The difference in philosophies here is that the other side of the aisle would like to control how people run their lives and what they have to do with their money, but the Republicans trust people. They want them to have more of their own money to meet the needs that their children have, because who best would understand what a child needs, other than its parents?

So I would support the $500 per child tax relief and oppose the women and children fund.

CONGRESSIONAL BLACK CAUCUS OPPOSES A SUPPLEMENTAL APPROPRIATIONS BILL WHICH THROWS WOMEN AND CHILDREN OFF WIC

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

Ms. WATERS. Mr. Speaker, I rise today on behalf of the Congressional Black Caucus to voice the strongest possible opposition to the supplemental appropriations bill voted out of committee last week. If passed, this bill would throw 180,000 women and their children off the vital special supplemental food program for women, infants, and children known as WIC. The WIC program is widely regarded as the single most successful social program the Federal Government runs, allowing hundreds of thousands of women and children to avoid the disaster of hunger.

The administration requested $76 million just to maintain the current level of WIC participation for 360,000 women and children, but the Republicans cut this bare-bones minimum request in half, slashing the request to $38 million. This is a terrible and vicious attack by the Republican majority on nearly 200,000 caring mothers and their precious children.

This supplemental appropriations bill must provide the minimum $76 million needed to keep these families from hunger.

DEMOCRATS CONFUSED ON WIC FUNDING PROPOSAL

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

Mr. KINGSTON. Mr. Speaker, it appears that the Democrats are confused again. There is nothing unusual there. But on the WIC program, I do not know if they have read the bill. Had they read the bill, they would know that WIC is fully funded at $3.7 billion, a historic all time high for WIC, funded by the Republican majority in Congress. I will send them a copy of the bill if they want it. Where their confusion lies is that they are using 1994 census records when they say that WIC is not fully funded.

At least in my part of the country, it is 1997. We do not have 1996 records but we do have 1995 records, and they confirm that WIC is fully funded. Democrats, there is no reason, even for political purposes, to use 1994 records.

Second, there is a $100 million carryover of unused WIC funds right now, $100 million in unused funds sitting in reserve for WIC.

Third, the President of the United States has said welfare is down 15 percent. If welfare is down, why do Democrats insist on an emergency basis on increasing welfare funding? Again, Mr. Speaker, the Democrats are confused. What else is new?

HIGHER EDUCATION AND TRAINING MEAN HIGHER ACHIEVEMENT AND BETTER JOBS

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

Mr. FORD. Mr. Speaker, on April 24 the U.S. Department of Education released a study that has serious implications for the state of our economy and for the welfare of all Americans. The study found that education and training are strongly associated with higher productivity and higher paying jobs. College graduates, according to the study, earn 50 percent more than high school graduates, and twice more than that of high school dropouts.

Workers who improve their skills through job training have higher earnings, as do those who have a record of higher academic achievement. One of the more disturbing findings, Mr. Speaker, is that the leading productivity the United States has enjoyed for decades may be slipping because we are not doing a good enough job in educating our children, we are not equipping them with the tools they need to be viable job holders in the global marketplace.

Today it is more important than ever that we provide our people with the skills they need to keep America competitive going into the next century. When ''A Nation at Risk'' was released in 1983, it sent a wake-up call to the Nation. At every level of government, we renewed our commitment to education to conquer the rising tide of mediocrity and education that threatened our national and economic security.

Today, Mr. Speaker, we have a choice. We can turn our backs on our human capital or invest in our future and inspire our young people for the challenges they and all people will face in this next century.

DISASTER AWAITING THE SPACE COAST

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

Mr. WELDON of Florida. Mr. Speaker, a medical colleague of mine, Dr. Vince Griffith, came up here with his daughter, Stacey, to testify before the Committee on Transportation and Infrastructure about a tragic accident on Florida's Highway U.S. 192 that robbed them of a wife and mother.

Dr. Griffith awoke the next day in the hospital with his daughter next to him. Stacey's intestine was ruptured and her spine was snapped. His wife had died of massive internal injuries. This brave father and daughter joined Robert Lay, who supervises Brevard County's Emergency Management Office, in telling the panel how important it was to widen U.S. 192.

Mr. Lay talked about the disaster awaiting the space coast if a major hurricane strikes and U.S. 192 is turned into a parking lot trapping tens of thousands of fleeing residents. I am grateful to all of these witnesses, but I am especially proud of Stacey Griffith, who is partially paralyzed and overcame her own fear to testify before Congress. I congratulate them and thank them for the hard work they are doing on behalf of the people of the space coast.

REDUCTION OF TOP RATE ON CAPITAL GAINS TAX

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

Mr. DREIER. Mr. Speaker, as I listen to my colleagues on both sides of the aisle talk about very important programs designed to help those who are truly in need, I am going to mention something that actually could, I believe, do probably more than any of those things that have been talked about to help those who are truly in need; and, yes, it is a reduction of the top rate on the capital gains tax.

Now we had a study done not too long ago by the Institute on Policy Innovation, which found that if we could reduce that top rate, as H.R. 14 does, our bill that we introduced on the opening day, to 14 percent, we could, in fact, increase the average take-home pay for a family by $1,500 a year.

Now so often people have in the past talked about this capital gains tax rate reduction as being nothing but a tax cut for the rich. But people are finally realizing that if we could allow those literally millions of American families who own mutual funds or other appreciated assets to see a reduction on that top rate, it would, in fact, improve the standard of living for all Americans.

ADOPTION PROMOTION ACT OF 1997

Ms. PRYCE of Ohio. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 134 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 134

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the

Whole House on the state of the Union for consideration of the bill (H.R. 867) to promote the adoption of children in foster care. The first reading of the bill shall be dispensed with. Points of order against consideration of the bill for failure to comply with clause 2(l)(6) of rule XI or section 303(a) or 308(a) of the Congressional Budget Act of 1974 are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Ways and Means now printed in the bill, modified as specified in the report of the Committee on Rules accompanying this resolution. Each section of the committee amendment in the nature of a substitute, as modified, shall be considered as read. Points of order against the committee amendment in the nature of a substitute, as modified, for failure to comply with clause 7 of rule XVI or section 303(a) or 306 of the Congressional Budget Act of 1974 are waived. During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 6 of rule XXIII. Amendments so printed shall be considered as read. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute, as modified. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

□ 1130

The SPEAKER pro tempore (Mr. HOBSON). The gentlewoman from Ohio [Ms. PRYCE] is recognized for 1 hour.

Ms. PRYCE of Ohio. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Dayton, OH [Mr. HALL], pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

GENERAL LEAVE

Ms. PRYCE of Ohio. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on this resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Ohio?

There was no objection.

Ms. PRYCE of Ohio. Mr. Speaker, House Resolution 134 is an open rule providing for the consideration of H.R. 867, the Adoption Promotion Act of 1997. The rule provides for 1 hour of general debate equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means.

The rule makes in order an amendment in the nature of a substitute from the Committee on Ways and Means as an original bill for the purpose of amendment, modified as specified in the report accompanying this rule. The modification simply amends the committee's bill so as to avoid including appropriations language in an authorizing bill. The rule also provides a limited but very necessary number of waivers to facilitate the orderly consideration of the bill.

Furthermore, the Chairman of the Committee of the Whole may accord priority in recognition to Members who have preprinted their amendments in the CONGRESSIONAL RECORD prior to their consideration, and such amendments shall be considered as read.

Finally, the rule provides for one motion to recommit with or without instructions, as is the right of the minority.

Mr. Speaker, let me stress for our colleagues that this is more than just an open rule. In fact it is a wide-open rule. Any Member can be heard on any germane amendment to the bill at the appropriate time as long as it is consistent with the normal rules of the House.

The bipartisan support this bill enjoys is clear evidence that building stable families by promoting adoption is a goal that both political parties can and should agree upon.

Mr. Speaker, it should come as no surprise to my colleagues that the issue of adoption is very special to me. As an adoptive parent myself, I know firsthand that adopting a child can be one of life's most fulfilling experiences.

Every child in America deserves a family and a home filled with love and security, free from abuse or neglect or the threat of violence. The sad truth is that today many children do not enjoy that basic human right, and I am afraid it is these very children who are paying a very dear price, victimized by a foster care system that was enacted with the best of intentions but which is failing to look out for their best interests.

Why are a child's early years so important? New research tells us that the first years of life are critical to a child's development. We know that 90 percent of the brain's growth takes place during the first 3 years. So science is revealing what mothers have known always from the beginning of time, that early life experiences help determine the way a child thinks, learns and behaves for the rest of his or her life.

That is why it is so crucial for parents and care givers to raise children in a healthy, happy environment. The first years of life do indeed last forever.

So here we are today, Mr. Speaker, determined to change the rules of the game so that more children will have a better start. One way we can accomplish that aim is to speed up the adoption process, especially for foster children who have been abused or neglected.

While Government cannot legislate love and compassion, it can provide the leadership and the tools necessary to encourage the development of healthy, nurturing families. For example, last year Congress enacted legislation that created valuable new tax incentives designed to foster and facilitate adoptions.

In many respects, H.R. 867 addresses what might be referred to as the other side of the adoption coin. With last year's legislation we tried to ease the financial strain for hopeful parents. This bill addresses the frustrating problem of how to promote adoption of foster children who through no fault of their own are unable to return to their natural parents and who have languished for far too long in the foster care system. It is time to stop the revolving door of foster care that sends children from home to home to home with little or no hope that they will live with the same families from one month to another.

Mr. Speaker, the most important change we can make is to elevate the rights of children because too often a foster child's best interests are abandoned while courts and welfare agencies drag their feet. To correct this injustice, H.R. 867 places the safety and well-being of children above efforts by the State to reunite them with biological parents who have abused or neglected them.

As the legislation itself clearly spells out, a foster child's health and safety shall be of paramount concern in any effort by the State to preserve or reunify a child's family.

Under current law, there are no financial incentives to move children from foster care to adoption, so States continue to receive Federal subsidies as long as children stay in foster care. This is crazy, Mr. Speaker. We have created a system that in effect pays States to keep kids locked in foster care at the expense of adoption.

It is too bad that we have to use cash as an incentive. We would think the joy of giving a foster child a permanent home would be incentive enough. But this bill will establish a positive incentive to reduce the foster care case load.

Mr. Speaker, the facts support the need for this legislation. Of the nearly half million kids in foster care, only 17,000 entered permanent adoptive homes. What is more astonishing is that during each of past 10 years more children have entered the foster care system than have left it. This is simply not acceptable, and we need to take action today to change it.

The changes called for in H.R. 867 offer workable solutions to some of the most pressing concerns, and I applaud the work of my colleagues, the gentleman from Michigan [Mr. CAMP] and the gentlewoman from Connecticut [Mrs. KENNELLY].

I also want to commend the many, many conscientious foster care parents who have opened their doors and their hearts to foster children. I am hopeful

that many of those responsible couples will have a chance to make their love permanent as a result of this legislation.

As I said before, Congress and the Federal Government cannot legislate compassion and love for all of the Nation's children, but we can take reasonable steps to promote family stability and give children, especially foster children, a fighting chance to see the loving homes that they deserve. Children simply deserve better than a here today, gone tomorrow life in multiple foster homes.

In the last Congress we reformed welfare so that low income mothers and their families would not be trapped in the never-ending cycle of dependency. We need to do the same thing with the foster care program that keeps thousands of innocent children trapped in a broken system that too often places their young lives in danger of repeated neglect and abuse.

Mr. Speaker, this legislation enjoys strong bipartisan support. Like the rule before us, it was reported without any amendment by voice vote. Since being reported, several worthwhile amendments have come up and this open rule will certainly allow the House to discuss any concerns or improvements that Members may wish to discuss.

I urge my colleagues to vote yes on the rule and yes on the underlying legislation.

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

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

(Mr. HALL of Ohio asked and was given permission to revise and extend his remarks.)

Mr. HALL of Ohio. Mr. Speaker, I want to thank my colleague, the gentlewoman from Ohio [Ms. PRYCE] for yielding me the time.

This is an open rule. It is a fair rule. It will allow complete debate on H.R. 867.

The bill will continue a series of bills approved by Congress to encourage the adoption of children. This bill aims to speed up the adoption process of children in foster homes. In my own State of Ohio, there are 17,000 children in foster care. Of these, nearly 1,800 are awaiting adoption. This bill is intended to help these children and others like them all across the country find permanent homes more quickly.

The bill also gives States greater flexibility to separate children from their families when their parents are clearly abusive. And in my own community of Dayton, OH, we have witnessed tragic consequences of requiring family unification even when it obviously was not in the best interest of the child.

Under this rule, amendments will be allowed under the 5-minute rule, which is the normal amending process in the House. All Members on both sides of the aisle will have their opportunity to offer amendments. The rule under consideration waives a number of points of order on the bill, including the 3-day availability of committee reports. It also waives points of order on the Committee on Ways and Means substitute.

The process for consideration of the bill has been completely open, and it has been bipartisan with strong support from both sides of the aisle. Therefore, the Committee on Rules recommended the waivers by unanimous vote so that the needed bill can move forward quickly.

Mr. Speaker, I urge adoption of this open rule and the bill.

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

Ms. PRYCE of Ohio. Mr. Speaker, I yield such time as he may consume to the gentleman from California [Mr. DREIER], my colleague on the Committee on Rules.

Mr. DREIER. Mr. Speaker, I rise in strong support of this rule, and I do so to compliment my friend from Columbus, OH for the leadership role that she has shown on this issue of adoption which is very important.

This legislation, as has been said by both of my friends from Ohio, is designed to encourage adoption. There is a pressing need out there, and I believe that this legislation will go a long way toward creating the kind of incentive that is necessary.

I also believe that it is very good that we are doing this under the open amendment process, because I understand that there are proposals that some Members who do not sit on the Committee on Ways and Means have that they wish to offer. And it is our hope that they will be able to work those out, and we will be able to continue to move ahead with bipartisan passage of this legislation.

I would simply like to urge my colleagues to support the rule and to again congratulate the gentlewoman from Ohio [Ms. PRYCE] for the stellar leadership that she has shown on this and a wide range of other issues.

Mr. HALL of Ohio. Mr. Speaker, I yield 3 minutes to the gentlewoman from Connecticut [Mrs. KENNELLY], and I say thank you to the gentlewoman and the gentleman from Michigan [Mr. CAMP] and the gentlewoman from Ohio [Ms. PRYCE] for so much good work on an important piece of legislation.

Mrs. KENNELLY of Connecticut. Mr. Speaker this rule brings to the floor something that I think we all knew was important. We enjoyed working on this issue and its result—that good things can happen when both sides of the aisle work together to try to solve one of our Nation's problems. And I could not think of anything better happening than finding safe, and loving, and permanent homes for abused children.

The conflict between the rights of parents and the needs of children is perennial and will remain a central dilemma in the field of child protection. Realizing this, almost a year ago, the gentleman from Michigan [Mr. CAMP], and I began to talk about drafting legislation to protect children and promote adoption. We, and our staffs, worked on a bill together, and throughout the process we sought advice from a wide range of individuals from across the country, from individuals who had joined with groups with varying points of view, some absolutely adamant in protecting the rights of parents, some absolutely adamant in protecting the rights of children. We heard from all sides of the issue.

We also worked with the Clinton administration, which has been making child adoption an increasingly important situation and a top priority.

So I will speak later on the aspects of the bill, but I would like to say something regarding the rule.

Mr. Speaker, I urge Members to support this rule. But I also want them to realize that although this is an open rule, any Member, of course, can offer an amendment, this bill has been crafted to address the careful balance between parents' rights and children's safety.

Many Members interested and very knowledgeable in child welfare have agreed to hold amendments so that today's legislation could bring forth a basis for a continuing process concerning the rights of parents and the safety of children. I look forward to working with these Members, and working again with the gentleman from Michigan [Mr. CAMP] so that in fact this whole situation of further protections for children can grow.

But today the legislation we have before us and the rule brings to us is a careful balance between many, many, many hours of work. Of course, there will be amendments, but I do hope that amendments that break this balance will not come forward. We have so must to do. This is so important. We do not want to have this bill in jeopardy.

Ms. PRYCE of Ohio. Mr. Speaker, I yield such time as he might consume to the gentleman from Florida [Mr. SHAW], subcommittee chair of this important legislation.

□ 1145

Mr. SHAW. Mr. Speaker, I thank the gentlewoman for yielding me this time.

Mr. Speaker, there is one technical change in the Camp-Kennelly bill that was reported by the committee, and I thought it my duty to come to the floor and briefly explain this under the rule.

This change simply removes language that was inadvertently included in the committee bill, that appropriated money for adoption incentive payments, and substitutes language that authorizes spending on the payments. Because the incentive payments are so important to increasing adoptions, and because this provision actually saves taxpayers' dollars, both the Committee on the Budget and the Committee on Appropriations graciously agreed to help us write language that

would, if appropriations are made in any year, adjust both the budget resolution and the statutory budget caps to accommodate the additional spending.

Thus, the amended bill does not appropriate money, but the new provision does make it easy for the appropriators to provide the money for the adoption incentive payments. Giving States the incentive payments of $4,000 for each additional adoption will save both State and Federal tax dollars.

I want to personally thank the chairman and the staffs of the Committee on the Budget and the Committee on Appropriations for their help with this important provision.

I would also like to tell the Members of the House, in responding to some of the comments made by our colleague, the gentlewoman from Connecticut [Mrs. KENNELLY] one of the authors of this bill, that we on this side, even though this is an open rule, recognize the bipartisan effort that went into building this bill and also recognize the tremendous importance and impact this bill is going to have upon some of the most fragile among us, and that is unadopted kids that are lingering in foster care.

Because of that, Mr. Speaker, we are trying to work out compromises on many of the amendments that are being offered or contemplated to be offered, to see if we might reach a bipartisan solution on acceptance of those amendments without putting the House to votes that could possibly tilt the scales away from the bipartisan bill that has been so carefully crafted by the gentleman from Michigan [Mr. CAMP], and the gentlewoman from Connecticut.

Because of that, I would anticipate that if there are any amendments in dispute, that the committee would, in all probability, object to those amendments. Even though we might see that they have merit that should require us to consider them, and even though we personally might think it might be a better bill, we feel the bipartisanship that has been brought to this bill to the floor today should survive the day and that we should report out a bill that should get the unanimous support of the entire House.

