

Union Calendar No. 52

105TH CONGRESS
1ST Session

H. R. 867

[Report No. 105-77]

A BILL

To promote the adoption of children in foster care.

APRIL 28, 1997

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

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To promote the adoption of children in foster care.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 27, 1997

Mr. CAMP (for himself, Mrs. KENNELLY of Connecticut, and Mr. SHAW) introduced the following bill; which was referred to the Committee on Ways and Means

APRIL 28, 1997

Additional sponsors: Mr. RAMSTAD, Ms. PRYCE of Ohio, Mr. LEVIN, Mr. KLUG, Mr. BLILEY, Mr. WATTS of Oklahoma, Mr. NETHERCUTT, Ms. MOLINARI, Ms. LOFGREN, Mr. FARR of California, Mr. CANADY of Florida, Mr. ROEMER, Mr. DELLUMS, Mr. ENGLISH of Pennsylvania, Mrs. KELLY, Mr. BARRETT of Nebraska, Mr. GORDON, Ms. SLAUGHTER, Mr. HOUGHTON, Mr. BUNNING, Mr. ENSIGN, Mr. HERGER, Mr. WELLER, Mr. DELAY, Mr. MCHALE, Ms. GRANGER, Mr. FAWELL, Mr. BLAGOJEVICH, and Mr. FAZIO of California

APRIL 28, 1997

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in *italic*]

[For text of introduced bill, see copy of bill as introduced on February 27, 1997]

A BILL

To promote the adoption of children in foster care.

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; TABLE OF CONTENTS.**

4 (a) *SHORT TITLE.*—*This Act may be cited as the*
 5 *“Adoption Promotion Act of 1997”.*

6 (b) *TABLE OF CONTENTS.*—*The table of contents of this*
 7 *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.

8 **SEC. 2. CLARIFICATION OF THE REASONABLE EFFORTS RE-**
 9 **QUIREMENT.**

10 (a) *IN GENERAL.*—*Section 471(a)(15) of the Social Se-*
 11 *curity Act (42 U.S.C. 671(a)(15)) is amended to read as*
 12 *follows:*

13 “(15)(A) provides that—

14 “(i) except as provided in clauses (ii) and
 15 (iii), reasonable efforts shall be made—

16 “(I) before a child is placed in foster
 17 care, to prevent or eliminate the need to re-
 18 move the child from the child’s home; and

1 “(II) to make it possible for the child
2 to return home;

3 “(ii) if continuation of reasonable efforts of
4 the type described in clause (i) is determined to
5 be inconsistent with the permanency plan for the
6 child, reasonable efforts of the type required by
7 clause (iii)(II) shall be made;

8 “(iii) if a court of competent jurisdiction
9 has determined that the child has been subjected
10 to aggravated circumstances (as defined by State
11 law, which definition may include abandonment,
12 torture, chronic abuse, and sexual abuse) or pa-
13 rental conduct described in section
14 106(b)(2)(A)(xii) of the Child Abuse Prevention
15 and Treatment Act, or that the parental rights
16 of a parent with respect to a sibling of the child
17 have been terminated involuntarily—

18 “(I) reasonable efforts of the type de-
19 scribed in clause (i) shall not be required to
20 be made with respect to any parent of the
21 child who has been involved in subjecting
22 the child to such circumstances or such con-
23 duct, or whose parental rights with respect
24 to a sibling of the child have been termi-
25 nated involuntarily; and

1 (1) by striking “and” at the end of subpara-
2 graph (C);

3 (2) by striking the period at the end of subpara-
4 graph (D) and inserting “; and”; and

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

6 “(E) in the case of a child who has not at-
7 tained 10 years of age and has been in foster
8 care under the responsibility of the State for 18
9 months of the most recent 24 months, the State
10 shall file a petition to terminate the parental
11 rights of the child’s parents (or, if such a peti-
12 tion has been filed by another party, seek to be
13 joined as a party to the petition), unless—

14 “(i) at the option of the State, the child
15 is being cared for by a relative;

16 “(ii) a State court or State agency has
17 documented a compelling reason for deter-
18 mining that filing such a petition would
19 not be in the best interests of the child; or

20 “(iii) the State has not provided to the
21 family of the child such services as the State
22 deems appropriate, if reasonable efforts of
23 the type described in section
24 471(a)(15)(A)(i) are required to be made
25 with respect to the child.”.

