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## **Hague Convention Implementation Legislation: Comparison of H.R. 2909, S. 682, and Administration Draft**

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# Hague Convention Implementation Legislation: Comparison of H.R. 2909, S. 682, and Administration Draft

## Summary

The Hague Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption ("Convention") establishes uniform standards and procedures for the international adoption of children. The United States became a signatory to the Convention on March 31, 1994. In order to implement the provisions of the Convention, each signatory nation must enact domestic legislation to fulfill the treaty requirements. At the present time, several different versions of the implementing legislation are being considered: H.R. 2909, the "Intercountry Adoption Act of 1999;" S. 682, the "Intercountry Adoption Convention Implementation Act of 1999;" and the companion bill to S. 682, H.R. 2342. In addition, a draft bill entitled "Intercountry Adoption Act" which is known as the "Administration bill" was prepared by the State Department and transmitted to the President in June 1998. It has not been introduced. This report compares and analyzes certain provisions of H.R. 2909, S. 682. and the Administration bill.

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# Hague Convention Implementation Legislation: Comparison of H.R. 2909, S. 682, and Administration Draft

## Introduction

Interest is currently focusing on legislation which would implement certain requirements of the Hague Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption (“Convention”). The United States became a signatory to the Convention on March 31, 1994. The Convention was transmitted to the Senate for its advice and consent on June 11, 1998.<sup>1</sup> The purpose of the Convention is to establish uniform standards and procedures for the international adoption of children. Through the establishment of such uniform procedures, the Convention will attempt to protect the rights and interests of the adoptive children, the birth parents, and the adoptive parents involved in intercountry adoptions. The Convention mandates that each signatory country establish a national Central Authority. The Central Authority is to oversee the Convention’s implementation in the signatory country.<sup>2</sup> The Convention has three primary features. First, it reinforces the protection of children’s rights concerning international adoption. Second, it establishes a mechanism for the cooperation of signatory countries in the areas of international adoption. Third, it ensures the recognition of adoptions undertaken and certified through the Convention provisions.

To be able to implement the provisions of the Convention, each signatory country must enact domestic legislation which will fulfill the treaty requirements. Three different versions of the implementing legislation are being considered. H.R. 2909, the Intercountry Adoption Act of 1999 (“House bill”) was introduced by Representative Gilman on September 22, 1999.<sup>3</sup> S. 682, the Intercountry Adoption

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<sup>1</sup> On June 11, 1998, the Convention was read for the first time in the Senate, and together with the accompanying papers, was transferred to the Senate Committee on Foreign Relations. *See* S. Treaty Doc. 105-51, 105<sup>th</sup> Cong., 2d Sess. (1998). The Senate did not take action on the Convention in the 105<sup>th</sup> Congress. It is anticipated that the Convention ratification process will occur simultaneously with the consideration of the implementing legislation.

<sup>2</sup> *See*, Treaty Doc. 105-51 at v-xv for a summary of the provisions of the Convention.

<sup>3</sup> The bill has been referred to the House International Relations Committee, the House Judiciary Committee, the House Education and Workforce Committee, and the House Subcommittee on Immigration and Claims. Hearings on the bill are scheduled for October 20, 1999, before the House International Relations Committee. The bill is expected to be sequentially referred to the House Ways and Means Committee (pursuant to executive (continued...))

Convention Implementation Act of 1999 (“Senate bill”) was introduced on March 23, 1999 by Senator Helms.<sup>4</sup> A companion bill to S. 682 — H.R. 2342 — was introduced by Representative Burr on June 24, 1999.<sup>5</sup> As the provisions of H.R. 2342 are identical to those of S. 682, H.R. 2342 will not be examined independently. A draft bill, entitled the Intercountry Adoption Act (Administration bill) was drafted by the U.S. State Department and was transmitted to the President in June 1998. The bill has not been introduced and its future is uncertain.

