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SAFE AND TIMELY INTERSTATE
PLACEMENT OF FOSTER CHILD-
REN ACT OF 2006

Mr. HERGER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5403) to improve protections for children and to hold States accountable for the safe and timely placement of children across State lines, and for other purposes.

The Clerk read as follows:

H.R. 5403

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Safe and Timely Interstate Placement of Foster Children Act of 2006".

SEC. 2. SENSE OF THE CONGRESS.

It is the sense of the Congress that—

(1) the States should expeditiously ratify the revised Interstate Compact for the Placement of Children recently promulgated by the American Public Human Services Association;

(2) this Act and the revised Interstate Compact for the Placement of Children should not apply to those seeking placement in a licensed residential facility primarily to access clinical mental health services;

(3) the States should recognize and implement the deadlines for the completion and approval of home studies as provided in section 4 to move children more quickly into safe, permanent homes; and

(4) Federal policy should encourage the safe and expedited placement of children into safe, permanent homes across State lines.

SEC. 3. ORDERLY AND TIMELY PROCESS FOR INTERSTATE PLACEMENT OF CHILDREN.

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

(1) by striking "and" at the end of paragraph (23);

(2) by striking the period at the end of paragraph (24) and inserting "; and"; and

(3) by adding at the end the following:

"(25) provide that the State shall have in effect procedures for the orderly and timely interstate placement of children; and procedures implemented in accordance with an interstate compact, if incorporating with the procedures prescribed by paragraph (26), shall be considered to satisfy the requirement of this paragraph."

SEC. 4. HOME STUDIES.

(a) ORDERLY PROCESS.—

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

(A) by striking "and" at the end of paragraph (24);

(B) by striking the period at the end of paragraph (25) and inserting "; and"; and

(C) by adding at the end the following:

"(26) provides that—

"(A)(i) within 60 days after the State receives from another State a request to conduct a study of a home environment for purposes of assessing the safety and suitability of placing a child in the home, the State shall, directly or by contract—

"(I) conduct and complete the study; and

"(II) return to the other State a report on the results of the study, which shall address the extent to which placement in the home would meet the needs of the child; and

"(ii) in the case of a home study begun on or before September 30, 2008, if the State fails to comply with clause (i) within the 60-

day period as a result of circumstances beyond the control of the State (such as a failure by a Federal agency to provide the results of a background check, or the failure by any entity to provide completed medical forms, requested by the State at least 45 days before the end of the 60-day period), the State shall have 75 days to comply with clause (i) if the State documents the circumstances involved and certifies that completing the home study is in the best interests of the child; except that

"(iii) this subparagraph shall not be construed to require the State to have completed, within the applicable period, the parts of the home study involving the education and training of the prospective foster or adoptive parents;

"(B) the State shall treat any report described in subparagraph (A) that is received from another State or an Indian tribe (or from a private agency under contract with another State) as meeting any requirements imposed by the State for the completion of a home study before placing a child in the home, unless, within 14 days after receipt of the report, the State determines, based on grounds that are specific to the content of the report, that making a decision in reliance on the report would be contrary to the welfare of the child; and

"(C) the State shall not impose any restriction on the ability of a State agency administering, or supervising the administration of, a State program operated under a State plan approved under this part to contract with a private agency for the conduct of a home study described in subparagraph (A)."

(2) REPORT TO THE CONGRESS.—Within 12 months after the date of the enactment of this Act, the Secretary of Health and Human Services shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a written report on—

(A) how frequently States need the extended 75-day period provided for in clause (ii) of section 471(a)(26)(A) of the Social Security Act in order to comply with clause (i) of such section;

(B) the reasons given for utilizing the extended compliance period;

(C) the extent to which utilizing the extended compliance period leads to the resolution of the circumstances beyond the control of the State; and

(D) the actions taken by States and any relevant Federal agencies to resolve the need for the extended compliance period.

(3) SENSE OF THE CONGRESS.—It is the sense of the Congress that each State should—

(A) use private agencies to conduct home studies when doing so is necessary to meet the requirements of section 471(a)(26) of the Social Security Act; and

(B) give full faith and credit to any home study report completed by any other State or an Indian tribe with respect to the placement of a child in foster care or for adoption.

(b) TIMELY INTERSTATE HOME STUDY INCENTIVE PAYMENTS.—Part E of title IV of the Social Security Act (42 U.S.C. 670-679b) is amended by inserting after section 473A the following:

"SEC. 473B. TIMELY INTERSTATE HOME STUDY INCENTIVE PAYMENTS.

"(a) GRANT AUTHORITY.—The Secretary shall make a grant to each State that is a home study incentive-eligible State for a fiscal year in an amount equal to the timely interstate home study incentive payment payable to the State under this section for the fiscal year, which shall be payable in the immediately succeeding fiscal year.

"(b) HOME STUDY INCENTIVE-ELIGIBLE STATE.—A State is a home study incentive-eligible State for a fiscal year if—

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

"(2) the State is in compliance with subsection (c) for the fiscal year; and

"(3) based on data submitted and verified pursuant to subsection (c), the State has completed a timely interstate home study during the fiscal year.