1 (b) *LIMITATION ON APPLICABILITY.*—*The amendments*
2 *made by subsection (a) shall apply only to children entering*
3 *foster care on or after October 1, 1997.*

4 **SEC. 4. ADOPTION INCENTIVE PAYMENTS.**

5 *Part E of title IV of the Social Security Act (42 U.S.C.*
6 *670–679) is amended by inserting after section 473 the fol-*
7 *lowing:*

8 **“SEC. 473A. ADOPTION INCENTIVE PAYMENTS.**

9 “(a) *GRANT AUTHORITY.*—*Each State that is an in-*
10 *centive-eligible State for a fiscal year shall be entitled to*
11 *receive from the Secretary in the immediately succeeding*
12 *fiscal year a grant in an amount equal to the adoption*
13 *incentive payment.*

14 “(b) *INCENTIVE-ELIGIBLE STATE.*—*A State is an in-*
15 *centive-eligible State for a fiscal year if—*

16 “(1) *the State has a plan approved under this*
17 *part for the fiscal year;*

18 “(2) *the number of foster child adoptions in the*
19 *State during the fiscal year exceeds the base number*
20 *of foster child adoptions for the State for the fiscal*
21 *year;*

22 “(3) *the State is in compliance with subsection*
23 *(c) for the fiscal year; and*

24 “(4) *the fiscal year is any of fiscal years 1998*
25 *through 2002.*

1 “(c) *DATA REQUIREMENTS.*—

2 “(1) *IN GENERAL.*—*A State is in compliance*
3 *with this subsection for a fiscal year if the State has*
4 *provided to the Secretary the data described in para-*
5 *graph (2) for fiscal year 1997 (or, if later, the fiscal*
6 *year that precedes the 1st fiscal year for which the*
7 *State seeks a grant under this section) and for each*
8 *succeeding fiscal year.*

9 “(2) *DETERMINATION OF NUMBERS OF ADOP-*
10 *TIONS.*—

11 “(A) *DETERMINATIONS BASED ON AFCARS*
12 *DATA.*—*Except as provided in subparagraph*
13 *(B), the Secretary shall determine the numbers of*
14 *foster child adoptions and of special needs adop-*
15 *tions in a State during each of fiscal years 1997*
16 *through 2002, for purposes of this section, on the*
17 *basis of data meeting the requirements of the sys-*
18 *tem established pursuant to section 479, as re-*
19 *ported by the State in May of the fiscal year and*
20 *in November of the succeeding fiscal year, and*
21 *approved by the Secretary by April 1 of the suc-*
22 *ceeding fiscal year.*

23 “(B) *ALTERNATIVE DATA SOURCES PER-*
24 *MITTED FOR FISCAL YEAR 1997.*—*For purposes of*
25 *the determination described in subparagraph (A)*

1 *for fiscal year 1997, the Secretary may use data*
2 *from a source or sources other than that specified*
3 *in subparagraph (A) that the Secretary finds to*
4 *be of equivalent completeness and reliability, as*
5 *reported by a State by November 30, 1997, and*
6 *approved by the Secretary by March 1, 1998.*

7 “(3) *NO WAIVER OF AFCARS REQUIREMENTS.—*

8 *This section shall not be construed to alter or affect*
9 *any requirement of section 479 or any regulation pre-*
10 *scribed under such section with respect to reporting of*
11 *data by States, or to waive any penalty for failure*
12 *to comply with the requirements.*

13 “(d) *ADOPTION INCENTIVE PAYMENT.—*

14 “(1) *IN GENERAL.—Except as provided in para-*
15 *graph (2), the adoption incentive payment payable to*
16 *a State for a fiscal year under this section shall be*
17 *equal to the sum of—*

18 “(A) *\$4,000, multiplied by amount (if any)*
19 *by which the number of foster child adoptions in*
20 *the State during the fiscal year exceeds the base*
21 *number of foster child adoptions for the State for*
22 *the fiscal year; and*

23 “(B) *\$2,000, multiplied by the amount (if*
24 *any) by which the number of special needs adop-*
25 *tions in the State during the fiscal year exceeds*

