrating to the United States, if the application for advance processing of an orphan petition or petition to classify an orphan as an immediate relative for the child is filed before the effective date described in subsection (a)(2); or

(2) in the case of a child emigrating from the United States, if the prospective adoptive parents of the child initiated the adoption process in their country of residence with the filing of an appropriate application before the effective date described in subsection (a)(2).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. GILMAN) and the gentleman from Massachusetts (Mr. DELAHUNT) each will control 20 minutes.

The Chair recognizes the gentleman from New York (Mr. GILMAN).

GENERAL LEAVE

Mr. GILMAN. Mr. Speaker, I ask unanimous consent that all Members

may have 5 legislative days within which to revise and extend their remarks on H.R. 2909.

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

There was no objection.

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

(Mr. GILMAN asked and was given permission to revise and extend his remarks.)

Mr. GILMAN. Mr. Speaker, I rise enthusiastically to bring to the House floor H.R. 2909, the Intercountry Adoption Act, and I offer a personal word of thanks for the diligent efforts of the gentlewoman from Connecticut (Mrs. JOHNSON); the gentleman from Michigan (Mr. CAMP); the distinguished chairman of the Subcommittee on International Operations and Human Rights, the gentleman from New Jersey (Mr. SMITH); the ranking minority member of the Committee on International Relations, the gentleman from Connecticut (Mr. GEJDENSON); and the gentleman from Massachusetts (Mr. DELAHUNT) for their collective efforts. Their efforts and their expertise enables us to bring this bipartisan bill to the floor today, which has strong congressional support with a remarkable total of 51 cosponsors.

The purpose of our bill is to provide the Department of State with the necessary authorities to implement the Hague Convention on the Protection of Children and Co-operation in Respect of Intercountry Adoption. As a signatory to this convention, our Nation must now meet the obligations of the convention, which includes establishing a Federal central authority and an accreditation process for agencies engaged in intercountry adoptions.

The Hague Convention, developed in response to abuses in the intercountry adoption process, sets forth standards and procedures that can be recognized and followed by countries engaged in intercountry adoptions. This legal framework provides protection to the adoptive children and to their families by ensuring that agencies and individuals involved in the intercountry adoption process meet standards of competence, ethical behavior, and financial soundness.

This bill reflects many hours of deliberation among committees of jurisdiction, the Department of State and the Department of Justice. We greatly appreciate the advice from many outside groups and individuals as we crafted this bipartisan measure. We are also grateful for the many letters of support we received for the bill before the House today.

I say with confidence that we have before us a solid bill that will enable our State Department to implement procedures to assist thousands of families in adopting children from overseas.

□ 1230

We want those parents to have the best information and services available

to them. This bill provides many consumer protections to improve the intercountry adoption process and to establish a consistent and a reliable system that will be recognized by other foreign countries.

In closing, I would like to recognize the significant assistance provided by leadership staff in helping us bring the bill to the floor and to our Committee on International Relations staff members Kristen Gilley, our professional staff member; David Abramowitz, our committee minority counsel; Joseph Rees, counsel and staff director of our Subcommittee on International Operations and Human Rights; and Mark Agrast, staff assistant of the gentleman from Massachusetts (Mr. DELAHUNT).

Mr. Speaker, I urge full support for this bill by our colleagues.

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

Mr. DELAHUNT. Mr. Speaker, I yield myself such time as I may consume; and I rise in support of the resolution.

Mr. Speaker, well, this day has been long in coming. And while I still have some reservations about certain provisions of the bill, it certainly is a good day. I might add parenthetically that today happens to be my birthday, and passage of this measure certainly would be the most memorable of birthday gifts.

I want to thank our chairman, the gentleman from New York (Mr. GILMAN), the chairman of the Committee on International Relations; the gentleman from Connecticut (Mr. GEJDENSON), the ranking member; and the gentleman from North Dakota (Mr. POMEROY), my friend and colleague, who is the father of two adopted children from Korea; and our colleagues from the Committee on Ways and Means, the gentlewoman from Connecticut (Mrs. JOHNSON) and the gentleman from Michigan (Mr. CAMP), who has been a leader not only in this particular effort but on other important adoption initiatives; as well as my friend and colleague, the gentleman from New Jersey (Mr. SMITH); also, a number of key officials at the Department of State who contributed substantially to this effort. Their advice and input are genuinely appreciated.