## Comparison and Analysis of Three Bills

This report provides a comparison of certain selected provisions contained in the different versions of the legislation.<sup>6</sup> The following chart compares and contrasts the various subject provisions in the three pieces of legislation.

SUBJECT	HOUSE BILL	SENATE BILL	ADMINISTRATION BILL
1. The Accrediting Entit(ies)	Sec. 203(a)(1)  The Secretary of Health and Human Services, with the concurrence of the Secretary of State, is authorized to enter into agreements with qualified entities.	Sec. 202(a)(1)  The Secretary of State shall designate accrediting entities.	Sec. 201  The Secretary of Health and Human Services, in coordination with the Secretary of State, shall carry out the accreditation process.

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<sup>3</sup> (...continued)

communication from the Speaker’s table, Communication 02856, July 1, 1999).

<sup>4</sup> The bill was referred to the Foreign Relations Committee. To date, the bill has not emerged from Committee. The Committee held hearings on the bill on October 5, 1999.

<sup>5</sup> The bill was referred to the House International Relations Committee, the House Judiciary Committee, and the House Immigration and Claims Subcommittee. To date, it has not emerged from Committee consideration.

<sup>6</sup> The subject topics which are considered in this report were determined through discussions between CRS staff and Congressional staff. A determination was made to analyze the eleven subject areas which are discussed below. The bills contain various other topics which could be the subject of comparison and analysis.

SUBJECT	HOUSE BILL	SENATE BILL	ADMINISTRATION BILL
<p>2. Roles of Government Officials;</p> <p>Responsibilities in the accreditation and/or approval process</p>	<p>Sec. 101(a)(2)</p> <p>Secretary of State shall serve as head of the Central Authority of the United States.</p>	<p>Sec. 101(a)(2)</p> <p>Same</p> <p>Sec. 101(b)</p> <p>State Department personnel performing Central Authority functions are required to have 3-5 years of experience in international adoptions.</p>	<p>Sec. 101</p> <p>The Secretary of State shall establish or designate an office within the Department of State as the United States Central Authority, which shall perform such Central Authority functions as the Secretary of State may delegate to it.</p>
	<p>Sec. 102</p> <p>Responsibilities of the Secretary of State: liaison, information exchange, other responsibilities, establish a case registry (with Attorney General)</p>	<p>Sec. 102</p> <p>Nearly identical language.</p>	<p>—</p> <p>Sec. 102</p> <p>Secretary of State responsible for U.S. performance of Central Authority functions.</p>
	<p>Sec. 103</p> <p>Responsibilities of Attorney General: concerning filing of applications by prospective adoptive parents.</p>	<p>Sec. 104</p> <p>Same language.</p>	<p>Sec. 103</p> <p>Secretary of State shall have responsibility for liaison, information exchange, and other responsibilities.</p> <p>Sec. 105</p> <p>Secretary of State shall monitor individual adoptions; establish adoption registry in coordination with Secretary of HHS and the Commissioner of the Immigration and Naturalization Service.</p>

SUBJECT	HOUSE BILL	SENATE BILL	ADMINISTRATION BILL
<p>2. (Cont.) Roles of Government Officials;</p> <p>Responsibilities in the accreditation and/or approval process</p>	<p>Sec. 104(a)</p> <p>Annual report to Congress shall be prepared by the Secretary of State, in consultation with the Secretary of Health and Human Services, the Attorney General and other appropriate agencies.</p>	<p>Sec. 105(a)</p> <p>Annual report to Congress shall be prepared by the Secretary of State; more information required in the report than required in the report required by the House bill.</p>	<p>No annual report requirement.</p>
	<p>Sec. 201</p> <p>The Secretary of Health and Human Services in coordination with the Secretary of State, shall carry out accreditation of agencies and approval of persons to provide adoption services in the U.S. in Convention adoptions.</p>	<p>Sec. 202(a)</p> <p>The Secretary of State shall designate accrediting entities.</p> <p>The Senate bill does not contain provisions for the approval process.</p> <p>(No responsibility for the Secretary of Health and Human Services).</p>	<p>Sec. 201</p> <p>The Secretary of HHS, in coordination with the Secretary of State, shall carry out the functions prescribed by the Convention with respect to the accreditation of agencies and approval of other persons to provide adoption services, and such other functions under the Convention as may be provided for in this Act or in implementing regulations.</p>
	<p>Sec. 203(a)(1)</p> <p>The Secretary of HHS, with the concurrence of the Secretary of State, shall enter into agreements with various entities to perform adoption-related services.</p>		<p>Sec. 204</p> <p>accreditation/approval</p> <p>Similar to language in Sec. 203(a)(1) of House bill.</p>