1 *the base number of special needs adoptions for*
2 *the State for the fiscal year.*

3 “(2) *PRO RATA ADJUSTMENT IF INSUFFICIENT*
4 *FUNDS AVAILABLE.—If the total amount of adoption*
5 *incentive payments otherwise payable under this sec-*
6 *tion for a fiscal year exceeds the amount then avail-*
7 *able for grants under this section, the amount of the*
8 *adoption incentive payment payable to each State*
9 *under this section for the fiscal year shall be—*

10 “(A) *the amount of the adoption incentive*
11 *payment that would otherwise be payable to the*
12 *State under this section for the fiscal year; mul-*
13 *tiplied by*

14 “(B) *the percentage represented by the*
15 *amount then available for grants under this sec-*
16 *tion, divided by the total amount of adoption in-*
17 *centive payments otherwise payable under this*
18 *section for the fiscal year.*

19 “(e) *2-YEAR AVAILABILITY OF INCENTIVE PAY-*
20 *MENTS.—Payments to a State under this section in a fiscal*
21 *year shall remain available for use by the State through*
22 *the end of the succeeding fiscal year.*

23 “(f) *LIMITATIONS ON USE OF INCENTIVE PAYMENTS.—*
24 *A State shall not expend an amount paid to the State under*
25 *this section except to provide to children or families any*

1 *service (including post adoption services) that may be pro-*
2 *vided under part B or E. Amounts expended by a State*
3 *in accordance with the preceding sentence shall be dis-*
4 *regarded in determining State expenditures for purposes of*
5 *Federal matching payments under section 474.*

6 “(g) *DEFINITIONS.—As used in this section:*

7 “(1) *FOSTER CHILD ADOPTION.—The term ‘foster*
8 *child adoption’ means the final adoption of a child*
9 *who, at the time of adoptive placement, was in foster*
10 *care under the supervision of the State.*

11 “(2) *SPECIAL NEEDS ADOPTION.—The term ‘spe-*
12 *cial needs adoption’ means the final adoption of a*
13 *child for whom an adoption assistance agreement is*
14 *in effect under section 473.*

15 “(3) *BASE NUMBER OF FOSTER CHILD ADOPT-*
16 *TIONS.—The term ‘base number of foster child adop-*
17 *tions for a State’ means, with respect to a fiscal year,*
18 *the largest number of foster child adoptions in the*
19 *State in fiscal year 1997 (or, if later, the 1st fiscal*
20 *year for which the State has furnished to the Sec-*
21 *retary the data described in subsection (c)(2)) or in*
22 *any succeeding fiscal year preceding the fiscal year.*

23 “(4) *BASE NUMBER OF SPECIAL NEEDS ADOPT-*
24 *TIONS.—The term ‘base number of special needs adop-*
25 *tions for a State’ means, with respect to a fiscal year,*

1 *the largest number of special needs adoptions in the*
 2 *State in fiscal year 1997 (or, if later, the 1st fiscal*
 3 *year for which the State has furnished to the Sec-*
 4 *retary the data described in subsection (c)(2)) or in*
 5 *any succeeding fiscal year preceding the fiscal year.*

6 *“(h) APPROPRIATION.—*

7 *“(1) IN GENERAL.—Out of any money in the*
 8 *Treasury of the United States not otherwise appro-*
 9 *priated, there are appropriated for fiscal years 1999*
 10 *through 2003 such sums as are necessary for grants*
 11 *under this section, in a total amount not to exceed*
 12 *\$108,000,000.*

13 *“(2) AVAILABILITY.—Amounts appropriated*
 14 *under paragraph (1) shall remain available until ex-*
 15 *pended, but not after fiscal year 2003.”.*

16 **SEC. 5. EARLIER STATUS REVIEWS AND PERMANENCY**
 17 **HEARINGS.**

18 *Section 475(5)(C) of the Social Security Act (42*
 19 *U.S.C. 675(5)(C)) is amended—*

20 *(1) by striking “eighteen months after” and in-*
 21 *serting “12 months after”;*

22 *(2) by striking “dispositional” and inserting*
 23 *“permanency”; and*

24 *(3) by striking “future status of” and all that*
 25 *follows through “long-term basis)” and inserting*

