

105TH CONGRESS
2D SESSION

S. 2408

To promote the adoption of children with special needs.

IN THE SENATE OF THE UNITED STATES

JULY 31, 1998

Mr. CHAFEE (for himself, Mr. ROCKEFELLER, Mr. DEWINE, Mr. LEVIN, Mr. BOND, Mr. MOYNIHAN, Mr. KERREY, Ms. LANDRIEU, and Mr. DORGAN) introduced the following bill; which was read twice and referred to the Committee on Finance

A BILL

To promote the adoption of children with special needs.

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 Equality Act
5 of 1998”.

6 **SEC. 2. PROMOTION OF ADOPTION OF CHILDREN WITH**
7 **SPECIAL NEEDS.**

8 (a) IN GENERAL.—Section 473(a) of the Social Secu-
9 rity Act (42 U.S.C. 673(a)) is amended by striking para-
10 graph (2) and inserting the following:

1 “(2)(A) For purposes of paragraph (1)(B)(ii), a child
2 meets the requirements of this paragraph if such child—

3 “(i) prior to termination of parental rights and
4 the initiation of adoption proceedings was in the
5 care of a public or licensed private child care agency
6 or Indian tribal organization either pursuant to a
7 voluntary placement agreement (provided the child
8 was in care for not more than 180 days) or as a re-
9 sult of a judicial determination to the effect that
10 continuation in the home would be contrary to the
11 safety and welfare of such child, or was residing in
12 a foster family home or child care institution with
13 the child’s minor parent (either pursuant to such a
14 voluntary placement agreement or as a result of
15 such a judicial determination); and

16 “(ii) has been determined by the State pursuant
17 to subsection (c) to be a child with special needs,
18 which needs shall be considered by the State, to-
19 gether with the circumstances of the adopting par-
20 ents, in determining the amount of any payments to
21 be made to the adopting parents.

22 “(B) Notwithstanding any other provision of law, and
23 except as provided in paragraph (7), a child who is not
24 a citizen or resident of the United States and who meets
25 the requirements of subparagraph (A) shall be treated as

1 meeting the requirements of this paragraph for purposes
2 of paragraph (1)(B)(ii).

3 “(C) A child who meets the requirements of subpara-
4 graph (A), who was determined eligible for adoption as-
5 sistance payments under this part with respect to a prior
6 adoption (or who would have been determined eligible for
7 such payments had the Adoption and Safe Families Act
8 of 1997 been in effect at the time that such determination
9 would have been made), and who is available for adoption
10 because the prior adoption has been dissolved and the pa-
11 rental rights of the adoptive parents have been terminated
12 or because the child’s adoptive parents have died, shall be
13 treated as meeting the requirements of this paragraph for
14 purposes of paragraph (1)(B)(ii).”.

15 (b) EXCEPTION.—Section 473(a) of the Social Secu-
16 rity Act (42 U.S.C. 673(a)) is amended by adding at the
17 end the following:

18 “(7)(A) Notwithstanding any other provision of this
19 subsection, no payment may be made to parents with re-
20 spect to any child that—

21 “(i) would be considered a child with special
22 needs under subsection (c);

23 “(ii) is not a citizen or resident of the United
24 States; and

1 “(iii) was adopted outside of the United States
2 or was brought into the United States for the pur-
3 pose of being adopted.

4 “(B) Subparagraph (A) shall not be construed as pro-
5 hibiting payments under this part for a child described
6 in subparagraph (A) that is placed in foster care subse-
7 quent to the failure, as determined by the State, of the
8 initial adoption of such child by the parents described in
9 such subparagraph.”.

10 (c) REQUIREMENT FOR USE OF STATE SAVINGS.—
11 Section 473(a) of the Social Security Act (42 U.S.C.
12 673(a)), as amended by subsection (b), is amended by
13 adding at the end the following:

14 “(8) A State shall spend an amount equal to the
15 amount of savings (if any) in State expenditures under
16 this part resulting from the application of paragraph (2)
17 on and after the effective date of the amendment to such
18 paragraph made by section 2(a) of the Adoption Equality
19 Act of 1998 to provide to children or families any service
20 (including post-adoption services) that may be provided
21 under this part or part B.”.

22 (d) EFFECTIVE DATE.—The amendments made by
23 this section shall take effect on October 1, 1998.

1 **SEC. 3. REDUCTIONS IN PAYMENTS FOR ADMINISTRATIVE**
2 **COSTS.**

3 (a) IN GENERAL.—Section 1903 of the Social Secu-
4 rity Act (42 U.S.C. 1396b) is amended—

5 (1) in subsection (a)(7), by striking “section
6 1919(g)(3)(B)” and inserting “subsection (x) and
7 section 1919(g)(3)(C)”; and

8 (2) by adding at the end the following:

9 “(x) ADJUSTMENTS TO PAYMENTS FOR ADMINISTRA-
10 TIVE COSTS.—

11 “(1) REDUCTIONS IN PAYMENTS FOR ADMINIS-
12 TRATIVE COSTS BASED ON DETERMINATIONS OF
13 AMOUNTS ATTRIBUTABLE TO BENEFITING PRO-
14 GRAMS.—

15 “(A) IN GENERAL.—Subject to paragraph
16 (2), effective for each of fiscal years 1999
17 through 2002, the Secretary shall reduce, for
18 each such fiscal year, the amount paid under
19 subsection (a)(7) to each State by an amount
20 equal to the amount determined for the medic-
21 aid program under section 16(k)(2)(B) of the
22 Food Stamp Act of 1977 (7 U.S.C.
23 2025(k)(2)(B)). The Secretary shall, to the ex-
24 tent practicable, make the reductions required
25 by this paragraph on a quarterly basis.

