

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

(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:

“(1) 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”;

(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—

(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.”.

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.

SEC. 16. 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.

SEC. 17. 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.”.

SEC. 18. 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.

The bill, as amended, was ordered to be engrossed and read a third time, was read a third time by title.

The question being put, *viva voce*, Will the House pass said bill?

The SPEAKER pro tempore, Mrs. MORELLA, announced that the yeas had it.

Mr. CAMP objected to the vote on the ground that a quorum was not present and not voting.

A quorum not being present, The roll was called under clause 4, rule XV, and the call was taken by electronic device.

When there appeared { Yeas 416
Nays 5

¶40.5 [Roll No. 96]
YEAS—416

Abercrombie	Andrews	Bachus
Ackerman	Archer	Baessler
Aderholt	Army	Baker

Baldacci	Emerson	Knollenberg
Balleguer	Ensign	Kolbe
Barcia	Eshoo	Kucinich
Barr	Etheridge	LaFalce
Barrett (NE)	Evans	LaHood
Barrett (WI)	Everett	Lampson
Bartlett	Ewing	Lantos
Barton	Farr	Largent
Bass	Fattah	Latham
Bateman	Fawell	LaTourette
Becerra	Fazio	Lazio
Bentsen	Filner	Leach
Bereuter	Flake	Levin
Berman	Foglietta	Lewis (CA)
Berry	Foley	Lewis (KY)
Bilbray	Forbes	Linder
Bilirakis	Ford	Lipinski
Bishop	Fowler	Livingston
Blagojevich	Fox	LoBiondo
Bliley	Frank (MA)	Lofgren
Blumenauer	Franks (NJ)	Lowe
Blunt	Frelinghuysen	Lucas
Boehlert	Frost	Luther
Boehner	Furse	Maloney (CT)
Bonilla	Galleghy	Maloney (NY)
Bono	Ganske	Manton
Borski	Gejdenson	Markey
Boswell	Gekas	Martinez
Boucher	Gephardt	Mascara
Boyd	Gibbons	Matsui
Brady	Gilchrist	McCarthy (MO)
Brown (CA)	Gillmor	McCarthy (NY)
Brown (FL)	Gilman	McCollum
Brown (OH)	Gonzalez	McCrery
Bryant	Goode	McDade
Bunning	Goodlatte	McDermott
Burr	Goodling	McGovern
Burton	Gordon	McHale
Buyer	Goss	McHugh
Callahan	Graham	McInnis
Calvert	Granger	McIntyre
Camp	Greenwood	McKeon
Canady	Greenwood	McKinney
Cannon	Gutknecht	McNulty
Capps	Hall (OH)	Meehan
Cardin	Hall (TX)	Meek
Carson	Hamilton	Menendez
Castle	Hansen	Metcalf
Chabot	Harman	Mica
Chambliss	Hastert	Millender-
Chenoweth	Hastings (FL)	McDonald
Christensen	Hastings (WA)	Miller (CA)
Clay	Hayworth	Miller (FL)
Clayton	Hefley	Minge
Clement	Hefner	Moakley
Clyburn	Hill	Molinari
Coble	Hilleary	Mollohan
Coburn	Hilliard	Moran (KS)
Collins	Hinches	Moran (VA)
Combest	Hinojosa	Morella
Condit	Hobson	Murtha
Conyers	Hoekstra	Myrick
Cook	Holden	Nadler
Cooksey	Hooley	Neal
Costello	Horn	Nethercett
Cox	Hostettler	Neumann
Coyne	Houghton	Ney
Cramer	Hoyer	Northup
Crane	Hulshof	Norwood
Crapo	Hunter	Nussle
Cubin	Hutchinson	Oberstar
Cummings	Hyde	Obey
Cunningham	Inglis	Olver
Danner	Istook	Ortiz
Davis (FL)	Jackson (IL)	Owens
Davis (IL)	Jackson-Lee	Oxley
Davis (VA)	(TX)	Packard
Deal	Jefferson	Pallone
DeFazio	Jenkins	Pappas
DeGette	Johnson (CT)	Parker
Delahunt	Johnson (WI)	Pascrell
DeLauro	Johnson, E. B.	Pastor
DeLay	Johnson, Sam	Paxon
Dellums	Jones	Payne
Deutsch	Kanjorski	Pease
Diaz-Balart	Kaptur	Pelosi
Dickey	Kasich	Peterson (MN)
Dicks	Kelly	Peterson (PA)
Dingell	Kennedy (MA)	Petri
Dixon	Kennedy (RI)	Pickering
Doggett	Kennelly	Pickett
Dooley	Kildee	Pitts
Doolittle	Kilpatrick	Pombo
Doyle	Kim	Pomeroy
Dreier	Kind (WI)	Portman
Duncan	King (NY)	Poshard
Dunn	Kingston	Price (NC)
Edwards	Kleczka	Pryce (OH)
Ehlers	Klink	Quinn
Ehrlich	Klug	Radanovich

Rahall	Shaw	Thompson
Ramstad	Shays	Thornberry
Rangel	Sherman	Thune
Regula	Shimkus	Thurman
Reyes	Shuster	Tiahrt
Riggs	Sisisky	Tierney
Riley	Skaggs	Torres
Rivers	Skeen	Towns
Rodriguez	Skelton	Traficant
Roemer	Slaughter	Turner
Rogan	Smith (MI)	Upton
Rogers	Smith (NJ)	Velazquez
Rohrabacher	Smith (OR)	Vento
Ros-Lehtinen	Smith (TX)	Visclosky
Rothman	Smith, Adam	Walsh
Roukema	Smith, Linda	Wamp
Roybal-Allard	Snowbarger	Waters
Royce	Snyder	Watkins
Rush	Solomon	Watt (NC)
Ryan	Souder	Watts (OK)
Sabo	Spence	Waxman
Salmon	Spratt	Weldon (FL)
Sanchez	Stabenow	Weldon (PA)
Sanders	Stark	Weller
Sandlin	Stearns	Weygand
Sanford	Stenholm	White
Sawyer	Stokes	Whitfield
Saxton	Strickland	Wicker
Scarborough	Stupak	Wise
Schaefer, Dan	Sununu	Wolf
Schaffer, Bob	Talent	Woolsey
Schumer	Tanner	Wynn
Scott	Tauscher	Yates
Sensenbrenner	Tauzin	Young (AK)
Serrano	Taylor (MS)	Young (FL)
Sessions	Taylor (NC)	
Shadegg	Thomas	

NAYS—5

Campbell	McIntosh	Paul
Manzullo	Mink	

NOT VOTING—12

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

So the bill was passed.

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

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶40.6 CLERK TO CORRECT ENGROSSMENT

On motion of Mr. CAMP, by unanimous consent,

Ordered, That in the engrossment of the foregoing bill 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.

¶40.7 PROVIDING FOR THE CONSIDERATION OF H. R. 2

Mr. DREIER, by direction of the Committee on Rules, called up the following resolution (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(1)(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