1 *“permanency plan for the child (including whether*
2 *(and, if applicable, when) the child will be returned*
3 *to the parent, the child will be placed for adoption*
4 *and the State will file a petition to terminate the pa-*
5 *rental rights of the parent, a legal guardian will be*
6 *appointed for the child, or the child will be placed in*
7 *some other planned, permanent living arrangement,*
8 *including in the custody of another fit and willing*
9 *relative)”.*

10 **SEC. 6. NOTICE OF REVIEWS AND HEARINGS; OPPORTUNITY**
11 **TO BE HEARD.**

12 *Section 475(5) of the Social Security Act (42 U.S.C.*
13 *675(5)), as amended by section 3 of this Act, is amended—*

14 (1) *by striking “and” at the end of subpara-*
15 *graph (D);*

16 (2) *by striking the period at the end of subpara-*
17 *graph (E) and inserting “; and”; and*

18 (3) *by adding at the end the following:*

19 *“(F) the foster parents (if any) of a child*
20 *and any relative providing care for the child are*
21 *provided with notice of, and an opportunity to*
22 *be heard in, any review or hearing to be held*
23 *with respect to the child, except that this sub-*
24 *paragraph shall not be construed to make any*

1 *foster parent a party to such a review or hear-*
2 *ing.”.*

3 **SEC. 7. DOCUMENTATION OF REASONABLE EFFORTS TO**
4 **ADOPT.**

5 *Section 475(5) of the Social Security Act (42 U.S.C.*
6 *675(5)), as amended by sections 3 and 6 of this Act, is*
7 *amended—*

8 (1) *by striking “and” at the end of subpara-*
9 *graph (E);*

10 (2) *by striking the period at the end of subpara-*
11 *graph (F) and inserting “; and”; and*

12 (3) *by adding at the end the following:*

13 *“(G) in the case of a child with respect to*
14 *whom the State’s goal is adoption or placement*
15 *in another permanent home, the steps taken by*
16 *the State agency to find an adoptive family or*
17 *other permanent living arrangement for the*
18 *child, to place the child with an adoptive family,*
19 *a legal guardian, or in another planned perma-*
20 *nent living arrangement (including in the cus-*
21 *tody of another fit and willing relative), and to*
22 *finalize the adoption or legal guardianship are*
23 *documented, and such documentation shall in-*
24 *clude documentation of child specific recruitment*
25 *efforts such as the use of State, regional, and na-*

1 *tional adoption information exchanges, includ-*
2 *ing electronic information exchange systems.”.*

3 **SEC. 8. KINSHIP CARE.**

4 *(a) REPORT.—*

5 *(1) IN GENERAL.—The Secretary of Health and*
6 *Human Services shall—*

7 *(A) not later than March 1, 1998, convene*
8 *the advisory panel provided for in subsection*
9 *(b)(1) and prepare and submit to the advisory*
10 *panel an initial report on the extent to which*
11 *children in foster care are placed in the care of*
12 *a relative (in this section referred to as “kinship*
13 *care”); and*

14 *(B) not later than November 1, 1998, sub-*
15 *mit to the Committee on Ways and Means of the*
16 *House of Representatives and the Committee on*
17 *Finance of the Senate a final report on the mat-*
18 *ter described in subparagraph (A), which shall—*

19 *(i) be based on the comments submitted*
20 *by the advisory panel pursuant to sub-*
21 *section (b)(2) and other information and*
22 *considerations; and*

23 *(ii) include the policy recommenda-*
24 *tions of the Secretary with respect to the*
25 *matter.*

1 (2) *REQUIRED CONTENTS.*—*Each report required*
2 *by paragraph (1) shall—*

3 (A) *include, to the extent available for each*
4 *State, information on—*

5 (i) *the policy of the State regarding*
6 *kinship care;*

7 (ii) *the characteristics of the kinship*
8 *care providers (including age, income, eth-*
9 *nicity, and race);*

10 (iii) *the characteristics of the household*
11 *of such providers (such as number of other*
12 *persons in the household and family com-*
13 *position);*

14 (iv) *how much access to the child is af-*
15 *forded to the parent from whom the child*
16 *has been removed;*

17 (v) *the cost of, and source of funds for,*
18 *kinship care (including any subsidies such*
19 *as medicaid and cash assistance);*

20 (vi) *the goal for a permanent living*
21 *arrangement for the child and the actions*
22 *being taken by the State to achieve the goal;*

23 (vii) *the services being provided to the*
24 *parent from whom the child has been re-*
25 *moved; and*

1 (viii) the services being provided to the
2 kinship care provider; and
3 (B) specifically note the circumstances or
4 conditions under which children enter kinship
5 care.