SUBJECT	HOUSE BILL	SENATE BILL	ADMINISTRATION BILL
<p>2. (Cont.) Roles of Government Officials;</p> <p>Responsibilities in the accreditation and/or approval process</p>	<p>Sec. 203(d)</p> <p>Fees — see discussion below (Item 7).</p> <hr/> <p>Sec. 204(a)(1)</p> <p>The Secretary of HHS, with concurrence of Secretary of State, shall prescribe standards and procedures for agency accreditation or approval of persons to provide adoption services.</p> <hr/> <p>Sec. 205</p> <p>The Secretary of HHS to monitor, suspend, or cancel the designation of an accrediting entity, if the entity is substantially out of compliance.</p> <p>The Secretary of HHS may suspend or cancel the accreditation or approval of an agency or person if the agency or person is substantially out of compliance, and the accrediting entity has failed or</p>	<p>Fees — see discussion below (Item 7).</p> <hr/> <p>Sec.203(a)(1)</p> <p>The Secretary of State shall establish by regulation standards and procedures to be used by accrediting entities for the accreditation of persons for the purpose of arranging Convention adoptions.</p> <hr/> <p>Sec. 204</p> <p>The Secretary of State to monitor, suspend, or cancel the designation of an accrediting entity, if the entity is substantially out of compliance.</p> <p>The Secretary of State may temporarily or permanently debar a person from accreditation. (There is no remedial action against an accredited person short of debarment.)</p>	<p>Fees — see discussion below (Item 7).</p> <hr/> <p>Sec. 203(a)(1)</p> <p>The Secretary of HHS, with the concurrence of the Secretary of State, shall establish by regulation standards and procedures for accreditation of agencies, and approval of other persons, to perform functions under the Convention regarding Hague adoptions.</p> <hr/> <p>Sec. 205</p> <p>Similar to House bill.</p>

SUBJECT	HOUSE BILL	SENATE BILL	ADMINISTRATION BILL
<p>2. (Cont.) Roles of Government Officials;</p> <p>Responsibilities in the accreditation and/or approval process</p>	<p>refused to take appropriate corrective action. If deficiencies are corrected, the Secretary may have the suspension restored.</p> <p>The Secretary of HHS may temporarily or permanently debar an agency or person from accreditation or approval.</p>		
	<p>No separate report on disruptions; part of annual report. See Sec. 104.</p>	<p>No separate report on disruptions; part of annual report. See Sec. 105</p>	<p>Sec. 206</p> <p>Secretary of HHS and Secretary of State to monitor and study adoption disruptions.</p>
	<p>Sec. 301</p> <p>Secretary of State to issue certificates to adoptive citizen parent that adoption was granted; or that legal custody of child has been granted to the parent for purposes of emigration and adoption.</p>	<p>Sec. 301</p> <p>Similar.</p>	<p>Sec. 301</p> <p>Similar.</p>
	<p>Sec. 302(a)(3)</p> <p>Requires Attorney General's oversight that proper care will be furnished to a child if admitted to the United</p>	<p>Similar.</p> <p>Sec. 302(b) contains requirement for Secretary of State to certify to the Attorney General of</p>	<p>Similar.</p>