Mr. HALL of Ohio. Mr. Speaker, I yield 3 minutes to the gentleman from Ohio [Mr. TRAFICANT].

Mr. TRAFICANT. Mr. Speaker, I have a little Buy American amendment, and the gentleman from New York [Mr. RANGEL], he said we really do not need to buy American kids in this, but I want to explain it.

The Traficant amendment has been passed on to many things, and it says simply, it is a sense of Congress that when funds are expended pursuant to the passage of these acts and these laws, that when they expend that money, that the Congress notifies them, wherever possible, to try to buy American-made products. It does not tie their hands. And they should give us a report at the end of the year as to how much was foreign-made so we can get some computerization on what is our procurement around here.

I want to say this to the Congress. We are at this point, the delegation from Massachusetts, looking into the fact that our currency, the paper that our currency is printed on, will be made in Great Britain. And the Crane Co. of Massachusetts, who has produced the paper that our currency has been printed on, will come to us from overseas. We have military troops in Chinese boots.

We have gotten to the point where we have lost sight of our procurement. I once passed an amendment on a defense bill, I would say to the gentlewoman from Ohio, that if a foreign country does not allow American companies to bid, they should not be allowed to bid on our defense contracts. And both sides of the aisle fought it and then they finally passed it.

I think it is time to say that wherever possible when we are spending taxpayer dollars that we try to buy American-made goods. It does not tie their hands. Taxpayers pay the freight coming down the track, they have the jobs, they pay the taxes. It seems to work.

It is noncontroversial, but for those who have some doubts, it is germane and it deals with any funds made available pursuant to the passage of this act that would be used for procurement purchases.

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

Ms. PRYCE of Ohio. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, in many ways foster care has become a black hole for America's most needy and vulnerable and precious children. They get sucked into it through no fault of their own and they end up spending years bouncing from one foster care family to another, with little or no hope of settling down to enjoy a stable, loving home environment. Today we can begin to offer these children a small ray of hope by agreeing to this open rule and by passing the Adoption Promotion Act.

Mr. Speaker, we just need to change the model. We do not need the latest poll or focus group to know that it takes a family to build a stronger America. By protecting the safety and well-being of children, we can ensure that the neediest and the most neglected and the most abused foster children are given a real chance, a fighting chance, to enjoy safe and permanent homes.

Mr. Speaker, on behalf of the thousands of foster kids living in America today, I urge my colleagues to support this fair, open rule and to vote for the Adoption Promotion Act.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore (Mr. HOBSON). Pursuant to House Resolution 134 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 867.

□ 1152

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 867) to promote the adoption of children in foster care, with Mr. ROGAN in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Florida [Mr. SHAW] and the gentleman from New York [Mr. RANGEL] each will be recognized for 30 minutes.

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

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

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

Mr. SHAW. Mr. Chairman, the Camp-Kennelly bill that we bring to the floor today is of vital importance to many thousands of the Nation's most unfortunate children. These children are the abused, the neglected, the abandoned. To take these children out of harm's way, State government removes these children from their families and places them in foster care.

Five hundred thousand. That is right, one-half of 1 million. That is how many children are languishing in foster care as we debate this bill today. The major goal of Federal and State policy must remain what it has been since the passage of the vital Adoption Assistance and Child Welfare Act of 1980, and that is to move these children to permanent placements as quickly as possible.

But today there is a new consensus throughout the Nation: Too many children are in foster care because too few children are adopted. The bill we debate today will change that. I have no doubt that if we pass this bill, within 5 years the number of adoptions in the United States will increase substantially and the number of children languishing in foster care will at last decline.

This bill does three big things to promote adoption:

First, Federal statutes now put too much emphasis on providing all kinds of services to rehabilitate troubled families. Let me be clear about this. I firmly believe that services for troubled families are important. Nothing is more important to children than their families. Thus, if their family has problems, government could and should reach out a helping hand. But not ten hands.

If families will not or cannot change within a reasonable period of time, we must, in the interest of the children, be

willing to terminate parental rights and move expeditiously toward adoption. So the big thing this bill does is to push the pendulum of government concern back in the direction of the children.

We do this by allowing States to define what we call aggravated circumstances that allow them to dispense with services for the family and get on with the business of finding an adoptive home for the child. In the case of parents who have murdered another child or lost custody of other children, States are required to dispense with the services for the family and to move quickly to terminate parental rights and get the child adopted.

The second big thing this bill does is require States to move to terminate parental rights and find an adoptive family if children under 10 have been in foster care for 18 of the past 24 months. There is at present no national consensus on the maximum time children should spend in foster care. As a result, some States keep children in foster care for an average of 3 years. The average stay in foster care across all States is around 2 years.

Think of that: 2 years, 24 months, 104 weeks, 730 days. For a 4-year-old child, that is half of his or her life. This must stop. Camp-Kennelly will take us a giant step toward creating a national understanding that if families cannot be rehabilitated within 18 months, the State must move to adoption.

These first two provisions of this bill place administrative requirements on the States, but the third big provision of this bill takes a different approach. Camp-Kennelly will reward States for increasing adoptions.

If we want more of something, we simply subsidize it. So let us pay States to do the right thing. Instead of just subsidizing foster care, as we do now, Camp-Kennelly will pay the States $4,000 for every child adopted above the prior year's levels.

Will this approach work? Both the Congressional Budget Office and the Office of Management and Budget say it will. Not only will the provision increase the number of adoptions, but it will actually save money. Members of Congress will seldom have the opportunity to vote for a bill that both does the right thing for children and saves taxpayers dollars at the same time.

I am quite proud of this bill, and I am proud of my subcommittee and the sponsors who have put this bill together. It will help children. It will increase adoption. It will improve the reputation of government for effectiveness and efficiency, and it will save the taxpayers money.

I would like to share with the Congress part of the testimony that was given before my subcommittee. A woman caseworker who had been involved in many, many adoptions told us of the first words that a child had after meeting her new parents, and this is a child who was less than 3 years old, a 2-year-old child. The first words she said in meeting her new adoptive parents were ''Where have you been?''

''Where have you been?'' Can any of us imagine those words coming out of a 2-year-old child thirsting for a family? I say to the Congress, ''Where have you been?'' It is time for us to pass this bill, and I urge all the Members to vote ''yes'' on this vital piece of legislation.

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

Mr. RANGEL. Mr. Chairman, let me join with my colleague from Florida in complimenting the legislators on the committee that worked on this very sensitive piece of legislation.

It is so difficult for us in the Congress to attempt to regulate or legislate things that concern love and emotion and separation of mother and child, and that is why it is so important that those people, who mean well but want to fine-tune this, might do well to believe that the Congress cannot, as they have said so often, make one size fit all according to Federal standards.

I think all of us agree that when it comes to a child that is living in a dangerous or an abandoned situation, that we all want to do what is in the best interest of the child.

□ 1200

We do not have all of the answers here in Washington, even though we Democrats are accused of trying to provide all of them. But one thing is clear, that the facts and circumstances surrounding the condition and the welfare of that child is closer to the State than it is Washington, DC. So I do hope that those who have particular problems or have seen it back in their home State might concentrate on trying to change those provisions at home and kind of leave the work that the gentleman from Michigan [Mr. CAMP] and the gentlewoman from Connecticut [Mrs. KENNELLY] have put together in a very well balanced way.

It just seems to me that they have taken in consideration the very, very difficult decisions that have to be made even by social workers. When is the time that a child should be adopted? When is the mother's rights terminated? Is there an area of rehabilitation? All we know is that this bill would at least allow the resources for these very sensitive questions to be addressed in the proper way. All we can do is hope the best that we can that we have facilitated in taking children out of harm's way into loving homes and thereby making a stronger and more productive country as these youngsters grow up to be productive.

Mr. Chairman, the gentleman from Florida [Mr. SHAW] has every reason to be proud, and those that have really not spent that much time discussing this, I hope that they might allow this legislation to go through as it is drafted and to make certain that their considerations are brought to the local communities in which they serve, because situations that we have in New York may not prevail in Los Angeles or in other parts of the United States, and I really want to protect the work that has gone into this legislation.

Mr. Chairman, I ask unanimous consent that the time remaining be turned over to the gentlewoman from Connecticut [Mrs. KENNELLY], the drafter of the bill, on our side at least, the codrafter, and that she be given the opportunity to yield the remainder of the time that we have on this side.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. SHAW. Mr. Chairman, I yield 3 minutes to the gentleman from Michigan [Mr. CAMP], whose name appears first on this bill.

Mr. CAMP. Mr. Chairman, I want to thank the chairman of the subcommittee for yielding me this time and also for his leadership on this issue.

Today the Congress has an historic opportunity to improve our child welfare system with respect to adoption. Under the fine leadership of the gentleman from Texas [Mr. ARCHER] and the gentleman from Florida [Mr. SHAW], past Congresses have already made two important changes, providing a $5,000 tax credit for adoption expenses and eliminating racial preferences for adoption. We now have the chance to build on this outstanding record.

The legislation before us today will help reduce the amount of time that children spend in foster care and increase the time they spend in permanent loving homes. I want to thank the gentleman from Texas [Mr. ARCHER], the chairman of the full committee, the gentleman from Florida [Mr. SHAW], the chairman of the subcommittee, the gentleman from New York [Mr. RANGEL], ranking member of the full committee, and the gentleman from Michigan [Mr. LEVIN], ranking member of the subcommittee, for their support.

Nearly 500,000 children currently reside in foster care and thousands more join them each year. These children can spend up to 3 years in foster care, and since 1982 the number of children in foster care has increased by 89 percent. For a young child, that is, far, far too long. For too many children foster care has become a permanent solution to their problems instead of a temporary answer. These children wait for permanent loving homes while many parents wait to adopt children.

The names and stories are too familiar: Children returned to homes only to face continued abuse, and child advocates torn between their desire to reunite the family and their duty to ensure the child's health and safety. Children deserve a compassionate but effective system that works on their behalf, not one that subjects them to continued abuse.

The legislation before us today strikes the appropriate balance between parental rights and child safety.

The bill calls upon States to continue efforts to reunite the family, but also realizes that in some cases reunification is not in the child's best interest. In these cases, States are encouraged to follow concurrent planning in order to ensure the child spends as little time in foster care as possible.

The bipartisan legislation before us today was drafted, debated and adopted with the full participation and support of my colleagues on the other side of the aisle. It was approved by the Committee on Ways and Means by voice vote and enjoyed strong bipartisan support. In addition, we have held hearings, received much public comment and received broad-based support for these reforms.

Mr. Chairman, the children of this Nation deserve a fighting chance. This legislation puts the system in their corner and makes sure that our children grow up in a permanent loving home. I also want to thank the gentlewoman from Connecticut [Mrs. KENNELLY], the co-sponsor of this bill, for her leadership, her strong support and her advocacy for this issue.

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

Mr. Chairman, I too would like to thank the gentleman from Florida [Mr. SHAW] and the gentleman from Texas [Mr. ARCHER], the gentleman from Michigan [Mr. LEVIN], ranking member on the subcommittee, and I also want to say what a delight it has been to work with the gentleman from Michigan [Mr. CAMP].

Mr. Chairman, every day in America 3 children, 3 innocent, precious children, die from abuse or neglect, and every day in America 500,000 children wait in foster care for a permanent home. These statistics say to us we certainly are not doing the best that we can do by our children.

Today I do not suggest that the legislation before us will eliminate child abuse for every child, though I wish I could say that, or guarantee a permanent home for every child in foster care. It will not. But I do believe this legislation represents a significant step forward in providing protection and permanency for our Nation's abused and all too often forgotten children.

I also believe the bill represents what bipartisan cooperation can accomplish. The tension between the rights of parents and the needs of children will be a perennial debate when we talk about child welfare. Realizing this, the gentleman from Michigan [Mr. CAMP] and I began almost a year ago, reaching out, listening, talking, meeting. Our staffs spent hundreds of hours trying to look at this question and see where we could jump start it so we could address some of the concerns that we have at this very time, thinking there has been some misunderstanding between the Federal Government and the State governments in making sure that everything was done to protect children. And so we ended up with this piece of legislation before us today.

The bill has two basic goals: Preventing children from being returned to unsafe homes, and finding safe and loving and permanent homes for children who cannot be reunified with their families. To accomplish this goal, our legislation revises the current Federal requirement that States make reasonable efforts to reunify abused children with their families. Early on in the 1980's we wrote legislation in this body and in the other body saying every reasonable effort should be made to return a child to the family. And in the States, those who were working very hard to bring this about did not know where to end that. It was not clear. In short, we are clarifying that reunifying a family is not reasonable when it presents a clear and undeniable danger to a child.

The legislation provides States with examples of situations where reasonable efforts are unreasonable efforts, such as when a child has been abandoned, when a child has been tortured, where a sibling of that child has been murdered, where there has been chronic physical abuse, where there has been sexual abuse.

Let me say that in the best of all worlds, we all agree that the best place for a child is with his or her parents. But we must also recognize there are times when a child's safety is threatened by living at home. Every one of us in this body can turn to and refer to headlines in their papers, the terrible, heartbreaking case with little Emily in Michigan, other cases across these United States, headlines telling us the very worst can happen. This legislation is not only a reaction to these kinds of situations; this legislation is on the floor today so these situations will not make headlines, that that quiet child locked in that terrible situation will not be forced to stay there or will not be returned to that situation.

But it is not enough to really prevent children from returning to dangerous homes. We must also do more to find permanent homes for children who cannot return to their birth families. Our foster care system, and I want to make it very clear, Mr. Chairman, is an extremely valuable safety net, but it should not be in any way a way of life for children.

Unfortunately, not only have the number of children in foster care homes almost doubled in the last 12 years; what we are seeing is younger and younger children going into that system. However, let me say today that foster care has provided that safety net for those children and in 1995 half the children adopted were adopted by their loving foster care parents.

In this legislation we propose four solutions to this problem. First, we call on States to pursue reasonable efforts to place children for adoption when reunifying families is not possible. Second, we propose expediting the review of foster children by requiring a permanency hearing after 12 months, not waiting for 18 months. Third, for younger children who have spent the last 18 months in foster care, we require the States to consider terminating parental rights so a child can be freed for adoption. But, of course, the courts would still have the final word on whether termination is the best solution. And finally, we advocate giving States financial incentives if they increase the number of children leaving foster care for adoption.

Our legislation would provide $4,000 for every additional child that is adopted, and $6,000 for every hard-to-care-for child in the foster care system.

Mr. Chairman, some may say this bill does not go far enough in one direction. Others say we certainly have not put enough financial assets into it. I fully acknowledge that the child welfare system could use more resources. However, I think we will find a wide consensus from the left, from the right and all of us in between that the legislation before us will help protect children and promote adoption.

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

Mr. SHAW. Mr. Chairman, I yield 1½ minutes to the gentlewoman from New York [Mrs. KELLY].

Mrs. KELLY. Mr. Chairman, I rise today in support of the Adoption Promotion Act, H.R. 867, and I ask that all Members do the same.

Quite simply, this measure represents Congress' commitment to children. According to the Children's Defense Fund, in 1995, 3.1 million children were reported abused or neglected and 818 children died as a result of abuse and neglect. Furthermore, that same year over 1.8 million youths were arrested for various crimes, over 100,000 of which were violent crimes.

At issue here is America's future. We are failing our children if we do not provide them with positive role models. While foster care and those who assist in that care are doing a world of good, it will go to waste without some sense of stability for the child. We should be embracing and assisting those families that are willing to care for this country's most precious resource, our children. That is what this bill is all about. I urge my colleagues to support H.R. 867.

Mrs. KENNELLY of Connecticut. Mr. Chairman, I yield 2½ minutes to the gentleman from Michigan [Mr. LEVIN], the ranking member of the subcommittee that brought forth this bill.

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

Mr. LEVIN. Mr. Chairman, I very much support this bill and am glad to rise in support of it. It is a common sense proposal that hopefully will bring to fruition the goal of a permanent home for kids in foster care.

This is a balanced, activist approach. Right now there is stagnation. Kids stagnate or sometimes just move from place to place while they are stagnating. Family reunification is the primary goal, but a recognition that in

some circumstances this is not workable and beneficial for the child. In some circumstances, such as abandonment, chronic abuse or sexual abuse, efforts to keep the family together, those efforts do not serve the interest of the child.

So there is a redefinition of the requirement of reasonable effort to make sure that the child's interest is primary.

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The bill also requires more frequent status reviews for children in foster care, and it gives foster parents the opportunity to be heard at the hearings.

I want to thank, if I might, and express on behalf of so many the appreciation to the gentleman from Michigan [Mr. CAMP] and to the gentlewoman from Connecticut [Mrs. KENNELLY] for their work and the efforts of the chairman, the gentleman from Florida [Mr. SHAW]. I hope we will keep our eye on the ball here and not go overboard one way or the other, but keep a balanced position here. That is what will keep in mind the key goal, the interest of the child. Making termination of the parental interest occur too soon will not help the child. On the other hand, going the other way is not going to help the kid.

Also we have to remember the importance of the services that are necessary to help these children and the parents; to delete the provisions in this bill that relate to those services would also be a mistake. This has been carefully crafted, and I hope we will maintain it.

Mr. SHAW. Mr. Chairman, I yield 5 minutes to the gentleman from Indiana [Mr. BURTON].

Mr. BURTON of Indiana. Mr. Chairman, last year I was very pleased to have played a part in making sure that the adoption credit was passed. This credit helped make adoption more affordable for numerous parents who could not afford adoption costs.

However, it is evident that costs are not the only problem of adopting. In fact, it is the very system that was created to help children either be reunited with their families or be adopted that has turned out to be the problem.

In the last decade child welfare has grown into an enormous bureaucratic system that is biased toward preserving the family at any cost. Consequently, foster care has become a way of life for thousands of children while agencies continue to try and, quote, fix the problem.

Mr. Chairman, I would like to commend my dear colleagues, the gentleman from Michigan [Mr. CAMP] and the gentlewoman from Connecticut [Mrs. KENNELLY] for all their hard work on the Adoption Promotion Act of 1997.

For years, foster care has been a black hole for thousands of America's children. The current system has failed to help the very children it was intended to help. Today it is estimated that over 500,000 children are in foster care while 50 to 80,000 are legally free to be adopted. The average child is in foster care for 3 years, while 1 in 10 children remain in State care for longer than 7½ years.