I also want to express my appreciation to Senators HELMS, BIDEN, and LANDRIEU, with whom the amended bill was carefully developed in the course of extensive consultations.

And finally, I want to thank the many adoptive families, adoption experts and child service organizations that have been so generous with their encouragement and counsel on the many difficult issues that we had to confront.

At our hearing on the bill last October, I promised to do all I could to see that this would be an open process and that their concerns would be heard. I believe that promise has been kept, Mr. Speaker, and that the extensive input we received has resulted in a bill that merits wide support.

Mr. Speaker, I think many of my colleagues are aware of the fact that, for me, this is no ordinary piece of legislation. And intercountry adoption is not some abstract or theoretical policy question or concept.

This past April 6, my family marked the 25th anniversary of the arrival of my younger daughter, Kara, who was airlifted out of Vietnam during "Operation Baby-Lift" just days before the fall of Saigon.

I cannot express adequately to this House how profoundly her arrival changed our lives. Her mother, Katy, her sister, Kirsten, and I often reflect on how much richer and fuller our lives are because she is part of us, she is our family. But our experience is far from unique, as I am sure can be verified by my friend, the gentleman from North Dakota (Mr. POMEROY). It is shared by hundreds of thousands of families across this country, including a number of my colleagues in this House who have adopted from abroad.

Intercountry adoption is not the answer to all the problems affecting children around the world, but it has given loving homes and a chance in life to needy children who could not be cared for in their countries of origin.

When the process works, it results in the successful placement of happy, well-adjusted children with responsible parents who will love and care for them. But problems, including some very serious problems, do occur. And while most of the leading international adoption agencies maintain high ethical and professional standards, sadly, this is not always the case.

Documented abuses range from the charging of exorbitant fees by so-called "facilitators" in some countries to child kidnapping, baby smuggling; and coerced consent from birth mothers do occur.

In some cases, information has been improperly held from adoptive families with regards to the child's medical and psychological condition. And tragically, some adoptions have been disrupted because the adoptive families were poorly prepared for their parenting responsibilities as a result of the failure of the agency to provide the necessary pre- and post-adoption counseling.

Such concerns have caused a number of countries, including Russia, Romania, and Guatemala, to actually suspend overseas adoptions until safeguards could be put in place.

For example, last March a special United Nations investigator reported to the Human Rights Commission that Guatemalan babies have been reduced to "objects of trade and commerce." And that is a quote, "objects of trade and commerce."

According to her report, prominent lawyers, doctors, and judges in Guatemala were involved in a series of abuses from falsifying birth records to tricking or drugging frightened birth mothers into signing over their children.

That is why the Hague Convention on Intercountry Adoption is of such importance and this implementing language is so critical. It will help eliminate these abuses and enable both birth parents and adoptive families to participate in the intercountry adoption process with full confidence and a sense of security.

It is also important to understand the importance of the United States' role on this issue. As the largest receiving country for adopted children, the United States played a prominent role in negotiating the Convention. Since Americans adopt four out of five children that are placed through intercountry adoption, it is certainly in our national interest to secure ratification. And while 40 nations have already ratified the document, many more are simply waiting to see what we will do.

U.S. ratification will signal our commitment to these standards and will reassure sending countries that we intend to abide by them. And I am hopeful that it will encourage people everywhere to consider the benefits of international adoption.

On the other hand, should we fail to ratify, we will deal a serious setback to the Convention and will cause major sending nations to reconsider whether to continue to send their children here.

Mr. Speaker, I recognize that this legislation represents a compromise on many tough issues. And every compromise involves some degree of sacrifice by all concerned. I am, therefore, very grateful that so many organizations representing such a broad spectrum of opinion have been willing to put aside their broader agendas and give their support to the bill.

