well-being by becoming even moderately active on a regular basis, and that physical activity need not be strenuous to achieve health benefits.

Insurance providers need to help to promote fitness activities to their patients. Statistics in the United States make this clear: 61 percent of adults in the United States are above their target weight, and 13 percent of children and adolescents in the United States are obese or overweight, a figure that has tripled since 1980. In addition to the health consequences, the economic projections are staggering. One study indicates that if the 88,000,000 inactive adults in the United States began regular exercise, national medical costs would decrease by more than $76 billion.

The government and the insurance companies need to send a clear message that everybody benefits from improved fitness and exercise. While the Internal Revenue Code of 1986 provides tax incentives for taxpayers who are obese, it does not provide such incentives for those who are active and healthy.

I believe that insurance companies should my colleagues gathered here today to encourage people in the United States to lead a healthier and more active lifestyle to prevent expensive and painful illnesses; to provide discounted premiums to those who exercise regularly; and to cover and encourage frequent screening for diseases that are easily treatable in their early stages.

Mr. DAVIS of Illinois. Madam Speaker, the percentage of children and adolescents who are defined as overweight has more than doubled since the early 1970s with nearly 15 percent of children and adolescents now being overweight.

Congress has asked our schools to encourage health eating and physical activity to decrease the obesity epidemic in our Nation. We have encouraged our physicians to educate our constituents and parents to be better eating role models to their children. The CDC has even stated to begin to stop and reverse this upward obesity trend "will require effective collaboration among government, voluntary, and private sectors, as well as a commitment to action by individuals and communities across the Nation". It then only makes sense that we now ask the insurance industry to join us in the fight to reduce obesity in our country.

As we know, there are serious health consequences that are caused when an individual is overweight or obese such as high blood pressure, Type 2 diabetes, congestive heart failure, stroke, as well as some types of cancer. These can all be very costly diseases, especially if they are not managed correctly. According to a study of national costs attributed to both overweight and obesity, medical expenses accounted for 9.1 percent of total U.S. medical expenditures in 1998 and may have reached as high as $78.5 billion. Approximately half of these costs were paid by Medicaid and Medicare.

Madam Speaker, I urge my colleagues to support this legislation.

Mr. BARTON of Texas. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mrs. MILLER of Michigan). The question is on the motion offered by the gentleman from Texas (Mr. BARTON) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 34, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

SAFE AND TIMELY INTERSTATE PLACEMENT OF FOSTER CHILDREN ACT OF 2004

Mr. HERGER. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 4504) to improve protections for children and to hold States accountable for the orderly and timely placement of children across States lines, and for other purposes, as amended.

The Clerk read as follows:

H.R. 4504

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Safe and Timely Interstate Placement of Foster Children Act of 2004".

SEC. 2. SENSE OF THE CONGRESS.

(a) FINDING.—The Congress finds that the Interstate Compact on the Placement of Children (ICPC) was drafted more than 40 years ago, is outdated, and is a barrier to the timely placement of children across State lines.

(b) SENSE OF THE CONGRESS.—It is the sense of the Congress that the States should expeditiously revise the ICPC to better serve the interests of children and reduce unnecessary work, and that the revision should include—

(1) limiting its applicability to children in foster care under the responsibility of a State, except those seeking placement in a licensed residential facility primarily to access clinical mental health services; and

(2) providing for deadlines for the completion and approval of home studies as set forth in section 4.

SEC. 3. ORDERLY AND TIMELY PROCESS FOR INTERSTATE PLACEMENT OF CHILDREN.

Section 471(a) of the Social Security Act (42 U.S.C. 671(a)) is amended—

(1) by striking "and" at the end of paragraph (23);

(2) by striking the period at the end of paragraph (24) and inserting "; and"; and

(3) by adding at the end the following:

"(25) provide that the State shall have in effect procedures for the orderly and timely interstate placement of children; and procedures implemented in accordance with an interstate compact approved by the Secretary, if incorporating with the procedures prescribed by paragraph (26), shall be considered to satisfy the requirement of this paragraph.".

SEC. 4. HOME STUDIES.

(a) ORDERLY PROCESS.—

(1) IN GENERAL.—Section 471(a) of the Social Security Act (42 U.S.C. 671(a)) is further amended—

(A) by striking "and" at the end of paragraph (24);

(B) by striking the period at the end of paragraph (25) and inserting "; and"; and

(C) by adding at the end the following:

"(26) provides that—

"(A)(i) within 60 days after the State receives from another State a request to conduct a study of a home environment for purposes of assessing the appropriateness of placing a child in the home, the State shall, directly or by contract—

"(I) conduct and complete the study; and

"(II) return to the other State a report on the results of the study, which shall address the extent to which placement in the home would meet the needs of the child; and

"(ii) in the case of a home study begun on or before September 30, 2006, if the State fails to comply with clause (i) within the 60-day period as a result of circumstances beyond the control of the State (such as a failure by a Federal agency to provide the results of a background check, or the failure by any entity to provide completed medical forms, requested by the State at least 45 days before the end of the 60-day period), the State shall have 75 days to comply with clause (i) if the State documents the circumstances involved and certifies that completing the home study is in the best interests of the child; except that

"(iii) this subparagraph shall not be construed to require the State to have completed, within the applicable period, the parts of the home study involving the education and training of the prospective foster or adoptive parents;

"(B) the State shall treat any report described in subparagraph (A) that is received from another State or an Indian tribe (or from a private agency under contract with another State) as meeting any requirements imposed by the State for the completion of a home study before placing a child in the home, unless, within 14 days after receipt of the report, the State determines, based on grounds that are specific to the content of the report, that making a decision in reliance on the report would be contrary to the welfare of the child; and

"(C) the State shall not impose any restriction on the ability of a State agency administering, or supervising the administration of, a State program operated under a State plan approved under this part to contract with a private agency for the conduct of a home study described in subparagraph (A).".

(2) SENSE OF THE CONGRESS.—It is the sense of the Congress that each State should—

(A) use private agencies to conduct home studies when doing so is necessary to meet the requirements of section 471(a)(26) of the Social Security Act; and

(B) give full faith and credit to any home study report completed by any other State or an Indian tribe with respect to the placement of a child in foster care or for adoption.