1 “(B) APPLICATION.—If the Secretary does
2 not make the determinations required by sec-
3 tion 16(k)(2)(B) of the Food Stamp Act of
4 1977 (7 U.S.C. 2025(k)(2)(B)) by September
5 30, 1999—

6 “(i) during the fiscal year in which
7 the determinations are made, the Secretary
8 shall reduce the amount paid under sub-
9 section (a)(7) to each State by an amount
10 equal to the sum of the amounts deter-
11 mined for the medicaid program under sec-
12 tion 16(k)(2)(B) of the Food Stamp Act of
13 1977 for fiscal year 1999 through the fis-
14 cal year during which the determinations
15 are made; and

16 “(ii) for each subsequent fiscal year
17 through fiscal year 2002, subparagraph
18 (A) applies.

19 “(C) APPLICATION OF APPEAL OF DETER-
20 MINATIONS.—The provisions of section 16(k)(4)
21 of the Food Stamp Act of 1977 (7 U.S.C.
22 20205(k)(4)) apply to reductions in payments
23 under this subsection in the same manner as
24 they apply to reductions under section 16(k) of
25 that Act.

1 “(2) BONUS PAYMENT FOR PROGRAM ALIGN-
2 MENT.—

3 “(A) IN GENERAL.—

4 “(i) AMOUNT.—In addition to any
5 other payment made under this title to a
6 State for a fiscal year, the Secretary shall
7 pay to each State that satisfies the re-
8 quirements of clause (ii) a portion of the
9 amount by which—

10 “(I) any decrease in Federal out-
11 lays for amounts paid under sub-
12 section (a)(7) with respect to the
13 State for the fiscal year as a result of
14 the application of paragraph (1), as
15 determined by the Congressional
16 Budget Office, exceeds

17 “(II) any increase in Federal out-
18 lays with respect to the State for the
19 fiscal year as a result of the applica-
20 tion of section 473(a), as amended by
21 section 2 of the Adoption Equality
22 Act of 1998, as determined by the
23 Congressional Budget Office.

1 “(ii) REQUIREMENTS.—A State satis-
2 fies the requirements of this clause if the
3 Secretary determines that—

4 “(I) the State’s income and re-
5 source eligibility rules under section
6 1931, taking into account the income
7 standards and methodologies applied
8 by the State, are not more restrictive
9 than the income and resource eligi-
10 bility rules applied by the State for
11 the temporary assistance to needy
12 families program funded under part A
13 of title IV (other than for a welfare-
14 to-work program funded under section
15 403(a)(5)); and

16 “(II) the State assures the Sec-
17 retary that families applying for as-
18 sistance under the temporary assist-
19 ance to needy families program fund-
20 ed under part A of title IV (other
21 than families applying solely for as-
22 sistance under a welfare-to-work pro-
23 gram funded under section 403(a)(5))
24 may apply for medical assistance
25 under the State plan under this title

1 without having to submit a separate
2 application for such medical assist-
3 ance.

4 “(B) CONSTRUCTION.—Nothing in sub-
5 paragraph (A) shall be construed as—

6 “(i) affecting the application of sec-
7 tion 1931;

8 “(ii) affecting any application require-
9 ments established under this title or by
10 regulation promulgated under the author-
11 ity of this title, including the requirements
12 established under section 1902(a)(8); or

13 “(iii) conditioning the right of an indi-
14 vidual to apply for medical assistance
15 under the State plan under this title upon
16 an application for assistance under any
17 State program funded under part A of title
18 IV.

19 “(3) ALLOCATION OF ADMINISTRATIVE
20 COSTS.—

21 “(A) IN GENERAL.—No funds or expendi-
22 tures described in subparagraph (B) may be
23 used to pay for costs—

24 “(i) eligible for reimbursement under
25 subsection (a)(7) (or costs that would have

1 been eligible for reimbursement but for
2 this subsection); and

3 “(ii) allocated for reimbursement to
4 the medicaid program under a plan sub-
5 mitted by a State to the Secretary to allo-
6 cate administrative costs for public assist-
7 ance programs.

8 “(B) FUNDS AND EXPENDITURES.—Sub-
9 paragraph (A) applies to—

10 “(i) funds made available to carry out
11 part A of title IV or title XX;

12 “(ii) expenditures made as qualified
13 State expenditures (as defined in section
14 409(a)(7)(B));

15 “(iii) any other Federal funds (except
16 funds provided under subsection (a)(7));
17 and

18 “(iv) any other State funds that are—

19 “(I) expended as a condition of
20 receiving Federal funds; or

21 “(II) used to match Federal
22 funds under a Federal program other
23 than the medicaid program.”.

24 (b) COPIES OF REPORT ON REVIEW OF METHODOL-
25 OGY USED TO MAKE CERTAIN DETERMINATIONS.—Sec-

1 tion 502(b)(2) of the Agricultural Research, Extension,
2 and Education Reform Act of 1998 (Public Law 105–185;
3 112 Stat. 523) is amended by inserting “, the Committee
4 on Commerce of the House of Representatives, the Com-
5 mittee on Finance of the Senate,” after “Representa-
6 tives”.

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