The time is right to make some fundamental changes to the child welfare system because too many children are simply wasting away. This is a responsible bill that seeks to speed up the adoption process, in particular for those children that have been abused or neglected.

This bill represents an important philosophical shift from the Federal policy that makes every effort to reunite children with their biological families to one that defines when reasonable efforts shall not be made and determines when those children shall be placed in permanent, loving, adoptive homes. I strongly believe that this legislation moves in the right direction by defining reasonable efforts, placing timelines on permanency decisions and filing for parental termination and providing incentives to States to hasten adoption. However, I believe that there are ways that we can strengthen and improve the bill so that it thinks of what is best for the children and for their well-being.

Mr. Chairman, we finally have the opportunity to help thousands of children, and we should ensure it is an effective bill. Originally the gentleman from Kansas [Mr. TIAHRT] and myself were hoping to introduce two separate amendments; however, instead Mr. TIAHRT and I will be speaking about one separate amendment. Before that amendment is debated, I would like to discuss one of the amendments we are not dropping that I believe deserves thorough discussion and consideration in the future. This amendment, once it is determined that a child shall not be returned to his home and parental rights are to be terminated, the State shall place the child with a family who is qualified and willing to adopt. If the State has failed to find an adoptive home within 90 days, then the State must contract out with a private agency to find a family within 90 days. After that child is with the preadoptive family for 4 months, the family would have the right to petition for an expedited hearing to terminate parental rights and adopt the child.

Mr. Chairman, I believe that this arrangement would greatly expedite the movement of children that are free to be adopted into permanent homes. Currently States often take months to find parents in spite of thousands of parents waiting to adopt. Groups such as Adopt a Special Kid, the Dave Thomas Foundation, Institute for Justice, Adopt a Network, and Children with AIDS say they have hundreds of parents waiting to adopt a child.

Private agencies have proven to do a much better job because they have the experience and are not bogged down by numerous other demands and the financial disincentives to adopt a child and they have one mission, to get the child into a loving adoptive home. For example, Michigan has a successful program with the private sector, is involved in placement of the child into a permanent home, and adoptions in the State have doubled, and adoptions of African-American children are up 121 percent.

Kansas, which has contracted out most of its services to private agencies, has all children, regardless of age, in permanent placement at the end of 1 year. According to Patrick Fagan of the Heritage Foundation, private adoption services are more efficient and more effective than State agencies where adoption is concerned, as illustrated by the track record of Detroit's home for African-American children.

Mr. Chairman, there is a desperate need to get kids into permanent and loving homes. Children are waiting too long for a permanent home. According to a report by Dr. Carol Beevan, children wait an average of 2½ years for courts to terminate parental rights. Each month, each day that a child spends in care, is extremely detrimental to his or her mental and physical development and also has great cost to our society in the forms of welfare numbers, out-of-wedlock children, and problems with the criminal justice system.

Mr. Chairman, I appreciate the opportunity to discuss this proposal with my colleagues. While it will not be voted on by the House today, I would hope that we can work with the Committee on Ways and Means, the gentleman from Michigan [Mr. CAMP], the gentlewoman from Connecticut [Mrs. KENNELLY] and other interested parties to see if it can be discussed at the conference or in future hearings.

Mrs. KENNELLY of Connecticut. Mr. Chairman, I yield 2½ minutes to the gentleman from Indiana [Mr. ROEMER].

Mr. ROEMER. Mr. Chairman, I want to salute the gentlewoman from Connecticut [Mrs. KENNELLY], the gentleman from Michigan [Mr. CAMP], and the gentleman from Florida [Mr. SHAW] for their hard work on this very important bill that I am an original cosponsor of. So often with legislation around this body, we scratch the surface of trying to solve problems. This bill goes to the heart and soul and potentially will save thousands of lives of our Nation's children.

Right now, Mr. Chairman, we have two major problems in our foster care system. Because of the 1980 law, oftentimes, and this has been documented over and over and over and over in a compelling series by the Chicago Tribune on children, that we would reunite our children with their families only to find catastrophe to happen later on that week or that month when that child was abused again or hung in a bathroom and killed, and because of that 1980 law, reunification became something that was done in too many terrible instances resulting in catastrophic consequences for that child. This bill helps address that problem.

The second problem is now we have too many children languishing in foster care situations. Five hundred thousand children in this Nation are in foster care. We need to develop a way to get them through a fairly judicious and compassionate yet efficient adoptive process. This bill helps do that.

Yesterday on the front page of the New York Times, and I would ask that this article be entered into the RECORD, we find that families are finding ways to make sure that they protect their children, when in this article, as it articulately details, that the caseworkers had to sit out in front of a house for 10 hours to make sure that those people were not the kind of people that should have that child back. Please read the article in the RECORD.

The article referred to is as follows:

PRIORITY ON SAFETY IS KEEPING MORE CHILDREN IN FOSTER CARE

(By Peter T. Kilborn)

RICHMOND.—Years after their drug-addicted mother walked out, a Juvenile Court judge in July 1996 decided to award custody of three children—ages 10, 6 and 4—to the grandmother of two of them.

The grandmother, whose son fathered two of the children, seemed to have everything going for her. She had a new house, a prominent lawyer and the power of her appeal to keep the family intact.

But city caseworkers were skeptical, and the decision was appealed. What they did next reflects a monumental change in the way cities are dealing with children from troubled homes.

''We hired a private investigator to watch her house,'' said Hunter Fisher, a lawyer who is manager of human services for the Richmond Department of Social Services. ''And in court, we introduced 10 hours of tape showing a hundred people entering and exiting each of two nights. Children were coming and going, too.''

Since most of the traffic occurred in the middle of the night, the city convinced an appellate court that the house was being used for illicit activities, including drug dealing, and the children remained in foster care.

Overturning the long-held premise that keeping families together is the best policy, child-welfare officials here and across the country have been doing everything possible to delay or avoid the return of neglectful families. The result is that more children are spending longer periods in foster care. And that, in turn, is contributing to what is already one of the biggest problems facing the child-welfare system: a ballooning foster care population.

Since 1985, this population has almost doubled—to 500,000 children from 276,000—as an epidemic of crack cocaine use and other drug and alcohol abuse has torn families apart. The children stay in foster homes for three years, on average, as overwhelmed caseworkers try to help the parents with the problems that made them abusive or neglectful.

PRIORITY ON SAFETY MEANS A SURGE IN FOSTER CARE

In fiscally tight times, the Federal cost of such support, which the states match, has leaped to $3.3 billion annually from $546 million, in large part because of the soaring cost of treating children born with a variety of ailments because of parental addictions.

Concern over costs, and the welfare of the children, has led to a push for more and faster adoptions—most often by foster parents themselves—and for permanent placements in foster homes when adoptions cannot be arranged.

This year, two bills racing through Congress with wide bipartisan support would urge juvenile courts to make children's safety, rather than family preservation, their paramount concern. The bills would offer states money for increasing the number of adoptions from foster care. That would mean being quicker to terminate parental rights and would free children for adoption when preserving the family would pose a greater risk to children's safety.

The shift in Federal policy began last year, when Congress approved a $5,000 tax credit for each child adopted by a family with an income below $115,000. It also removed most barriers to interracial adoptions, making it easier for black children to be adopted by white families.

A GROWING NEED FOR ADOPTIONS FOR FOSTER CHILDREN

Late in 1996, President Clinton ordered the Department of Health and Human Services to find ways to double the number of adoptions of foster children, now 27,000 a year, by 2002.

But some child-welfare experts say these changes—the move away from keeping families intact and the push for foster care and adoption—may go too far in the other direction.

''There has been a backlash against family preservation,'' said Susan J. Notkin, director of children's programs for the Edna McConnell Clark Foundation in New York. ''If you have a child at risk, you have an obligation to do something. But I believe many children are removed because we have not taken the time to determine what the parents need.''

Providing families with intensive services, including therapy and drug-abuse treatment, is also much cheaper than putting a child into foster care, Ms. Notkin said.

Adoption is not an easy answer, either. Children who have suffered abuse and neglect often need professional help, wherever they live, and many potential adoptive parents are reluctant to take them on.

All the hopes, scars and frustrations of children from abusive homes and the parents who take them in are on display in Vickie and Tim Ladd's five-bedroom brick ranch house, with a pool, a trampoline, a swing set and a basketball hoop in a tranquil development just south of Richmond.

As their three foster children recounted their earliest memories, it was easy to see why they no longer resided with their biological parents.

''There was a lot of drinking,'' said Dawn, 17. ''My stepfather would attack me so I'd run away.''

Her foster brother, Lonnie, 14, sweaty after jumping on the backyard trampoline, said that when he was 8 and 9, he would slip out into the night to look for his mother in bars.

In a heart-shaped frame in her room, Stephanie, 13, wiry and a little fidgety, has a picture of her mother, who went to jail briefly for beating her.

''She'd bring up her fist and hit me on the side of the head,'' she said, mimicking the whack. ''I have A.D.H.D.,'' she said. ''That's attention deficit hyperactivity disorder. I take medicine. It calms me down.''

Calm, direct and settled after three years here, Dawn has recaptured two lost years of school, is on the honor roll and starts community college in the fall.

''I draw,'' Lonnie said, ''I'm going to be a comic artist.''

Stephanie said no child of hers would need foster care. ''After I get married,'' she said, ''I want one kid. Just one. I want a girl, but whatever God gives me, I'll deal with it. I'm going to be strict but not too strict. She's going to have a curfew.''

The prospects are not so clear for two children the Ladds have adopted, Steven, 13, and Jason, 14.

When the Ladds took him in at age 4, Steven had been sexually molested in another foster home. ''He never forgot,'' Ms. Ladd said.

Jason came to them at 2, two years after the Ladds had married and were told that they could not have children of their own.

''He had been severely beaten,'' Ms. Ladd said. ''He had broken bones. He had mental retardation and fetal alcohol syndrome.

''He's a beautiful child,'' she said, picking up a framed photograph.

But in November, Jason had to be moved into a group home for children with behavioral problems. After 14 years of marriage, Ms. Ladd had become pregnant with Zachary, and Jason was beating her.

In communities like Richmond, with many abused and neglected children like these, the big issue for child-welfare officials is not so much adoption or family preservation, but the immense and rising costs of caring for the children. Officials say they are overworked, understaffed and underfinanced.

The Richmond Department of Social Services has 35 caseworkers dealing with 870 foster children, about twice the number it says it can readily serve. Staffing levels like this in many cities have led to a lack of oversight and failures to prevent abuse by foster parents themselves, critics of the foster care system say.

''The crunch of children backed up in foster care is more a statement of how damaged these children are than of the willingness of people to adopt,'' said Michael A. Evans, director of the department. ''There are people who are willing to adopt healthy children. But crack mothers don't have healthy children.''

Frederick Pond, the manager of Virginia's adoption and foster care services, said hopes in Washington for any increase in the number of adoptions of troubled and abused children were way too optimistic unless the Government took on some costs and responsibilities.

The State of Virginia, for instance, offers one of every three adoptive parents the same $262 to $388 per child it gives foster parents each month. And some parents get subsidies for their children's therapy.

Even then, Mr. Pond predicted, more and more adoptive parents will return their children to the state because of problems.

Life has been tough, but satisfying, for Denise and Beauregard Evans, the foster parents of Pamela, Lakisha and Kenneth. The children have been with them since soon after their births, and they hope to adopt them.

The Evanses are rearing 10 children, including 4 of their own, in a split-level house on a cul-de-sac with a driveway cluttered with children's plastic vehicles. Still in their 30's, they have sheltered 129 children for months or years.

All but their own four, who range in age from 1 to 17, have various disabilities, including retardation, speech impediments and hyperactivity. One was born to a girl who was 12. Another needed a blood transfusion at birth and weeks in a hospital to start purging the crack cocaine from her body.

After school, the Evanses' house is a warren of children doing homework and playing. Kenneth is in a tent in the living room with a floor full of plastic balls. He was born addicted to cocaine, Ms. Evans said. ''He's a little delayed for a child his age,'' she said. ''Lakisha too.''

After the custody battle in the courts, Ms. Evans said, the girls needed therapy. But

Pamela seems settled now. Shy and skinny, with straight, long black hair, she is in the fourth grade and said she liked spelling and math.

But she remembers her visits with relatives in the past.

''They were on drugs,'' she said. ''They'd act weird. I'd go and look at TV in the other room.''

Mr. Chairman, let me just conclude by saying this bill is revenue neutral, it is compassionate, it will move thousands of children through the foster care system to loving families, and instead of just having one option of going to another country to adopt, which is a great option, let us provide more Americans both options, to go to another country such as China, Korea, Argentina, but also to adopt through a more efficient yet compassionate system here at home.

Mr. SHAW. Mr. Chairman, I yield the balance of my time to the gentleman from Michigan [Mr. CAMP], the prime sponsor of the bill, and I ask unanimous consent that he be allowed to yield time.

The CHAIRMAN. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. CAMP. Mr. Chairman, I yield 2 minutes to the gentleman from Kansas [Mr. TIAHRT].

Mr. TIAHRT. Mr. Chairman, first of all I would like to say that I think this is a tremendous step in the right direction, and I want to congratulate the gentleman from Michigan [Mr. CAMP] and the gentlewoman from Connecticut [Mrs. KENNELLY] for this great effort on moving us in the right direction in moving kids out of a situation where they are trapped in a system and wanting to get into the arms of loving parents who would provide for them, and also I would like to congratulate the gentleman from Florida [Mr. SHAW], subcommittee chairman, and the gentleman from Texas [Mr. ARCHER], chairman of the full committee, too, because this is long overdue.

There are very dire circumstances that occur once in a while in the State of Kansas. We had one young man who at the age of 14 had been in 130 foster care homes. He had been trapped in a system for 11 years because the State would not give up on trying to rehabilitate his parents, and they pursued one service after the other, one counseling session after the other, and it became a focus on the parents rather than a focus on the child.

I think that this legislation moves us to a positive situation where we are promoting the fact that we are going to focus on children now and that we are going to allow parents the opportunity to get their lives in order and become good parents because I truly do believe the best situation is when we have children in the loving home of their birth parents. But occasionally we are unable to do that. People get hung up on drugs, their lives are ruined by crime, and it is at times best for children to move into a situation where they are adopted. Adoptive homes have very positive records. Children have adjusted very well to new parents and live very successful lives and contribute greatly to our society, and I think that is the goal of this bill: trying to focus on the children and move them on.

Mr. Chairman, I do have a couple of exceptions that I will discuss fully, but I think that this bill is such a magnificent step in the right direction that regardless of what happens today that we are going to do a wonderful thing for the children in this country.

Mrs. KENNELLY of Connecticut. Mr. Chairman, I yield 3 minutes to the gentleman from North Dakota [Mr. POMEROY].

Mr. POMEROY. Mr. Chairman, I thank the gentlewoman for yielding this time to me, and I commend her and the gentleman from Michigan [Mr. CAMP] for their wonderful work in bringing this legislation together and to the floor today for our consideration. I believe this is extraordinarily important legislation and addresses in an overdue, albeit ultimately very important way, I think, the pendulum that the State, that we have to deal with, as we wrestle with dysfunctional families and the children of those families.

The 1980 Child Welfare Act clearly made the priority reunification of families. Obviously that is a critical goal and one that is appropriately sought out through our child welfare processes. But it certainly is not the only priority or necessarily the overriding priority. I think the overriding priority has to be the best interest of the child, what is in the best interests of the children of these families, and I think sometimes under the 1980 legislation that has been relegated to a secondary status. We can all agree that there ought to be no higher priority than the health and safety of children, the children of these families.

□ 1230

So, as this act before us does, putting that as the clear priority, overriding the unification of families, if there is even an issue that the health or safety of the child might be threatened by reunification is a very important step to take.

A little more difficult, and I think one that the bill addresses in a balanced and thoughtful fashion, is how long do we give the process time to work before we give up on reunification and pursue full speed ahead on getting the child placed in a permanent family arrangement. The shorter timeframes which this bill would move forward, I also think, are terribly important. We have unacceptable circumstances of children languishing in foster homes, or maybe a series of foster homes, while social workers patiently try to work with parents who just have not been able to grow up and deal responsibly with their parental responsibilities.

There comes a time when the child is hurt from this attention to reunification, and that is not acceptable. The child's interests have to be paramount, and I believe the shorter timeframes will help us in this regard.

Let me tell my colleagues just a for-instance that happened to me. I was watching a lovely little boy, about 18 months, wander around a shop, and I was speaking with him, about the age of my son. I spoke with who I thought was the mother of this child. She indicated that she was in fact a foster mother. She had had this boy from the time he was 6 months old; she had had him 1 year.

There was no question from the interaction between the child and the mother that the child thought that this woman was his mother, and yet they were in this indeterminate foster care status while they waited for unification.

We cannot let these things languish. As I wrap up, I support this legislation, commend its sponsors. Let us put interests of the children first, as advanced by this legislation.

Mr. CAMP. Mr. Chairman, I yield 2 minutes to the gentlewoman from Kentucky [Mrs. NORTHUP].

Mrs. NORTHUP. Mr. Chairman, I think on the floor today when we think about how much time we spend discussing building roads, building schools, building businesses, it is really wonderful to take a day and talk about building families.

Families with children are created in two ways. The children come by birth and they come by adoption. In our family, my husband and I have six children. Two of those children, our third child and our fifth child, are hard-to-place children that came to our family years ago. They have brought such wonderful gifts to this family. They have brought such diversity, diversity of talents, diversity of interests, and diversity of race.

It is a team of six children that are full of life, full of noise, full of interests. I wish those two children that have brought such a wonderful presence to our home could be with us here today and that I could introduce my colleagues to them.

Twenty-one years ago, when my husband and I adopted the first of those two children, we had a lot of love and energy. We had a ready-made family. We had no money. So it was quite a decision, quite a strain, to make the decision that we could, in fact, adopt that child.

The bill that is before us today will give to families across this country the opportunity to have the wonderful gifts that adopted children bring to families. In fact, it makes me very emotional to think of the special blessings that will come to so many families because of this bill.

There will be no building that we can do in this Chamber any time that will be more important than the building of families that are part of this bill.

Mrs. KENNELLY of Connecticut. Mr. Chairman, I yield 2 minutes to the gentleman from Maryland [Mr. HOYER].