(b) TIMELY INTERSTATE HOME STUDY INCENTIVE PAYMENTS.—Part E of title IV of the Social Security Act (42 U.S.C. 670–679b) is amended by inserting after section 473A the following:

"SEC. 473B. TIMELY INTERSTATE HOME STUDY INCENTIVE PAYMENTS.

"(a) GRANT AUTHORITY.—The Secretary shall make a grant to each State that is a home study incentive-eligible State for a fiscal year in an amount equal to the timely interstate home study incentive payment payable to the State under this section for the fiscal year, which shall be payable in the immediately succeeding fiscal year.

"(b) HOME STUDY INCENTIVE-ELIGIBLE STATE.—A State is a home study incentive-eligible State for a fiscal year if—

"(1) the State has a plan approved under this part for the fiscal year;

"(2) the State is in compliance with subsection (c) for the fiscal year; and

"(3) based on data submitted and verified pursuant to subsection (c), the State has completed a timely interstate home study during the fiscal year.

"(c) DATA REQUIREMENTS.—

"(1) IN GENERAL.—A State is in compliance with this subsection for a fiscal year if the

State has provided to the Secretary a written report, covering the preceding fiscal year, that specifies—

''(A) the total number of interstate home studies requested by the State with respect to children in foster care under the responsibility of the State, and with respect to each such study, the identity of the other State involved; and

''(B) the total number of timely interstate home studies completed by the State with respect to children in foster care under the responsibility of other States, and with respect to each such study, the identity of the other State involved.

''(2) VERIFICATION OF DATA.—In determining the number of timely interstate home studies to be attributed to a State under this section, the Secretary shall check the data provided by the State under paragraph (1) against complementary data so provided by other States.

''(d) TIMELY INTERSTATE HOME STUDY INCENTIVE PAYMENTS.—

''(1) IN GENERAL.—The timely interstate home study incentive payment payable to a State for a fiscal year shall be $1,500, multiplied by the number of timely interstate home studies attributed to the State under this section during the fiscal year, subject to paragraph (2).

''(2) PRO RATA ADJUSTMENT IF INSUFFICIENT FUNDS AVAILABLE.—If the total amount of timely interstate home study incentive payments otherwise payable under this section for a fiscal year exceeds the total of the amounts made available pursuant to subsection (h) for the fiscal year (reduced (but not below zero) by the total of the amounts (if any) payable under paragraph (3) of this subsection with respect to the preceding fiscal year), the amount of each such otherwise payable incentive payment shall be reduced by a percentage equal to—

''(A) the total of the amounts so made available (as so reduced); divided by

''(B) the total of such otherwise payable incentive payments.

''(3) APPROPRIATIONS AVAILABLE FOR UNPAID INCENTIVE PAYMENTS FOR PRIOR FISCAL YEARS.—

''(A) IN GENERAL.—If payments under this section are reduced under paragraph (2) or subparagraph (B) of this paragraph for a fiscal year, then, before making any other payment under this section for the next fiscal year, the Secretary shall pay each State whose payment was so reduced an amount equal to the total amount of the reductions which applied to the State, subject to subparagraph (B) of this paragraph.

''(B) PRO RATA ADJUSTMENT IF INSUFFICIENT FUNDS AVAILABLE.—If the total amount of payments otherwise payable under subparagraph (A) of this paragraph for a fiscal year exceeds the total of the amounts made available pursuant to subsection (h) for the fiscal year, the amount of each such payment shall be reduced by a percentage equal to—

''(i) the total of the amounts so made available; divided by

''(ii) the total of such otherwise payable payments.

''(e) 2-Year AVAILABILITY OF INCENTIVE PAYMENTS.—Payments to a State under this section in a fiscal year shall remain available for use by the State through the end of the next fiscal year.

''(f) LIMITATIONS ON USE OF INCENTIVE PAYMENTS.—A State shall not expend an amount paid to the State under this section except to provide to children or families any service (including post-adoption services) that may be provided under part B or E. Amounts expended by a State in accordance with the preceding sentence shall be disregarded in determining State expenditures for purposes of Federal matching payments under sections 423, 434, and 474.

''(g) DEFINITIONS.—In this section:

''(1) HOME STUDY.—The term 'home study' means a study of a home environment, conducted in accordance with applicable requirements of the State in which the home is located, for the purpose of assessing whether placement of a child in the home would be appropriate for the child.

''(2) INTERSTATE HOME STUDY.—The term 'interstate home study' means a home study conducted by a State at the request of another State, to facilitate an adoptive or relative placement in the State.

''(3) TIMELY INTERSTATE HOME STUDY.—The term 'timely interstate home study' means an interstate home study completed by a State if the State provides to the State that requested the study, within 30 days after receipt of the request, a report on the results of the study. The preceding sentence shall not be construed to require the State to have completed, within the 30-day period, the parts of the home study involving the education and training of the prospective foster or adoptive parents.

''(h) LIMITATIONS ON AUTHORIZATION OF APPROPRIATIONS.—

''(1) IN GENERAL.—For payments under this section, there are authorized to be appropriated to the Secretary—

''(A) $10,000,000 for fiscal year 2005;

''(B) $10,000,000 for fiscal year 2006;

''(C) $10,000,000 for fiscal year 2007; and

''(D) $10,000,000 for fiscal year 2008.

''(2) AVAILABILITY.—Amounts appropriated under paragraph (1) are authorized to remain available until expended.''.

(c) REPEALER.—Effective October 1, 2008, section 473B of the Social Security Act is repealed.

SEC. 5. REQUIREMENT TO COMPLETE BACKGROUND CHECKS BEFORE APPROVAL OF ANY FOSTER OR ADOPTIVE PLACEMENT AND TO CHECK CHILD ABUSE REGISTRIES; SUSPENSION AND SUBSEQUENT ELIMINATION OF OPT-OUT.