"(c) DATA REQUIREMENTS.—

"(1) IN GENERAL.—A State is in compliance with this subsection for a fiscal year if the State has provided to the Secretary a written report, covering the preceding fiscal year, that specifies—

"(A) the total number of interstate home studies requested by the State with respect to children in foster care under the responsibility of the State, and with respect to each such study, the identity of the other State involved;

"(B) the total number of timely interstate home studies completed by the State with respect to children in foster care under the responsibility of other States, and with respect to each such study, the identity of the other State involved; and

"(C) such other information as the Secretary may require in order to determine whether the State is a home study incentive-eligible State.

"(2) VERIFICATION OF DATA.—In determining the number of timely interstate home studies to be attributed to a State under this section, the Secretary shall check the data provided by the State under paragraph (1) against complementary data so provided by other States.

"(d) TIMELY INTERSTATE HOME STUDY INCENTIVE PAYMENTS.—

"(1) IN GENERAL.—The timely interstate home study incentive payment payable to a State for a fiscal year shall be \$1,500, multiplied by the number of timely interstate home studies attributed to the State under this section during the fiscal year, subject to paragraph (2).

"(2) PRO RATA ADJUSTMENT IF INSUFFICIENT FUNDS AVAILABLE.—If the total amount of timely interstate home study incentive payments otherwise payable under this section for a fiscal year exceeds the total of the amounts made available pursuant to subsection (h) for the fiscal year (reduced (but not below zero) by the total of the amounts (if any) payable under paragraph (3) of this subsection with respect to the preceding fiscal year), the amount of each such otherwise payable incentive payment shall be reduced by a percentage equal to—

"(A) the total of the amounts so made available (as so reduced); divided by

"(B) the total of such otherwise payable incentive payments.

"(3) APPROPRIATIONS AVAILABLE FOR UNPAID INCENTIVE PAYMENTS FOR PRIOR FISCAL YEARS.—

"(A) IN GENERAL.—If payments under this section are reduced under paragraph (2) or subparagraph (B) of this paragraph for a fiscal year, then, before making any other payment under this section for the next fiscal year, the Secretary shall pay each State whose payment was so reduced an amount equal to the total amount of the reductions which applied to the State, subject to subparagraph (B) of this paragraph.

"(B) PRO RATA ADJUSTMENT IF INSUFFICIENT FUNDS AVAILABLE.—If the total amount of payments otherwise payable under subparagraph (A) of this paragraph for a fiscal year exceeds the total of the amounts made available pursuant to subsection (h) for the fiscal year, the amount of each such payment shall be reduced by a percentage equal to—

"(i) the total of the amounts so made available; divided by

"(ii) the total of such otherwise payable payments.

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

“(f) LIMITATIONS ON USE OF INCENTIVE PAYMENTS.—A State shall not expend an amount paid to the State under this section except to provide to children or families any service (including post-adoption services) that may be provided under part B or E. Amounts expended by a State in accordance with the preceding sentence shall be disregarded in determining State expenditures for purposes of Federal matching payments under sections 423, 434, and 474.

“(g) DEFINITIONS.—In this section:

“(1) HOME STUDY.—The term ‘home study’ means an evaluation of a home environment conducted in accordance with applicable requirements of the State in which the home is located, to determine whether a proposed placement of a child would meet the individual needs of the child, including the child’s safety, permanency, health, well-being, and mental, emotional, and physical development.

“(2) INTERSTATE HOME STUDY.—The term ‘interstate home study’ means a home study conducted by a State at the request of another State, to facilitate an adoptive or foster placement in the State of a child in foster care under the responsibility of the State.

“(3) TIMELY INTERSTATE HOME STUDY.—The term ‘timely interstate home study’ means an interstate home study completed by a State if the State provides to the State that requested the study, within 30 days after receipt of the request, a report on the results of the study. The preceding sentence shall not be construed to require the State to have completed, within the 30-day period, the parts of the home study involving the education and training of the prospective foster or adoptive parents.

“(h) LIMITATIONS ON AUTHORIZATION OF APPROPRIATIONS.—

“(1) IN GENERAL.—For payments under this section, there are authorized to be appropriated to the Secretary—

“(A) \$10,000,000 for fiscal year 2007;

“(B) \$10,000,000 for fiscal year 2008;

“(C) \$10,000,000 for fiscal year 2009; and

“(D) \$10,000,000 for fiscal year 2010.

“(2) AVAILABILITY.—Amounts appropriated under paragraph (1) are authorized to remain available until expended.”

(c) REPEALER.—Effective October 1, 2010, section 473B of the Social Security Act is repealed.

SEC. 5. SENSE OF THE CONGRESS.

It is the sense of the Congress that State agencies should fully cooperate with any court which has authority with respect to the placement of a child in foster care or for adoption, for the purpose of locating a parent of the child, and such cooperation should include making available all information obtained from the Federal Parent Locator Service.

SEC. 6. CASEWORKER VISITS.