Mr. HOYER. Mr. Chairman, I thank the distinguished gentlewoman from Connecticut [Mrs. KENNELLY], and I thank the gentleman from Michigan [Mr. CAMP] as well on the Republican side. This is clearly a bipartisan, nonpartisan bill.

My colleagues before me have spoken on the priority, the premise, the focus that was articulated in 1980, and that was that we ought to unify families. My wife, who supervised early childhood education in Prince George's County, and I talked about this because of a case that was reported in the Washington Post of a young man named Dooney Waters. He was a young man who lived in a crack house. He was a young man who was not fed for days at a time. He was a young man whose bedroom was unavailable to him because it was being used to light up.

There is a recent story that my colleagues may have read, those of them who serve here, about a 5-year-old in Montgomery County, reunited with his father after his father had physically abused him. Judges with whom I have talked have been concerned about the premise of the Federal statute which said that we must reunite unless we can make an extraordinary finding to mitigate against that conclusion.

Previous speakers have said, the premise must be, and this bill adopts that premise and furthers that premise, the best interests of the child. There is no excuse for society to return or to allow a helpless, defenseless child to be subjected to abuse by those who society believes ought to be that child's major protector. This bill accelerates a process of placing the child in a safe and nurturing home.

I am very pleased to rise in support of this legislation for all the Dooney Waters of this country and for our future, which will be made better by making children safer.

Mr. Chairman, I rise today in support on H.R. 867, the Adoption Promotion Act.

Our child welfare system too often protects parents' rights rather than children's rights. Severe child abuse quadrupled between 1986 and 1993. Thirty-nine percent of the children who died of abuse or neglect between 1989 and 1991 were known to agencies before they died. Monday's Montgomery Journal reported that hundreds of children in Montgomery County will be reunited with parents who abused them. Putting a child back in their parent's home can be deadly.

You may remember a child named Dooney Waters. The Washington Post ran a series of stories on him in 1989. Dooney was raised in a crack house in Prince Georges County, MD. Dooney spent days at a time hiding behind his bed. All he ate were sandwiches his teachers sent. The bathrooms in Dooney's house did not work. Dooney was burned by boiling water and his hand was singed by a can used to heat crack cocaine. Dooney begged his teachers to take him home with them. Prince Georges County Social Services investigated Dooney's case, but did nothing. Eventually, Dooney's father removed him from the crack house.

H.R. 867 speeds up the adoption process for children who have been abused and neglected. The bill requires expedited terminated of parental rights in chronic cases of abuse or neglect, such as Dooney's.

Mr. Chairman, America must strengthen its commitment to the child victims of neglectful parents: both custodial and noncustodial. We made a number of improvements to child support enforcement in last year's welfare reform law. We can do even more. Soon I will introduce legislation to strengthen Federal criminal penalties for noncustodial parents who neglect their child support obligations. In the meantime, I urge my colleagues to remember Dooney Waters and support the Adoption Promotion Act today.

Mr. CAMP. Mr. Chairman, I reserve the balance of my time.

Mrs. KENNELLY of Connecticut. Mr. Chairman, I yield 1 minute to the gentlewoman from Texas [Ms. JACKSON-LEE].

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the gentlewoman from Connecticut for yielding me this time.

With an abbreviated time frame, let me simply applaud the work of the committee and the leadership on this legislation, because this is pro-children. I would hope that, as we proceed with this general debate, we will have an opportunity at a later time when I will be discussing on the floor of the House a sense of Congress, to add discussion regarding protection for the children under this act, and that would include background checks for foster parents and adoptive parents.

It would also include the issue of dealing with early drug treatment for any parents who may have that problem who have our children in their care. Certainly I would argue that, though, no cultural difference should be a prohibition for adoption for foster care but a cultural sensitivity to those who are adopting the foster care of our children.

The most important thing that this legislation does is that it supports moving our children to a loving home. For that reason, I support this legislation.

Mr. Chairman, I would like to thank and commend my colleague, BARBARA KENNELLY, for the exemplary work that she has done in bringing this much needed legislation to the floor.

I know that Congresswoman KENNELLY shares my passion and commitment to our Nation's children and has worked diligently to bring this legislation before the full House for consideration.

In 1995, 494,000 of our Nation's children lived in the foster care system. According to the American Public Welfare Association [APWA], about 450,000 children live in foster care at any given moment, and as many as 600,000 children live in foster care during the course of any given year.

In my home State of Texas, the number of children under the age of 18 living in foster care in 1993 was 10,880. This represents an increase of 62.4 percent from 1990, and a 123 percent increase from 1983 and the number still continues to climb. Similarly, the number of children living in a group home in 1990 was 13,434. Approximately one half of these 13,434 children are minorities. Studies have shown that minority children wait longer to be adopted than do white children. According to the National Council for Adoption [NCFA], African-American children constitute about 40 percent of the children awaiting adoption in the foster care system.

These children need and deserve the comfort, love, and protection of a family, therefore it is right that this Congress should do all that is within its power to assist them in this need.

There are a few issues, however, that I would like to raise. In the Senate, Senators CHAFEE and ROCKEFELLER have offered S. 511, legislation very similar to that we have before us today. There are a number of provisions in that bill that I think are very important.

The Senate version of this legislation has requirements for criminal records checks for prospective foster and adoptive parents and group care staff. This provision will go a long way to ensure that adoptive parents are prepared and suitable parents for children.

Today we will case votes to influence the lives and fortunes of our Nation's most vulnerable citizens—our children.

They cannot vote and they do not have resources to influence this or any political process, but each of us have a special place in our lives for children. I would like to request on their behalf that we ensure that adoptive children are offered the extra protection of substance abuse treatment for their adoptive parents or caretaker parents.

During the screening process foster care or adoption parents and caretakers should be and must be carefully screened, but we should also provide resources should the problem of substance abuse become evident after a child has been placed.

This measure's inclusion in the final version of this legislation would ensure that the prospective adoptive parents were sensitive to the child's ethnic or racial background as a requirement for adoption.

An area that I believe is of utmost importance is the preparation of foster or adoptive parents for the reception of a child from a different race or culture.

The real differences that separate people in our society can be the building blocks for bringing them together. If we aid the adoptive parents to instill a foundation which is pro-sharing and pro-caring regarding the diversity of the new family unit then we can aid these families in developing a strong support system for their adopted child.

If a child is Italian, Native American, Greek, Polish, African-American, Asian, Indian, or Hispanic, or many of the other diverse cultures or peoples that make up our great Nation, their culture is rich with history and customs that the child should not be robbed of through adoption or foster care.

It is extremely important that adoptive parents are sensitive to the cultural backgrounds of the children they adopt.

In no way should the racial or ethnic identity of the parents prohibit adoption, but developing an understanding of the child's heritage will contribute toward the overall development and stability of the child in later life.

H.R. 867 is a major step in the right direction and I look forward to working with my colleagues on this issue in the furtherance of legislation that is pro-child and pro-family.

Mrs. KENNELLY of Connecticut. Mr. Chairman, I yield 1 minute to the gentlewoman from Connecticut [Ms. DELAURO].

Ms. DELAURO. Mr. Chairman, I rise in support of the Adoption Promotion Act, and I want to commend my colleagues, the gentlewoman from Connecticut [Mrs. KENNELLY] and the gentleman from Michigan [Mr. CAMP], for their unyielding efforts to ensure that all of our children have a chance to settle into a loving, and into a permanent home.

Every child deserves the chance to grow up healthy and happy, ready to learn and to be able to succeed in life. Every day, children are growing, not only physically, but emotionally and intellectually. These years are too precious and too important to spend in abusive or unstable care.

But in today's foster care system, it can take years before a child is adopted and settled into a permanent and caring home.

This bill accelerates the process for adoption proceedings. It makes sure that foster children who come from a life of abuse can be removed from these situations into a loving and a caring environment. Finally, it helps States to help children and families by providing financial assistance to increase the number of adoptions.

The bill takes an important step toward balancing the rights of parents with the rights of children to loving and caring and stable homes. We need the bill now. Our children cannot wait. I urge my colleagues to vote for the Adoption Promotion Act.

Mr. CAMP. Mr. Chairman, I yield 30 seconds to my colleague, the gentleman from Michigan [Mr. SMITH].

Mr. SMITH of Michigan. Mr. Chairman, I thank the gentleman for yielding me this time.

Michigan has been aggressively pursuing better rules and regulations and laws under the guidance of our Lt. Gov. Connie Binsfeld, to work in this area of making adoption laws more practical, more realistic, and more helpful for those children that need it. I would like to commend my colleague from Michigan, Mr. CAMP, for working and passing this exceptional legislation that is going to help not only the State of Michigan but all of our States and all of our children in this country.

Mrs. KENNELLY of Connecticut. Mr. Chairman, I yield 2 minutes to the gentleman from Ohio [Mr. TRAFICANT].

Mr. TRAFICANT. Mr. Chairman, I thank the gentlewoman [Mrs. KENNELLY] for yielding me this time.

I would just like to say over the years I have been here there has not been a more aggressive advocate for children than the gentlewoman from Connecticut [Mrs. KENNELLY], and I want to compliment her today on the achievement of bringing this bill to the floor. I want to compliment the gentleman from Michigan [Mr. CAMP] who has also done a fine job, and also the gentleman from Florida [Mr. SHAW] who has worked previously to try and help children all through our country.

Two things concern me. Many people back in our district back in the Youngstown area have gone overseas and spent $30 to $40,000 to adopt a child from Russia or other countries. I think that we must do everything possible to promote the adoption of our own children, American children.

Now, my amendment that I am offering to this bill today is pretty consistent with my focus here. And to make sure that everybody understands it, it is not a buy-American-child amendment. It just states, for any funds ultimately expended to procure products and goods pursuant to this act, that the Congress recommends, not mandates, that they buy American-made goods so our kids would have a home where the parent is getting a paycheck who could then pay taxes to keep this train coming down the track. That is simply what it is. It gives us a handle on the type of procurement we got. It does not mandate that we buy American kids.

Mr. Chairman, I would say this. We have had an awful lot of Americans going overseas expending thousands and thousands of dollars to adopt kids from foreign countries. All efforts must be made, and I commend the gentlewoman from Connecticut [Mrs. KENNELLY], the gentleman from Michigan [Mr. CAMP], the gentleman from Florida [Mr. SHAW], and the gentleman from New York [Mr. RANGEL], for making that possible here today.

Mr. CAMP. Mr. Chairman, I reserve the balance of my time.

Mrs. KENNELLY of Connecticut. Mr. Chairman, I have no further speakers, but before I yield back the balance of my time, I would like to just quote from a few letters that the committee and the gentleman from Florida [Mr. SHAW] received in reference to this bill.

For example, Secretary of Health and Human Services Donna Shalala wrote, ''This legislation would further the President's effort to ensure the safety, permanency and well-being of children in the child welfare system and we strongly support the enactment.''

Further, the Children's Defense Fund has said, ''The bill takes some important steps to keep children safe and to provide them with permanent homes.''

Finally, the Heritage Foundation declares: ''This bipartisan legislation is a responsible attempt to speed up the adoption process for children who have been abused and have been neglected.''

I hope that this broad spectrum of support shows that we have made every effort to listen to those who have spent so much time in the child welfare area.

Ms. HARMAN. Mr. Chairman, I rise today in strong support of H.R. 867, the Adoption Promotion Act of 1997, and I commend my colleagues DAVE CAMP and BARBARA KENNELLY for their work in fashioning this important bipartisan legislation.

This bill is designed to fix some very troubling problems in our Nation's adoption and foster-care programs by striking a balance between the goals of keeping families intact where possible, and, when necessary, moving kids quickly into permanent, loving homes.

Under current law, States are required to make reasonable efforts both to keep maltreated children from being unnecessarily removed from their families, and, if children are removed, to reunify them with their families.

Keeping families intact when possible, is preferable. But in the absence of clear laws or regulations defining reasonable efforts, there has been considerable confusion about when to bypass or discontinue such efforts, and place a child up for adoption. In other words, the reasonable efforts provision has sometimes served to keep kids in foster homes, instead of in permanent adoptive homes, longer than necessary.

H.R. 867 represents a well-crafted refinement of current law. Under its provisions, States would no longer be required to attempt reunification of families in cases where aggravated circumstances such as chronic or sexual abuse exist. The bill also creates a clear timetable with binding time limits for the initiation of adoption proceedings once a child has been placed in foster care. In an important clarification, the bill provides foster parents the opportunity to be heard at child placement hearings. Finally, the bill creates a set of incentives for States to successfully place children in permanent adoptive homes.

Mr. Chairman, as the mother of four children, I feel very strongly that a stable, permanent, loving family is vital to a child's development. This bill will remove an obstacle between kids and adoptive parents, and help move kids into a long-term nurturing environment. I can think of few issues more important, and I urge my colleagues to support passage.

Mr. CARDIN. Mr. Chairman, I rise today in support of this legislation promotion adoption for the children of this Nation who most desperately require our care and protection.

The neglected or abused children whom we are seeking to assist today are tragic cases and our hearts go out to them. Reflecting the importance of this bill and the concern we all have for these innocent children, the cooperative, bipartisan procedures with which the Ways and Means Committee handled this bill could be a model for Congress. My colleagues, Representatives CAMP and KENNELLY who shaped this bill, Chairmen ARCHER and SHAW, and Mr. RANGEL are all to be congratulated.

This bill strikes a balance as the Government steps into these most difficult, tragic family situations to separate children permanently from abusive and/or neglectful parents. We all want to see these children moved through foster care into loving, adoptive families as quickly as possible.

At the same time, through the timely provision of social services—whether substance abuse treatment, counseling, or other means of support—many families may be reunified successfully. This bill provides a chance for States to investigate often complex family circumstances and attempt corrective actions through support services, but limits their time so that children do not spend their youths moving between foster homes.

There will be debate today as to whether we have found the correct balance between reunifying families, and providing permanent, loving homes to our most troubled children—but we all share the same goals.

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

Mr. PACKARD. Mr. Chairman, it pains me to know that our children in foster care are being reunited with abusive families. Our current broken system places more importance on returning children to the natural parents, despite circumstances such as abandonment and chronic physical or sexual abuse, over placing these chldren in strong, loving families. This is not right. The Adoption Promotion Act will correct this inequity. It is the right thing to do for America's foster children.

Today, there are over 500,000 children in custody of various State foster-care programs. However, fewer than 50,000 children per year move from foster care into permanent homes. Less than 10 percent of our foster children are adopted each year, not for lack of adoptive families, but because Washington bureaucracy is preventing these families from making foster children a permanent part of thier life.

Mr. Chairman, the adoption process needs to be swift and efficient. The Adoption Promotion Act will amend current law to expedite the movement of children into permanent and loving homes. It will make the interests of the child the primary concern. We need to ensure that foster children are placed in loving homes and not with abusive families.

The strength of our Nation is based on strong families. This bipartisan legislation empowers those who know the best way to move children from foster care into loving, stable families. Returning these children to abusive families strips these children of the hopes and dreams they have for themselves. This bill will place more children in loving homes and give them the fighting chance that they so deserve.

Mr. Chairman, by streamlining the adoption process and cutting the Washington bureaucracy, we will take the first steps toward increasing the number of happy and healthy children with good families and promising futures. America's foster children deserve the very best and this legislation will help them to reach their goals. I am proud to support the Adoption Promotion Act.

Mrs. MINK of Hawaii. I rise in opposition to the enactment of H.R. 867 because I object to the removal of the safeguards which now protect the rights of parents whose children have been placed in foster care.

I agree that we all can recite a litany of cases of children who have been abused, and neglected by parents and for whom expedited adoption is fully justified.

Still since the enactment of the most punitive bill ever to pass Congress in the name of welfare reform, we all know that there will be parents who will lose their cash benefits and be unable to feed and house their small children. State child welfare agencies will move to take custody of these unfortunate children because the parents no longer have any funds to provide for them and are not able to find work. Because of the welfare law children will undoubtedly be found living in abandoned car bodies, and other unhealthful conditions without running water or heat or cooking facilities. Under these circumstances, as predictable, State child welfare agencies will be compelled to move these children from their parents and place them in foster homes.

Poverty, I do not believe is a justifiable reason for terminating parental rights over their children.

The temporary best interests of the child may be to move him or her into a foster home. But, I do not believe, that move justifies the national Government to establish adoption as a penalty due to poverty of the parents.

If conditions of adoption exist, it should be left to the States to make these determinations. A Congress that has repeatedly argued States rights should not abandon that principle and enact legislation whose title in section 3 provides: States required to initiate or join proceedings to terminate parental rights for certain children in foster care, entering foster care after October 1, 1997.

The committee report states, ''in the case of children under age of 10 who have been in foster care at least 18 of the past 24 months, the bill requires States to move toward terminating parental rights under most circumstances.''

Prior to the enactment of the welfare reform this bill might have been supportable.

But in combination with the welfare reform bill enacted last August 1996, I find that circumstances of poverty and lack of work, could not under H.R. 867 become the sole basis for the termination of parental rights. This offends my fundamental beliefs about the inherent rights of parents and the inalienable rights of children to the love and protection of their natural parents which should not be terminated except when there is serious debilitating circumstances such as drug abuse, physical brutality, torture, and sexual abuse.

Reading the bill and committee report provides no assurance that the rights of poor parents are protected.

It is easy enough to state that adoption will be in the best interests of the child, who will have a better home to live in and a higher quality material environment than the one from which they came. This however ignores that basic undifferentiable family value of the love of a parent.

I cannot vote for a bill that takes welfare reform one step closer to the final penalty of poverty: The loss of one's children by edict of the Government.

First you take their money away. Then you force them into desperate conditions of poverty. Then you deem them unfit to raise their children and you remove them from the home and place them in foster homes. Then after 18 months you put the children up for adoption.

Whose family values do we stand for?

Mr. KUCINICH. Mr. Chairman, I rise today to address the issue of international adoption. Though I will not be offering any amendments to the Adoption Promotion Act, I hope to work with the sponsors of this bill, Representatives DAVID CAMP and BARBARA KENNELLY, to address an issue brought to my attention by two of my constituents, David and Carolyn Steigman.

