

108TH CONGRESS  
1ST SESSION

# H. R. 3182

To reauthorize the adoption incentive payments program under part E of title IV of the Social Security Act, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 25, 2003

Mr. CAMP (for himself, Mr. CARDIN, Mr. HERGER, Mr. DELAY, Mr. STARK, Mr. CANTOR, Mr. McDERMOTT, Mr. ENGLISH, and Mr. McINNIS) introduced the following bill; which was referred to the Committee on Ways and Means

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## A BILL

To reauthorize the adoption incentive payments program under part E of title IV of the Social Security Act, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Adoption Promotion  
5 Act of 2003”.

6 **SEC. 2. FINDINGS.**

7 The Congress finds the following:

8 (1) In 1997, the Congress passed the Adoption  
9 and Safe Families Act of 1997 to promote com-

1       preprehensive child welfare reform to ensure that con-  
2       sideration of children’s safety is paramount in child  
3       welfare decisions, and to provide a greater sense of  
4       urgency to find every child a safe, permanent home.

5               (2) The Adoption and Safe Families Act of  
6       1997 also created the Adoption Incentives program,  
7       which authorizes incentive payments to States to  
8       promote adoptions, with additional incentives pro-  
9       vided for the adoption of foster children with special  
10      needs.

11              (3) Since 1997, all States, the District of Co-  
12      lumbia, and Puerto Rico have qualified for incentive  
13      payments for their work in promoting adoption of  
14      foster children.

15              (4) Between 1997 and 2002, adoptions in-  
16      creased by 64 percent, and adoptions of children  
17      with special needs increased by 63 percent; however,  
18      542,000 children remain in foster care, and 126,000  
19      are eligible for adoption.

20              (5) Although substantial progress has been  
21      made to promote adoptions, attention should be fo-  
22      cused on promoting adoption of older children. Re-  
23      cent data suggest that half of the children waiting  
24      to be adopted are age 9 or older.

1 **SEC. 3. REAUTHORIZATION OF ADOPTION INCENTIVE PAY-**  
2 **MENTS PROGRAM.**

3 (a) IN GENERAL.—Section 473A of the Social Secu-  
4 rity Act (42 U.S.C. 673b) is amended—

5 (1) in subsection (b)—

6 (A) by striking paragraph (2) and insert-  
7 ing the following:

8 “(2)(A) the number of foster child adoptions in  
9 the State during the fiscal year exceeds the base  
10 number of foster child adoptions for the State for  
11 the fiscal year; or

12 “(B) the number of older child adoptions in the  
13 State during the fiscal year exceeds the base number  
14 of older child adoptions for the State for the fiscal  
15 year;”.

16 (B) in paragraph (4), by striking “and  
17 2002” and inserting “through 2007”; and

18 (C) in paragraph (5), by striking “2002”  
19 and inserting “2007”;

20 (2) in subsection (c), by striking paragraph (2)  
21 and inserting the following:

22 “(2) DETERMINATION OF NUMBERS OF ADOP-  
23 TIONS BASED ON AFCARS DATA.—The Secretary  
24 shall determine the numbers of foster child adop-  
25 tions, of special needs adoptions that are not older  
26 child adoptions, and of older child adoptions in a

1 State during each of fiscal years 2002 through  
2 2007, for purposes of this section, on the basis of  
3 data meeting the requirements of the system estab-  
4 lished pursuant to section 479, as reported by the  
5 State and approved by the Secretary by August 1 of  
6 the succeeding fiscal year.”;

7 (3) in subsection (d)(1)—

8 (A) in subparagraph (A), by striking  
9 “and”;

10 (B) in subparagraph (B)—

11 (i) by inserting “that are not older  
12 child adoptions” after “adoptions” each  
13 place it appears; and

14 (ii) by striking the period and insert-  
15 ing “; and”; and

16 (C) by adding at the end the following:

17 “(C) \$4,000, multiplied by the amount (if  
18 any) by which the number of older child adop-  
19 tions in the State during the fiscal year exceeds  
20 the base number of older child adoptions for the  
21 State for the fiscal year.”;

22 (4) in subsection (g)—

23 (A) in paragraph (3), by striking subpara-  
24 graphs (A) and (B) and inserting the following:

1           “(A) with respect to fiscal year 2003, the  
2           number of foster child adoptions in the State in  
3           fiscal year 2002; and

4           “(B) with respect to any subsequent fiscal  
5           year, the number of foster child adoptions in  
6           the State in the fiscal year for which the num-  
7           ber is the greatest in the period that begins  
8           with fiscal year 2002 and ends with the fiscal  
9           year preceding that subsequent fiscal year.”;

10           (B) in paragraph (4)—

11           (i) in the paragraph heading, by in-  
12           serting “THAT ARE NOT OLDER CHILD  
13           ADOPTIONS” after “ADOPTIONS”; and

14           (ii) by striking subparagraphs (A) and  
15           (B) and inserting the following:

16           “(A) with respect to fiscal year 2003, the  
17           number of special needs adoptions that are not  
18           older child adoptions in the State in fiscal year  
19           2002; and

20           “(B) with respect to any subsequent fiscal  
21           year, the number of special needs adoptions  
22           that are not older child adoptions in the State  
23           in the fiscal year for which the number is the  
24           greatest in the period that begins with fiscal

1 year 2002 and ends with the fiscal year pre-  
2 ceding that subsequent fiscal year.”; and

3 (C) by adding at the end the following:

4 “(5) BASE NUMBER OF OLDER CHILD ADOPT-  
5 TIONS.—The term ‘base number of older child adop-  
6 tions for a State’ means—

7 “(A) with respect to fiscal year 2003, the  
8 number of older child adoptions in the State in  
9 fiscal year 2002; and

10 “(B) with respect to any subsequent fiscal  
11 year, the number of older child adoptions in the  
12 State in the fiscal year for which the number is  
13 the greatest in the period that begins with fiscal  
14 year 2002 and ends with the fiscal year pre-  
15 ceding that subsequent fiscal year.

16 “(6) OLDER CHILD ADOPTIONS.—The term  
17 ‘older child adoptions’ means the final adoption of a  
18 child who has attained 9 years of age if—

19 “(A) at the time of the adoptive placement,  
20 the child was in foster care under the super-  
21 vision of the State; or

22 “(B) an adoption assistance agreement  
23 was in effect under section 473 with respect to  
24 the child.”;

25 (5) in subsection (h)—

1 (A) in paragraph (1)—

2 (i) in subparagraph (B), by striking  
3 “and”;

4 (ii) in subparagraph (C), by striking  
5 the period and inserting “; and”; and

6 (iii) by adding at the end the fol-  
7 lowing:

8 “(D) \$43,000,000 for each of fiscal years  
9 2004 through 2008.”; and

10 (B) in paragraph (2)—

11 (i) by inserting “, or under any other  
12 law for grants under subsection (a),” after  
13 “(1)”; and

14 (ii) by striking “2003” and inserting  
15 “2008”;

16 (6) in subsection (i)(4), by striking “1998  
17 through 2000” and inserting “2004 through 2006”;  
18 and

19 (7) by striking subsection (j).

20 (b) REPORT ON ADOPTION AND OTHER PERMA-  
21 NENCY OPTIONS FOR CHILDREN IN FOSTER CARE.—Not  
22 later than October 1, 2004, the Secretary of Health and  
23 Human Services shall submit to the Committee on Ways  
24 and Means of the House of Representatives and the Com-  
25 mittee on Finance of the Senate a report on State efforts

1 to promote adoption and other permanency options for  
2 children in foster care, with special emphasis on older chil-  
3 dren in foster care. In preparing this report, the Secretary  
4 shall review State waiver programs and consult with rep-  
5 resentatives from State governments, public and private  
6 child welfare agencies, and child advocacy organizations  
7 to identify promising approaches.

8 **SEC. 4. AUTHORITY TO IMPOSE PENALTIES FOR FAILURE**  
9 **TO SUBMIT AFCARS REPORT.**

10 Section 474 of the Social Security Act (42 U.S.C.  
11 674) is amended by adding at the end the following:

12 “(f)(1) If the Secretary finds that a State has failed  
13 to submit to the Secretary data, as required by regulation,  
14 for the data collection system implemented under section  
15 479, the Secretary shall, within 30 days after the date  
16 by which the data was due to be so submitted, notify the  
17 State of the failure and that payments to the State under  
18 this part will be reduced if the State fails to submit the  
19 data, as so required, within 6 months after the date the  
20 data was originally due to be so submitted.

21 “(2) If the Secretary finds that the State has failed  
22 to submit the data, as so required, by the end of the 6-  
23 month period referred to in paragraph (1) of this sub-  
24 section, then, notwithstanding subsection (a) of this sec-  
25 tion and any regulations promulgated under section

1 1123A(b)(3), the Secretary shall reduce the amounts oth-  
2 erwise payable to the State under this part, for each quar-  
3 ter ending in the 6-month period (and each quarter ending  
4 in each subsequent consecutively occurring 6-month period  
5 until the Secretary finds that the State has submitted the  
6 data, as so required), by—

7           “(A)  $\frac{1}{6}$  of 1 percent of the total amount ex-  
8           pended by the State for administration of foster care  
9           activities under the State plan approved under this  
10          part in the quarter so ending, in the case of the 1st  
11          6-month period during which the failure continues;  
12          or

13           “(B)  $\frac{1}{4}$  of 1 percent of the total amount so ex-  
14          pended, in the case of the 2nd or any subsequent  
15          such 6-month period.”.

16 **SEC. 5. EFFECTIVE DATE.**

17          The amendments made by this Act shall take effect  
18 on October 1, 2003.

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