

(c) **CRIMINAL PENALTIES.**—Whoever knowingly and willfully violates paragraph (1) or (2) of subsection (a) shall be subject to a fine of not more than \$250,000, imprisonment for not more than 5 years, or both.

TITLE V—GENERAL PROVISIONS

SEC. 501. RECOGNITION OF CONVENTION ADOPTIONS.

Subject to Article 24 of the Convention, adoptions concluded between two other Convention countries that meet the requirements of Article 23 of the Convention and that became final before the date of entry into force of the Convention for the United States shall be recognized thereafter in the United States and given full effect. Such recognition shall include the specific effects described in Article 26 of the Convention.

SEC. 502. SPECIAL RULES FOR CERTAIN CASES.

(a) **AUTHORITY TO ESTABLISH ALTERNATIVE PROCEDURES FOR ADOPTION OF CHILDREN BY RELATIVES.**—To the extent consistent with the Convention, the Secretary may establish by regulation alternative procedures for the adoption of children by individuals related to them by blood, marriage, or adoption, in cases subject to the Convention.

(b) **WAIVER AUTHORITY.**—

(1) **IN GENERAL.**—Notwithstanding any other provision of this Act, to the extent consistent with the Convention, the Secretary may, on a case-by-case basis, waive applicable requirements of this Act or regulations issued under this Act, in the interests of justice or to prevent grave physical harm to the child.

(2) **NONDELEGATION.**—The authority provided by paragraph (1) may not be delegated.

SEC. 503. RELATIONSHIP TO OTHER LAWS.

(a) **PREEMPTION OF INCONSISTENT STATE LAW.**—The Convention and this Act shall not be construed to preempt any provision of the law of any State or political subdivision thereof, or prevent a State or political subdivision thereof from enacting any provision of law with respect to the subject matter of the Convention or this Act, except to the extent that such provision of State law is inconsistent with the Convention or this Act, and then only to the extent of the inconsistency.

(b) **APPLICABILITY OF THE INDIAN CHILD WELFARE ACT.**—The Convention and this Act shall not be construed to affect the application of the Indian Child Welfare Act of 1978 (25 U.S.C. 1901 et seq.).

(c) **RELATIONSHIP TO OTHER LAWS.**—Sections 3506(c), 3507, and 3512 of title 44, United States Code, shall not apply to information collection for purposes of sections 104, 202(b)(4), and 303(d) of this Act or for use as a Convention record as defined in this Act.

SEC. 504. NO PRIVATE RIGHT OF ACTION.

The Convention and this Act shall not be construed to create a private right of action to seek administrative or judicial relief, except to the extent expressly provided in this Act.

SEC. 505. EFFECTIVE DATES; TRANSITION RULE.

(a) **EFFECTIVE DATES.**—

(1) **PROVISIONS EFFECTIVE UPON ENACTMENT.**—Sections 2, 3, 101 through 103, 202 through 205, 401(a), 403, 503, and 505(a) shall take effect on the date of the enactment of this Act.

(2) **PROVISIONS EFFECTIVE UPON THE ENTRY INTO FORCE OF THE CONVENTION.**—Subject to subsection (b), the provisions of this Act not specified in paragraph (1) shall take effect upon the entry into force of the Convention for the United States pursuant to Article 46(2)(a) of the Convention.

(b) **TRANSITION RULE.**—The Convention and this Act shall not apply—

(1) in the case of a child immigrating to the United States, if the application for advance processing of an orphan petition or petition to classify an orphan as an immediate relative for the child is filed before the effective date described in subsection (a)(2); or

(2) in the case of a child emigrating from the United States, if the prospective adoptive par-

ents of the child initiated the adoption process in their country of residence with the filing of an appropriate application before the effective date described in subsection (a)(2).

HOUSE AMENDMENT TO SENATE AMENDMENT:

Page 36, strike lines 22 and 23 and insert "and the natural parents has been terminated (and in carrying out both obligations under this subclause the Attorney General may consider whether there is a petition pending to confer immigrant status on one or both of such natural parents); and".