Again, I want to thank all who have contributed to this effort. But before I conclude, I would be remiss not to take particular note of the extraordinary contributions of the following staff: Kristen Gilley of the Committee on International Relations; David Abramowitz of the Committee on International Relations minority staff; Cassie Bevan of the Committee on Ways and Means of the majority staff; and Mark Agrast, my own legislative director.

As I suggested, this has been an arduous and lengthy process. I have no doubt that this legislation has involved more meetings and conversations and discussions than possibly any other proposal in the 106th Congress. But for their efforts, it is clear that we would not be here today. Their dedication, their persistence and their commitment bordered at times on the Herculean.

We all, particularly those who adopt children from overseas, are deeply in their debt and we recognize that their motivation was a deep and profound concern, love, if you will, for children everywhere on God's good Earth who are in the most desperate of situations.

So, on behalf of all of us, especially those children, I thank my colleagues. They have truly made a difference.

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

Mr. GILMAN. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from New Jersey (Mr. SMITH) the distinguished chairman of our Subcommittee on International Operations and Human Rights.

Mr. SMITH of New Jersey. Mr. Speaker, it is with great pride and pleasure that I rise to urge the enactment of H.R. 2909, the Intercountry Adoption Act of 2000.

I am proud to be an original cosponsor of the Intercountry Adoption Act, which is necessary to implement the Hague Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption.

The Convention was adopted in 1993 and signed by the United States in 1994. It will enter into force for the U.S. when the Senate gives its advice and consent and the President ratifies it.

Senator HELMS, the chairman of the Senate Foreign Relations Committee, has indicated his intention to schedule a committee vote as soon as both Houses of Congress have enacted this implementing legislation.

Mr. Speaker, the purpose of the Hague Convention and of this implementing legislation is twofold. The first purpose is to facilitate international adoptions whenever they are in the best interest of the child by eliminating unnecessary confusion, expense, and delay resulting from differences among certain laws and practices of nations.

The second and equally important purpose is to ensure transparent and fair regulation of international adoptions so that adoptions that are not in the best interest of the child, whether they involve gross abuses such as baby stealing and baby selling or other abuses that result in placing children in inappropriate settings, will not take place.

The legislation now before us establishes a framework for fulfilling both these essential goals. It charges the Secretary of State and the Attorney General with overseeing a process of accreditation and regulation of agencies and persons involved in international adoptions while avoiding unnecessary Federal encroachment on the regulatory authority long exercised by State governments. It sets minimum standards for this process of accreditation and regulation, all of which are designed to protect the best interests of children by promoting their adoption into appropriate family settings by agencies whose employees have the requisite skill, experience, and good judgment. And it ensures that courts and other competent authorities in the United States and in the adoptive children's countries of origin, as well as prospective adoptive parents, will have the information they need to make intelligent, life-affirming decisions.

Mr. Speaker, just let me say, throughout my 20 years in Congress, I have worked tirelessly on behalf of

adoption and always in a bipartisan way.

In the late 80's, I introduced the OMNIBUS Adoption Act—which had as its centerpiece, a \$5,000 tax credit for nonrecurring expenses. That's low today. Now I've introduced an updated measure designed to boost the credit to \$10,000. That too is a bipartisan bill. The text in H.R. 2909 as it is presented on the floor today, is again a result of a tremendous amount of bipartisan work on the text.

Let me also point out, Mr. Speaker, in keeping with this commitment of protecting children, during the long and painstaking process of preparing this bill for enactment, I have at various times expressed concerns about provisions in preliminary versions of the legislation. Particularly, I have been concerned that the new regulatory scheme not facilitate "end runs" around legitimate laws and policies of States and foreign countries designed to protect the best interests of children.

□ 1245

Again I am happy to say that the gentleman from New York (Mr. GILMAN) and I and the gentleman from Massachusetts (Mr. DELAHUNT), the gentleman from Michigan (Mr. CAMP), the gentlewoman from Connecticut (Mrs. JOHNSON) and many others have worked on legislation, with a text we could all agree to.

I join my colleague in thanking the professional work of our respective staffs especially Joseph Rees, who is general counsel and chief of staff of my Subcommittee on International Operations and Human Rights.