(a) PURCHASE OF SERVICES IN INTERSTATE PLACEMENT CASES.—Section 475(5)(A)(ii) of the Social Security Act (42 U.S.C. 675(5)(A)(ii)) is amended by striking “or of the State in which the child has been placed” and inserting “of the State in which the child has been placed, or of a private agency under contract with either such State”.

(b) INCREASED VISITS.—Section 475(5)(A)(ii) of such Act (42 U.S.C. 675(5)(A)(ii)) is amended by striking “12” and inserting “6”.

SEC. 7. HEALTH AND EDUCATION RECORDS.

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

(1) in paragraph (1)(C)—

(A) by striking “To the extent available and accessible, the” and inserting “The”; and

(B) by inserting “the most recent information available regarding” after “including”; and

(2) in paragraph (5)(D)—

(A) by inserting “a copy of the record is” before “supplied”; and

(B) by inserting “, and is supplied to the child at no cost at the time the child leaves foster care if the child is leaving foster care by reason of having attained the age of majority under State law” before the semicolon.

SEC. 8. RIGHT TO BE HEARD IN FOSTER CARE PROCEEDINGS.

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

(1) by striking “an opportunity” and inserting “a right”;

(2) by striking “and opportunity” and inserting “and right”; and

(3) by striking “review or hearing” each place it appears and inserting “proceeding”.

(b) NOTICE OF PROCEEDING.—Section 438(b) of such Act (42 U.S.C. 638(b)) is amended by inserting “shall have in effect a rule requiring State courts to ensure that foster parents, pre-adoptive parents, and relative caregivers of a child in foster care under the responsibility of the State are notified of any proceeding to be held with respect to the child, and” after “highest State court”.

SEC. 9. COURT IMPROVEMENT.

Section 438(a)(1) of the Social Security Act (42 U.S.C. 629h(a)(1)) is amended—

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

(2) by adding at the end the following:

“(E) that determine the best strategy to use to expedite the interstate placement of children, including—

“(i) requiring courts in different States to cooperate in the sharing of information;

“(ii) authorizing courts to obtain information and testimony from agencies and parties in other States without requiring interstate travel by the agencies and parties; and

“(iii) permitting the participation of parents, children, other necessary parties, and attorneys in cases involving interstate placement without requiring their interstate travel; and”.

SEC. 10. REASONABLE EFFORTS.

(a) IN GENERAL.—Section 471(a)(15)(C) of the Social Security Act (42 U.S.C. 671(a)(15)(C)) is amended by inserting “(including, if appropriate, through an interstate placement)” after “accordance with the permanency plan”.

(b) PERMANENCY HEARING.—Section 471(a)(15)(E)(i) of such Act (42 U.S.C. 671(a)(15)(E)(i)) is amended by inserting “, which considers in-State and out-of-State permanent placement options for the child,” before “shall”.

(c) CONCURRENT PLANNING.—Section 471(a)(15)(F) of such Act (42 U.S.C. 671(a)(15)(F)) is amended by inserting “, including identifying appropriate in-State and out-of-State placements” before “may”.

SEC. 11. CASE PLANS.

Section 475(1)(E) of the Social Security Act (42 U.S.C. 675(1)(E)) is amended by inserting “to facilitate orderly and timely in-State and interstate placements” before the period.

SEC. 12. CASE REVIEW SYSTEM.

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

(1) by inserting “, in the case of a child who will not be returned to the parent, the hearing shall consider in-State and out-of-State placement options,” after “living arrangement”; and

(2) by inserting “the hearing shall determine” before “whether the”.

SEC. 13. USE OF INTERJURISDICTIONAL RESOURCES.

Section 422(b)(12) of the Social Security Act (42 U.S.C. 622(b)(12)) is amended—

(1) by striking “develop plans for the” and inserting “make”;

(2) by inserting “(including through contracts for the purchase of services)” after “resources”; and

(3) by inserting “, and shall eliminate legal barriers,” before “to facilitate”.

SEC. 14. EFFECTIVE DATE.

(a) IN GENERAL.—Except as otherwise provided in this section, the amendments made by this Act shall take effect on October 1, 2006, and shall apply to payments under parts B and E of title IV of the Social Security Act for calendar quarters beginning on or after such date, without regard to whether regulations to implement the amendments are promulgated by such date.

(b) DELAY PERMITTED IF STATE LEGISLATION REQUIRED.—If the Secretary of Health and Human Services determines that State legislation (other than legislation appropriating funds) is required in order for a State plan under part B or E of title IV of the Social Security Act to meet the additional requirements imposed by the amendments made by a provision of this Act, the plan shall not be regarded as failing to meet any of the additional requirements before the 1st day of the 1st calendar quarter beginning after the first regular session of the State legislature that begins after the date of the enactment of this Act. If the State has a 2-year legislative session, each year of the session is deemed to be a separate regular session of the State legislature.

The SPEAKER pro tempore (Mr. BOOZMAN). Pursuant to the rule, the gentleman from California (Mr. HERGER) and the gentleman from California (Mr. STARK) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. HERGER).

GENERAL LEAVE

Mr. HERGER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to include extraneous materials to the subject of the bill under consideration.