6 (b) *ADVISORY PANEL.*—

7 (1) *ESTABLISHMENT.*—The Secretary of Health
8 and Human Services, in consultation with the Chair-
9 man of the Committee on Ways and Means of the
10 House of Representatives and the Chairman of the
11 Committee on Finance of the Senate, shall convene an
12 advisory panel which shall include parents, foster
13 parents, former foster children, State and local public
14 officials responsible for administering child welfare
15 programs, private persons involved in the delivery of
16 child welfare services, representatives of tribal govern-
17 ments and tribal courts, judges, and academic experts.

18 (2) *DUTIES.*—The advisory panel convened pur-
19 suant to paragraph (1) shall review the report pre-
20 pared pursuant to subsection (a), and, not later than
21 July 1, 1998, submit to the Secretary comments on
22 the report.

1 **SEC. 9. USE OF THE FEDERAL PARENT LOCATOR SERVICE**
2 **FOR CHILD WELFARE SERVICES.**

3 *Section 453 of the Social Security Act (42 U.S.C. 653)*
4 *is amended—*

5 *(1) in subsection (a)—*

6 *(A) by striking “or enforcing child custody*
7 *or visitation orders” and inserting “or making*
8 *or enforcing child custody or visitation orders”;*
9 *and*

10 *(B) in paragraph (1)—*

11 *(i) by striking the comma at the end of*
12 *subparagraph (C) and inserting “; or”; and*

13 *(ii) by inserting after subparagraph*
14 *(C) the following:*

15 *“(D) who has or may have parental rights*
16 *with respect to a child,”; and*

17 *(2) in subsection (c)—*

18 *(A) by striking the period at the end of*
19 *paragraph (3) and inserting “; and”; and*

20 *(B) by adding at the end the following:*

21 *“(4) a State agency that is administering a pro-*
22 *gram operated under a State plan under subpart 1*
23 *of part B, or a State plan approved under subpart*
24 *2 of part B or under part E.”.*

1 **SEC. 10. PERFORMANCE OF STATES IN PROTECTING CHIL-**
2 **DREN.**

3 *The Secretary of Health and Human Services, in con-*
4 *sultation with the American Public Welfare Association, the*
5 *National Governors' Association, and persons or organiza-*
6 *tions devoted to child advocacy, shall—*

7 *(1) develop a set of outcome measures (including*
8 *length of stay in foster care, number of foster care*
9 *placements, and number of adoptions) that can be*
10 *used to assess the performance of States in operating*
11 *child protection and child welfare programs pursuant*
12 *to parts B and E of title IV of the Social Security*
13 *Act to ensure the safety of children;*

14 *(2) to the maximum extent possible, the outcome*
15 *measures should be developed from data available*
16 *from the Adoption and Foster Care Analysis and Re-*
17 *porting System;*

18 *(3) develop a system for rating the performance*
19 *of States with respect to the outcome measures, and*
20 *provide to the States an explanation of the rating sys-*
21 *tem and how scores are determined under the rating*
22 *system;*

23 *(4) prescribe such regulations as may be nec-*
24 *essary to ensure that States provide to the Secretary*
25 *the data necessary to determine State performance*
26 *with respect to each outcome measure, as a condition*

1 of the State receiving funds under part E of title IV
2 of the Social Security Act;

3 (5) on May 1, 1999, and annually thereafter,
4 prepare and submit to the Congress a report on the
5 performance of each State on each outcome measure,
6 which shall examine the reasons for high performance
7 and low performance and, where possible, make rec-
8 ommendations as to how State performance could be
9 improved.

10 **SEC. 11. AUTHORITY TO APPROVE MORE CHILD PROTEC-**
11 **TION DEMONSTRATION PROJECTS.**

12 Section 1130(a) of the Social Security Act (42 U.S.C.
13 1320a–9(a)) is amended by striking “10” and inserting
14 “15”.