Mr. and Mrs. Steigman of Bay Village, Ohio, adopted their daughter, Rayna, from India. But the Internal Revenue Service has ruled that only Social Security numbers can be used for proof when taking tax credits for dependent children. This ruling is unfair to families that adopt children from outside of this country since children do not arrive here with a Social Security number.

Depending on the State of residence, the delay in obtaining a Social Security number can be anywhere from 2 to 3 years. Meanwhile, these families—which have gone to considerable length and expense to provide a home for a needy child—are unable to take advantage of the tax credits for adoption expenses that the President and Congress have enacted.

I hope to work with the sponsors of the Adoption Promotion Act, Representatives CAMP and KENNELLY, to address the issue of international adoption; specifically, to consider the idea raised by Mr. and Mrs. Steigman to allow adoption and guardianship papers to be used as adequate proof for the purposes of taking tax exemptions.

Mr. Chairman. I include my constituents' letter and a letter to the IRS for the RECORD.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington DC, April 30, 1997.

MS. MARGARET MILNER RICHARDSON,
Commissioner, Internal Revenue Service, Washington, DC.

DEAR MS. RICHARDSON: An unintended consequence of a recent Internal Revenue Service ruling has come to my attention by two of my constituents, David and Carolyn Steigman.

The IRS has recently ruled that only a Social Security number can be used to take tax exemptions for children. This ruling has become an undue burden on families that want to adopt a child from a foreign country since children from a foreign country do not arrive here with a Social Security number. Depending upon the state, adoptive parents have to wait a period of time before they can file for a domestic adoption. Once the family has filed, they have to wait for a court date. Once the domestic adoption is approved, the family must apply to the Internal Revenue Service for their child's citizenship. All of this red tape could potentially add up to several years before a Social Security number is given.

As Mr. and Mrs. Steigman point out in their letter, it seems ironic that at the same time the President and Congress have passed tax credits for adoption expenses, the IRS is throwing up barriers to the tax credits that adoptive families are legally entitled to. And considering that adoption and guardianship papers are legal documents, it seems reasonable that this problem could be addressed by accepting this documentation as proof of a dependent child for the purposes of taking tax credits.

I appreciate your consideration in this matter.

Sincerely,

DENNIS J. KUCINICH,
Member of Congress.

DAVID AND CAROLYN STEIGMAN,
Bay Village, OH.

CONGRESSMAN DENNIS J. KUCINICH,
Cleveland, OH.

DEAR CONGRESSMAN KUCINICH: We are writing to bring to your attention a situation which we believe is unfair and unlawful. It involves a serious financial hardship that the IRS has recently decided to impose on the families of children adopted from foreign countries.

Specifically, the IRS has now decided that it will disallow any exemption for a child without a social security number. No other proof regarding your dependent child is acceptable. If a child is from a foreign country they, of course, do not have a social security number. In many cases, such as children being adopted from India, obtaining one is not a quick or easy matter.

Adoptive parents have legal guardianship (and therefore, under federal law, are entitled to a tax exemption) when the child enters the home. Ohio law requires that the family wait at least six months before they can even file for a domestic adoption. After filing, the family must wait for an available court appointment. After the domestic adoption is approved by the court, the parents

must apply to INS for their child's citizenship. The naturalization process can take another four to six months. After citizenship is granted, they can apply for a social security number. If everything goes smoothly, the process takes about 18 months. If it doesn't, which is very possible, the wait can be much longer.

The IRS has stated that after the social security number has been obtained, the adopting family may file amended returns to get the exemptions. But in the case of a family adopting a sibling group of two, that means the IRS will be holding on to thousands of the family's dollars for two years or more.

Foreign adoptions are very expensive. We had to take out a second mortgage on our home to adopt our daughter, Rayna. This new policy hits adoptive families at the end of the process, when they can least afford it.

It seems ironic that at the same time the President and Congress have passed generous tax credits for adoption expenses, the IRS is trying to withhold or delay tax exemptions that adoptive parents are legally entitled to.

In February, when we filed our federal tax return, we did not yet have Rayna's social security number. We have enclosed a copy of the letter sent to us by the IRS, denying the exemption. We are fortunate—we have recently received her social security number, and are now filing an amended return. If all goes well, we will ''only'' be short $750 for three or four months, plus the cost of our tax preparer filing an amended return. Families just now adopting foreign children may lose much more, especially if they have adopted more than one child.

Anything you can do to get the IRS to change this illegal new policy that runs counter to the intent of both Congress and the Administration will be greatly appreciated by ourselves and adoptive families throughout the country.

Sincerely,

DAVID AND CAROLYN STEIGMAN.

Mr. PAUL. Mr. Chairman, unfortunately for this country, few Members of the 105th Congress have received word that the era of big government is over. While I rise today in opposition to passage of H.R. 867, The Adoption Promotion Act, I could be referring to any number of bills already passed by this Congress.

As a medical doctor, I share with other Members of Congress the strong distaste for the needless suffering of helpless, displaced, and orphaned children. As a U.S. Congressman, I remain committed to returning the Federal Government to its proper constitutional role. Fortuitously, these two convictions are not incongruous.

This country's founders recognized the genius of separating power amongst Federal, State, and local governments as a means to protect the rights of citizens, maximize individual liberty, and make government most responsive to those persons who might most responsibly influence it. This constitutionally mandated separation of powers strictly limited the role of the Federal Government and, at the same time, anticipated that matters of family law would be dealt with at the State or local level.

Legislating in direct opposition to these constitutional principles, H.R. 867 would impose additional and numerous Federal mandates upon the States; appropriate $138 million over the next 5 years to be paid to States that obediently follow Federal mandates; and further expand the duties of the Health and Human Services Department to include monitoring the performance of States in matters of family law.

Even as a practical matter, I remain convinced that the best interests of children are optimally served to redirecting tax dollars—which under this legislation would be sent to Washington in an attempt to nationalize child adoption procedures and standards—to private charities or State and local child advocacy organizations.

For each of these reasons, I oppose passage of H.R. 867, the Adoption Promotion Act.

Mrs. KENNELLY of Connecticut. Mr. Chairman, I yield back the balance of my time.

Mr. CAMP. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. All time for general debate has expired.

The committee amendment in the nature of a substitute printed in the bill, modified as specified in House Report 105–82, shall be considered by sections as an original bill for the purpose of amendment. Pursuant to the rule, each section is considered as having been read.

During consideration of the bill for amendment, the Chair may accord priority in recognition to a Member offering an amendment that he has printed in the designated place in the CONGRESSIONAL RECORD. Those amendments will be considered as read.

The Clerk will designate section 1.

The text of section 1 is as follows:

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 ''Adoption Promotion Act of 1997''.

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

Sec. 1. Short title; table of contents.
Sec. 2. Clarification of the reasonable efforts requirement.
Sec. 3. States required to initiate or join proceedings to terminate parental rights for certain children in foster care.
Sec. 4. Adoption incentive payments.
Sec. 5. Earlier status reviews and permanency hearings.
Sec. 6. Notice of reviews and hearings; opportunity to be heard.
Sec. 7. Documentation of reasonable efforts to adopt.
Sec. 8. Kinship care.
Sec. 9. Use of the Federal Parent Locator Service for child welfare services.
Sec. 10. Performance of States in protecting children.
Sec. 11. Authority to approve more child protection demonstration projects.
Sec. 12. Technical assistance.
Sec. 13. Coordination of substance abuse and child protection services.
Sec. 14. Clarification of eligible population for independent living services.
Sec. 15. Effective date.

Mr. CAMP. Mr. Chairman, I ask unanimous consent that the committee amendment in the nature of a substitute be printed in the RECORD and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan?

There was no objection.

The text of the remainder of the committee amendment in the nature of a substitute, as modified by House Report 105–82, is as follows:

SEC. 2. CLARIFICATION OF THE REASONABLE EFFORTS REQUIREMENT.

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

''(15)(A) provides that—

''(i) except as provided in clauses (ii) and (iii), reasonable efforts shall be made—

''(I) before a child is placed in foster care, to prevent or eliminate the need to remove the child from the child's home; and

''(II) to make it possible for the child to return home;

''(ii) if continuation of reasonable efforts of the type described in clause (i) is determined to be inconsistent with the permanency plan for the child, reasonable efforts of the type required by clause (iii)(II) shall be made;

''(iii) if a court of competent jurisdiction has determined that the child has been subjected to aggravated circumstances (as defined by State law, which definition may include abandonment, torture, chronic abuse, and sexual abuse) or parental conduct described in section 106(b)(2)(A)(xii) of the Child Abuse Prevention and Treatment Act, or that the parental rights of a parent with respect to a sibling of the child have been terminated involuntarily—

''(I) reasonable efforts of the type described in clause (i) shall not be required to be made with respect to any parent of the child who has been involved in subjecting the child to such circumstances or such conduct, or whose parental rights with respect to a sibling of the child have been terminated involuntarily; and

''(II) if reasonable efforts of the type described in clause (i) are not made or are discontinued, reasonable efforts shall be made to place the child for adoption, with a legal guardian, or (if adoption or legal guardianship is determined not to be appropriate for the child) in some other planned, permanent living arrangement; and

''(iv) reasonable efforts of the type described in clause (iii)(II) may be made concurrently with reasonable efforts of the type described in clause (i); and

''(B) in determining the reasonable efforts to be made with respect to a child and in making such reasonable efforts, the child's health and safety shall be of paramount concern;''.

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

SEC. 3. STATES REQUIRED TO INITIATE OR JOIN PROCEEDINGS TO TERMINATE PARENTAL RIGHTS FOR CERTAIN CHILDREN IN FOSTER CARE.

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

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

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

(3) by adding at the end the following:

''(E) in the case of a child who has not attained 10 years of age and has been in foster care under the responsibility of the State for 18 months of the most recent 24 months, the State shall file a petition to terminate the parental rights of the child's parents (or, if such a petition has been filed by another party, seek to be joined as a party to the petition), unless—

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

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

''(iii) the State has not provided to the family of the child such services as the State deems appropriate, if reasonable efforts of the type described in section 471(a)(15)(A)(i) are required to be made with respect to the child.''.

(b) LIMITATION ON APPLICABILITY.—The amendments made by subsection (a) shall apply only to children entering foster care on or after October 1, 1997.

SEC. 4. ADOPTION INCENTIVE PAYMENTS.

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

''SEC. 473A. ADOPTION INCENTIVE PAYMENTS.

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

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

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

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

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

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

''(c) DATA REQUIREMENTS.—

''(1) IN GENERAL.—A State is in compliance with this subsection for a fiscal year if the State has provided to the Secretary the data described in paragraph (2) for fiscal year 1997 (or, if later, the fiscal year that precedes the 1st fiscal year for which the State seeks a grant under this section) and for each succeeding fiscal year.

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

''(A) DETERMINATIONS BASED ON AFCARS DATA.—Except as provided in subparagraph (B), the Secretary shall determine the numbers of foster child adoptions and of special needs adoptions in a State during each of fiscal years 1997 through 2002, for purposes of this section, on the basis of data meeting the requirements of the system established pursuant to section 479, as reported by the State in May of the fiscal year and in November of the succeeding fiscal year, and approved by the Secretary by April 1 of the succeeding fiscal year.

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

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

''(d) ADOPTION INCENTIVE PAYMENT.—

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

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

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

''(2) PRO RATA ADJUSTMENT IF INSUFFICIENT FUNDS AVAILABLE.—If the total amount of adoption incentive payments otherwise payable under this section for a fiscal year exceeds $15,000,000, the amount of the adoption incentive payment payable to each State under this section for the fiscal year shall be—

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

''(B) the percentage represented by $15,000,000, divided by the total amount of adoption incentive payments otherwise payable under this section for the fiscal year.

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

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

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

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

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

''(3) BASE NUMBER OF FOSTER CHILD ADOPTIONS.—The term 'base number of foster child adoptions for a State' means, with respect to a fiscal year, the largest number of foster child adoptions in the State in fiscal year 1997 (or, if later, the 1st fiscal year for which the State has furnished to the Secretary the data described in subsection (c)(2)) or in any succeeding fiscal year preceding the fiscal year.

''(4) BASE NUMBER OF SPECIAL NEEDS ADOPTIONS.—The term 'base number of special needs adoptions for a State' means, with respect to a fiscal year, the largest number of special needs adoptions in the State in fiscal year 1997 (or, if later, the 1st fiscal year for which the State has furnished to the Secretary the data described in subsection (c)(2)) or in any succeeding fiscal year preceding the fiscal year.

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

''(1) IN GENERAL.—For grants under this section, there are authorized to be appropriated to the Secretary $15,000,000 for each of fiscal years 1999 through 2003.

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

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

(1) SECTION 251 AMENDMENT.—Section 251(b)(2) of the Balanced Budget and Emergency Deficit Control Act of 1985 is amended by adding at the end the following new subparagraph:

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

''(i) the adjustments for new budget authority shall be the amounts of new budget authority provided in that measure for adoption incentive payments, but not to exceed $15,000,000; and

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

(2) SECTION 606 AMENDMENT.—Section 606 of the Congressional Budget Act of 1974 is amended by adding at the end the following new subsection:

''(f) ADOPTION INCENTIVE PAYMENTS ADJUSTMENT.—

''(1) IN GENERAL.—(A)(i) When the Committee on Appropriations reports an appropriation measure for fiscal year 1999, 2000, 2001, 2002, or 2003 that specifies an amount for adoption incentive payments for the Department of Health and Human Services, or when a conference committee submits a conference report thereon, the chairman of the Committee on the Budget of the Senate or House of Representatives (whichever is appropriate) shall—

''(I) make adjustments for the amounts of new budget authority provided by that appropriation measure for such payments, which shall be the amount of new budget authority provided in that measure for adoption incentive payments, but not to exceed $15,000,000; and

''(II) make adjustment for outlays, which shall be in an amount equal to the additional outlays flowing from such amount.

''(ii) If the adjustments referred to in the preceding sentence are made for an appropriations measure that is not enacted into law, then the chairman of the Committee on the Budget of the House of Representatives shall, as soon as practicable, reverse those adjustments.

''(iii) The chairman of the Committee on the Budget of the House of Representatives shall submit any adjustments made under this subparagraph to the House of Representatives and have such adjustments published in the Congressional Record.

''(B) The adjustments referred to in this paragraph consist of adjustments to—

''(i) the discretionary spending limits for that fiscal year as set forth in the most recently adopted concurrent resolution on the budget;

''(ii) the allocations to the Committees on Appropriations of the Senate and the House of Representatives for that fiscal year under sections 302(a) and 602(a); and

''(iii) the appropriate budgetary aggregates for that fiscal year in the most recently adopted concurrent resolution on the budget.

''(C) The adjusted discretionary spending limits, allocations, and aggregates under this paragraph shall be considered the appropriate limits, allocations, and aggregates for purposes of congressional enforcement of this Act and concurrent budget resolutions under this Act.

''(2) REPORTING REVISED SUBALLOCATIONS.—Following the adjustments made under paragraph (1), the Committees on Appropriations of the Senate and the House of Representatives may report appropriately revised suballocations pursuant to sections 302(b) and 602(b) of this Act to carry out this subsection.

''(3) DEFINITION.—As used in this section, the term 'adoption incentive payments' shall have the same meaning as provided in section 251(b)(2)(I) of the Balanced Budget and Emergency Deficit Control Act of 1985.''.

SEC. 5. EARLIER STATUS REVIEWS AND PERMANENCY HEARINGS.

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

(1) by striking ''eighteen months after'' and inserting ''12 months after'';

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

(3) by striking ''future status of'' and all that follows through ''long-term basis)'' and inserting ''permanency plan for the child (including whether (and, if applicable, when) the child will be returned to the parent, the child will be placed for adoption and the State will file a petition to terminate the parental rights of the parent, a legal guardian will be appointed for the child, or the child will be placed in some other planned, permanent living arrangement, including in the custody of another fit and willing relative)''.

SEC. 6. NOTICE OF REVIEWS AND HEARINGS; OPPORTUNITY TO BE HEARD.

Section 475(5) of the Social Security Act (42 U.S.C. 675(5)), as amended by section 3 of this Act, is amended—

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

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

(3) by adding at the end the following:

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

SEC. 7. DOCUMENTATION OF REASONABLE EFFORTS TO ADOPT.

Section 475(5) of the Social Security Act (42 U.S.C. 675(5)), as amended by sections 3 and 6 of this Act, is amended—

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

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

(3) by adding at the end the following:

''(G) in the case of a child with respect to whom the State's goal is adoption or placement in another permanent home, the steps taken by the State agency to find an adoptive family or other permanent living arrangement for the child, to place the child with an adoptive family, a legal guardian, or in another planned permanent living arrangement (including in the custody of another fit and willing relative), and to finalize the adoption or legal guardianship are documented, and such documentation shall include documentation of child specific recruitment efforts such as the use of State, regional, and national adoption information exchanges, including electronic information exchange systems.''.

SEC. 8. KINSHIP CARE.

(a) REPORT.—

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

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

(B) not later than November 1, 1998, submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a final report on the matter described in subparagraph (A), which shall—

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

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

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

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

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

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

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

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

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

(vi) the goal for a permanent living arrangement for the child and the actions being taken by the State to achieve the goal;

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

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

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

(b) ADVISORY PANEL.—

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

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

SEC. 9. USE OF THE FEDERAL PARENT LOCATOR SERVICE FOR CHILD WELFARE SERVICES.

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

(1) in subsection (a)—

(A) by striking ''or enforcing child custody or visitation orders'' and inserting ''or making or enforcing child custody or visitation orders''; and

(B) in paragraph (1)—

(i) by striking the comma at the end of subparagraph (C) and inserting ''; or''; and

(ii) by inserting after subparagraph (C) the following:

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

(2) in subsection (c)—

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

(B) by adding at the end the following:

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

SEC. 10. PERFORMANCE OF STATES IN PROTECTING CHILDREN.

The Secretary of Health and Human Services, in consultation with the American Public Welfare Association, the National Governors' Association, and persons or organizations devoted to child advocacy, shall—

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

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

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

(4) prescribe such regulations as may be necessary to ensure that States provide to the Secretary the data necessary to determine State performance with respect to each outcome measure, as a condition of the State receiving funds under part E of title IV of the Social Security Act;

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

SEC. 11. AUTHORITY TO APPROVE MORE CHILD PROTECTION DEMONSTRATION PROJECTS.