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

There was no objection.

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

I rise in support of H.R. 5403, the Safe and Timely Interstate Placement of Foster Children Act of 2006. I am pleased to be an original cosponsor of this bipartisan legislation sponsored by the distinguished gentleman from Texas (Mr. DELAY).

Throughout his career, the gentleman from Texas has been an outstanding advocate for children and foster care. As chairman of the Human Resources Subcommittee, as a longtime colleague in this body, and as someone who shares his passion for helping children, I would like to personally commend him and thank him for his dedication to helping at-risk children across this country.

Mr. Speaker, the subcommittee I chair has conducted numerous hearings

examining the Nation's child protection system. Every witness at these hearings has agreed that our current system fails to adequately protect children.

In December, Republicans in this Congress took the lead in providing \$100 million in new funds over the next 5 years to better equip courts and ensure collaboration among judges and social workers. We also added an additional \$200 million over the next 5 years for improved services for families, including preventive services to protect children and keep them from having to enter foster care in the first place.

Importantly, we pay for this new funding by ensuring States comply with Federal law and do not misspend other Federal funds. I believe these new resources will go a long ways towards better protecting children.

While these are important steps, we also must do more to ensure children are not needlessly lingering in foster care. The legislation before us today would require States to expedite the safe placement of foster and adopted children in homes across State lines.

Currently these placements take an average of 1 year longer than placements within a single State, delaying permanency with loving families for thousands of children. This legislation also would establish deadlines for completing home studies that assess whether a home is appropriate for a child.

The legislation authorizes up to \$10 million per year for incentive payments to States that complete home studies in a timely manner. In addition, the bill includes provisions to better ensure safety for children in foster and adoptive homes, and to give foster parents and relative caregivers a right to be heard and notice of any court proceedings held concerning a child in their care.

I thank my colleagues across the aisle for their assistance in bringing this bill to the floor today. I urge all of my colleagues to support this legislation so we can ensure children are placed in a timely and safe way with loving families.

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

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

Mr. STARK. Mr. Speaker, I rise in support of the Safe and Timely Interstate Placement of Foster Children Act of 2006, H.R. 5403, and ask my associates to vote for this legislation.

As the gentleman from California (Mr. HERGER) has so eloquently described, this will help foster children across the country. But I think an easier way to look at it is here in the District of Columbia area where we are a subway ride from three States. From Maryland to Virginia to D.C., we will find that a juvenile judge in one area may have a placement of a child with a relative or acceptable foster family in

another area as they move from Maryland to Virginia.

Now in California in the gentleman's district there, there may not be a lot of people wanting to go to Oregon or Nevada, it is a little longer trip. But in areas like the New Jersey-New York area, heavily populated areas are close by, and children could easily be placed in close proximity and have to cross State lines. This legislation will allow that to be done.

It takes care of a lot of technical details in terms of speeding up the process so that approval can be done across State lines, and it calls on States to update their requirements for approving the transfer of children across State lines and into foster care.

It probably will help older children, and by older I am saying 9 or older, who we have the most difficulty in placing in foster care. It is for that reason that this will help. Right now, a child 9 years or older has maybe a 20 percent chance or less of placement. We need to do better, and this bill will help.

We have 100,000 children ready for adoption, and this Congress should indeed do all that it can to expedite those procedures.

Mr. Speaker, I would like at this point first of all to commend the distinguished chairman of the Public Assistance Subcommittee of the Committee on Ways and Means, Mr. HERGER, for his Safe and Stable Families bill which we hope will be coming to the floor soon. It provides another \$40 million to train case workers to help in this area. Chairman HERGER has done yeoman's work on that bipartisan bill, and I know we are getting help from the junior Senator from the State of California who has offered to help expedite it on the Senate side, and with some luck, we will be able to pass that bill.

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

Mr. HERGER. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Ohio (Ms. PRYCE).

Ms. PRYCE of Ohio. Mr. Speaker, replacing a void in a child's life or a parent's life and filling it with love and laughter is one of the most wonderful gifts in the world. As twice an adoptive mother, I know this joy firsthand. And also I believe it is our duty as legislators to work with adoption and foster care advocates to break down barriers, to bring more children and families together.

Today we have the opportunity to knock down a barrier to improve the lives of these kids right here in America. Right now, children are waiting as long as a year for paperwork to go through the system before they can be placed with a family. Imagine, Mr. Speaker, paperwork standing in the way of a permanent, loving home for a 100,000 lingering, at-risk kids. There is no excuse, and we can change it.

This legislation will expedite the safe placement of children into homes even

across State lines by instituting a 60-day deadline and giving financial incentives for States to process the paperwork quickly.

I commend the gentleman from Texas (Mr. DELAY) for his leadership on this most-important issue. He has been a devout advocate for foster kids and foster families as long as I have known him.

I also want to thank Chairman HERGER and Mr. STARK for their assistance on this bill. Thousands of kids are waiting to walk into the arms of a loving family and through the door of a permanent home. This legislation will move us closer to the day when every child feels the joy, love and security that a family can provide. I urge my colleagues to support this measure.