(a) REQUIREMENT TO COMPLETE BACKGROUND CHECKS BEFORE APPROVAL OF ANY FOSTER OR ADOPTIVE PLACEMENT AND TO CHECK CHILD ABUSE REGISTRIES; SUSPENSION OF OPT-OUT.—

(1) REQUIREMENT TO CHECK CHILD ABUSE REGISTRIES.—Section 471(a)(20) of the Social Security Act (42 U.S.C. 671(a)(20)) is amended—

(A) in subparagraph (A)—

(i) in the matter preceding clause (i), by striking ''on whose behalf foster care maintenance payments or adoption assistance payments are to be made'' and inserting ''regardless of whether foster care maintenance payments or adoption assistance payments are to be made on behalf of the child'';

(ii) in each of clauses (i) and (ii), by inserting ''involving a child on whose behalf such payments are to be so made'' after ''in any case''; and

(iii) by striking ''and'' at the end of clause (ii); and

(B) by adding ''and'' at the end of subparagraph (B); and

(C) by adding at the end the following:

''(C) provides that the State shall—

''(i) check any child abuse and neglect registry maintained by the State for information on any prospective foster or adoptive parent and on any other adult living in the home of such a prospective parent, and request any other State in which any such prospective parent or other adult has resided in the preceding 5 years, to enable the State to check any child abuse and neglect registry maintained by such other State for such information, before the prospective foster or adoptive parent may be finally approved for placement of a child, regardless of whether foster care maintenance payments or adoption assistance payments are to be made on behalf of the child under the State plan under this part;

''(ii) comply with any request described in clause (i) that is received from another State; and

''(iii) have in place safeguards to prevent the unauthorized disclosure of information in any child abuse and neglect registry maintained by the State, and to prevent any such information obtained pursuant to this subparagraph from being used for a purpose other than the conducting of background checks in foster or adoptive placement cases;''.

(2) SUSPENSION OF OPT-OUT.—Section 471(a)(20)(B) of such Act (42 U.S.C. 671(a)(20)(B)) is amended—

(A) by inserting '', on or before September 30, 2004,'' after ''plan if''; and

(B) by inserting '', on or before such date,'' after ''or if''.

(b) ELIMINATION OF OPT-OUT.—Section 471(a)(20) of such Act (42 U.S.C. 671(a)(20)), as amended by subsection (a) of this section, is amended—

(1) in subparagraph (A)—

(A) in the matter preceding clause (i), by striking ''unless an election provided for in subparagraph (B) is made with respect to the State,''; and

(B) by adding ''and'' at the end of clause (ii); and

(2) by striking subparagraph (B) and redesignating subparagraph (C) as subparagraph (B).

SEC. 6. COURTS ALLOWED ACCESS TO THE FEDERAL PARENT LOCATOR SERVICE TO LOCATE PARENTS IN FOSTER CARE OR ADOPTIVE PLACEMENT CASES.

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

(1) by striking ''and'' at the end of paragraph (3);

(2) by striking the period and inserting ''; and''; and

(3) by adding at the end the following:

''(5) any court which has authority with respect to the placement of a child in foster care or for adoption, but only for the purpose of locating a parent of the child.''.

SEC. 7. CASEWORKER VISITS.

(a) PURCHASE OF SERVICES IN INTERSTATE PLACEMENT CASES.—Section 475(5)(A)(ii) of the Social Security Act (42 U.S.C. 675(5)(A)(ii)) is amended by striking ''or of the State in which the child has been placed'' and inserting ''of the State in which the child has been placed, or of a private agency under contract with either such State''.

(b) INCREASED VISITS.—Section 475(5)(A)(ii) of such Act (42 U.S.C. 675(5)(A)(ii)) is amended by striking ''12'' and inserting ''6''.

SEC. 8. HEALTH AND EDUCATION RECORDS.

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

(1) in paragraph (1)(C)—

(A) by striking ''To the extent available and accessible, the'' and inserting ''The''; and

(B) by inserting ''the most recent information available regarding'' after ''including''; and

(2) in paragraph (5)(D)—

(A) by inserting ''a copy of the record is'' before ''supplied''; and

(B) by inserting '', and is supplied to the child at no cost at the time the child leaves foster care if the child is leaving foster care by reason of having attained the age of majority under State law'' before the semicolon.

SEC. 9. RIGHT TO BE HEARD IN FOSTER CARE PROCEEDINGS.

(a) IN GENERAL.—Section 475(5)(G) of the Social Security Act (42 U.S.C. 675(5)(G)) is amended—

(1) by striking ''an opportunity'' and inserting ''a right'';

(2) by striking ''and opportunity'' and inserting ''and right''; and

(3) by striking ''review or hearing'' each place it appears and inserting ''proceeding''.

(b) NOTICE OF PROCEEDING.—Section 438(b) of such Act (42 U.S.C. 638(b)) is amended by inserting ''shall have in effect a rule requiring State courts to notify foster parents, pre-adoptive parents, and relative caregivers of a child in foster care under the responsibility of the State of any proceeding to be held with respect to the child, and'' after ''highest State court''.

SEC. 10. COURT IMPROVEMENT.

Section 438(a)(1) of the Social Security Act (42 U.S.C. 629h(a)(1)) is amended—

(1) by striking ''and'' at the end of subparagraph (C); and

(2) by adding at the end the following:

''(E) that determine the best strategy to use to expedite the interstate placement of children, including—

''(i) requiring courts in different States to cooperate in the sharing of information;

''(ii) authorizing courts to obtain information and testimony from agencies and parties in other States without requiring interstate travel by the agencies and parties; and

''(iii) permitting the participation of parents, children, other necessary parties, and attorneys in cases involving interstate placement without requiring their interstate travel; and''.

SEC. 11. REASONABLE EFFORTS.

(a) IN GENERAL.—Section 471(a)(15)(C) of the Social Security Act (42 U.S.C. 671(a)(15)(C)) is amended by inserting ''(including, if appropriate, through an interstate placement)'' after ''accordance with the permanency plan''.

(b) PERMANENCY HEARING.—Section 471(a)(15)(E)(i) of such Act (42 U.S.C. 671(a)(15)(E)(i)) is amended by inserting '', which considers in-State and out-of-State permanent placement options for the child,'' before ''shall''.

