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:

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.