Section 1130(a) of the Social Security Act (42 U.S.C. 1320a–9(a)) is amended by striking ''10'' and inserting ''15''.

SEC. 12. TECHNICAL ASSISTANCE.

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

(b) LIMITATIONS.—The technical assistance provided under subsection (a) shall support the goal of encouraging more adoptions out of the foster care system, when adoptions promote the best interests of children, and shall include the following:

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

(2) Models to encourage the use of concurrent planning.

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

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

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

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

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

SEC. 13. COORDINATION OF SUBSTANCE ABUSE AND CHILD PROTECTION SERVICES.

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

SEC. 14. CLARIFICATION OF ELIGIBLE POPULATION FOR INDEPENDENT LIVING SERVICES.

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

SEC. 15. EFFECTIVE DATE.

(a) IN GENERAL.—The amendments made by this Act shall take effect on October 1, 1997.

(b) DELAY PERMITTED IF STATE LEGISLATION REQUIRED.—In the case of a State plan under part B or E of title IV of the Social Security Act which the Secretary of Health and Human Services determines requires State legislation (other than legislation appropriating funds) in order for the plan to meet the additional requirements imposed by the amendments made by this Act, the State plan shall not be regarded as failing to comply with the requirements of such part solely on the basis of the failure of the plan to meet such additional requirements before the 1st day of the 1st calendar quarter beginning after the close of the 1st regular session of the State legislature that begins after the date of the enactment of this Act. For purposes of the previous sentence, in the case of a State that has a 2-year legislative session, each year of such session shall be deemed to be a separate regular session of the State legislature.

The CHAIRMAN. Are there any amendments?

AMENDMENT NO. 6 OFFERED BY MR. TIAHRT

Mr. TIAHRT. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 6 offered by Mr. TIAHRT:

Strike the matter proposed to be added by section 3(a)(3) of the bill and insert the following:

''(E) in the case of a child who has been in foster care under the responsibility of the State during 12 of the most recent 18 months, and a child in such foster care who has not attained 13 years of age (or such greater age as the State may establish) and with respect whom reasonable efforts of the type described in section 471(a)(15)(A)(i) are discontinued or not made, the State shall seek to terminate all parental rights with respect to the child, unless—

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

''(ii) a State court or State agency has documented a compelling reason for determining that filing such a petition would not be in the best interests of the child.''.

□ 1245

Mr. TIAHRT. Mr. Chairman, I have an amendment that is what I would consider a positive addition to the bill that we have before us. I will explain briefly what the amendment does, and I would like others to have a chance to express their concerns with the bill. Then I will withdraw the amendment.

Mr. Chairman, the first thing that I would like to address that the bill does is that it reduces a timeframe for the State to seek to terminate parental rights from 18 to 12 months.

The reason that we had made this determination, as I said earlier in the debate, is that some children languish in foster care and the State is unable to come to that conclusion, whether they should stay with their birth parents or move into an adoptive home.

There are others who agree with this philosophy. In Patrick Fagan's article of July 27, 1995, published in the Heritage Foundation's report, he also recommends that a 12-month timeline for education of long-term parental status be included.

Justin Matlick also reminds us that 12 months should be the ceiling on final reunification decisions in his Pacific Research Institute study titled ''Fifteen Years of Failure: An Assessment of California's Child Welfare System.''

In Conna Craig's Policy Review article entitled ''What I Need Is A Mom,'' she recommends that biological parents receive no more than 12 months to prove their fitness to resume custody. Incidentally, she is president of the Institute for Children in Boston, MA.

Also, the Kellogg Foundation in their Families for Kids programs has stated at a hearing before the Subcommittee on Human Resources of the Committee on Ways and Means, on February 27 of this year, that benchmarks for progress is 1 year for permanent replacement.

One year to permanency has emerged as the driver of reform. That is why, Mr. Chairman, we had moved to try to get 12 months.

Mr. Chairman, I understand that there is some consideration given in the report language that the intent of the legislation, it says under the reason for change that the committee fully expects that final permanency decisions will be at 12 months. But yet the language says 18 months, which is an improvement. But the 12 months right now today, without any incentive, 70 percent of the children are moved into that decision that they will move to an adoptive home out of the biological parents' home.

Mr. Chairman, I think it is the design that both a man and a woman be the parents of children. I think it is easiest in that situation. After having a teenaged daughter, I think I really came to that conclusion, because it does take two to really balance out the raising of a child. However, in some situations it is impossible for that two-parent situation to exist, and in compelling reasons, they should be moved into adoption.

I think that decision should be made at 12 months, because it is not up to the State to determine whether this parent is going to rehabilitate themselves. That has to be something that is done by the individual.

The second part of this legislation or this amendment to the legislation removes an exception which would allow States to avoid seeking to terminate parental rights, because the way the language reads it says, ''* * * unless the State has not provided to the family of the child such services as the State deems appropriate.''

In an article written by Conna Craig in Policy Review in the summer of 1995, she said, ''Public agencies are paid for the number of children they prevent from being adopted.'' What I would like to see, Mr. Chairman, is what has occurred in Kansas. In Kansas they have removed the financial incentive for State agencies to keep kids locked into the system. They have gone to a flat fee for adoptive services, and contract out to private agencies. In the first 3 months of this year they have seen a 67-percent increase in the amount of adoptions that have occurred in Kansas. I think that is a dramatic improvement.

I have these two concerns, Mr. Chairman, that I have put into this amendment. I would like others to talk about these principles. This is what I consider a loophole that I hope States can close. It is a loophole big enough for a bus to drive through. I am concerned that that bus will be filled by children going back into foster care when they could be moving into an adoptive home.

Mr. CAMP. Mr. Chairman, I move to strike the last word.

Mrs. KENNELLY of Connecticut. Mr. Chairman, will the gentleman yield?

Mr. CAMP. I yield to the gentlewoman from Connecticut.

Mrs. KENNELLY of Connecticut. Mr. Chairman, I agree with the author of the amendment that the current child welfare system sometimes errs on the side of the parent without significant regard for a child's safety. Obviously, that is one of the reasons why the gentleman from Michigan [Mr. CAMP] and I did introduce this bill. However, I feel that the legislation before us makes it clear that a child's safety has to be the paramount concern, and it requires States to move more quickly in finding permanent homes for children. But if the current system sometimes overemphasizes family reunification, the Tiahrt amendment would swing, I feel, the pendulum too far the other way by not giving States enough opportunity to restore families.

However, as we have talked today, I really look forward to working with the gentleman from Kansas [Mr. TIAHRT] and with the gentleman from Michigan [Mr. CAMP] to see if we can resolve this. I understand that he has these concerns, and I think it is very important that we look at them, but I do not think today is the time. I thank the gentleman from Kansas for his consideration.

Mr. CAMP. Mr. Chairman, I would state that I would like to work with the gentleman from Kansas to address his concerns.

Mr. Chairman, I yield to the gentlewoman from Connecticut [Mrs. JOHNSON].

Mrs. JOHNSON of Connecticut. Mr. Chairman, I thank the gentleman for yielding to me.

Mr. Chairman, I would like to acknowledge the interest of my colleagues, the gentleman from Kansas [Mr. TIAHRT], in this issue, the work that he has put in, and the concern that he holds. I am pleased that he has withdrawn his amendment.

Mr. Chairman, I think this Congress has to be very mindful, and I think the underlying bill is mindful of what it means to terminate a parent's right to their own child, what it means to the parent and what it means to the child, and what lifelong repercussions that decision has.

Having worked hard on permanency placement the many years that I was in the State Senate in Connecticut, and on foster care and adoption issues since that time, I agree with my colleague, the gentlewoman from Connecticut, and those who worked so hard on this bill, that we are leaving children in abusive situations far too long. We are not dealing honestly with the fact that parents are acting so remarkably irresponsibly toward their children that we have to have a law that can act more promptly and terminate rights more aggressively to protect children.

I do also urge, however, that we be mindful as we make a change, of the nature of termination decisions and of their ramifications for both adults and children over decades.

So I strongly support the underlying structure of the bill, which does force

States to make a permanent plan by 12 months, and to initiate termination proceedings at 18 months. I would urge States to move forward in those cases where they see rehabilitation is not going to be possible.

However, I think it is incumbent upon us both to recognize the complexity of pressures on families in America today, the need for appropriate services, and yet, the need for protection of the child and for abrogation of parental rights when adults do not take their responsibilities seriously and do not aggressively involve themselves in fixing the problems in their families that so deeply affect their children.

Mr. Chairman, I am glad the gentleman withdrew his amendment. I support the underlying structure of this bill. I think it is truly a very significant step forward, but it is a balanced, thoughtful step, and I support the bill strongly, and commend both the gentleman from Michigan [Mr. CAMP] and the gentlewoman from Connecticut [Mrs. KENNELLY] for their leadership in writing this legislation.

It took a lot of courage, frankly, to begin rethinking what reasonable means. It is true that reasonable has become unreasonable for the circumstances that many of our children face. The Members have rebalanced that and repositioned us to fight for our children and their lives, while also looking at families and their interests.

Mr. CAMP. Mr. Chairman, I yield to the gentleman from Minnesota [Mr. RAMSTAD], a fellow member of the Committee on Ways and Means.

Mr. RAMSTAD. Mr. Chairman, I thank the gentleman for yielding to me.

Mr. Chairman, I would like to also thank my colleagues, the gentleman from Michigan, Mr. DAVE CAMP, and the gentlewoman from Connecticut, Mrs. BARBARA KENNELLY, FOR THEIR LEADERSHIP ON THIS BILL. NO CHILD SHOULD BE DENIED THE OPPORTUNITY TO GROW UP IN A LOVING ENVIRONMENT. THAT IS WHY I STRONGLY SUPPORT THEIR LEGISLATION.

The CHAIRMAN. The time of the gentleman from Michigan [Mr. CAMP] has expired.

(By unanimous consent, Mr. CAMP was allowed to proceed for 1 additional minute.)

Mr. RAMSTAD. Mr. Chairman, if the gentleman will continue to yield, my own family has been blessed through adoption. I am the proud uncle of three beautiful adoptive children. I cannot imagine my life without them or my four adopted cousins. There is nothing more important than for a child to grow up in a loving home. I know there are 500,000 children in foster care, many of them awaiting adoption by a loving family. So something must be done to reform the system.

Last year we gave States and localities more authority to run social programs than they have had in 50 years. That is why I was concerned about the amendment offered by my colleague, the gentleman from Kansas [Mr. TIAHRT] and my colleague, the gentleman from Indiana [Mr. BURTON], and I am very, very pleased that they withdrew the amendment.

I understand that the authors of this amendment were trying to help children get into loving, adoptive homes as soon as possible, but I wanted to point out that nothing in this legislation prohibits the State from freeing children for adoption before 18 months. State agencies and courts need flexibility to ensure the most appropriate response can be developed for each individual child.

This amendment would have established an absolute trigger that I believe is unrealistic. So we need to let those who know best, those who administer programs at the State and local levels, have the flexibility to do their job and the authority to do what is best for children.

I thank my colleagues for withdrawing this amendment.

Mr. BURTON of Indiana. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I understand that there is controversy over whether we go to 12 months or 18 months. When I was a boy, I was in a welfare agency home, a foster, and a setting of the type we are discussing today; and I can tell my colleagues I met a lot of young people that had been in that system for years and it had a very debilitating impact on their lives. I know some of them ended up in jail.

Those are things that we need to take into consideration. The longer a child is in the foster care system, the more likely he or she is going to be a burden on society. Some of the statistics the gentleman from Kansas [Mr. TIAHRT] did not mention in his statement, but he told me of a foster child who had been in over 100 foster homes. Now we can imagine what that does to the child's psyche. It has got to have a very devastating impact.

Each year 15,000 children graduate from foster care with no permanent home. Fifteen thousand. What does that do to those kids? The ACLU reports, and I do not quote them very often, but the ACLU reports that among these graduates, 40 percent, 40 percent become dependent on AFDC, 46 percent dropped out of school, 51 percent were unemployed, and 60 percent of the women had out-of-wedlock births within 2 years from graduating from foster care.

The Bureau of Justice reports that former foster children are nearly 30 times more likely to be incarcerated than individuals who never spent any time in foster care. So the problem is we want to get them out of there as quickly as possible.

I agree that severing parental rights is a very important thing to consider. I mean, we do not want to do it lightly. But within a year, it seems to me that that is time enough to make a case as to whether or not a child should stay in that home. If the child is not going to be going back into their home, to keep them in foster care beyond that time period causes some serious problems for the child.

So while I do not want to belabor the point, the gentleman from Kansas [Mr. TIAHRT] is obviously going to withdraw his amendment, I hope in conference my colleagues will give these arguments some serious consideration. I think we are all after the same thing. We want to do what is best for the child because it has an impact on society that is very, very great. It involves AFDC. It involves crime. It involves children born out of wedlock. So all of these things need to be taken into consideration and what is best for the child.

If the gentleman from Kansas [Mr. TIAHRT] wants me to yield, I am happy to yield to the gentleman from Kansas.

Mr. TIAHRT. Mr. Chairman, I thank the gentleman from Indiana for yielding. I know there is some concern, it is a very big decision to move children away from their birth parents into an adoptive situation. I do not think the States should take it lightly or we should take it lightly. But in some situations, as the gentleman from Indiana has pointed out so adeptly, we have some parents that just choose not to be good parents by their very actions. The way the system is, there is no incentive to move them unless the States take initiative, like Kansas has, to move them into a situation.

I am reminded of a young girl named Halie, who was 2 years old, who refused to eat her dinner and her parents tied her to an electric heater; and once she got caught into that system, they went through every different family service available, and she did not get out of foster care until she was 18 years old, 16 years caught into the system.

We must provide incentives to move these children out of this kind of situation into adoptive homes when the parents, by their very actions, choose not to be good parents.

□ 1300

Mr. SHAW. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, before the gentleman withdraws his amendment, I want to compliment the gentleman from Kansas for a most thoughtful amendment and really addressing the subject which is the heart of this bill. That is, how long are we going to allow the children to stay in foster care?

I would point out to the House that there is report language in the bill that I feel will pretty much accomplish what the gentleman from Kansas is after. As chairman of the subcommittee, we will be monitoring this whole matter very, very closely. We are going to see that the intent of this bill is met and that we are, indeed, getting these kids out of foster care and into an adoptive setting and into permanent homes.

Again, I compliment the gentleman for bringing this to the attention of the

House. I think it underscores what we are trying to do.

Mr. TIAHRT. Mr. Chairman, with the fine statements made by the subcommittee chairman, the gentleman from Florida [Mr. SHAW], I ask unanimous consent to withdraw my amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from Kansas?

There was no objection.

The CHAIRMAN. The amendment is withdrawn.

AMENDMENT OFFERED BY MR. TRAFICANT

Mr. TRAFICANT. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. TRAFICANT:

At the end of the bill, add the following:

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

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

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

Mr. TRAFICANT (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. TRAFICANT. Mr. Chairman, I have explained several times the amendment. The amendment basically states that any funds that are made available pursuant to the passage of this act, that in the expenditure of those funds, wherever practicable, they be expended to buy American-made goods and products and that the amendment basically states that a notice of the intent of Congress, wherever the expenditure of funds are made to buy American-made products wherever possible, shall be given when any of those funds in fact are released.

I would appreciate the support of the amendment.

Mr. Chairman, I yield to the distinguished gentlewoman from Connecticut [Mrs. KENNELLY], coauthor of the amendment, and compliment her for her fine work.

Mrs. KENNELLY of Connecticut. Mr. Chairman, I thank the gentleman for putting forth this amendment. I will support it.

Mr. CAMP. Mr. Chairman, will the gentleman yield?

Mr. TRAFICANT. I yield to the gentleman from Michigan.

Mr. CAMP. Mr. Chairman, I thank the gentleman for yielding to me. I would concur with the gentlewoman from Connecticut. We also do not object to the amendment.

Mr. TRAFICANT. Mr. Chairman, I would like to say again that I want to compliment the gentlewoman from Connecticut [Mrs. KENNELLY], who has steadfastly been a fighter on behalf of children over the years. I want to thank her on behalf of children in my district and thank the gentleman from Michigan [Mr. CAMP] for his efforts and to the chairman.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio [Mr. TRAFICANT].

The amendment was agreed to.

AMENDMENT OFFERED BY MRS. MORELLA

Mrs. MORELLA. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mrs. MORELLA:

At the end of the bill, add the following:

SEC. . KINSHIP CARE DEMONSTRATION PROJECTS.

(a) IN GENERAL.—Part E of title IV of the Social Security Act (42 U.S.C. 670–679) is amended by inserting after section 477 the following:

"SEC. 478. KINSHIP CARE DEMONSTRATION PROJECTS.

''(a) PURPOSE.—The purpose of this section is to allow and encourage States to develop effective alternatives to foster care for children who might be eligible for foster care but who have adult relatives who can provide safe and appropriate care for the child.

''(b) DEMONSTRATION AUTHORITY.—The Secretary may authorize any State to conduct a demonstration project designed to determine whether it is feasible to establish kinship care as an alternative to foster care for a child who—

''(1) has been removed from home as a result of a judicial determination that continuation in the home would be contrary to the welfare of the child:

''(2) would otherwise be placed in foster care; and

''(3) has adult relatives willing to provide safe and appropriate care for the child.

''(c) KINSHIP CARE DEFINED.—As used in this section, the term 'kinship care' means safe and appropriate care (including long-term care) of a child by 1 or more adult relatives of the child who have legal custody of that child, or physical custody of the child pending transfer to the adult relative of legal custody of the child.

''(d) PROJECT REQUIREMENTS.—In my demonstration project authorized to be conducted under this section, the State—

''(1) should examine the provision of alternative financial and service supports to families providing kinship care; and

''(2) shall establish such procedures as may be necessary to assure the safety of children who are placed in kinship care.

''(e) WAIVER AUTHORITY.—The Secretary may waive compliance with any requirement of this part which (if applied) would prevent a State from carrying out a demonstration project under this section or prevent the State from effectively achieving the purpose of such a project, except that the Secretary may not waive—

''(1) any provision of section 422(b)(10), section 479, or this section; or

''(2) any provision of this part, to the extent that the waiver would impair the entitlement of any qualified child or family to benefits under a State plan approved under this part.