15 **SEC. 12. TECHNICAL ASSISTANCE.**

16 (a) *IN GENERAL.*—The Secretary of Health and
17 Human Services may, directly or through grants or con-
18 tracts, provide technical assistance to assist States and local
19 communities to reach their targets for increased numbers
20 of adoptions and, to the extent that adoption is not possible,
21 alternative permanent placements, for children in foster
22 care.

23 (b) *LIMITATIONS.*—The technical assistance provided
24 under subsection (a) shall support the goal of encouraging
25 more adoptions out of the foster care system, when adop-

1 tions promote the best interests of children, and shall in-
2 clude the following:

3 (1) The development of best practice guidelines
4 for expediting termination of parental rights.

5 (2) Models to encourage the use of concurrent
6 planning.

7 (3) The development of specialized units and ex-
8 pertise in moving children toward adoption as a per-
9 manency goal.

10 (4) The development of risk assessment tools to
11 facilitate early identification of the children who will
12 be at risk of harm if returned home.

13 (5) Models to encourage the fast tracking of chil-
14 dren who have not attained 1 year of age into pre-
15 adoptive placements.

16 (6) Development of programs that place children
17 into pre-adoptive families without waiting for termi-
18 nation of parental rights.

19 (c) *LIMITATIONS ON AUTHORIZATION OF APPROPRIA-*
20 *TIONS.*—To carry out this section, there are authorized to
21 be appropriated to the Secretary of Health and Human
22 Services not to exceed \$10,000,000 for each of fiscal years
23 1998 through 2000.

1 **SEC. 13. COORDINATION OF SUBSTANCE ABUSE AND CHILD**
2 **PROTECTION SERVICES.**

3 *Within 1 year after the date of the enactment of this*
4 *Act, the Secretary of Health and Human Services, based*
5 *on information from the Substance Abuse and Mental*
6 *Health Services Administration and the Administration for*
7 *Children and Families in the Department of Health of*
8 *Human Services, shall prepare and submit to the Commit-*
9 *tee on Ways and Means of the House of Representatives and*
10 *the Committee on Finance of the Senate a report which de-*
11 *scribes the extent and scope of the problem of substance*
12 *abuse in the child welfare population, the types of services*
13 *provided to such population, and the outcomes resulting*
14 *from the provision of such services to such population. The*
15 *report shall include recommendations for any legislation*
16 *that may be needed to improve coordination in providing*
17 *such services to such population.*

18 **SEC. 14. CLARIFICATION OF ELIGIBLE POPULATION FOR**
19 **INDEPENDENT LIVING SERVICES.**

20 *Section 477(a)(2)(A) of the Social Security Act (42*
21 *U.S.C. 677(a)(2)(A)) is amended by inserting “(including*
22 *children with respect to whom such payments are no longer*
23 *being made because the child has accumulated assets, not*
24 *to exceed \$5,000, which are otherwise regarded as resources*
25 *for purposes of determining eligibility for benefits under*
26 *this part)” before the comma.*

1 **SEC. 15. EFFECTIVE DATE.**

2 (a) *IN GENERAL.*—*The amendments made by this Act*
3 *shall take effect on October 1, 1997.*

4 (b) *DELAY PERMITTED IF STATE LEGISLATION RE-*
5 *QUIRED.*—*In the case of a State plan under part B or E*
6 *of title IV of the Social Security Act which the Secretary*
7 *of Health and Human Services determines requires State*
8 *legislation (other than legislation appropriating funds) in*
9 *order for the plan to meet the additional requirements im-*
10 *posed by the amendments made by this Act, the State plan*
11 *shall not be regarded as failing to comply with the require-*
12 *ments of such part solely on the basis of the failure of the*
13 *plan to meet such additional requirements before the 1st*
14 *day of the 1st calendar quarter beginning after the close*
15 *of the 1st regular session of the State legislature that begins*
16 *after the date of the enactment of this Act. For purposes*
17 *of the previous sentence, in the case of a State that has a*
18 *2-year legislative session, each year of such session shall be*
19 *deemed to be a separate regular session of the State legisla-*
20 *ture.*