

H.R. 1228: Mr. OWENS.
 H.R. 1232: Mr. SOLOMON, Mr. DEUTSCH, Ms. RIVERS, Mr. KUCINICH, and Mr. BOYD.
 H.R. 1234: Mr. PAYNE, Mr. FILNER, Ms. WATERS, Ms. NORTON, Mr. WATT of North Carolina, Mr. FORD, Mr. LEWIS of Georgia, and Ms. CHRISTIAN-GREEN.
 H.R. 1260: Mr. TORRES, Ms. VELAZQUEZ, Mr. MORAN of Virginia, Mr. GREEN, Mr. OXLEY, Mr. DELAY, Mr. RANGEL, Mr. MEEHAN, Mr. BISHOP, Mr. GREENWOOD, Mr. LEVIN, Mr. BILBRAY, Mr. CUMMINGS, Mr. WYNN, Mr. MOAKLEY, and Mr. MATSUI.
 H.R. 1270: Mr. SOLOMON, Mr. PAXON, Ms. STABENOW, and Mr. WHITE.
 H.R. 1283: Mr. DAVIS of Virginia, Mr. DOOLITTLE, Mr. EHLERS, Mr. SHADEGG, Mr. GILLMOR, Mr. FAWELL, Ms. DUNN of Washington, Mr. COLLINS, and Mr. MCINTOSH.
 H.R. 1288: Mr. FALEOMAVAEGA and Ms. SLAUGHTER.
 H.R. 1321: Mr. HAMILTON, Mr. BEREUTER, and Mr. MEEHAN.
 H.R. 1322: Mr. CONDIT, Ms. MOLINARI, and Mr. SAXTON.
 H.R. 1323: Ms. LOFGREN and Ms. SLAUGHTER.
 H.R. 1342: Mr. NETHERCUTT, Mr. HILL, Mr. MORAN of Kansas, Mr. BARRETT of Nebraska, Mr. BOB SCHAFFER, Mr. CHAMBLISS, Mr. LUCAS of Oklahoma, Mr. THUNE, Mr. COMBEST, and Mrs. CHENOWETH.
 H.R. 1349: Ms. LOFGREN, Mr. FILNER, and Mr. RUSH.
 H.R. 1360: Ms. MOLINARI, Ms. LOFGREN, and Mr. STARK.
 H.R. 1369: Mr. ENGLISH of Pennsylvania, Mr. SMITH of New Jersey, Mr. FROST, and Mr. WHITFIELD.
 H.R. 1375: Mr. BISHOP, Mr. MASCARA, Mr. EHLERS, and Mr. MCCOLLUM.
 H.R. 1376: Mr. TORRES, Mr. MANTON, Mr. MENENDEZ, Mr. RUSH, and Mr. BARRETT of Wisconsin.
 H.R. 1378: Mr. NORWOOD, Mr. DOOLITTLE, Mr. GRAHAM, Mr. RIGGS, Mr. BALLENGER, Mr. DICKEY, Mr. SNOWBARGER, Mr. SKEEN, Mr. COLLAHAN, Mrs. NORTUP, Mr. BONO, Mr. ROHRBACHER, Mr. PAUL, Mr. GREENWOOD, Mr. SESSIONS, Mr. WHITE, Mr. GIBBONS, Mr. BRYANT, Mr. EVERETT, Mr. DAVIS of Virginia, Mr. COOK, Mr. BUNNING of Kentucky, Mr. WAMP, Mrs. FOWLER, Mr. GOSS, Mr. CHAMBLISS, Mr. MCINTOSH, Mr. LATHAM, Mr. DUNCAN, Mr. LUCAS of Oklahoma, and Mr. BLUNT.
 H.R. 1438: Mr. LUTHER, Ms. RIVERS, Ms. LOFGREN, Mrs. MORELLA, and Mr. PETRI.
 H.R. 1450: Ms. KAPTUR.
 H.R. 1456: Mr. COMBEST.
 H.J. Res. 54: Mr. MCGOVERN and Mr. MOAKLEY.
 H.J. Res. 71: Mr. CONDIT, Ms. MOLINARI, and Mr. SAXTON.
 H. Con. Res. 13: Mr. ENGLISH of Pennsylvania, Mrs. THURMAN, Mr. LAFALCE, Mr. DEUTSCH, Mr. WELDON of Pennsylvania, Mrs. JOHNSON of Connecticut, Mr. CAPPS, Mr. DUNCAN, Mr. SISISKY, Mr. BARCIA of Michigan, Mr. BLAGOJEVICH, and Mr. LAMPSON.
 H. Con. Res. 23: Mr. WATT of North Carolina.
 H. Con. Res. 40: Mr. PRICE of North Carolina and Mr. BLUMENAUER.
 H. Con. Res. 52: Mr. BALDACCI, Mr. NEY, Mr. HILLIARD, Mr. ADAM SMITH of Washington, Mr. FORBES, Mr. BENTSEN, Ms. LOFGREN, and Mr. GREEN.
 H. Con. Res. 65: Mr. DICKS, Mr. ALLEN, Ms. LOFGREN, and Mr. ADAM SMITH of Washington.
 H. Res. 38: Mr. MILLER of California, Mr. EHRlich, Mrs. MALONEY of New York, Mr. GOODLATTE, Mr. REYES, Mrs. KENNELLY of Connecticut, Mr. MALONEY of Connecticut, Mr. DAVIS of Illinois, Mr. MOAKLEY, Mr. WEYGAND, Ms. MILLENDER-MCDONALD, Mr. PAYNE, Mr. NEAL of Massachusetts, Mr. HINOJOSA, and Mr. KILDEE.