SUBJECT	HOUSE BILL	SENATE BILL	ADMINISTRATION BILL
<p>2. (Cont.) Roles of Government Officials;</p> <p>Responsibilities in the accreditation and/or approval process</p>	<p>Sec. 303(c)</p> <p>The Secretary of State shall issue a certificate dealing with the adoption of a child emigrating.</p>	<p>Sec. 303(d).</p> <p>Similar.</p>	<p>Sec. 303(c)</p> <p>Similar.</p>
	<p>Sec. 304(b)</p> <p>Establishes record keeping and notification responsibilities of the Secretary of State concerning vacating of Convention adoptions.</p>	<p>Sec. 305(b)</p> <p>Similar.</p>	<p>Sec. 305(b)</p> <p>Similar.</p>
	<p>Sec. 304(c)</p> <p>Addresses Attorney General's authority to revoke the naturalization of child and related issues.</p>	<p>Sec. 305(c)</p> <p>Similar.</p>	<p>Sec. 305(c)</p> <p>Similar.</p>
	<p>Sec. 401(a)(1)</p> <p>Secretary of State, in consultation with the Attorney General, shall issue regulations to establish procedures and requirements in accord with the Convention for the preservation of adoption records.</p>	<p>Sec. 401(a)(1)</p> <p>Similar.</p>	<p>Sec. 401(a)(1)</p> <p>The Secretary of State and the Commissioner of the Immigration and Naturalization Service shall establish procedures for the retention and identification of Hague adoption records.</p>

SUBJECT	HOUSE BILL	SENATE BILL	ADMINISTRATION BILL
<p>2. (Cont.) Roles of Government Officials;</p> <p>Responsibilities in the accreditation and/or approval process</p>	<p>Sec. 401(d)(2)</p> <p>Secretary of HHS, in consultation with the Secretary of State and the Attorney General shall issue regulations concerning identifying and confidential information regarding the child.</p>	<p>Sec. 401(e)</p> <p>Similar.</p>	<p>No similar provision.</p>
	<p>Sec. 404</p> <p>The Secretary of HHS and the Secretary of State are to coordinate with the Attorney General regarding the imposition of money penalties for statutory violations.</p>	<p>Sec. 404</p> <p>The Secretary of State may impose a civil money penalty pursuant to such procedures as may be agreed upon by the Secretary and the Attorney General.</p>	<p>Sec. 404</p> <p>The Secretary of HHS and the Secretary of State are to coordinate with the Attorney General regarding the imposition of money penalties for statutory violations.</p>
	<p>Sec. 502</p> <p>The Secretary of State may establish by regulation alternative procedures for the adoption of individuals related by blood or marriage, in cases subject to the Convention.</p>	<p>See, Sec. 304</p> <p>Sec. 304 similar.</p>	<p>See, Sec. 304.</p> <p>Sec. 304 similar; not as comprehensive.</p>
	<p>The Secretary of State is also given waiver authority for provisions of the legislation and</p>		

SUBJECT	HOUSE BILL	SENATE BILL	ADMINISTRATION BILL
3. Annual Report Requirement	legislation and regulations in the interest of justice or to prevent grave physical harm to the child.		
	<hr/> Sec. 104  Secretary of State, in consultation with Secretary of HHS and Attorney General, is required to submit an annual report to Congress concerning various issues of intercountry adoptions.	<hr/> Sec. 105  Similar provision; however, sole responsibility of Secretary of State; and additional reporting requirements.	<hr/> No comparable provision.