Mr. DELAHUNT. Mr. Speaker, I yield 2 minutes to the gentleman from Connecticut (Mr. GEJDENSON), the ranking member of the Committee on International Relations.

Mr. GEJDENSON. Mr. Speaker, I want to join my colleagues in recognizing the bipartisan effort in accomplishing this goal and all the participants, the chairman, the subcommittee chairman, those on the Committee on Ways and Means, particularly from my side of the aisle, the gentleman from Massachusetts (Mr. DELAHUNT), the staff on both sides, particularly my staff, Mr. Abramowitz and others who were involved and also the staff back in the district that we all have that taught us the lessons of why we need this legislation. On my staff, Patty Shea, who works in the Middletown office, not only has adopted on her own, as a number of my other staff people have, but has constantly been involved in the trouble related often to the intricacies of adoption, whether in the United States at our end of the process or in the country where the child is coming from.

And so for all of us who have seen the torment and heartache often associated with families who are in the process of adopting running into very complex situations, often contradictory procedures and laws in our country and the country where the child is coming from, the efforts here today to set up

an international regime that will set some certainty and a process by which parents and potential parents can know what that process is going to be is an important step forward.

The complexities here are significant, obviously, not simply those that divide some of us here in this Congress on the things we care about; but one of the concerns that I had of course is the impact on small agencies to make sure they were not overrun by a large bureaucratic system, but also the differences between countries and cultures and different systems of law. It will necessitate more cooperation in the future in every one of these categories.

I commend all the participants again for the work they have done here on this important piece of legislation. It is the kind of thing that makes us all proud to participate in this great democratic process we have here. I thank particularly the gentleman from Massachusetts (Mr. DELAHUNT) for his work.

Mr. GILMAN. Mr. Speaker, I am pleased to yield 4 minutes to the gentlewoman from Connecticut (Mrs. JOHNSON), the distinguished chairman of the Subcommittee on Human Resources.

Mrs. JOHNSON of Connecticut. Mr. Speaker, I thank the gentleman very much for yielding me this time and rise in strong support of passage of this Intercountry Adoption Act. The Subcommittee on Human Resources of the Committee on Ways and Means has written legislation that has more than doubled adoptions nationwide in America through good law, and we hope that this Intercountry Adoption Act will not only demonstrate America's commitment to the child, the birth parents and the adoptive parents, all parties to the adoption but will enable those adoptions to move more smoothly and more rapidly so that more children throughout the world can find permanent and loving homes.

The purpose of the Hague Convention on Intercountry Adoption is to set the rules for intercountry adoption that will do three important things: first, allow recognition of adoption among the party countries; two, protect the interests of all members of the adoption triad; and, three, prevent illegal child trafficking.

The Convention establishes an international set of principles and rules that will govern intercountry adoptions. These rules provide for the first time normal international recognition of the process of intercountry adoption and establish a minimum set of uniform standards governing international adoptions.

The implementing legislation we have before us today has been a long time in coming. The number of people that have been involved has been iterated by previous speakers so I will not reiterate those names; but it is fair to say without six Members of this House devoting really many hours to

this subject over the last 2 years, we would not have this opportunity to more fairly and honestly and effectively govern international adoptions.

I would particularly like to recognize the efforts of the gentleman from Michigan (Mr. CAMP). He is a member of my subcommittee. He has been involved in this issue many, many years; and he has carried the major responsibility on behalf of the Committee on Ways and Means and myself on this legislation. I also want to recognize the work of Dr. Cassie Bevan, our chief of staff, because not only did she write the Safe Home and Families Act that has done so much to increase adoptions in America, but she was very instrumental in helping us find the language that allowed us to come to agreement on this bill and have it before Members today.

There are two principles that governed the drafting of this implementing legislation. First, the drafters were careful to include in the implementing legislation only those requirements that were specifically mandated by the Convention. The Convention required the implementing country to, among other things, designate a central authority, establish an accreditation process, and preserve adoption records.