(c) CONCURRENT PLANNING.—Section 471(a)(15)(F) of such Act (42 U.S.C. 671(a)(15)(F)) is amended by inserting '', including identifying appropriate out-of-State relatives and placements'' before ''may''.

SEC. 12. CASE PLANS.

Section 475(1)(E) of the Social Security Act (42 U.S.C. 675(1)(E)) is amended by inserting ''to facilitate orderly and timely in-State and interstate placements'' before the period.

SEC. 13. CASE REVIEW SYSTEM.

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

(1) by inserting '', in the case of a child who will not be returned to the parent, the hearing shall consider in-State and out-of-State placement options,'' after ''living arrangement''; and

(2) by inserting ''the hearing shall determine'' before ''whether the''.

SEC. 14. USE OF INTERJURISDICTIONAL RESOURCES.

Section 422(b)(12) of the Social Security Act (42 U.S.C. 622(b)(12)) is amended—

(1) by striking ''develop plans for the'' and inserting ''make'';

(2) by inserting ''(including through contracts for the purchase of services)'' after ''resources''; and

(3) by inserting '', and shall eliminate legal barriers,'' before ''to facilitate''.

SEC. 15. GAO STUDY ON CHILD WELFARE BACKGROUND CHECKS.

(a) STUDY.—The Comptroller General of the United States shall conduct a study of background checks that are performed for the purpose of determining the appropriateness of placing in a foster or adoptive home a child who is under the custody of a State. The study shall review the policies and practices of States in order to—

(1) identify the most common delays in the background clearance process and where in the process the delays occur;

(2) describe when background checks are initiated;

(3) determine which of local, State, or Federal (such as FBI) background checks are used, how long it takes, on average, for each kind of check to be processed, which crimes or other events are included in each kind of check, how the States differ in classifying the crimes and other events checked, and how the information revealed by the checks is used in determining eligibility to act as a foster or adoptive parent;

(4) examine the barriers child welfare agencies face in accessing criminal background check information;

(5) examine the use of the latest information-sharing technology, including electronic fingerprinting and participation in the Integrated Automated Fingerprinting Information System;

(6) identify the varied uses of such technology for child welfare purposes as opposed to criminal justice purposes; and

(7) recommend best practices that can increase the speed, efficiency, and accuracy of child welfare background checks at all levels of government.

(b) REPORT TO THE CONGRESS.—Within 12 months after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the Committees on Ways and Means and on Education and the Workforce of the House of Representatives and the Committees on Finance and on Health, Education, Labor, and Pensions of the Senate a report which contains the results of the study required by subsection (a).

SEC. 16. EFFECTIVE DATE.

(a) IN GENERAL.—Except as otherwise provided in this section, the amendments made by this Act shall take effect on October 1, 2004, and shall apply to payments under parts B and E of title IV of the Social Security Act for calendar quarters beginning on or after such date, without regard to whether regulations to implement the amendments are promulgated by such date.

(b) ELIMINATION OF OPT-OUT.—The amendments made by section 5(b) shall take effect on October 1, 2006, and shall apply to payments under part E of title IV of the Social Security Act for calendar quarters beginning on or after such date, without regard to whether regulations to implement the amendments are promulgated by such date.

(c) DELAY PERMITTED IF STATE LEGISLATION REQUIRED.—If the Secretary of Health and Human Services determines that State legislation (other than legislation appropriating funds) is required in order for a State plan under part B or E of title IV of the Social Security Act to meet the additional requirements imposed by the amendments made by a provision of this Act, the plan shall not be regarded as failing to meet any of the additional requirements before the 1st day of the 1st calendar quarter beginning after the first regular session of the State legislature that begins after the date of the enactment of this Act (or, in the case of the amendments made by section 5(b), the 1st day of the 1st calendar quarter beginning after the first such regular session that begins after the effective date of such section). If the State has a 2-year legislative session, each year of the session is deemed to be a separate regular session of the State legislature.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. HERGER) and the gentleman from Maryland (Mr. CARDIN) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. HERGER).

GENERAL LEAVE

Mr. HERGER. Madam Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks and to include extraneous material on the subject of the bill under consideration.

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

There was no objection.

Mr. HERGER. Madam Speaker, I yield myself such time as I may consume.

I rise in support of H.R. 4504, the Safe and Timely Interstate Placement of Foster Children Act of 2004. I am pleased to be a cosponsor of this bipartisan legislation sponsored by the distinguished majority leader from Texas (Mr. DELAY). I thank him for introducing this important legislation and for his dedication and efforts to ensure foster and adopted children are better protected.

Madam Speaker, since November 2003, the subcommittee that I chair has conducted numerous hearings examining the Nation's child protection system. We have heard testimony from more than 45 witnesses who all agree on one important point, our current system fails to protect children and, therefore, needs improvement. The legislation before us today is an important first step in our effort to ensure children are not needlessly lingering in foster care. This legislation would encourage States to expedite the safe placement of foster and adoptive children into homes across State lines. Currently, these placements take an average of 1 year longer than placements within a single State, delaying permanency with loving families for thousands of children.

H.R. 4504 would establish deadlines for completing home studies that assess whether the home is appropriate for a child. The legislation also authorizes up to $10 million in each of fiscal years 2005 through 2008 for incentive payments to the States for home studies completed in a timely manner. In addition, the bill includes provisions to better ensure safety for children and foster and adoptive homes and to give foster parents and relative caregivers a right to be heard and notice of any court proceedings held concerning a child in their care.

I thank my colleagues, Republicans and Democrats, for their support of our efforts to move this bill. I urge all my colleagues to join me in voting for this legislation so that we can ensure children are placed with loving families in a timely and safe way.

Madam Speaker, I reserve the balance of my time.

□ 1600

Mr. CARDIN. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, when a child in foster care is waiting for a loving home, they should not have to wait an extra year to be placed in that home solely because it exists in another State.