H. Res. 39: Mr. KUCINICH.
 H. Res. 96: Mr. WAXMAN, Mrs. MINK of Hawaii, Ms. FURSE, Mr. SHAYS, Mrs. MORELLA, Mr. ALLEN, and Mr. EVANS.
 H. Res. 131: Ms. WOOLSEY, Mr. FILNER, Mr. MARTINEZ, Mr. MATSUI, Ms. CHRISTIAN-GREEN, Mr. FROST, and Ms. SLAUGHTER.
 H.R. 695: Mr. SOLOMON.
 H.R. 1031: Mrs. CLAYTON.

WEDNESDAY, APRIL 30, 1997 (40)

The House was called to order by the SPEAKER.

40.1 APPROVAL OF THE JOURNAL

The SPEAKER announced he had examined and approved the Journal of the proceedings of Tuesday, April 29, 1997.

Pursuant to clause 1, rule I, the Journal was approved.

40.2 COMMUNICATIONS

Executive and other communications, pursuant to clause 2, rule XXIV, were referred as follows:

3040. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Revision of New Source Performance Standards for the Phosphate Fertilizer Industry: Granular Triple Superphosphate Storage Facilities [FRL-5811-1] (RIN: 2060-AH16) received April 29, 1997, pursuant to 5 U.S.C. 801 (a)(1)(A); to the Committee on Commerce.

3041. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Clean Air Act Approval and Promulgation of State Implementation Plan for North Dakota; Revisions to the Air Pollution Control Rules [ND8-1-7233a & ND-001-0001a; FRL-5812-3] received April 29, 1997, pursuant to 5 U.S.C. 801 (a)(1)(A); to the Committee on Commerce.

3042. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—OMB Approval Number Under the Paperwork Reduction Act; Regulation of Fuels and Fuel Additives; Gasoline Deposit Control Additive Regulation [FRL-5811-6] received April 29, 1997, pursuant to 5 U.S.C. 801 (a)(1)(A); to the Committee on Commerce.