''(f) PAYMENTS TO STATES; COST NEUTRALITY.—In lieu of any payment under section 473 for expenses incurred by a State during a quarter with respect to a demonstration project authorized to be conducted under this section, the Secretary shall pay to the State an amount equal to the total amount that would be paid to the State for the quarter under this part, in the absence of the project, with respect to the children and families participating in the project.

''(g) USE OF FUNDS.—A State may use funds paid under this section for any purpose related to the provision of services and financial support for families participating in a demonstration project under this section.

''(h) DURATION OF PROJECT.—A demonstration project under this section may be conducted for not more than 5 years.

''(i) APPLICATION.—Any State seeking to conduct a demonstration project under this section shall submit to the Secretary an application, in such form as the Secretary may require, which includes—

''(1) a description of the proposed project, the geographic area in which the proposed project would be conducted, the children or families who would be served by the proposed project, the procedures to be used to assure the safety of such children, and the services which would be provided by the proposed project (which shall provide, where appropriate, for random assignment of children and families to groups served under the project and to control groups);

''(2) a statement of the period during which the proposed project would be conducted, and how, at the termination of the project; the safety and stability of the children and families who participated in the project will be protected;

''(3) a discussion of the benefits that are expected from the proposed project (compared to a continuation of activities under the State plan approved under this part);

''(4) an estimate of the savings to the State of the proposed project;

''(5) a statement of program requirements for which waivers would be needed to permit the proposed project to be conducted;

''(6) a description of the proposed evaluation design; and

''(7) such additional information as the Secretary may require.

''(j) STATE EVALUATIONS AND REPORTS.—Each State authorized to conduct a demonstration project under this section shall—

''(1) obtain an evaluation by an independent contractor of the effectiveness of the project, using an evaluation design approved by the Secretary which provides for—

''(A) comparison of outcomes for children and families (and groups of children and families) under the project, and such outcomes under the State plan approved under this part, for purposes of assessing the effectiveness of the project in achieving program goals; and

''(B) any other information that the Secretary may require;

''(2) obtain an evaluation by an independent contractor of the effectiveness of the State in assuring the safety of the children participating in the project; and

''(3) provide interim and final evaluation reports to the Secretary, at such times and in such manner as the Secretary may require.

''(k) REPORT TO THE CONGRESS.—Not later than 4 years after the date of the enactment of this section, the Secretary shall submit to the Congress a report that contains the recommendations of the Secretary for changes in law with respect to kinship care and placements.''.

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

(1) in section 422(b)—

(A) by striking the period at the end of the paragraph (9) (as added by section 544(3) of the Improving America's Schools Act of 1994 (Public Law 103–382; 108 Stat. 4057)) and inserting a semicolon;

(B) by redesignating paragraph (10) as paragraph (11); and

(C) by redesignating paragraph (9), as added by section 202(a)(3) of the Social Security Act Amendments of 1994 (Public Law 103–432, 108 Stat. 4453), as paragraph (10);

(2) in sections 424(b), 425(a), and 472(d), by striking ''422(b)(9)'' each place it appears and inserting ''422(b)(10)''; and

(3) in section 471(a)—

(A) by striking ''and'' at the end of paragraph (17);

(B) by striking the period at the end of paragraph (18) (as added by section 1808(a) of the Small Business Job Protection Act of 1996 (Public Law 104–188; 110 Stat. 1903)) and inserting ''; and''; and

(C) by redesignating paragraph (18) (as added by section 505(3) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Public Law 104–193; 110 Stat. 2278)) as paragraph (19).

Mrs. MORELLA. Mr. Chairman, I offer an amendment to the Adoption Promotion Act of 1997.

This amendment would encourage kinship care families, which are families in which adult relatives are the preferred placement options for children separated from their parents.

My amendment would give all States the flexibility to create a new type of foster care, kinship care, as a demonstration project whereby they could examine and test how their child protection system could incorporate safe, cost-effective kinship care placements.

States would have increased flexibility to waive portions of the IV-E foster care program in order to provide services and payments to kinship care placements. Without these payments, many grandparents simply cannot afford to care for their grandchildren.

We clearly need this legislation. Increasingly grandparents are being called upon to raise grandchildren of all ages. Between 1986 and 1990, the number of foster care children under the care of relatives jumped from 18 percent to 31 percent. Between 1985 and 1990, the number of children in foster care increased by 47 percent while the number of foster families decreased by 27 percent. Furthermore, when a child must be removed from his or her parents, placing the child with a caring relative helps keep the family together and limits disruption to the child's life.

The overwhelming majority of grandparents raising children must do so on limited incomes. Ironically, relatives who want to care for the child often find themselves burdened with legal and bureaucratic paperwork and regulation, and they lack the support services available to regular foster care families.

Kinship care could be considered a long-term placement option for the States. In order to be considered an eligible family for kinship care placements under this bill, certain criteria must be met. The child must be removed from the home as a result of a judicial determination that continuation in the home would be contrary to the welfare of the child, the child would otherwise be placed in foster care and that there are adult relatives willing to provide safe and appropriate care for the child.

CBO examined this amendment and it is revenue neutral, because States would incorporate kinship care into their child welfare system. States would evaluate their kinship care system for outcomes for children and families, safety of the children, and cost savings.

At the end of 4 years the Secretary of Health and Human Services would evaluate the State kinship care demonstrations and recommend legislative changes based on their evaluations. My State of Maryland is one of the four States that already has a kinship care waiver and the reports have been quite positive.

I have heard from grandparents who desperately want to provide their grandchildren a loving, supportive and safe home, and I am sure that my colleagues have. Because of burdensome regulations, these children end up in the expensive foster care system. This amendment would allow any State, by going through the waiver process, to help families to rely on their own family members as resources when a child is legally separated from his or her parents.

Mr. CAMP. Mr. Chairman, I move to strike the last word.

I do not oppose the amendment but there are some additional considerations that should be taken into account. The committee has been very concerned about kinship care for several years. In many cases kinship care is an excellent response to a child's situation. But kinship care does come with great cost and there is reason to wonder if kinship care placements are always the best for children. We need more information about the reasons for kinship care, the characteristics of the kinship settings in which children are placed, and the impact those settings have on children's development.

To get more information, we ask for a study in this legislation. Demonstrations of the type the gentlewoman from Maryland [Mrs. MORELLA] is seeking also have the potential to provide valuable information. The committee bill authorizes 5 new waiver demonstration projects, and why do we not require that at least one of those be addressed to kinship care?

Mrs. KENNELLY of Connecticut. Mr. Chairman, will the gentleman yield?

Mr. CAMP. I yield to the gentlewoman from Connecticut.

Mrs. KENNELLY of Connecticut. Mr. Chairman, I take this opportunity to compliment the gentlewoman from Maryland on her work in this area in this body and the work she has done in her own State of Maryland. I also would like to compliment her because she personally in her life has understood the importance of family in these types of situations, as she provided a loving home for her nieces and nephews. I want to compliment her for taking this work in her own life and her own family out into the United States of America.

Mrs. MORELLA. Mr. Chairman, will the gentleman yield?

Mr. CAMP. I yield to the gentlewoman from Maryland.

Mrs. MORELLA. Mr. Chairman, I thank the gentlewoman from Connecticut [Mrs. KENNELLY] for her very kind words and for the work that she has done on this committee, and the gentleman from Michigan [Mr. CAMP] for the wonderful work he has done.

I do want to announce that as of a week and a half ago I became a grandmother for the 15th time, so I can understand certainly grandparents who really want to have an involvement in bringing up and a need to bring up their children's children.

I want to, in light of what the gentleman from Michigan [Mr. CAMP] has said, I will ask unanimous consent to withdraw my amendment and to offer a new amendment that would add language to section 11 to require that at least one of the five new waiver demonstrations be addressed to kinship care.

Mr. Chairman, I ask unanimous consent to withdraw my amendment.

The CHAIRMAN. Is there objection to the request of the gentlewoman from Maryland?

There was no objection.

Mr. CAMP. Mr. Chairman, I move to strike the last word, and I yield to the gentlewoman from Connecticut [Mrs. JOHNSON].

Mrs. JOHNSON of Connecticut. Mr. Chairman, I thank the gentleman for yielding to me.

I thank the gentlewoman from Maryland [Mrs. MORELLA] for withdrawing her amendment and bringing forward an amendment to dedicate one of the demonstration projects in the bill to kinship care. There are six States that have Federal waivers to demonstrate innovative approaches to providing child welfare services, including through kinship care. Indeed, there has been a lot of work on this matter and in many States and some creative programs developed which deserve the attention of the committee.

I also would like to call attention to another matter that is related to that brought up by this amendment. That is the option of independent living programs as a kind of placement for older children who have been in foster care for many years. My colleague, the gentleman from Indiana [Mr. BURTON], talked about the scarring that bouncing from foster care home to foster care home can leave on a young person, and indeed that scarring is deep and debilitating and can destroy their opportunity to pursue life in a way that would realize their abilities and their dreams.

Nonetheless there are many children in the system at this time. He pointed

to 15,000, but there are many children in the system at this time who have been in foster care for many years who have bounced from home to home. Some of these children are finding a new opportunity in what we call the independent living program that provides a stipend, guidance, education, and helps these young people at a high school age learn to live on their own and enjoy the support of one another as they make that transition from high school into the work force. We need to extend this program. We need to recognize it, I think, with the same validity that we recognize foster care placements or even adoptive placements and give it the kind of support and investment that it deserves.

In many instances as they look at kinship care and the opportunities that it provides within the foster care and adoption system, I would urge that they look also at the independent living program as another alternative to adoption and/or reunification because it is for many adolescents the best option and deserves our support. I yield back to the author of the bill.

Mr. CAMP. I thank the gentlewoman for her comments.

AMENDMENT OFFERED BY MRS. MORELLA

Mrs. MORELLA. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mrs. MORELLA:

Section 11 is amended to read as follows:

SEC. 11. AUTHORITY TO APPROVE MORE CHILD PROTECTION DEMONSTRATION PROJECTS.

Section 1130(a) of the Social Security Act (12 U.S.C. 1820a–9(a)) is amended—

(1) by striking ''10'' and inserting ''15''; and

(2) by adding at the end the following: ''At least 1 of the demonstration projects approved on or after October 1, 1997, shall address kinship care.''.

Mrs. MORELLA (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentlewoman from Maryland?

There was no objection.

Mrs. MORELLA. Mr. Chairman, my explanation is shorter than the language of reading the amendment. It is a new amendment that would simply add language to section 11 that would require that at least one of the 5 new waiver demonstrations be addressed to kinship care.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from Maryland [Mrs. MORELLA].

The amendment was agreed to.

□ 1315

AMENDMENT OFFERED BY MS. EDDIE BERNICE JOHNSON OF TEXAS

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Ms. EDDIE BERNICE JOHNSON of Texas:

At the end of section 12(b), add the following:

(7) Assistance in establishing outreach programs to help States better identify and recruit minority families to adopt children.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman, I offer this amendment, and I will pull it down at the end of the discussion, to add a section that allows the development of programs for outreach for informing special minority families about the opportunities to adopt. Very, very frequently this information is not known and many times they do not know where to get it to see about adoption.

When I was growing up, which was a long time ago, my parents brought in three extra children. We never got them adopted. I am a second child, and after me they did not have another child for 8 years, and after that another one after another 8 years. But in the meantime, between these births, we had at least three children in the home and never formally adopted them.

When I became an adult and had one child and could not have another child, I wanted to adopt but I did not have the information, was not quite sure what it meant, and so we went to an orphan home and brought a young child home each weekend. If I had had access to information that would inform and allay fears and say what some of the expectations are, adoptions could have taken place.

I think there are a number of minorities in that position, that really want to adopt but are a little fearful, not quite sure how to get started, and this just adds another development onto the six that simply allows the development of programs that would do outreach. It could be in the form of a brochure or an 800 number or any other type of outreach activity, such as radio announcements.

Mr. Chairman, I simply wanted to call that to Members' attention.

Mrs. KENNELLY of Connecticut. Mr. Chairman, will the gentlewoman yield?

Ms. EDDIE BERNICE JOHNSON of Texas. I yield to the gentlewoman from Connecticut.

Mrs. KENNELLY of Connecticut. Mr. Chairman, I agree that we should do more to help minority families adopt children. I commend the gentlewoman for the amendment that she was going to put forth and for her willingness to withdraw the amendment.

It has been understood today that the bill we have before us will provide a statute, a basis on which we can continue to improve the foster care and permanent adoption situation in these United States, and I look forward to working with the gentlewoman from Texas on her amendment, which then can be part of a future bill that addresses this very important situation. And I thank the gentlewoman for her understanding today.

Mr. CAMP. Mr. Chairman, will the gentlewoman yield?

Ms. EDDIE BERNICE JOHNSON of Texas. I yield to the gentleman from Michigan.

Mr. CAMP. Mr. Chairman, I would again echo the comments of my colleague from Connecticut and appreciate the gentlewoman's willingness to withdraw the amendment and look forward to working with her regarding her efforts in this matter.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman, reclaiming my time, I thank the gentleman, and allow me to thank the author of this legislation and the gentlewoman from Connecticut [Mrs. KENNELLY] for bringing this piece of legislation forward.

It is the best piece of legislation I have seen that addresses adoptions. I appreciate it.

Mr. Chairman, I ask unanimous consent to withdraw the amendment.

The CHAIRMAN. Is there objection to the request of the gentlewoman from Texas?

There was no objection.

AMENDMENT OFFERED BY MS. JACKSON-LEE OF TEXAS

Ms. JACKSON-LEE of Texas. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Ms. JACKSON-LEE of Texas:

Add at any appropriate place the following:

SEC. CRIMINAL RECORDS CHECKS FOR PROSPECTIVE FOSTER AND ADOPTIVE PARENTS AND GROUP CARE STAFF

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

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

(2) in paragraph (19), by striking the period and inserting ''; and ''; and

(3) by adding at the end the following:

''(20) at the option of the State, provides procedures for criminal records checks and checks of a State's child abuse registry for any prospective foster parent or adoptive parent, and any employee of a child-care institution before the foster care or adoptive parent, or the child-care institution may be finally approved for placement of a child on whose behalf foster care maintenance payments or adoption assistance payments are to be made under the State plan under this part, including procedures requiring that—

''(A) in any case in which a criminal record check reveals a criminal conviction for child abuse or neglect, or spousal abuse, a criminal conviction for crimes against children, or a criminal conviction for a crime involving violence, including rape, sexual or other assault, or homicide, approval shall not be granted; and

''(B) in any case in which a criminal record check reveals a criminal conviction for a felony or misdemeanor not involving violence, or a check of any State child abuse registry indicates that a substantiated report of abuse or neglect exists, final approval may be granted only after consideration of the nature of the offense or incident, the length of time that has elapsed since the commission of the offense or the occurrence of the incident, the individual's life experiences during the period since the commission of the offense or the occurrence of the incident, and any risk to the child.''.

Ms. JACKSON-LEE of Texas (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentlewoman from Texas?

There was no objection.

Ms. JACKSON-LEE of Texas. Mr. Chairman, first of all let me thank the gentleman from Michigan [Mr. CAMP] certainly for the persistence on legislation that is so extremely crucial to putting our children first.

Let me acknowledge also the ongoing and continuous leadership of the gentlewoman from Connecticut [Mrs. KENNELLY] on this issue that has been an abiding issue with her for many, many years.

I am very pleased and appreciate very much the staff of both Members working with me, as a member of the House Committee on the Judiciary, on an issue that we see in other forms, and that is to assist this process of protecting our children by providing for criminal record checks for prospective foster and adoptive parents and group care staff.

It is well known that adoption is only surpassed by the Government's recognition and sanction of marriage as a publicly recognized function of Government and the procreation of families in our society. In fact, in 1994, 442,218 of our Nation's children lived in the foster care system. In 1994, 3.1 million cases of abused and neglected children were reported in the United States, and an estimated 1 million cases were confirmed.

In 1993, the data indicated 49 percent of the children abused were neglected, 24 percent were physically abused, 14 percent were sexually abused, 5 percent suffered emotional mistreatment, and 2 percent suffered medical neglect. This legislation in and of itself will thwart some of these tragic occurrences. In 1993 an average of five children died each day, another 140,000 were seriously injured and many were disabled for life.

Having, however, chaired the Foster Parent Retention and Recruitment Committee for Harris County in Texas, I know the good people that are foster parents and the good people who seek to adopt. This is not an amendment that speaks to them, but it does speak to the safety of our children.

According to the American Public Welfare Association, 450,000 live in foster care at any given moment, and as many as 600,000 children live in foster care during the course of any given year. Certainly this major legislation today will help diminish that number. However, we want to make sure that these caretakers have the kinds of background checks that will ensure the safety of our children.

Let me conclude by saying in my home State of Texas the number of children under the age of 18 living in foster care in 1993 was 10,880. This represents an increase of 62.4 percent from 1990, and the number continues to climb.

This amendment, which is by State option and therefore does not incur any additional cost to this legislation, will allow States to have the option to check the backgrounds of the individuals who will be the caretakers for our most precious resources in the United States.

Mr. Chairman, I ask my colleagues to support this amendment, and I thank the ranking member, and I thank the chairlady of the particular subcommittee, I am giving her that title because that is what she is to me, the gentlewoman from Connecticut, but I thank the chairperson, the gentleman from Michigan [Mr. CAMP] for his kindness.

Mr. Chairman, I rise today to speak in favor of the institution of adoption.

Adoption is only surpassed by the Government's recognition and sanction of marriage as a publicly recognized function of Government and the procreation of families in our society.

The work that Congresswoman BARBARA KENNELLY has done in bringing H.R. 867 to the floor, only highlights the well established role that Government has in the facilitation of adoptions in this country.

In 1995, 494,000 of our Nation's children lived in the foster care system.

As we work to address the need to find and place these children with parents and families who will love and care for them, we must be sure to address the need to protect these children from unforseen dangers.

Requiring criminal records checks for prospective foster and adoptive parents and group care staff will go a long way to ensure that adoptive parents are prepared and suitable parents.

Adoption is not a right in our society, but an honor. The children in foster care or who are being placed for adoption, deserve the extra care that can be demonstrated by conducting criminal background checks on perspective parents.

In 1994, 3.1 million cases of abused and neglected children were reported in the United States, and an estimated 1 million cases were confirmed.