Unfortunately, that is exactly what happens in many cases today. The interstate placement of foster children is too often delayed by bureaucratic red tape, the lack of communication, differing standards among States, insufficient resources, and sometimes just plain indifference. The truth is that when one is dealing with an out-of-state placement, a particular State does not give it the same attention it does to a placement within its own State. I therefore support this legislation to encourage States to expedite the appropriate placement of children across State lines.

The bill before us calls upon States to update a compact that dictates the process for interstate placement, and it requires States to expeditiously conduct home studies for children coming from other States.

Concluding these home studies, which evaluate whether prospective foster or adoptive parents can provide a safe and caring home for a child, has been one of the primary barriers to placing children across State lines.

The legislation attempts to focus States' attention on this problem by requiring the completion of home studies within 60 days and by offering financial bonuses for every study that is completed within 30 days.

I want to congratulate and thank the distinguished gentleman from Texas (Mr. DELAY), majority leader, for bringing this legislation forward and for working with both sides of the aisle to try to perfect this bill and to make it one that we hope can be enacted this year.

As a result of those discussions, some important changes have been made, and let me just point them out. First, the revised legislation now exempts the training of the foster and adoptive parents from both the 60- and 30-day home study timetables. Many States help prepare prospective adoptive and foster parents, and sometimes this training can take up to 3 months. We want to encourage such efforts; and, therefore, the new bill does not count training against a home study requirement and bonus.

Second, we recognize that factors beyond a State's control, such as waiting for an FBI background check or medical records, can sometimes prolong the home study process. The revised bill therefore gives States an additional 15 days, for a total of 75 days, to complete the home study in such circumstances.

And, finally, the new bill increases the bonuses for home studies completed within 30 days to $1,500 and clarifies that the $10 million a year will be authorized for these bonuses for the next 4 years. So the States can really plan on these new roles.

I should point out that one controversial provision remains in the bill that is not directly related to the goal of expediting interstate placements. The bill would eliminate the ability of States to determine their own standards for placing children with relatives of adoptive parents who have committed criminal offenses in the past. Mr. Speaker, my own State already complies with Federal standards in this area; and, therefore, I am not opposed to that provision in the bill. However, I understand that New York, California, and seven other States want the flexibility to make placement decisions on past offenses that may have happened many years ago. Those nine States now opt out of the Federal standards, an option that would be eliminated by this legislation. However, the revised bill does delay the effect of this change for 2 years, giving the States more time to modify those procedures.

Mr. Speaker, we have 500,000 children in foster care of which over 100,000 are ready for adoption. We need to remove barriers between these children and loving homes, and this bill takes a modest, but meaningful, step in that direction.

In closing, once again let me compliment the majority leader for allowing this Congress to focus on the issues of foster children. We have been able to do that in a bipartisan manner, and we have made some very constructive changes that have helped our most vulnerable children, and I congratulate him on this legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. HERGER. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Texas (Mr. DELAY), majority leader, the author of the bill.

Mr. DELAY. Mr. Speaker, I want to thank the gentleman for yielding me this time, and I want to also thank the gentleman from California (Chairman HERGER) and the distinguished gentleman from Maryland (Mr. CARDIN), ranking member, for their leadership on this legislation and in this area. They have worked tirelessly to understand the plight of abused and neglected children in this country, and we greatly appreciate the hard work that they have been doing.

I would also like to especially thank the staff from the Committee on Ways and Means, Matt Weidinger and Christine Devere, for their help on this bill. Nick Gwyn, from the minority staff, also contributed to this effort. The Congressional Research Service, Emilie Stolzfus and Karen Spar, provided technical advice on this bill that was greatly appreciated. In addition, I also want to thank Barbara Clark and Susan Orr with the Department of Health and Human Services for their work on this bill. But I especially want to thank Cassie Bevan on my staff. Dr. Bevan really shepherded this bill, and she has shown the love that exhibited in this bill is the exact kind of love that she has for children that are abused and neglected, the most innocent that are treated so badly by the adults that should love them and raise them. Dr. Bevan has done exemplary work in this area with this bill and in many other areas. And we are grateful to her.

Mr. Speaker, I am proud to have authored this bill and recommend it to my colleagues today. This legislation would streamline the system of which abused and neglected children in America are placed in foster and adoptive homes across State lines and brings hope to thousands of children every year who otherwise would spend their precious days in uncertainty and fear.

For the first time, it will set Federal deadlines for children's interstate placement to ensure both safety and timeliness by establishing Federal requirements.

Today in the United States an abused or neglected child who must be placed in a foster home outside their home State, often with a family member in another State, waits on average 1 full year longer to be placed than a child placed in-state. There is simply no justification for this inefficiency in this day and age. These kids need our help. Yes, prospective families must be found and screened. Background checks must be conducted, and the well-being of the child must always, always be the driving interest.

But an extra year just because a second government bureaucracy gets involved? An extra year of waiting for a permanent, forever family?

Not anymore, Mr. Speaker. Under this bill before us, once a child is deemed in need of an out-of-state placement, the State has 60 days to find the child a foster home or an adoptive home and 14 days to approve that home. And on top of that, it creates a financial incentive of $1,500 for States that complete their home study in 30 days.

These abused and neglected children should not be treated like second-class citizens or lower priorities just because they have to move out of their home State to be loved. To ensure these children's safety, this bill will also set Federal requirements for the criminal background checks States must conduct to screen prospective foster parents. It will end the ability of States to ''opt out'' of Federal criminal background requirements to prevent children from ever being placed into the home of anyone who has had a felony conviction involving violence or children.

It also provides 2 years for all States to get into compliance with Federal law so that by October, 2006, every placement in the country will be done with the same commitment to safety and timeliness.

Let us just be real clear about what we are talking about here. These children have not known the kind of lives

they were meant to lead. They have been abused and neglected by the very people who are supposed to love them the most. They have been beaten, malnourished, terrorized, and in many cases sexually abused. Things have gotten so bad in their lives that the State has been forced to step in to offer the child protection.

A family has volunteered to create a loving home for this child, and yet because of bureaucratic inefficiency and out-of-touch policies, these children are left to suffer alone with their fear and their bruises for another lost year of their young lives. Unacceptable. Unacceptable.