This legislation was not intended to change domestic adoption practices or provide for a larger Federal role in nonconvention adoptions but was designed to meet the specific requirements of the Hague Convention. Secondly, the drafters were mindful that in the United States, family law is a field in which States are preeminent. Thus, this legislation was not viewed as an opportunity to override State laws. On the contrary, efforts to override State laws were resisted.

The Intercountry Adoption Act was designed to put into practice certain internationally agreed upon norms and procedures. Among these are the establishment of an accreditation system that will ensure that adoption agencies and adoption lawyers engage in sound, ethical adoption practices that recognize the dignity of all the parties involved.

Today, the Congress continues to build an impressive record of promoting adoption. I believe that H.R. 2909 along with the adoption tax credit, the Multiethnic Placement Act, the Adoption and Safe Families Act, and the Foster Care Independence Act shows our interest in making it easier for children to find permanent, loving families through adoption.

I congratulate the gentleman from New York (Mr. GILMAN) for his skillful leadership and the intense interest of a few Members, that handful of Members on both sides of the aisle that have made this bill possible and thank again my staff, the staff of all the committees, and the office of the gentleman from Texas (Mr. DELAY) that helped us get this crucial legislation to the floor.

Mr. DELAHUNT. Mr. Speaker, I yield such time as he may consume to the

gentleman from North Dakota (Mr. POMEROY), a member of the Committee on International Relations.

Mr. POMEROY. Mr. Speaker, I thank the gentleman for yielding time. I am grateful to many as I get up to speak on this legislation, including the majority leadership for allowing this bill to come up on the suspension calendar. I am particularly grateful to the legislators who played such critical roles in getting this to the point where we can now enact it. It is critical legislation. Although this was not slated for House floor action intentionally to coincide with the birthday of the gentleman from Massachusetts (Mr. DELAHUNT), it could not have been more appropriately timed because he has put in such an extraordinary effort to bring it to this point.

Let me put a personal face on this issue. This is my daughter Kathryn. On February 3, 1994, the very day that Mother Teresa addressed the National Prayer Breakfast about the importance of adoption, Kathryn arrived on a Northwest jet out at National Airport. My wife and I went out and picked her up. She has certainly deeply changed our lives. It is a miracle, an absolute miracle. Two years later we adopted a son, a similar blessed event. We love him just as much; I just do not happen to have a poster of Scotty. I hope he understands.

This miracle has many composite points. As you look through them, really it is not a miracle; but it is a culmination of events, extraordinarily important events. The miracle behind Kathryn being my daughter today begins with South Korea having a priority on the best interests of its children, a priority that even usurps national pride to the dimension where they cannot place when they do not have capacity to place, they cannot find the homes for the children who need adoption, they have sought families wherever they may be located, including in our case, halfway around the world from where Kathryn was born. It takes a special country with special values to hold the interests of its children to the forefront in this way, and I commend South Korea and all countries that facilitate the interests of their children in this fashion.

Next, it takes quality programs where the quality assurance of the homes for placement is absolutely assured, because it is not just about sticking kids in some homes; it is about quality families for these beautiful children. I want to commend the agency we worked with, Asia, the individuals at that agency, Ted Kim, Mary Durr and Marilyn Regere, who were so involved in our own adoption circumstances. They represented the very finest in terms of quality assurance in an adoption program.

We need and will by this legislation make certain that there are the highest standards of quality. It is very important because the United States in 1998 alone received 16,000 children from

around the world for placement with United States families. Now, this is a level of intercountry adoption activity that will raise concern in some of these countries where the children are coming from. They want to make certain these children are going to be provided for in the ways that they have a right to expect, safe environments, loving homes, capacity to provide. We need to make certain as the country accepting these children into our families that we address this concern by having processes and procedures that are open, that assure the highest levels of quality and that comport in all respects with the international standards agreed to between the many countries of the Hague Convention.

Just a few weeks ago, I met with a number of Russian judges who deal with family adoption. They had questions about why the Hague Convention had not yet been approved. I am very pleased we will be able to answer those questions with this action today. The United States is completely committed to providing the finest homes and families for these beautiful children and our action on this legislation makes that very clear. Beyond that, the bill facilitates the coordination of adoption laws across the country and I believe will help families who so desperately want to have the miracle of children that my own family has gotten to experience realize this goal through international adoption, if not otherwise.