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

Mr. Speaker, I cannot resist the opportunity to note that it is this issue of helping children that in my 34 years here has always brought us together as no other issue does. The gentlewoman from Ohio, with whom I have often disagreed on political issues, and I note the presence of the gentleman from Texas (Mr. DELAY) with whom I have disagreed on almost every issue except in the area of helping children. Now I suspect it is because the Republicans need more Republicans, and they are trying to get more children into politics, but other than that, Mr. Speaker, it is in the spirit of helping young people mature in this country.

I do not know if many of you know that the gentleman from Texas is responsible, and I say this having chaired the District Committee when there used to be one, but with the gentlewoman from the District of Columbia (Ms. NORTON), he was instrumental in creating a family court in the District of Columbia, which most other States or jurisdictions have. Now he has done some other things with legislation in Texas with which I have a little trouble. But other than that, he has created a court here that helps children.

I want to remark on one other thing in Mr. DELAY's career. I am aware that, in Texas, he has created a most unique and it sounds to me like an exciting community called the Rio Bend Community. For those who are unfamiliar with this, it creates a subdivision of let us say eight homes. I suspect they are ranch homes or standard homes, where eight families who have foster children and perhaps birth children can live in close proximity and share baby-sitting and teaching.

When I talk about sharing teaching, I am also aware that in this area of Rio Bend, Texas, the distinguished gentleman from Texas (Mr. DELAY) is known as Old Hypotenuse, and Old Hypotenuse has been tutoring the children in this community in geometry. He may not know that I got a 100 in geometry in high school, Mr. Speaker, and I might be able to come down and spell him for a while.

But I just want to commend the gentleman from California (Mr. HERGER)

and the gentlewoman from Ohio (Ms. PRYCE) and Mr. DELAY for the marvelous work they have done for children in this country. I hope we can continue in a bipartisan way to unify our efforts in the House to make every day for every child in this country more healthy with better education and a better opportunity to develop into citizens of which we can all be proud.

Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. CARDOZA).

Mr. CARDOZA. Mr. Speaker, I rise today in support of H.R. 5403 sponsored by Mr. DELAY, and I would like to associate myself with Mr. STARK's remarks and that while we have not always agreed on every policy issue, there is no doubt that Mr. DELAY will be fondly remembered in this House for his tireless work on behalf of foster children and disadvantaged youth. I very much appreciate knowing him and the work we have done together. This is not our first effort to work together on a bill, and I appreciate Mr. DELAY and his work in this House.

As Members on opposing sides of the political spectrum, we are coming together today to do fabulous work. As an adoptive parent myself of foster children, I have seen firsthand the glaring problems of the system currently facing this Nation. At any time, there are roughly 500,000 children in foster care in the United States, moving from placement to placement, often living out of a suitcase or even worse, the symbol of foster children, which is a black garbage bag, hoping that one day a loving family will welcome them into their home.

H.R. 5403, Safe and Timely Interstate Placement of Foster Children Act, addresses one specific yet extremely important aspect of the system of adoption across State lines. Often an impediment to foster children's placement to permanent homes occurs when a child from one State is adopted by a family from another. The State where the family resides must complete a home study in order to verify that the placement is safe, secure and ready for the new child. Often, these types of home studies are a low priority for the State where the adoptive family resides and can lead to delays, often taking months and sometimes years to complete.

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This legislation that we are considering today would establish a 60-day deadline for completing an interstate home study. If the State completes the home study within 30 days, H.R. 5403 would authorize a monetary incentive for the completed study to be used for the adoption-related expenses.

The children this bill seeks to help are already needy, neglected children without a voice who desperately want a permanent home, something that most all of us have always taken for granted. They want to go to school, the same

school with the same friends for more than a few months. They want someone to tuck them in at night and help them with their homework. They want to stop living out of a black garbage bag that doubles as a suitcase and have a real home with a bed they can call their own.

Over the years I have met numerous children from all over the country who are in various stages of foster care. I have heard great stories where children are reunited with their biological parents who are placed in loving, adoptive homes. But I have also heard of other stories that have just sickened me.

One boy I met at a school for foster children in my district told me the story of his life that seems quite fitting to this debate.

I met this young boy, and he had been placed in foster care at an early age and had been moved in and out of seven different foster homes up and down the State of California. As you can imagine, he grew jaded and resentful from the harsh life he was forced to live. He was also separated from brothers and sisters whom he loved very much. Finally, he was placed in a family that saw through his rough exterior and wanted to adopt him. This young boy was convinced that he had finally found a real home with devoted parents that he had always dreamed of.

However, soon after he was placed with his family, the father in this foster family was transferred to North Carolina and the family was forced to move. Unfortunately, they couldn't get the paperwork processed between California and North Carolina in order to facilitate the adoption. So this young boy was left behind in California and is now residing in a group home.

It is our job as Members of Congress to be a voice for these children and make sure their dreams are recognized. We owe it to them to streamline the adoption process and make Federal law work towards positive outcomes. If that means requiring a State to get their act in gear and complete timely home studies, then so be it.