This bill will get these children out of their personal hells and into the arms of a loving family quickly and safely. Sixty days is more than enough to make necessary background checks and to ensure the quality of the prospective foster or adoptive parents, as evidenced by the widespread support for this legislation among groups dedicated to the protection of abused and neglected children like the National Foster Parent Association, the National Association of Psychiatric Health Systems, the Consortium for Children, the National Council for Adoption, and the National Council of Juvenile and Family Court Judges.

The people closest to the movement to reform the foster care system in America support this bill, Mr. Speaker. Current law allows children in need of an out-of-state placement to wait an extra year to find a family and does not ensure that ultimate placement is safe.

Current law is a cruel and callous insult to these children and the responsibility of the Nation to care for them. Current law, Mr. Speaker, must change. And if it does not and Congress adjourns without acting and an abused and neglected child dies in a State that has opted out of the Federal system, our failure to act will be the reason.

So I urge my colleagues not to let things reach that point. Act now in the interest of abused and neglected children who are today just hoping for a chance to hope. Give them that chance, Mr. Speaker, and support this legislation.

Mr. CARDIN. Mr. Speaker I yield 4 minutes to the distinguished gentleman from Washington (Mr. MCDERMOTT), a member of the Committee on Ways and Means.

Mr. MCDERMOTT. Mr. Speaker, I want to thank the gentleman from California (Mr. HERGER) for bringing this legislation to the floor today.

Often this close to an election, we waste a lot of time on nonsense aimed to affect the election. But today's bill is really important because it aims to improve the chances of foster children to find permanent homes more quickly. This bill provides incentives to States that quickly place out-of-state children into permanent homes. But it also penalizes States that place children too slowly.

I am concerned that there may be situations where the delays in placement are caused by Federal agencies, not by State mismanagement; and I would like to ask the gentleman from California to engage me in a brief colloquy.

Since the bill calls for a government study to look at the reasons for delays in conducting background checks on prospective adoptive and foster parents, is it the gentleman from California's intention to work with me and my colleagues to address any barriers that the study finds especially at the Federal level?

Mr. HERGER. Mr. Speaker, will the gentleman yield?

Mr. MCDERMOTT. I yield to the gentleman from California.

Mr. HERGER. Mr. Speaker, I thank the gentleman from Washington for his support of this important legislation.

And as he has mentioned, the legislation requests that GAO study the reasons for delays in conducting background checks, and I am very interested in what the GAO has to say on these issues given the importance of completing home studies in a timely manner so children may quickly, but safely, be placed into permanent homes. I hope we can continue to work together to explore these issues, building on what the GAO reports to us.

I thank the gentleman for his interest in this important issue and for his support of the legislation before us.

Mr. MCDERMOTT. Mr. Speaker, I thank the gentleman for his response. We look forward to working with him.

Mr. HERGER. Mr. Speaker, I yield 2 minutes to the gentleman from Michigan (Mr. CAMP), a member of the Committee on Ways and Means and the Human Resources Subcommittee.

Mr. CAMP. Mr. Speaker, I thank the chairman for yielding me this time, and I also want to thank the distinguished gentleman from Texas (Mr. DELAY), majority leader, for his long record of leadership on foster care issues as well as on this particular legislation today.

This time of year I often get asked: What am I proud to have accomplished as a Member of Congress? And I am sure many of my colleagues get the same question. For me it is an easy question to answer. It is our work on adoption issues and moving children in foster care into safe, permanent, loving homes.

Together we have accomplished a lot for abandoned children, and today we can do even more. It is odd to think that after years of work on this issue, bringing regularity to international adoptions, providing greater incentives to adopt older and special needs children, helping new parents with the enormous financial cost to giving a young child a new lease on life, that something as simple as a State boundary line is delaying kids from finding true happiness and the unconditional love of a mother and father.

H.R. 4504, the Safe and Timely Interstate Placement Act of 2004, is a bipartisan piece of legislation that will expedite the safe placement of foster and adoptive children into permanent homes across State lines. Currently, these placements take more than 1 year longer than placements within a State's borders. We should not, and cannot, allow that to continue.

This legislation takes a commonsense approach to helping our Nation's foster children. It sets reasonable deadlines for completing and responding to interstate home studies and provides financial incentives for meeting those deadlines.

□ 1615

It also ensures children are protected by requiring all States to follow Federal criminal background check procedures for perspective foster and adoptive parents.

This is good policy. It will help children find the family they deserve. I urge my colleagues to vote ''yes'' on H.R. 4504.

Mr. CARDIN. Mr. Speaker, I yield 3 minutes to the gentlewoman from California (Ms. WATSON).

Ms. WATSON. Mr. Speaker, I rise today to speak on behalf of the 30,000 youth in the Los Angeles County foster care system. The goal for our foster care system is to find a permanent, loving family for each child and to ensure their well-being.

The focus of this bill is interstate placement, an excellent way to place children with relatives. This bill will help to achieve this goal. But my concern is this: after 2 years, H.R. 4504 would eliminate an opt-out provision for FBI background checks for all States.

The California County Welfare Directors Association concurs that this provision presents a problem for my home State of California, which already performs more rigorous background checks than required by the Interstate Compact on the Placement of Children. The 9/11 Commission has told us the FBI is already having difficulty performing background checks for homeland security needs. States cannot rely on the overburdened FBI to accelerate interstate placements of children. Our foster care children would have to compete with criminals and terrorists for time.

Foster care youth need to be placed in safe, loving homes. I would ask, Mr. Speaker, to give the Congress the opportunity to revisit this mandatory background check provision before the 2-year reprieve is over so that States like California can continue with their more rigorous background checks. I will work with the author to maybe have a provision that would do that.

Mr. CARDIN. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from California (Mr. CARDOZA), one of the cosponsor of this legislation.

Mr. CARDOZA. Mr. Speaker, I rise in support of H.R. 4504 sponsored by the House majority leader, the gentleman from Texas (Mr. DELAY). As Members

from opposing sides of the political spectrum, I praise the gentleman from Texas (Mr. DELAY), and I could not be more proud to be here today in support of a common goal, moving our Nation's most precious children into safe and permanent homes.