Mr. GILMAN (during the reading). Mr. Speaker, I ask unanimous consent that the amendments be considered as read and printed in the RECORD.

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

There was no objection.

The SPEAKER pro tempore. Is there objection to the initial request of the gentleman from New York?

Mr. DELAHUNT. Mr. Speaker, reserving the right to object, and I shall not object, I yield to the gentleman from New York (Mr. GILMAN) to describe the amendment.

Mr. GILMAN. Mr. Speaker, I thank the gentleman from Massachusetts (Mr. DELAHUNT) for yielding. We have reached an agreement with the Senate on H.R. 2909, the Intercountry Adoption Act. The Senate made modest amendments to this bill which the House passed on July 18, 2000, and the bill we are taking up today includes a further modification as proposed by the House Committee on the Judiciary.

This amendment has been agreed to by the relevant committees on both sides of the aisle and it is acceptable to the Senate as well. This amendment simply clarifies that the Attorney General, in carrying out obligations to satisfy herself that the purpose of a particular adoption is to form a bona fide parent/child relationship in the parent/child relationship of the child and the natural parents has been terminated, may consider whether there is a petition pending to confer immigrant status on one or both birth parents.

The pendency of such a petition may have negative evidentiary value on these issues before the Attorney General. We, therefore, think that this is a reasonable addition to the bill. Accordingly, I urge my colleagues to support this measure.

I want to thank the gentleman from Massachusetts (Mr. DELAHUNT) for his leadership on this bill.

Mr. DELAHUNT. Mr. Speaker, further reserving the right to object, I am very glad to join my good friend, the gentleman from New York (Mr. GILMAN), the chairman of the Committee on International Relations, in urging support for this bill. I understand the other body has agreed to accept this amendment, and I want to express my appreciation to the chairman of the Subcommittee on Immigration and Claims, the gentleman from Texas (Mr. SMITH); the full chairman of the full Committee on the Judiciary, the gentleman from Illinois (Mr. HYDE); and

Senators ABRAHAM, KENNEDY and LANDRIEU for all of their efforts to help us resolve the impasse over these final amendments to this important legislation.

The Hague Convention on Intercountry Adoption is of enormous importance to adopted kids and their families, and this implementing legislation is absolutely critical to ensuring that both parents and adoptive families can participate in the intercountry adoption process with full confidence and a greater sense of security.

I want to thank the gentleman from New York (Mr. GILMAN), the ranking member; the gentleman from Connecticut (Mr. GEJDENSON); the gentleman from Connecticut (Mrs. JOHNSON); the gentleman from Michigan (Mr. CAMP), who has worked so hard on so many issues dealing with adoption, and the many other Members on both sides of the aisle who have worked so hard on behalf of this legislation.

Again, I want to thank Senators HELMS, BIDEN and LANDRIEU for working with us in such a bipartisan and bicameral fashion to achieve this splendid result.

Finally, Mr. Speaker, I would be remiss if I did not express my appreciation to a number of staff members without whose dedication and persistence we would not be standing here today. So let me name Kristen Gilley, who is here with us, and David Abramowitz of the Committee on International Relations; Cassie Bevan of the House Committee on Ways and Means staff; George Fishman and Peter Levinson of the Committee on the Judiciary staff; and my own legislative director, Mr. Mark Agrast.

Mr. Speaker, I am very happy to withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the initial request of the gentleman from New York?

There was no objection.

A motion to reconsider was laid on the table.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

WHY THE UNITED STATES DOES NOT OWE DUES TO THE UNITED NATIONS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maryland (Mr. BARTLETT) is recognized for 5 minutes.

Mr. BARTLETT of Maryland. Mr. Speaker, I want to talk for a few minutes this evening about U.N. dues. I am not going to talk about the proposal of the U.N. to levy taxes on the countries of the world, including ours, which frightens a number of our people. Indeed, that is frightening. I am not going to talk about the proposal that