SUBJECT	HOUSE BILL	SENATE BILL	ADMINISTRATION BILL
4. Conforming amendments to the Immigration and Naturalization Act	<p data-bbox="521 281 777 1566">Sec. 302</p> <p data-bbox="521 352 777 1566">Subsection (a) amends section 101(b) of the Immigration and Nationality Act (INA) to add children adopted in Hague Convention countries, or emigrating from such countries for purposes of their adoption in the United States, as new categories of children who may be classified as immediate relatives of U.S. citizens for immigration purposes. These children would not need to meet the definition of “orphan” under the INA, but other requirements of current law would continue to apply, including those relating to age and U.S. citizenship of the adoptive parents.</p> <p data-bbox="521 1604 777 1915">Subsection (b) amends section 204(d) of the INA to provide that, in the case of a Convention adoption, an immigrant visa shall not be issued</p>	<p data-bbox="807 281 1063 386">Sec. 302</p> <p data-bbox="807 352 1063 386">Similar language.</p>	<p data-bbox="1092 281 1349 386">Sec. 302</p> <p data-bbox="1092 352 1349 386">Similar language.</p>

SUBJECT	HOUSE BILL	SENATE BILL	ADMINISTRATION BILL
	<p>to a child as an immediate relative of the prospective adoptive parent unless the Secretary of State has certified that the central authority of the child's country of origin has given notice that the child has been adopted, or custody for purposes of adoption has been granted, in accordance with the Convention.</p> <p>Subsection (c) is a conforming amendment to the definition of "parent" under the INA.</p>		
5. Definition of adoptive parent(s) for children emigrating from the United States	<p>Sec. 303(a)</p> <p>"...prospective adoptive parent or parents...."</p>	<p>Sec. 303(b)</p> <p>The child will be adopted by a married man and woman. Also:</p> <p>"...prospective adoptive parents...."</p>	<p>Sec. 303(b)</p> <p>"...prospective adoptive parent or parents...."</p>

SUBJECT	HOUSE BILL	SENATE BILL	ADMINISTRATION BILL
6. Waiting period to adopt children emigrating from the United States	<p>Sec. 303(a)(1)(B)</p> <p>A determination must be made that the child cannot expeditiously be placed for adoption in the United States.</p>	<p>Sec. 303(b)</p> <p>(C) Twelve months have elapsed since the person made efforts to place the child in the United States.</p>	No provision
7. Fees	<p>Sec. 203(d)</p> <p>Accrediting entity may assess fees against agencies and persons seeking accreditation/approval; Secretary of HHS may approve fees if certain conditions are met; accrediting entity is to collect fees, remit certain amounts collected to Secretary of HHS. Secretary is to deposit in Treasury of the U.S. all amounts remitted.</p>	<p>Sec. 202(d)</p> <p>Accrediting entities authorized to assess fees in amounts approved by Sec. of State against persons seeking or maintaining accreditation. Certain standards are set. An accrediting entity shall not provide discounted fees for certain persons for accreditation for purposes of intercountry adoption.</p>	<p>Sec. 204(d)</p> <p>Accrediting entities are authorized to assess fees against agencies and persons seeking/maintaining accreditation/approval in amounts approved by the Secretary.</p> <p>Availability — Fees remitted to the Secretary of HHS shall be credited to the appropriate current account of the Secretary and be available only for activities under the Act. Such amounts shall remain available until expended.</p>

SUBJECT	HOUSE BILL	SENATE BILL	ADMINISTRATION BILL
7. (Cont.) Fees	<p>Sec. 403(b)</p> <p>Secretary of State may charge a fee to cover costs of new or enhanced services that will be undertaken to meet the Act's requirements. Such fees will be retained and deposited as an offsetting collection to any State Dept. appropriation to recover the costs of providing services.</p>	<p>Sec. 403(b)</p> <p>Similar provisions.</p> <p>However, Sec. 403(c) provides the restriction that no funds may be made available to an accrediting entity to carry out the purposes of this Act.</p>	<p>Sec. 403(b)</p> <p>Similar provisions.</p>