As an adoptive parent myself, I have seen firsthand the glaring problems our foster care system is currently facing. At any given time in the United States, there are roughly 500,000 children in foster care, moving from placement to placement, often living out of a suitcase, in hopes that one day a loving family will welcome them into their home.

H.R. 4504, the Safe and Timely Placement of Foster Children Act, addresses one specific, yet extremely important, aspect of the system, interstate adoptions. Often an impediment to a foster child's placement in a permanent home happens when a child from one State is being adopted by a family in another State. The State where the family resides must complete a home study in order to verify that the placement is safe, secure, and ready for the new child. Often these types of home studies are a low priority for the State where the adoptive family resides and can lead to delays of months and even years in the adoption process.

This legislation we are considering today would establish a 60-day deadline for completing an interstate home study. If a State completes the home study within 30 days, this bill would authorize a $1,500 incentive payment for the completed home study to be used for adoption-related expenses.

The children that this bill seeks to help are needy, neglected children without a voice who desperately want to have a home, something all of us take for granted. They want to go to the same school with the same friends for more than a few months at a time. They want someone to tuck them in at night and help them with their homework. They want to stop living out of a black plastic garbage bag that doubles as a suitcase. They want a real home, and they want to be loved.

Over the years I have met with numerous kids from all over the country who are in various stages of foster care. I have heard great stories where children were reunited with their biological parents or are placed in loving, caring adoptive homes, like my own children are. But I have also heard other stories that have just made me sick to my stomach.

One young boy I met at a school for foster children in my district told me the story of his life that seemed quite fitting for this debate today. He had been placed in foster care at an early age and had been moved in and out of seven different homes up and down the State of California. As you can imagine, he grew jaded and resentful from the harsh life he was forced to live.

Finally he, was placed with a family that saw through his rough exterior and who wanted to adopt him. This young boy was convinced that he had finally found a real home with devoted parents. Soon after he was placed in this foster family, however, the father was transferred to North Carolina and the family was forced to move. Unfortunately, they could not get the paperwork processed between California and North Carolina in order to facilitate the adoption, so this young boy was left behind and is now residing in a group home.

It is our job as Members of Congress to be a voice for these children and make sure their dreams are realized. We owe it to them to streamline the adoptive process and make Federal law work for positive outcomes. If that means requiring States to get their act together, then so much the better.

Mr. CARDIN. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from Alabama (Mr. CRAMER).

Mr. CRAMER. Mr. Speaker, I rise today in strong support of H.R. 4504, the Safe and Timely Interstate Placement Act of 2004. I congratulate the gentleman from California (Mr. HERGER) and the gentleman from Maryland (Mr. CARDIN) as well for bringing this very important piece of legislation to the floor of the House in what might be one of our last weeks in session here. I also want to congratulate the majority leader for the passion he has brought to this issue as well.

We have had many discussions about the plight of those children that do not have a safety net under them, particularly foster children, and foster children that could be eligible for adoption as well.

I began my career after law school as an assistant district attorney, and I was assigned to juvenile court. In those days in Alabama we were to assist the welfare department with issues of removal of children. I learned more than I ever wish I had to learn about children that were in foster care, vulnerable children, abused children, physically abused, sexually abused, and often both as well.

What I found out the hard way, though, is that the system does not protect those children. The bureaucracies work against what we can do to place and protect those children. I got actively involved with the Foster Parents Association down there in north Alabama, and their frustrations with the bureaucracy were many.

This piece of legislation today accomplishes just about everything that we need to accomplish. It deals with the placement of children across State lines, and the bureaucracies have worked against that. My colleagues have pointed out how much longer it takes to place those children.

This legislation as well speaks to States that have opted out of Federal requirements. There should be criminal background checks. There should be restrictions on who is eligible to adopt children. Most States are not doing those background checks, and consequently most of those States are not protecting children the way they should. So this makes this uniform.

Another important issue that is covered in this legislation is it authorizes up to $10 million through fiscal year 2008 for incentive payments to the States for $1,500 for each interstate home study completed within 30 days. It wants to force the States to do those home studies quicker.

Mr. Speaker, this is a good piece of legislation, it should not be controversial, and our Members should support it.

Mr. CARDIN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, in closing, I would just urge my colleagues to support this very important bill, and I compliment the manner in which it was handled in this body, improving the legislation.

Mr. Speaker, I yield back the balance of my time.

Mr. HERGER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank my colleague, the gentleman from Maryland (Mr. CARDIN), and all of the gentlemen and gentlewomen we have worked with on this bipartisan legislation. The legislation we are considering today is an important step that will ensure timely and safe homes for children.

It also has the support of the Bush administration, which today issued a statement of administration policy. This statement says the following: ''The administration supports House passage of H.R. 4504. This bill would help speed up the interstate adoption process so that children could be placed in permanent, loving homes more quickly by authorizing the Department of Health and Human Services to make incentive grants to States that complete timely interstate home studies.

''The administration is particularly pleased that the House bill includes a provision that eliminates the ability of States to opt out of requirements to conduct criminal background checks on foster and adoptive parents.''

Mr. Speaker, I thank the administration for their support, and I urge all my colleagues to join us in support of this legislation.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I am pleased to be here today to support the "Orderly and Timely Interstate Placement of Foster Children Act of 2004." This act amends the Social Security Act to require each State to have procedures for orderly and timely placement of children, in foster care or for adoption.

In addition, this bill directs the Secretary of Health and Human Services to make incentive grants to States that complete timely interstate home studies. It also revises requirements for checking of child abuse registries to eliminate an opt-out provision.

Because of this act, we will allow access to the Federal parent locator service to courts in foster care or adoptive placement cases. It also provides for consideration of out-of-state placements in permanency hearings, case plans, and case reviews.

As chair of the Congressional Children's Caucus, I have dedicated a significant portion

of my congressional services to this issue of children. Children entering foster care are often in poor health. Compared with children from the same socioeconomic background, they have much higher rates of serious emotional and behavioral problems, chronic physical disabilities, birth defects, developmental delays, and poor school achievement according to Child Welfare Statistical Fact Book.