3043. A letter from the Deputy Secretary, Securities and Exchange Commission, transmitting the Commission's "Major" final rule—Privately Offered Investment Companies, Rule 2a51-1 [Release No. IC-22597, International Release No. 1071, File No. S7-30-95] (RIN: 3235-AH09) received April 3, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

3044. A letter from the Deputy Secretary, Securities and Exchange Commission, transmitting the Commission's "Major" final rule—Privately Offered Investment Companies, Rule 2a51-2 [Release No. IC-22597, International Series Release No. 1071, File No. S7-30-96] (RIN: 3235-AH09) received April 3, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

3045. A letter from the Deputy Secretary, Securities and Exchange Commission, transmitting the Commission's final rule—Privately Offered Investment Companies, Rule

2a51-3 [Release No. IC-22597, International Release No. 1071, File No. S7-30-95] (RIN: 3235-AH09) received April 3, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

3046. A letter from the Deputy Secretary, Securities and Exchange Commission, transmitting the Commission's "Major" final rule—Privately Offered Investment Companies, Rule 3c-1 [Release No. IC-22597, International Release No. 1071, File No. S7-30-95] (RIN: 3235-AH09) received April 3, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

3047. A letter from the Deputy Secretary, Securities and Exchange Commission, transmitting the Commission's "Major" final rule—Privately Offered Investment Companies, Rule 3c-5 [Release No. IC-22597, International Release No. 1071, File No. S7-30-95] (RIN: 3235-AH09) received April 3, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

3048. A letter from the Deputy Secretary, Securities and Exchange Commission, transmitting the Commission's "Major" final rule—Privately Offered Investment Companies, Rule 3c-6 [Release No. IC-22597, International Release No. 1071, File No. S7-30-95] (RIN: 3235-AH09) received April 3, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

3049. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially to the United Kingdom (Transmittal No. DTC-44-97), pursuant to 22 U.S.C. 2276(c); to the Committee on International Relations.

3050. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the Department's annual report on international terrorism entitled "Patterns of Global Terrorism: 1996," pursuant to 22 U.S.C. 2656f; to the Committee on International Relations.

3051. A letter from the Deputy Assistant Administrator for Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Financial Assistance for Chesapeake Bay Stock Assessments to Encourage Research Projects for Improvement in the Stock Conditions of the Chesapeake Bay Fisheries [Docket No. 9703221061-7061-01; I.D. 042297B] (RIN: 0648-ZA28) received April 29, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3052. A letter from the Director, Office of Regulations Management, Department of Veterans Affairs, transmitting the Department's final rule—Compensation for Certain Undiagnosed Illnesses [38 CFR Part 3] (RIN: 2900-A177) received April 29, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

40.3 PROVIDING FOR THE CONSIDERATION OF H.R. 867

Ms. PRYCE, by direction of the Committee on Rules, called up the following resolution (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 chair-

man 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.

When said resolution was considered. After debate, On motion of Ms. PRYCE, the previous question was ordered on the resolution to its adoption or rejection and under the operation thereof, the resolution was agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

¶40.4 ADOPTION PROMOTION

The SPEAKER pro tempore, Mr. HOBSON, pursuant to House Resolution 134 and rule XXIII, declared the House resolved 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.

The SPEAKER pro tempore, Mr. ROGAN, by unanimous consent, designated Mr. ROGAN as Chairman of the Committee of the Whole; and after some time spent therein,

The SPEAKER pro tempore, Mrs. MORELLA, assumed the Chair.

When Mr. ROGAN, Chairman, pursuant to House Resolution 134, reported the bill back to the House with an amendment adopted by the Committee.

The previous question having been ordered by said resolution.

The following amendment, reported from the Committee of the Whole House on the state of the Union, was agreed to:

Strike out all after the enacting clause and insert:

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.
- Sec. 16. Purchase of American-made equipment and products.
- Sec. 17. Criminal records checks for prospective foster and adoptive parents and group care staff.
- Sec. 18. Standby guardianship.

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