In conclusion, I would just say to each of you who have been involved in this legislation that you have helped children find families and families find children who need them. There is not a thing we do in this body more important than this task. I commend each of you for your great work.

Mr. GILMAN. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from Michigan (Mr. CAMP), a member of the Subcommittee on Human Resources.

(Mr. CAMP asked and was given permission to revise and extend his remarks.)

Mr. CAMP. Mr. Speaker, I rise in strong support of our bipartisan legislation to strengthen the international adoption process. I would like to commend the leadership of the gentleman from New York (Mr. GILMAN), the gentlewoman from Connecticut (Mrs. JOHNSON) of the Committee on Ways and Means, the gentleman from New Jersey (Mr. SMITH), chairman of the subcommittee, and our leadership on this important issue. I also have to mention that the gentleman from Connecticut (Mr. GEJDENSON), the ranking member, and also the gentleman from Massachusetts (Mr. DELAHUNT) have been very active on this issue; and I appreciate all of their efforts to make this bill a reality.

Of course, no bill comes to the floor without the help of competent staff: Kristen Gilley, David Abramowitz, Mark Agrast, Joseph Reece, and especially Dr. Cassie Bevan of the Sub-

committee on Human Resources of the Committee on Ways and Means.

Our bill today is about families opening their homes and their hearts to children who need them. Before I came to Congress, I represented families seeking to adopt. There is nothing more rewarding than seeing a mom and dad bring home a new child into their family through adoption. This bill will help bring families together.

In the last 10 years, almost 100,000 children from other countries have been adopted by U.S. families. That is a doubling of international adoptions. We adopt more children from abroad than all other countries combined. In 1998 alone, over 15,000 children were adopted by U.S. parents. This increase has created many opportunities for children to find loving homes. At the same time with the sharp increase, we have a responsibility to establish international standards to ensure that adoptions are safe, that they are in the best interest of the child, the birth parents and the adoptive parents.

Mr. Speaker, no important bill is ever easy; but it is easy to work on legislation where you can see up close the impact it has on the lives of children and their families. For that reason, the United States in 1994 signed the Hague Intercountry Adoption Convention, which establishes basic international procedures for concluding safe intercountry adoptions. The Intercountry Adoption Act, of which I am proud to be an original cosponsor, implements the Hague Convention. We were careful to include in this implementing legislation only what was specifically mandated by the convention.

□ 1300

And, second, in U.S. law, especially in U.S. family law and adoption, State authority is assured. The bill establishes the State Department as a central authority to monitor these adoptions and help adoptive parents in dealing with officials in other countries. The State Department will designate one or more private, nonprofit organizations to accredit U.S. adoption service providers using strict standards of ethics, competence, and financial soundness. These accredited agencies can then facilitate intercountry adoptions in other Hague countries.

Mr. Speaker, in closing, I, again, want to commend the gentleman from New York (Chairman GILMAN), the gentlewoman from Connecticut (Chairman JOHNSON), and everyone involved in our bill, our leadership, especially the gentleman from Texas (Mr. DELAY), for the hard work they put in for making this bill possible.

Mr. Speaker, I believe that the work we have done will allow the other body to quickly take up ratification of the treaty and passage of our implementing legislation.

Mr. Speaker, I urge support of our bill.

Mr. GILMAN. Mr. Speaker, I thank the gentleman for his remarks. Mr.

Speaker, I do not have any further requests for time and I reserve the balance of my time.

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

Mr. Speaker, I would simply conclude by saying I am sure that my family is watching, and they heard the reference by the gentleman from North Dakota (Mr. POMEROY) to the agency that placed Kathryn with the Pomeroy family, and I do not want to leave the floor and receive a telephone call, so I really want to acknowledge the Holt International Children's Services in Eugene, Oregon, giving me the greatest gift of all, which was my daughter, Kara.