The 1993 data indicated that 49 percent of the children were neglected, 24 percent were physically abused, 14 percent were sexually abused, 5 percent suffered emotional mistreatment, and 2 percent suffered medical neglect.

In 1993 an average of 5 children died each day, and another 140,000 were seriously injured while many were disabled for life.

This amendment would ensure that prospective adoptive parents were suitable caregivers and safe adoptive parents for children.

According to the American Public Welfare Association [APWA], about 450,000 children live in foster care at any given moment, and as many as 600,000 children live in foster care during the course of any given year.

In my home State of Texas, the number of children under the age of 18 living in foster care in 1993 was 10,880. This represents an increase of 62.4 percent from 1990, and the number continues to climb. Similarly, the number of children living in a group home in 1990 was 13,434. Approximately one-half of these 13,434 children are minorities. Studies have shown that minority children wait longer to be adopted than do white children.

I hope that my colleagues can support this effort to strengthen a very strong measure to open the avenue of adoption and placement of children who are in need of families.

Mrs. KENNELLY of Connecticut. Mr. Chairman, will the gentlewoman yield?

Ms. JACKSON-LEE of Texas. I yield to the gentlewoman from Connecticut.

Mrs. KENNELLY of Connecticut. I agree with the gentlewoman from Texas, Mr. Chairman, and as she states, she wants to make sure that troubled children get into foster homes, and I would like to join with her. As I have said earlier today, we cannot emphasize enough the number of people who are involved in foster care and the very good jobs they are doing, but they more than anybody else want to make sure that every foster care home is a safe home.

I do want to thank the gentlewoman from Texas, and I also want to thank the Committee on the Judiciary, and I will take this opportunity to thank the gentleman from Massachusetts, Mr. [WILLIAM DELAHUNT], for his work on an amendment which also will be looked at in the future.

I appreciate the concern and the involvement of other Members of this body who wanted amendments but made it possible for us to keep this very, very important balance today, to have a new beginning in looking at foster care and the protection of children.

Ms. JACKSON-LEE of Texas. Mr. Chairman, reclaiming my time, I thank all those that have worked with me on this amendment.

Mr. SHAW. Mr. Chairman, I rise in support of the amendment, but I want to address this question to the author of the amendment:

As I understand the printed amendment, the typed amendment has been modified to provide that this is at the option of the State; is that correct?

Ms. JACKSON-LEE of Texas. Mr. Chairman, will the gentleman yield?

Mr. SHAW. I yield to the gentlewoman from Texas.

Ms. JACKSON-LEE of Texas. Absolutely.

Mr. SHAW. Mr. Chairman, reclaiming my time, I bring that up only because the House now has rulings pertaining to unfunded mandates. And even though I think this is a very good amendment, and one that adds to the bill, I just wanted to be sure that we did not fall into that trap.

I compliment the gentlewoman for her amendment and urge its support.

Mr. CAMP. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I wanted to comment on this amendment and the fact that it is critical that foster homes be safe for children. States already have the discretion to conduct background checks and licensing of foster parents, and many States do conduct background checks for people who work with children.

I want to point out for the RECORD that the amendment is permissive. It is at the option of the State. But if it were not, if it were mandatory, the cost to the State, according to the General Accounting Office, is about $20 for each check; and States could be, if this were mandatory, required to spend hundreds or thousands of dollars because of this amendment.

I know that activities are ongoing through Federal, State and local law enforcement agencies to improve the quality of the data they receive in these background checks, but I think the change that was made is a positive one and I would, for the RECORD, state that I support the amendment.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman, I move to strike the requisite number of words.

I rise to address a question to the gentleman from Michigan relating to elderly caregivers. I need to ask the question as to whether or not there is protection for older caregivers who have retired or who are disabled and taking care of minor children where they might need aid to dependent children.

What provision do we find anywhere in the law that protects them from having the 2-year limit on aid to dependent children?

Mr. CAMP. Mr. Chairman, will the gentlewoman yield?

Ms. EDDIE BERNICE JOHNSON of Texas. I yield to the gentleman from Michigan.

Mr. CAMP. Mr. Chairman, I thank the gentlewoman for yielding.

States already, in the first year, would be able to exempt 75 percent of their case load from the work requirement and would be able to make the decision as to which individuals, if it is grandparents or elderly caregivers, would be able to be exempt from that work requirement.

When the work requirement is fully implemented, it will still be 50 percent of the case load that States will be able to make the decision to exempt. They have the authority to do that now. Even under the 5-year time limit, which is a separate part of the welfare bill, States would be able to exempt up to 20 percent of their case load from the time limit requirement. So it is going to be up to States to make that decision on which individuals.

I appreciate the gentlewoman's bringing this to the floor and expressing her concern to the House over this issue, but there are provisions in the bill giving quite a bit of discretion with the State government to make those decisions.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman, reclaiming my time, I think that explanation really takes care of my concern that there will not be 50 or 75 percent. So I think that will be enough percentage to allow them to be protected.

I thank the gentleman for that response.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from Texas [Ms. JACKSON-LEE].

The amendment was agreed to.

The CHAIRMAN. Are there further amendments?

AMENDMENT OFFERED BY MRS. MALONEY OF NEW YORK

Mrs. MALONEY of New York. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mrs. MALONEY of New York:

At the end of the bill, add the following (and conform the table of contents accordingly):

SEC. 16. STANDBY GUARDIANSHIP.

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

(1) the death of the parent;

(2) the mental incapacity of the parent; or

(3) the physical debilitation and consent of the parent.

Mrs. MALONEY of New York (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentlewoman from New York?

There was no objection.

Mrs. MALONEY of New York. Mr. Chairman, this sense of Congress resolution addresses the needs of 85,000 to 125,000 children who will be left motherless by AIDS by the end of this decade. The tragedy is enormous, but even worse, many of these children will be forced into foster care homes at the most vulnerable moment of their lives simply because most State laws prevent parents from naming guardians for their children in advance of their death.

□ 1330

As the Journal of the American Medical Association noted in December 1992, ''Every State should review its existing guardianship laws, many of which leave children in legal limbo at the time of a parent's death, even when a guardian has been named in the parent's will.''

Standby guardianship laws would require just such a review by closing legal gaps which have failed vulnerable children and their families and allowing parents to choose standby guardians without giving up their parental rights. Using a simple process, standby guardians can be pre-approved by the courts and take on the responsibility of caring for their charges immediately upon the death or incapacitation of the ill parent.

This sense of Congress, if enacted into law, could save States and the Federal Government money by reducing the amount of time children spend in the incredibly expensive and sometimes destructive foster care system. But very importantly it provides peace of mind to desperate parents by resolving custody issues while they can have their input into the future of their children and, most importantly, it will keep children out of foster care and move them into permanent homes with their parents' input.

AIDS is now the leading cause of death among women aged 15 to 44. By the end of this century, current studies estimate that as many as 125,000 children will be orphaned by AIDS. I think these numbers indicate clearly that the scope of this problem is nationwide and the need for standby guardianship laws is growing.

It is now time for this issue to be addressed at a national level. This sense of Congress resolution is a start.

The resolution would recommend that all States amend their custody laws to allow for standby guardianship designation. Custody issues remain the province of each individual State. Standby guardianship is a timely concept for a difficult time. Standby guardianship laws present a unique opportunity to act proactively against a growing problem in child welfare. That is why I am urging all of my colleagues to support this bipartisan sense of Congress. I hope that it will be supported.

I would like to compliment the gentlewoman from Connecticut [Mrs. KENNELLY] and the gentleman from Michigan [Mr. CAMP] for their very important work on this bill.

Mrs. KENNELLY of Connecticut. Mr. Chairman, will the gentlewoman yield?

Mrs. MALONEY of New York. I yield to the gentlewoman from Connecticut.

Mrs. KENNELLY of Connecticut. I thank the gentlewoman for yielding.

Mr. Chairman, I agree we need to remove legal barriers that might prevent children from going to a caring guardian when a parent dies. I therefore support the sense of Congress on urging States to adopt standby guardians and thank the gentlewoman from New York [Mrs. MALONEY] for her work.

Mrs. JOHNSON of Connecticut. Mr. Chairman, will the gentlewoman yield?

Mrs. MALONEY of New York. I yield to the gentlewoman from Connecticut.

Mrs. JOHNSON of Connecticut. Mr. Chairman, I commend the gentlewoman from New York [Mrs. MALONEY]. This is a very important sense of Congress. It is imperative that States recognize the seriousness of the problem of AIDS, women and children, 125,000 children to be orphaned by AIDS. Indeed we need to know that, we need to deal with that and States need to modernize their laws to address this issue.

The 50 States at this time do deal with guardianship as well as custody issues in different fashions. Sometimes radically different mechanisms are used to govern these difficult situations. Therefore, it is hard at this time to write a Federal statute, even if it were desirable, to deal with such delicate and personal situations. But it is important to recognize the criticalness of these arrangements and the forethought that must be given where death of a parent is a real, tragic possibility.

I am sure that the gentleman from Michigan [Mr. CAMP] and his subcommittee will oversee the response of the States to this sense of Congress, because if they do not move forward with modernizing their guardianship statutes, then indeed we will have to look how do we do this from Washington, DC. These are very delicate arrangements, they are hard to develop,

they need forethought, they need a good structure of law to protect the interests of the children and other family members. I think it is better done from the State, but we must oversee that this does happen from Washington.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I move to strike the last word.

Again, Mr. Chairman, I would like to thank the gentlewoman from New York [Mrs. MALONEY] and the gentlewoman from Connecticut [Mrs. JOHNSON] and would like to join them in this sense-of-Congress resolution on this very important issue and again thank the gentlewoman from Connecticut [Mrs. Kennelly], the gentleman from Michigan [Mr. CAMP], and the gentleman from Florida [Mr. SHAW] for their leadership on the overall issue of the protection of our children.

I rise today in support of the sense-of-Congress resolution allowing parents to choose standby guardians for their children in advance of their death. This is an important and compassionate piece of legislation. If I might add a personal anecdote as a practicing lawyer in the family courts of Texas, this is a rising crisis that we face. It is a great tragedy in the life of a small child to lose a parent through illness. AIDS is certainly a nationwide epidemic and confronting young parents on a daily basis.

Often the child is too young to understand anything other than the fact that the person who has been the center of their world, their caretaker, is gone. It is at this time in their lives that children most need a caring and supportive environment. Unfortunately, this is too often a time when a young child is taken from his home and placed in a foster family. In many cases, this is because State law prevented the child's parents from naming a guardian for their child in advance of their death.

In speaking to the gentlewoman from New York [Mrs. MALONEY], it was evident that in many jurisdictions this happens far too frequently, and it certainly happens frequently in the crisis that occurs when loved ones are stricken with AIDS.

This legislation will provide a caring guardian for the child upon the death of that child's parents. In so doing, it will ease the child's trauma at their parent's death by allowing the child's guardian to establish a relationship before the parent's death and to be there while that child is grieving.

Standby guardianship will also allow the parent the comfort and knowledge of providing a safe future for their children. It must be terribly painful to experience for a parent to leave their young child behind. We can help to ease that pain by letting the parent be an active participant in resolving the custody of their children.

According to the Journal of the American Medical Association, noted in December 1992, many States ''leave children in legal limbo at the time of a parent's death, even when a guardian has been named in that parent's will.''

So we see that that is not a solution. I therefore encourage my colleagues to support this sense of Congress resolution.

As I close, Mr. Chairman, let me also state that I look forward to working with the gentlewoman from Connecticut [Mrs. KENNELLY], with the gentleman from Michigan [Mr. CAMP], and the gentleman from Florida [Mr. Shaw], along with the Congressional Children's Caucus, on issues to provide for treatment for those parents, foster parents, adoptive parents who tragically may have had a bout with drug abuse, and also then to as well ensure that we look favorably at making sure that diversity in this country is received in the adoptive process and that the child's cultural background be part of our sensitivity.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from New York [Mrs. MALONEY].

The amendment was agreed to.

Mr. SHAW. Mr. Chairman, I move to strike the last word.

Mr. Chairman, people who are observing this meeting today probably think they have the wrong parliamentary body when they see the great agreement that this House has risen to by unanimously supporting this and by working out the various amendments. This did not come by happenstance, I would like to say, however. It came from very close work from the Democrat and the Republican side of the aisle, with the gentleman from Michigan [Mr. CAMP] taking the reins for the Republican side and the gentlewoman from Connecticut [Mrs. KENNELLY] the Democrat side.

It shows, I think, when you find that there is a problem out there and you decide that we are not going to be running down the road on a partisan horse trying to press our will upon each other, what we can do. It also, I think, shows the tremendous amount of good staff work that we have had going into this bill.

I would like to compliment the staffs on both sides of the aisle. I would particularly like to point out Dr. Cassie Bevan for the tremendous work that she has done on this bill. She has a reputation of herself, a well-deserved reputation. She has done many writings and is recognized as an expert on this particular subject nationwide. We are very fortunate, I think, to have staff with particularly background information. We have seen this with other bills that have been passed, and I recognize other members of the staff on both sides of the aisle in being able to bring bills to the floor, being able to dig through the process and be sure that what we pass here is a good product, but this particularly with the Camp-Kennelly bill. We are going to be able to pass a bill today that is really going to help the most fragile among us, and those are the kids that are lingering in foster care, which is a national tragedy.

Again, we have 500,000 children across this country who are hungering for a home and a life-style and some structure in their life. This is a tremendous step forward, and I think that it is one of the finest hours of this Congress. I compliment all of the people who were involved in putting this bill together, and I urge its adoption.

The CHAIRMAN. Are there any further amendments?

If not, the question is on the committee amendment in the nature of a substitute, as modified, as amended.

The committee amendment in the nature of a substitute, as modified, as amended, was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker pro tempore (Mrs. MORELLA) having assumed the chair, Mr. ROGAN, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 867) to promote the adoption of children in foster care, pursuant to House Resolution 134, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the committee amendment in the nature of a substitute adopted by the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. CAMP. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 416, nays 5, not voting 12, as follows:

[Roll No. 96]

YEAS—416

Abercrombie	Barcia	Berman
Ackerman	Barr	Berry
Aderholt	Barrett (NE)	Bilbray
Andrews	Barrett (WI)	Bilirakis
Archer	Bartlett	Bishop
Armey	Barton	Blagojevich
Bachus	Bass	Bliley
Baesler	Bateman	Blumenauer
Baker	Becerra	Blunt
Baldacci	Bentsen	Boehlert
Ballenger	Bereuter	Boehner

Bonilla
Bono
Borski
Boswell
Boucher
Boyd
Brady
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Capps
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Dellums
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Ensign
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Filner
Flake
Foglietta
Foley
Forbes
Ford
Fowler
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Hefner
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kim
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Lantos
Largent
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Lowey
Lucas
Luther
Maloney (CT)
Maloney (NY)
Manton
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDade
McDermott
McGovern
McHale
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek
Menendez
Metcalf
Mica
Millender-McDonald
Miller (CA)
Miller (FL)
Minge
Moakley
Molinari
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Owens
Oxley
Packard
Pallone
Pappas
Parker
Pascrell
Pastor
Paxon
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Pomeroy
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Reyes
Riggs
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryun
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Schumer
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Stokes
Strickland
Stupak
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson
Thornberry
Thune
Thurman
Tiahrt
Tierney
Torres
Towns
Traficant
Turner
Upton
Velazquez
Vento
Visclosky
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Weygand
White
Whitfield
Wicker
Wise
Wolf
Woolsey
Wynn
Yates
Young (AK)
Young (FL)

NAYS—5

Campbell
Manzullo
McIntosh
Mink
Paul

NOT VOTING—12

Allen
Bonior
Engel
English
Green
Herger
John
Lewis (GA)
Porter
Schiff
Stump
Wexler

□ 1404

Mr. JACKSON of Illinois and Mr. EVANS changed their vote from ''nay'' to ''yea.''

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. ENGLISH of Pennsylvania. Mr. Speaker, I was unavoidably detained during the rollcall vote on H.R. 867, the Adoption Promotion Act of 1997. If I had been present, it was my intention to vote ''aye'' because I strongly support the legislation.

I ask that my statement appear in the RECORD after the vote.

PERSONAL EXPLANATION

Mr. GREEN. Mr. Speaker, I was unavoidably detained in my district both yesterday and this morning. On rollcall votes 92, 93, 94, 95, and 96, if I had been present, I would have voted ''aye'' on 92, ''aye'' on 93, ''aye'' on 94, ''aye'' on 95, and ''aye'' on 96.

I ask that my statement appear in the RECORD immediately following the recorded votes.

GENERAL LEAVE

Mr. CAMP. Madam 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.R. 867, the bill just passed.

The SPEAKER pro tempore (Mrs. MORELLA). Is there objection to the request of the gentleman from Michigan?

There was no objection.

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN THE ENGROSSMENT OF H.R. 867, ADOPTION PROMOTION ACT OF 1997

Mr. CAMP. Madam Speaker, I ask unanimous consent that in the engrossment of the bill, H.R. 867, the Clerk be authorized to correct section numbers, punctuation, and cross references and to make such other technical and conforming changes as may be necessary to reflect the actions of the House in amending the bill.

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

There was no objection.

HOUSING OPPORTUNITY AND RESPONSIBILITY ACT OF 1997

Mr. DREIER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 133 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 133

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the state the Union for consideration of the bill (H.R. 2) to repeal the United States Housing Act of 1937, deregulate the public housing program and the program for rental housing assistance for low-income families, and increase community control over such programs, and for other purposes. The first reading of the bill shall be dispensed with. Points of order against consideration of the bill for failure to comply with clause 2(l)(6) of rule XI of clause 7(b) or rule XIII are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Banking and Financial Services. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Banking and Financial Services now printed in the bill. The committee amendment in the nature of a substitute shall be considered by title rather than by section. Each title shall be considered as read. Points of order against the committee amendment in the nature of a substitute for failure to comply with clause 5(a) of rule XXI are waived. Before consideration of any other amendment it shall be in order to consider the amendment printed in the Congressional Record of April 29, 1997, pursuant to clause 6 of rule XXIII, if offered by Representative Lazio of New York or his designee. That amendment shall be considered as read, shall be debatable for ten minutes equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against that amendment are waived. If that amendment is adopted, the bill, as amended, shall be considered as the original bill for the purpose of further amendment. During further consideration of