SUBJECT	HOUSE BILL	SENATE BILL	ADMINISTRATION BILL
8. Privacy Issues	<p>Sec. 402(b)</p> <p>Certain information from Convention adoption records may not be disclosed, except as authorized by this Act or State law of the State in which the adoptive parents live at time of adoption; however, such information may be disclosed among the Attorney General, central authorities, accredited agencies, and approved persons, to the extent necessary to administer the Convention or the Act.</p>	<p>Sec. 401(b)</p> <p>(1) Identifying information in Convention adoption records shall not be disclosed except for administrative purposes.</p> <p>(2) Privacy Act application;</p> <p>(A) an individual who has access to records under the Privacy Act, shall have that right only to the extent such right is not restricted by the Act;</p> <p>(B) Disclosure of adoption records shall be restricted by the Privacy Act and subject to restrictions under the Act;</p> <p>(C) A child subject to a Convention adoption record shall not have access to such information unless that child is at least 18.</p>	<p>Sec. 401(b)</p> <p>(1) Except for administrative purposes, identifying information shall not be disclosed, unless the person to whom the information pertains consents in writing to such disclosure; or unless the person is deceased.</p> <p>(2) Privacy Act application;</p> <p>(A) Same as Senate bill.</p> <p>(B) Same as Senate bill.</p> <p>Sec. 401(b)(3)</p> <p>Other limitation to disclosure:</p> <p>(A) no disclosure to child under 18;</p> <p>(B) disclosure to other persons subject to discretion; information may be disclosed at the discretion of the Sec. of State or the Commissioner of the Immigration and Naturalization Service.</p>
	<p>Sec. 404(c)</p> <p>Freedom of Information Act and Privacy Act, shall not apply to disclosure of</p>	<p>Sec. 401(c)</p> <p>Information in records of State Dept. and Immigration and Naturalization</p>	<p>Sec. 401(c)</p> <p>Freedom of Information exemption — similar provision.</p>

SUBJECT	HOUSE BILL	SENATE BILL	ADMINISTRATION BILL
8.(Cont.) Privacy issues	information in Convention adoption records.	concerning Convention adoptions shall not be subject to disclosure under the Freedom of Information Act	
	No similar provision.	Sec. 401(d)  Information from Convention adoption records may be disclosed by State Department, any U. S. official exercising Central Authority functions, and any accredited person if necessary to administer the Convention or Act.	Sec. 401(d)  Similar provision.
	Sec 404(d)  Identifying information is defined broadly; does not include health, social or genetic background of an individual if no reasonable basis to believe that such information would be used to identify the child, birth parent, or other birth relative. Sec. of HHS, in consultation with Sec. of State and Attorney General to issue regulations.	Sec. 401(e)  Identifying information means adoption record information other than health, social, or genetic background of the child which does not identify the child. Regulations to be prescribed by Secretary of HHS, in consultation with Secretary of State and Attorney General.	Sec. 2(k)  Identifying information means any information in a Hague adoption record that could identify a prospective adoptive parent, adoptive parent, birth parent or grandparent, or sibling related by blood of a child who is or has been the subject of a Hague adoption.

SUBJECT	HOUSE BILL	SENATE BILL	ADMINISTRATION BILL
9. Provisions dealing with State law	<p>Sec. 501.</p> <p>(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.</p>	<p>Sec. 501.</p> <p>RELATION TO OTHER LAWS.</p> <p>(a) LIMITED PREEMPTION. — No provision of Federal, State, or local law shall be considered preempted by the Convention, this Act, or implementing regulations unless specified in the Act.</p> <p>....</p> <p>(c) STATE LICENSING LAWS. — Nothing in the Convention or Act precludes any State from requiring that a person or entity be licensed by the State as a condition of providing adoption-related services.</p>	<p>Sec. 502.</p> <p>RELATIONSHIP TO OTHER LAWS.</p> <p>(a) LIMITED PREEMPTION. — No provision of Federal, State, or local law shall be considered preempted by this Convention, this Act, or implementing regulations unless clearly inconsistent therewith.</p> <p>....</p> <p>(c) STATE LICENSING LAWS —</p> <p>Similar provision.</p>