I particularly want to acknowledge Susan Cox, who several years ago I encountered and engaged me in this particular legislation; but, as I said, in my remarks, it certainly is a good day.

Mr. Speaker, it is a good day for hopefully tens of thousands of children all over this planet who will find a deserving home.

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

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

Mr. Speaker, I want to commend all of our Members who took part in today's debate and, once again, all of the staff members who worked so diligently to bring together this bipartisan measure. And I, too, want to commend the Holt agency. I am very familiar with them; it was formerly the Pearl Buck Group that started this agency. They have done such good work in bringing children and parents together, and I want to thank particularly the gentleman from Massachusetts (Mr. DELAHUNT) as we gave him his gift for his birthday today. I urge my colleagues to support this measure.

Mr. BLILEY. Mr. Speaker, our children are our future and they represent our hopes and dreams. Many families decide adoption is the right path for them to build a family and we should do all we can to promote life-affirming policies like adoption. As an adoptive father, I believe every child deserves love, shelter, security, and a permanent home yet the orphanages around the world are filled with children seeking loving homes and families. Many Americans choose to adopt a child from another country because they know they can make a difference in a child's life. America is a rich country and our citizens are very generous in opening up their homes to orphans. The Hague Intercountry Adoption Act builds upon the spirit of the thousands of American parents who have adopted their child from another country.

I am a proud cosponsor of the Hague Intercountry Adoption Act because I am committed to ensuring intercountry adoption remains a viable option for American families. American families are very altruistic because they spend thousands of dollars and are willing to travel to a foreign country to build a family. Unfortunately, some people took advantage of adoptive parents and legislation was needed. The Hague Intercountry Adoption Act attempts to guarantee the child's safety and fully protects the rights of the adoptive parents and birth parents.

In the days ahead, Congress must ensure the process of crafting rules and regulations for the Hague is done in an expeditious manner. Congress must also ensure that the regulatory process is not abused and used in a manner to reward the efforts of those who failed to achieve their policy initiatives through the legislative process. I strongly believe the Central Authority must be fully staffed and have personnel with adoption experience. Inadequate staffing levels and/or lack of staff familiar about adoption policy could lead to a dramatic decline in the number of intercountry adoptions.

Today is a momentous day for adoption. This legislation provides hope for orphaned children worldwide and it will improve the lives of countless children and families.

Mr. BURR of North Carolina. Mr. Speaker, last summer I introduced legislation with Representative BALLENGER that approached this issue differently than H.R. 2909 as introduced.

Through the committee process, however, we were able to reach a compromise between H.R. 2342 and H.R. 2909. Through the efforts of Chairman GILMAN and Ranking Member GEJDENSON the legislation we are considering today takes the best of both bills, and I would like to thank them for their hard work in moving the process forward. I would also like to thank Representative DELAHUNT, who perhaps more than anyone in this body appreciates the positive impact this legislation can have. He is to be commended for his role in the process as well.

I would like to extend a special thank you to those parents of children adopted from overseas who contacted me with their concerns and for sharing their experiences with me. Their input was critically important, and I appreciate their active interest in this legislation and the process we have gone through.

It is an unfortunate reality that there are people willing to exploit the vulnerability of needy children and their prospective parents. The willingness of these families to go through the international adoption process, despite its flaws, is testimony to their character. The passage of this legislation affirms our commitment to creating a framework that better protects children and their families in the future.

Despite our different approaches in addressing the problems faced by children and parents in the international adoption process, it is safe to say we all want the same thing—to help those who want nothing more than to provide a child with a loving home. It is my firm belief that the legislation we are considering today will do just that, and I encourage my colleagues to vote for this important bill.

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

The SPEAKER pro tempore (Mr. QUINN). The question is on the motion offered by the gentleman from New York (Mr. GILMAN) that the House suspend the rules and pass the bill, H.R. 2909, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

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ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair announces that pursuant to

clause 8 of rule XX, notwithstanding the Chair's previous announcement, the Chair will postpone further proceedings today on each motion to suspend the rules on which the yeas and nays were ordered until later this afternoon.

