

The SPEAKER pro tempore (Mr. HULSHOF). The question is on the motion offered by the gentleman from Utah (Mr. HANSEN) that the House suspend the rules and pass the bill, H.R. 2799.

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

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. HANSEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks, and include extraneous material therein on H.R. 2799.

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

There was no objection.

INTERCOUNTRY ADOPTION ACT OF 2000

Mr. GILMAN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 2909), to provide for implementation by the United States of the Hague Convention on Protection of Children and Cooperation and Respect of Intercountry Adoption, and for other purposes, with a Senate amendment thereto and concur in the Senate amendment, with an amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment and the House amendment to the Senate amendment as follows:

Senate amendment:

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 “Intercountry Adoption Act of 2000”.

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

- Sec. 1. Short title; table of contents.
- Sec. 2. Findings and purposes.
- Sec. 3. Definitions.

TITLE I—UNITED STATES CENTRAL AUTHORITY

- Sec. 101. Designation of central authority.
- Sec. 102. Responsibilities of the Secretary of State.
- Sec. 103. Responsibilities of the Attorney General.
- Sec. 104. Annual report on intercountry adoptions.

TITLE II—PROVISIONS RELATING TO ACCREDITATION AND APPROVAL

- Sec. 201. Accreditation or approval required in order to provide adoption services in cases subject to the Convention.
- Sec. 202. Process for accreditation and approval; role of accrediting entities.
- Sec. 203. Standards and procedures for providing accreditation or approval.
- Sec. 204. Secretarial oversight of accreditation and approval.
- Sec. 205. State plan requirement.

TITLE III—RECOGNITION OF CONVENTION ADOPTIONS IN THE UNITED STATES

- Sec. 301. Adoptions of children immigrating to the United States.
- Sec. 302. Immigration and Nationality Act amendments relating to children adopted from Convention countries.
- Sec. 303. Adoptions of children emigrating from the United States.

TITLE IV—ADMINISTRATION AND ENFORCEMENT

- Sec. 401. Access to Convention records.
- Sec. 402. Documents of other Convention countries.
- Sec. 403. Authorization of appropriations; collection of fees.
- Sec. 404. Enforcement.

TITLE V—GENERAL PROVISIONS

- Sec. 501. Recognition of Convention adoptions.
- Sec. 502. Special rules for certain cases.
- Sec. 503. Relationship to other laws.
- Sec. 504. No private right of action.
- Sec. 505. Effective dates; transition rule.

SEC. 2. FINDINGS AND PURPOSES.

(a) *FINDINGS.*—Congress recognizes—
 (1) the international character of the Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption (done at The Hague on May 29, 1993), and
 (2) the need for uniform interpretation and implementation of the Convention in the United States and abroad,

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

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

- (1) to provide for implementation by the United States of the Convention;
- (2) to protect the rights of, and prevent abuses against, children, birth families, and adoptive parents involved in adoptions (or prospective adoptions) subject to the Convention, and to ensure that such adoptions are in the children's best interests; and
- (3) to improve the ability of the Federal Government to assist United States citizens seeking to adopt children from abroad and residents of other countries party to the Convention seeking to adopt children from the United States.

SEC. 3. DEFINITIONS.

As used in this Act:

- (1) *ACCREDITED AGENCY.*—The term “accredited agency” means an agency accredited under title II to provide adoption services in the United States in cases subject to the Convention.
- (2) *ACCREDITING ENTITY.*—The term “accrediting entity” means an entity designated under section 202(a) to accredit agencies and approve persons under title II.
- (3) *ADOPTION SERVICE.*—The term “adoption service” means—

- (A) identifying a child for adoption and arranging an adoption;
- (B) securing necessary consent to termination of parental rights and to adoption;
- (C) performing a background study on a child or a home study on a prospective adoptive parent, and reporting on such a study;
- (D) making determinations of the best interests of a child and the appropriateness of adoptive placement for the child;
- (E) post-placement monitoring of a case until final adoption; and
- (F) where made necessary by disruption before final adoption, assuming custody and providing child care or any other social service pending an alternative placement.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

TITLE I—UNITED STATES CENTRAL AUTHORITY

SEC. 101. DESIGNATION OF CENTRAL AUTHORITY.

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

- (1) the Department of State shall serve as the central authority of the United States; and
- (2) the Secretary shall serve as the head of the central authority of the United States.

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

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

(2) All personnel of the Department of State performing core central authority functions in a professional capacity in the Office of Children's