In my state of Texas we have a Child Population of 5,629,200. There are 17,103 in state care; 6,002, or 30.5 percent, are African American children. African American children, who made up less than 16 percent of all children under age 18, accounted for 38 percent of foster children in 2001, a total of 204,973.

White children, who made up 62 percent of American children, accounted for 37 percent of foster children. Hispanic children, who made up 18 percent of U.S. children, accounted for 17 percent of foster children.

Alcohol and drug abuse are factors in the placement of more than 75 percent of the children who are entering foster care. Children who lose their parents to AIDS are another group in need of foster care. In addition, increasing numbers of children who are HIV infected are in foster care.

An estimated 80,000 healthy children will be orphaned by AIDS in the next few years, with approximately one-third of that number expected to enter the child welfare system. Some conservative estimates are that about 30 percent of the children in care have marked or severe emotional problems.

According to a GAO study, 58 percent of young children in foster care had serious health problems; 62 percent had been subject to prenatal drug exposure, placing them at significant risk for numerous health problems.

Children in foster care are three to six times more likely than children not in care to have emotional, behavioral and developmental problems including conduct disorders, depression, difficulties in school, and impaired social relationships.

The health care children receive while in foster care is often compromised by insufficient funding, poor planning, lack of access, prolonged waits for community-based medical and mental health services, and lack of coordination of services as well as poor communication among health and child welfare professionals.

The Child Welfare League of America (CWLA) worked with the American Academy of Pediatrics (AAP) to develop standards for the health of foster children. However, many child welfare agencies lack specific policies for children's physical and mental health services and state Medicaid systems rarely cover all of the services these children require.

We need a more comprehensive, inclusive health care system to protect our Nation's foster children. To begin with, all children entering foster care should have an initial physical examination before or soon after placement. This examination should focus on identifying acute and chronic conditions requiring expedient treatment, so the condition does not worsen or become unmanageable. It is better for the child, for the foster parent, and for state Medicaid programs to urge an early diagnosis and treatment.

All children in foster care should receive comprehensive mental health and developmental evaluations, either before placement or soon after. Although they live with a family, the child in foster care requires physical, developmental, and mental health status monitoring more frequently than children living in stable homes.

Finally, child welfare agencies and health care providers should develop and implement systems to ensure the efficient transfer of physical and mental health information among professionals who treat children in foster care. The ability to communicate about medical histories and previous problems will make diagnosis and treatment easier and more affordable, and also provide the child with a more complete medical background.

We in Congress can see that more is done to hold social services accountable for maintaining the health and well being of these children. We can work to have more funds efficiently spent on the federal level to help these children. These are our most precious resource of the future, let us come together to work to protect it.

Mr. DAVIS of Illinois. Mr. Speaker, I rise today in support of H.R. 4504. There are currently approximately 540,000 children in foster care in our country. In my home state of Illinois, 5 percent of our children, approximately 28,460 children are in foster care. The number of kids in foster care has doubled from 1987 to 2004. Nearly half of today's population of foster kids are under the age of ten.

I commend the gentleman from Texas, Mr. DELAY for this legislation. The idea of providing an opportunity for children who could not experience family life, to give them the opportunity to have the well-being, the nurturing of a family rather than being institutionalized or as a ward of the State is of tremendous value. I simply want to add my voice in support of it.

Mr. HERGER. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. SIMPSON). The question is on the motion offered by the gentleman from California (Mr. HERGER) that the House suspend the rules and pass the bill, H.R. 4504, as amended.

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

The title of the bill was amended so as to read: ''A bill to improve protections for children and to hold States accountable for the safe and timely placement of children across State lines, and for other purposes.''.

A motion to reconsider was laid on the table.

SENSE OF CONGRESS RECOGNIZING CONTRIBUTIONS OF SEVEN *COLUMBIA* ASTRONAUTS

Mr. ROHRABACHER. Mr. Speaker, I move to suspend the rules and pass the joint resolution (H.J. Res. 57) expressing the sense of the Congress in recognition of the contributions of the seven *Columbia* astronauts by supporting establishment of a Columbia Memorial Space Science Learning Center, as amended.

The Clerk read as follows:

H.J. RES. 57

Whereas the crew of the space shuttle Columbia was dedicated to scientific research and stimulating the interest of American children in space flight and science;

Whereas the Columbia crew carried out science projects of American schoolchildren;

Whereas the members of that crew gave their lives trying to benefit the education of American children;

Whereas a fitting tribute to that effort and to the sacrifice of the Columbia crew and their families is needed;

Whereas an appropriate form for such tribute would be to expand educational opportunities in science by the creation of a center and museum to offer children and teachers activities and information derived from American space research;

Whereas the former manufacturing site of the space shuttles (including the Columbia and the Challenger) in the city of Downey, California, is a fitting site for such a tribute;

Whereas residents of Downey are proud of their role in building the space shuttle fleet and in furthering the Nation's space program; and

Whereas city officials have been working with NASA representatives to develop the center in Downey: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That it is the sense of the Congress that—

(1) the space science learning center in Downey, California, should be designated as the Columbia Memorial Space Science Learning Center as a living memorial to the seven Columbia astronauts who died serving their country in the name of science and research; and

(2) the Federal Government, along with public and private organizations and persons, should continue to cooperate in the establishment of such a center.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. ROHRABACHER) and the gentleman from Tennessee (Mr. GORDON) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. ROHRABACHER).

GENERAL LEAVE

Mr. ROHRABACHER. 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 on H.J. Res. 57.

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

There was no objection.

Mr. ROHRABACHER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, since the beginning of time, a thirst for knowledge has been the greatest of motivations for discovery and exploration. Our passionate pursuit of the unknown has resulted in opening new frontiers and tremendous technological and other opportunities that benefit humankind.

There are no better examples of this spirit than the courageous crew of the Space Shuttle *Columbia*. They made the ultimate sacrifice, we say paid the ultimate sacrifice, so we could exceed our limitations in exploring the heavens. This resolution is a fitting tribute to the *Columbia* crew, who dedicated their lives to scientific research and space exploration.

The fact that on their fateful mission they conducted experiments designed