Thank you, Mr. DELAY, for the legislation. Thank you, Mr. HERGER, for your work on this topic.

Mr. HERGER. Mr. Speaker, I hear these touching stories, and regrettably they are true, and the gentleman from California (Mr. CARDOZA) and some other stories we have heard, some 12 hearings of the tragedies that we see take place with these foster care children, not only being transferred seven times, as the gentleman from California mentioned, but maybe 50 or 60 in some cases.

Now it is my great pleasure to yield such time as he may consume to the author of this legislation, someone who we have been hearing a lot about, who has spent years, both he and his wife, working in this area, to the gentleman from Texas (Mr. DELAY).

Mr. DELAY. Mr. Speaker, this is the last piece of legislation that I will ever introduce in the United States House

of Representatives. I am incredibly honored to do this piece of legislation, particularly at this time. It shows that there is a strong feeling in this House, as exemplified by Mr. STARK; and thank you, sir, for your words and thank you for your work on this.

Mr. HERGER, Mr. Chairman, I greatly appreciate your work on not just this piece of legislation, but for foster kids and abused and neglected children around the United States.

Mr. CARDOZA, thank you for those words; and your words show your deep feelings and understanding for the plight of foster children in this country and how we are trying to make their life just a little bit better. I appreciate Mr. MCDERMOTT's support for this legislation, too, and everybody's work on it.

I particularly appreciate Dr. Cassie Bevan, who has been on my staff for a long time, who has been the leading force in a lot of the work that we have been able to do, the good work that we have been able to do in this House of Representatives.

I pay particular tribute to my wife, who has a deep, deep abiding love for these children and what their future holds.

This bill, the Safe and Timely Interstate Placement of Foster Children Act, will bring urgently needed reform to America's broken system, a broken system of placing abused and neglected children in permanent homes across State lines.

The current system is an insult to any notion of compassion or justice that animates our national commitment to child welfare. Children are moved from home to home to home. They are looking for strong and safe and permanent homes.

We have one child in Rio Bend, that was mentioned by Mr. STARK, that is 17 years old, got into the system at age 6 or 7, in 10 years has been moved over 150 times, 150 times. Thousands of children are being shuttled in and out of our broken, debasing foster care system. They have foster or adoptive families out of State that are more than willing to provide them a permanent, safe and loving home.

Yet this system, as inefficient and backward as any government program, typically holds abused and neglected children in the perdition of government foster care for a full year longer than a child placed in-State, an extra year.

Do you realize what a year means to a child? It is forever. Just because a second government bureaucracy that operates without deadlines or incentives has its chance to let a child down. This is a year lost, Mr. Speaker, a year in the life of an innocent child, a year lost to abuse and neglect and violence and uncertainty and fear.

There is no justification or excuse for such monstrous inequality. The child welfare system exists for these children and must be organized around their needs, not the other way around.

So under this bill, once a child is deemed in need of an out-of-state

placement, the State has 60 days to find a child a foster or adoptive home and 14 days to approve that home. It also creates a financial incentive of \$1,500 for States that complete their home studies in 30 days or less.

Our society has a moral obligation to provide for children who are abused and neglected by their parents or others; and, despite the best intentions, our society is too often failing to do so. This bill will not instantly make life good for abused and neglected children in our society, but it can help make it better.

That, Mr. Speaker, is worth the vote of every Member of this body. So I urge my colleagues to support this legislation and just take one small step toward alleviating the burden of our abused and neglected sons and daughters.

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

Mr. HERGER. I yield 3 minutes to our distinguished majority whip, the gentleman from Missouri (Mr. BLUNT).

Mr. BLUNT. Mr. Speaker, I thank the gentleman for recognizing me. I am pleased to stand in support of this legislation and also legislation that in such a significant way recognizes the great work that Mr. DELAY has done on behalf of foster children and on behalf of adoption.

Everyone in this body understands the long-term commitment that the gentleman from Texas has had on this issue. I expect that few outside of this body appreciate the great work that he has done, the tremendous commitment that Mrs. DeLay has made to foster children and to adoptive children in this case.

Here is a bill that once again looks at how much a year means in the life of a child that is going into a foster home, can't get placed in a foster home, can't get ready to be adopted. A year in life, if you are 3 or 5 or 15, is a long, long part of the life that you have lived.

The average now for children who are going into foster adoptive families across State lines is an extra year. This legislation tries to eliminate that year. This legislation tries to make it more possible for children to be placed with families as soon as possible, rather than longer than absolutely necessary.

This legislation is on the floor today, as many before it have been, because of Mr. DELAY's commitment and his family's commitment to the lives of children. The lives of children are dramatically changed when someone gets an opportunity to care about them.

Fortunately for the laws of the country, TOM DELAY has always cared about children. For the individual children that will be impacted by this bill, their opportunity comes quicker. The love and attention comes quicker.

I appreciate the comments that Mr. STARK has made. I appreciate the work that Mr. DELAY has done. I am sure our colleagues today will be eager to see us advance this important change in the law.