SUBJECT	HOUSE BILL	SENATE BILL	ADMINISTRATION BILL
10. Enforcement	<p>Sec. 404.</p> <p>This section provides for civil money penalties of not more than \$25,000 for a first violation and not more than \$50,000 for each subsequent violation against any person who (1) provides adoption services in the United States in connection with Convention adoptions without proper accreditation or approval; (2) violates the privacy provisions contained in section 401 or any regulation issued under that section; or (3) provides false statements or improper inducements to obtain consent to adoption or the relinquishment of parental rights or to influence a decision of an accrediting entity or any entity performing a central authority function. The section also provides for criminal penalties or not more than \$50,000, imprisonment for</p>	<p>Sec. 404.</p> <p>Similar language, except civil money penalties would be not more than \$5,000 for a first violation and not more than \$10,000 for each succeeding violation. Criminal money penalties would be not more than \$10,000.</p>	<p>Sec. 404.</p> <p>Similar to Senate bill.</p>

SUBJECT	HOUSE BILL	SENATE BILL	ADMINISTRATION BILL
10. (Cont.) Enforcement	up to one year, or both, for knowing and willful violations of paragraphs (2) or (3) of subsection (a).		
11. Recognition/ voiding of adoptions	<p>Sec. 301.</p> <p>Provides that a certificate from the Secretary of State shall be treated by Federal and State agencies, courts, and other public and private persons and entities as conclusive and shall constitute the certification required under the Immigration and Nationality Act for children immigrating to the U.S. Also provides that a final adoption in another Convention country, certified by the Secretary of State, shall be recognized as a final valid adoption for purposes of all Federal, State, and local laws of the U.S.</p>	<p>Sec. 301.</p> <p>Similar.</p>	<p>Sec. 301.</p> <p>Similar.</p>

SUBJECT	HOUSE BILL	SENATE BILL	ADMINISTRATION BILL
<p>11. (Cont.) Recognition/ voiding of adoptions</p>	<p>Sec. 304.</p> <p>Prohibits a State court from vacating a final adoption decree entered pursuant to the Convention unless the decree was granted by a State court; the court finds that the required consent of the birth parent or biological relative was not obtained or was obtained inappropriately, or the adoptive parent's consent was obtained by fraud; voiding the adoption is in the child's best interests; and the adoptive parents have an opportunity to be heard.</p> <p>Provides that a decision by another Convention country to vacate an adoption decree originally issued in the country pursuant to the Convention shall be recognized as valid in the United States upon receipt by the Secretary of State of notification that the conditions described above were satisfied.</p>	<p>Sec. 305.</p> <p>Similar, except that State courts would be permitted to vacate a final adoption decree only if less than two years had passed since the adoptive parents obtained custody of the child, and all other specified conditions were met.</p>	<p>Sec. 305.</p> <p>Similar to Senate bill.</p>

SUBJECT	HOUSE BILL	SENATE BILL	ADMINISTRATION BILL
11. (Cont.) Recognition/ voiding of adoptions	<p>The vacating of an adoption decree in a case subject to the Convention shall not be construed to void or prohibit the naturalization of the child as a U.S. citizen. This provision shall not be construed to limit the Attorney General's authority under the Immigration and Nationality Act to revoke the child's naturalization.</p>		
	<p>Sec. 501.</p> <p>Provides for recognition in the U.S. of adoptions concluded between two other Convention countries that meet the requirements of the Convention and that became final before the date of entry into force of the Convention for the U.S.</p>	<p>Sec. 306.</p> <p>Identical.</p>	<p>Sec. 501.</p> <p>Identical.</p>

## **Conclusion**

This chart has analyzed the differences and similarities between the various legislative proposals to implement the provisions of the Hague Convention. The most significant differences between the House bill, the Senate bill, and the Administration other bills appear to be in the respective roles of the Secretary of State and the Secretary of Health and Human Services, the definitions of adoptive parents for children emigrating from the United States, the fee structure, and privacy issues.

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