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DISAPPROVING EXTENSION OF NONDISCRIMINATORY TREAT- MENT (NORMAL TRADE RELA- TIONS TREATMENT) TO PEOP- LE'S REPUBLIC OF CHINA

Mr. ARCHER. Mr. Speaker, pursuant to the previous order of the House, I call up the joint resolution (H.J. Res. 103) disapproving the extension of the waiver authority contained in section 402(c) of the Trade Act of 1974 with respect to the People's Republic of China, and ask for its immediate consideration in the House.

The Clerk read the title of the joint resolution.

The text of H.J. Res. 103 is as follows:
H.J. RES. 103

Resolved by the Senate and the House of Representatives of the United States of America in Congress assembled, That Congress does not approve the extension of the authority contained in section 402(c) of the Trade Act of 1974 recommended by the President to Congress on June 2, 2000, with respect to the People's Republic of China.

The SPEAKER pro tempore. Pursuant to the order of the House of Monday, July 17, 2000, the gentleman from Texas (Mr. ARCHER) and a Member in support of the joint resolution each will control 1 hour.

Is there a Member in support of the joint resolution?

Mr. BROWN of OHIO. Mr. Speaker, I am in support of the resolution.

The SPEAKER pro tempore. The gentleman from Ohio (Mr. BROWN) will control 1 hour of time.

The Chair recognizes the gentleman from Texas (Mr. ARCHER).

GENERAL LEAVE

Mr. ARCHER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.J. Res. 103.

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

There was no objection.

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

Mr. Speaker, a little less than 2 months ago, the American people and this House spoke out overwhelmingly in favor of expanded trade with China. With broad bipartisan support, we passed a measure granting American workers, farmers, and businesses unprecedented access to China's once-forbidden markets.

Agriculture exports alone are expected to triple with this increased trade, and tariffs on American-made goods will be slashed or eliminated entirely in virtually every sector.

Mr. Speaker, as I have said many times before, this clearly is a win for

the U.S. and her people. It is particularly important that we stay engaged with China so we can see the blessings of individual freedom, democracy, and move forward toward a free enterprise society.

Mr. Speaker, given that, it is disappointing that we must vote on this issue yet again. Nevertheless, support for continued normal trade with China is stronger than it has ever been, and I urge Members to keep this process on track by opposing H.J. Res. 103.

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

Mr. BROWN of Ohio. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, here in Congress, we stand together in a commitment toward the spread of democratic ideals and the improvement of human rights. But as we have helped encourage the growth of democracy, many American corporations promote practices that work against all that Congress fosters throughout the world.

During the weeks approaching the vote for permanent NTR for the People's Republic of China, corporate CEOs flocked to the Hill to lobby for increased trade with China.

They talked about access to 1.2 billion consumers in China. What they did not say was that their real interest is in 1.2 billion Chinese workers, workers whom they pay wages on the level of slave labor.

These CEOs will tell us that increasing trade with China will allow human rights to improve. They will tell us that democracy will flourish with increased free trade. But as the CEOs speak, their companies systematically violate the most fundamental of human and worker rights.

Companies such as Huffy and Nike and WalMart are contracting Chinese sweatshops to export to the United States, often with the assistance of repressive and corporate Chinese local government authorities.

Mr. Speaker, 1,800 Huffy bicycle workers in the U.S. lost their jobs as Huffy in Ohio shut down its last three remaining plants in the U.S. In July of 1988, Huffy fired 800 workers from its Celina, Ohio, plant where workers earned \$17 an hour.

Huffy now outsources all of its production to developing nations, such as China, where laborers are forced to work up to 15 hours a day, 7 days a week and earn an average wage of 33 cents an hour. This is less than 2 percent of what bicycle workers made in Ohio.

The Qin Shi Handbag in China makes Kathie Lee Gifford-line handbags for WalMart. There are about a thousand workers at the factory where they put in 14-hour shifts, 7 days a week, often 30 days a month. The average wage at the factory is 3 cents an hour.

Many workers live in a factory dormitory where they are housed 16 to a room. Their ID documents have been confiscated, and they are allowed to