Mr. STARK. Mr. Speaker, will the distinguished majority whip yield?

Mr. BLUNT. I yield to the gentleman from California.

Mr. STARK. Mr. Speaker, I do not think it should go unnoticed that the distinguished majority whip has become a recent adoptive father of, I believe, now a 7-month-old boy.

Mr. BLUNT. An 18-month-old.

Mr. STARK. We seriously hope that he will grow up to be a Democrat.

But, aside from that, I want to extend best wishes. He is a man who practices what he preaches and is doing his share to extend this concern for adoptive children in this country.

Mr. BLUNT. I thank my friend. Little Charlie Blunt will appreciate your comments as well. Thank you.

Mr. HERGER. Mr. Speaker, I yield 2 minutes to a member of the Subcommittee on Human Resources, the distinguished gentlewoman from Pennsylvania (Ms. HART).

Ms. HART. Mr. Speaker, I thank the chairman for sponsoring the legislation, along with our colleagues on the committee, but especially Mr. DELAY and Mr. STARK for being the prime sponsors of legislation.

A lot of us have a lot of life experience that we bring to Congress. I know sometimes the general public doesn't believe that we do. Many of us are lawyers, and sometimes that is looked upon disparagingly by the general public.

But in my practice I dealt with the foster system, and I wasn't very pleased. Unfortunately, it didn't often work out as well as it should have for the children.

When I was a State senator, we had a debate about our foster system and our adoption laws and how we were treating children as chattel, the legal term for a possession. This bill helps move us away from that attitude. It helps us move toward treating children as the human beings that they are and the valued human beings who need love and nurturing that they are.

I rise in support of this bill, the Safe and Timely Interstate Placement of Foster Children Act. It will expedite the safe placement of foster adoptive children in foster homes across State lines. Currently, these types of placements take an additional year on top of all the years that the poor child has already spent in foster care.

The results of delaying safe placement have terrible implications for children. These delays are unreasonably long. They should not exist, and psychologists have stressed the importance of placing children in safe and loving environments in a timely manner.

The sooner a child is part of a safe and secure family, the sooner that child will thrive. Whether it be with a family member or another loving family, the best interests of that child dictate permanency.

Among other things, this bill will require courts to notify any foster par-

ents, pre-adoptive parents, relatives, caregivers of the child of any court proceeding to be held concerning the child and strengthen the right of these individuals to be at permanency hearings and perhaps to be the permanent home for that child.

All of these important changes to current law ensure that some of the most vulnerable children, not only those who have been neglected or abused but who are also on top of it, have been in foster care with a lack of security, that they get that security, that they get that security sooner, and that a safe and secure, loving home will be theirs.

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Mr. STARK. Mr. Speaker, I yield such time as he may consume to the distinguished ranking member of our subcommittee, the gentleman from Washington (Mr. MCDERMOTT).

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

Mr. MCDERMOTT. Mr. Speaker, we can improve the lives of abused and neglected children in this Nation. One of the powers that we have, the Federal Child Welfare Program, is a lifeline we don't use enough, in my view.

We know as legislators that the system needs reform. We saw it around Katrina very much as youngsters were spread across the country and fell between the cracks in a whole variety of situations.

We know as parents that the vulnerable want and need only what our own children want and need, to be loved, cherished and protected. Today we have an opportunity to extend our hand as caring adults and take hold of vulnerable children, and we should take it.

H.R. 5403, proposed by Mr. DELAY of Texas, takes a step in the right direction. It has been here before, I have supported it before, and I am proud to do that again today.

As the ranking member of the Human Resources Subcommittee, I believe children come first, and there is no such thing as a political divide if we can better protect and nurture vulnerable children in America.

I stand here to support my Republican colleague, Mr. DELAY, and urge the House to unanimously pass this legislation.

Specifically, this bill strives to safely speed the placement of children in foster care or adoptive homes across State lines when this is considered an appropriate thing to do. This is very important, because today there are a number of barriers that prevent the timely placement of children in homes across State lines.

We are a very mobile population, and laws that used to seem to make sense really do not today, and that is why we need this bill. They include an overly long time to conduct home studies to ensure the safety of children, obtaining criminal background checks on prospective foster care and adoptive parents, inadequate State resources and

often a low priority assigned to interstate placement of foster and adoptive children. It is the latter that is really the problem.

This bill creates meaningful incentives for States to address these barriers, and I urge my colleagues to support this initiative. It is meaningful legislation. This is not symbolic. It has some real power to change things. But it is more than that. By passing this bill, we recognize the heroic efforts of countless Americans across this country, foster parents and the caseworkers who deal with them and the many others who strive to help kids who are in need.

By passing this legislation, we also rightly honor the leadership in fighting for vulnerable children by Mr. TOM DELAY. He has made a difference, and it is no surprise that he keeps fighting to protect and defend children. All too often, we are the light of hope for abused and neglected children. Today, let us curse the darkness by passing this bill.

Mr. HERGER. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Texas (Mr. BRADY), a member of the Ways and Means Committee.

Mr. BRADY of Texas. Mr. Speaker, this act ought to probably be entitled the Get Foster Children Out of the System Into a Safe Home As Soon As Possible Act, as it has real consequences for our foster children.

There have been so often foster children, even in the best system, that are lost in that system. These delays can be as, TOM DELAY has told you, just so harmful for them. Moving them forward is the right thing to do, and it is a possible thing to do.

Each week on TV, we watch on "Home Makeover" a set of people come together and build a complete home for a family in one week. Why can't we find a good, safe loving home for children in 2 months? It is important we do this.

Our family has been through two home studies in our adoption, and I know what a difference how soon and how accurate and how important these home studies can be done. We ought not let a State line get in the way of helping these children.

I can tell you that TOM DELAY has been such an advocate and champion for children. When you see the work of Rio Bend, what he and his wife are doing, it is just remarkable. I strongly support this bill.

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

Mr. Speaker, we have no more speakers. I would just like to reiterate my thanks to all the people. I would like to mention Sean McCluskie, who has been my staff member on the Subcommittee for Human Resources for over 7 years and, unfortunately, is leaving us for greener pastures.

I want to thank all of the staff on both sides of the aisle who worked so hard on these bills that come before

our subcommittee which get little attention outside of the professionals in the social work field.

Again, I thank our Chair and thank Mr. DELAY and the people who have worked so well together to make this important step to improve the lives of foster and perhaps adoptive children.

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

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

Mr. Speaker, the legislation we are considering today is an important step that will ensure timely and safe homes for children. This bill would help speed up the interstate adoption process so that children could be placed in permanent, loving homes more quickly.

I thank my colleagues across the aisle, the gentleman from California (Mr. STARK) and others, for their work on this bipartisan legislation, and I again wish to thank the distinguished gentleman from Texas, Mr. DELAY, for his tireless work to improve the lives of abused and neglected children.

I urge all of my colleagues to join me in support of this legislation.

Mr. THOMAS. Mr. Speaker, I rise in support of H.R. 5403, the Safe and Timely Interstate Placement of Foster Children Act of 2006. I am pleased to be a cosponsor of this bipartisan legislation, which is sponsored by Mr. DELAY.

There are approximately 518,000 children currently in foster care. The legislation before us today is an important first step in our efforts to improve the structure that exists to find a family for these children in order to prevent them from needlessly lingering in foster care.

Specifically, H.R. 5403 would encourage states to expedite the safe placement of foster and adoptive children into homes across state lines. The data suggest that it takes 2 years on average for foster or adoptive children to be placed in homes across state lines. That is longer than the average time frame for placing children in homes within the same states. Under this legislation, states would be required to establish procedures to ensure interstate placements occur within 60 days.

The legislation also would authorize incentive payments to states that place children in safe homes within 30 days. Since we first began providing incentive payments to promote adoption in 1997, the number of adoptions of children from foster care has almost doubled. We expect this new incentive program will help expedite the safe placement of children lingering in foster care, especially when relatives or others have expressed an interest in providing a loving home.

Almost 20,000 children age out of foster care every year at age 18 without the benefit of a family to call their own. This legislation will improve that situation and ensure that more children are raised in loving families instead of waiting needlessly in temporary homes. Accordingly, I ask my colleagues to support this important legislation.

Mr. CAMP of Michigan. Mr. Speaker, I wish to express my strong support for legislation the House is considering today, H.R. 5403, the Safe and Timely Interstate Placement of Foster Children Act, introduced by Rep. TOM DELAY (R-TX).

First, I would like to commend Mr. DELAY for his work on behalf of foster children, and in

the development of this bill. As the sponsor of the Adoption and Safe Families Act, I have had the privilege of working with Mr. DELAY to improve the lives of children in foster care, and promote the adoption of children into safe and loving families.

As a cosponsor of H.R. 5403, the bill before us today further expedites the safe placement of foster care children. Under current rules, children wait a year or more for states to approve placements across state lines. Children deserve better treatment, and I am glad that H.R. 5403 places a 60 day deadline on the approval of placements across state lines. Importantly, the bill also seeks to keep families together by providing incentive payments for the placement of children with extended family members.

Again, I want to applaud Mr. DELAY for his tireless advocacy on behalf of foster children, and for his work on H.R. 5403. I am confident this legislation will improve the lives foster children everywhere.

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

The SPEAKER pro tempore (Mr. GUTKNECHT). The question is on the motion offered by the gentleman from California (Mr. HERGER) that the House suspend the rules and pass the bill, H.R. 5403.

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.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on questions previously postponed.

Votes will be taken in the following order:

Ordering the previous question on House Resolution 832, by the yeas and nays;

Adopting House Resolution 832, if ordered.

The first electronic vote will be conducted as a 15-minute vote. The remaining electronic vote will be conducted as a 5-minute vote.

PROVIDING FOR CONSIDERATION OF H.R. 5427, ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 2007

The SPEAKER pro tempore. The unfinished business is the vote on ordering the previous question on House Resolution 832 on which the yeas and nays are ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The vote was taken by electronic device, and there were—yeas 224, nays 190, not voting 18, as follows: