

deal with the neglected veterans issues unique to the Vietnam war. This culminated in the dedication of the Vietnam Veterans Memorial in November, 1982. The activities around the Memorial rekindled a sense of camaraderie among the veterans and the feeling of a shared experience too significant to ignore.

Since then, the VVA has made great strides in the kinds of services it provides to its membership, including the founding of the Vietnam Veterans of America Legal Services that provides assistance to veterans seeking benefits and services from the government. VVA has also published critical information around benefits for Post-Traumatic Stress Disorder and Agent Orange illnesses.

I can personally vouch for the incredible efforts of people like Albert and Mary Trombley, Jake Jacobsen, Dennis Ross, Clark Howland, and of course the late Mike Dodge and Don Bodette to establish and foster the growth of grassroots organizations like Chapter 1 in Rutland, Vermont. This individual leadership has ensured a steady growth in VVA's size, stature, and prestige.

The legislative accomplishments of the VVA through its high-profile presence on Capitol Hill have been impressive. Organizations like Vietnam-era Veterans in Congress, which now boasts 70 members, have served the overall membership well by supporting the pragmatic agenda of the VVA and sticking to its founding principle that "Never again will one generation of veterans abandon another."

Today, the VVA has a national membership of 51,000 with more than 500 chapters. VVA state councils in 43 states coordinate the activities and programs of its national organization, ensuring that grassroots input to Congress continues to ensure that the federal government meets its obligations to its Vietnam veterans.

Mr. President, this Resolution expresses the Senate's gratitude to the organization for its advocacy for its members and wishes it continued success in the years to come.

*Resolved,*

#### SECTION 1. ESTABLISHMENT OF THE SPECIAL COMMITTEE.

(a) ESTABLISHMENT.—There is established a special committee of the Senate to be known as the Special Committee on the Year 2000 Technology Problem (hereafter in this resolution referred to as the "special committee").

(b) PURPOSE.—The purpose of the special committee is—

(1) to study the impact of the year 2000 technology problem on the Executive and Judicial Branches of the Federal Government, State governments, and private sector operations in the United States and abroad;

(2) to make such findings of fact as are warranted and appropriate; and

(3) to make such recommendations, including recommendations for new legislation and amendments to existing laws and any administrative or other actions, as the special committee may determine to be necessary or desirable.

No proposed legislation shall be referred to the special committee, and the committee

shall not have power to report by bill, or otherwise have legislative jurisdiction.

(c) TREATMENT AS STANDING COMMITTEE.—For purposes of paragraphs 1, 2, 7(a)(1)–(2), and 10(a) of rule XXVI and rule XXVII of the Standing Rules of the Senate, and section 202 (i) and (j) of the Legislative Reorganization Act of 1946, the special committee shall be treated as a standing committee of the Senate.

#### SEC. 2. MEMBERSHIP AND ORGANIZATION OF THE SPECIAL COMMITTEE.

(a) MEMBERSHIP.—

(1) IN GENERAL.—The special committee shall consist of 7 members of the Senate—

(A) 4 of whom shall be appointed by the President pro tempore of the Senate from the majority party of the Senate upon the recommendation of the Majority Leader of the Senate; and

(B) 3 of whom shall be appointed by the President pro tempore of the Senate from the minority party of the Senate upon the recommendation of the Minority Leader of the Senate.

The Chairman and Ranking Minority Member of the Appropriations Committee shall be appointed ex-officio members.

(2) VACANCIES.—Vacancies in the membership of the special committee shall not affect the authority of the remaining members to execute the functions of the special committee and shall be filled in the same manner as original appointments to it are made.

(3) SERVICE.—For the purpose of paragraph 4 of rule XXV of the Standing Rules of the Senate, service of a Senator as a member, chairman, or vice chairman of the special committee shall not be taken into account.

(b) CHAIRMAN.—The chairman of the special committee shall be selected by the Majority Leader of the Senate and the vice chairman of the special committee shall be selected by the Minority Leader of the Senate. The vice chairman shall discharge such responsibilities as the special committee or the chairman may assign.

#### SEC. 3. AUTHORITY OF SPECIAL COMMITTEE.

(a) IN GENERAL.—For the purposes of this resolution, the special committee is authorized, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel;

(3) to hold hearings;

(4) to sit and act at any time or place during the sessions, recesses, and adjourned periods of the Senate;

(5) to require, by subpoena or otherwise, the attendance of witnesses and the production of correspondence, books, papers, and documents;

(6) to take depositions and other testimony;

(7) to procure the services of individual consultations or organizations thereof, in accordance with the provisions of section 202(i) of the Legislative Reorganization Act of 1946; and

(8) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a nonreimbursable basis the services of personnel of any such department or agency.

(b) OATHS FOR WITNESSES.—The chairman of the special committee or any member thereof may administer oaths to witnesses.

(c) SUBPOENAS.—Subpoenas authorized by the special committee may be issued over the signature of the chairman after consultation with the vice chairman, or any member of the special committee designated by the chairman after consultation with the vice chairman, and may be served by any person designated by the chairman or the member signing the subpoena.

(d) OTHER COMMITTEE STAFF.—The special committee may use, with the prior consent of the chairman of any other Senate committee or the chairman of any subcommittee of any committee of the Senate and on a nonreimbursable basis, the facilities or services of any members of the staff of such other Senate committee whenever the special committee or its chairman, following consultation with the vice chairman, considers that such action is necessary or appropriate to enable the special committee to make the investigation and study provided for in this resolution.

(e) USE OF OFFICE SPACE.—The staff of the special committee may be located in the personal office of a Member of the special committee.

#### SEC. 4. REPORT AND TERMINATION.

The special committee shall report its findings, together with such recommendations as it deems advisable, to the Senate at the earliest practicable date.

#### SEC. 5. FUNDING.

(a) IN GENERAL.—From the date this resolution is agreed to through February 29, 2000, the expenses of the special committee incurred under this resolution shall not exceed \$575,000 for the period beginning on the date of adoption of this resolution through February 28, 1999, and \$575,000 for the period of March 1, 1999 through February 29, 2000, of which amount not to exceed \$200,000 shall be available for each period for the procurement of the services of individual consultants, or organizations thereof, as authorized by section 202(i) of the Legislative Reorganization Act of 1946.

(b) PAYMENT OF BENEFITS.—The retirement and health benefits of employees of the special committee shall be paid out of the contingent fund of the Senate.

#### SENATE RESOLUTION 209—PROVIDING SECTION 302 ALLOCATIONS TO THE COMMITTEE ON APPROPRIATIONS

Ms. COLLINS submitted the following resolution; which was considered and agreed to:

S. RES. 209

*Resolved,* That (a) for the purposes of section 302(a) of the Congressional Budget Act of 1974 the estimated allocation of the appropriate levels of budget totals for the Senate Committee on Appropriations shall be—

For non-defense: (1) \$289,547,000,000 in total budget outlays, (2) \$255,450,000,000 in total new budget authority;

For defense: (1) \$266,635,000,000 in total budget outlays, (2) \$271,570,000,000 in total new budget authority;

For Violent Crime Reduction: (1) \$4,953,000,000 in total budget outlays; and (2) \$5,800,000,000 in total new budget authority;

For mandatory: (1) \$291,731,000,000 in total budget outlays; and (2) \$299,159,000,000 in total new budget authority.

until a concurrent resolution on the budget for fiscal year 1999 is agreed to by the Senate and the House of Representatives pursuant to section 301 of the Congressional Budget Act of 1974.

#### AMENDMENTS SUBMITTED

#### CONCURRENT RESOLUTION ON THE CONGRESSIONAL BUDGET

HUTCHINSON AMENDMENT NO. 2279

Mr. HUTCHINSON proposed an amendment to amendment No. 2218

proposed by Mr. DORGAN to the concurrent resolution (S. Con. Res. 86) setting forth the congressional budget for the United States Government for fiscal years 1999, 2000, 2001, 2002, and 2003 and revised the concurrent resolution on the budget for fiscal year 1998; as follows:

Strike all after the first word of the matter proposed to be inserted and insert the following:

**SENSE OF THE SENATE REGARDING PASSAGE OF THE SENATE FINANCE COMMITTEE'S IRS RESTRUCTURING BILL.**

(a) FINDINGS.—The Senate finds that—  
(1) the House of Representatives passed H.R. 2676 on November 5, 1997;

(2) the Finance Committee of the Senate has held several days of hearings this year on IRS restructuring proposals;

(3) the hearings demonstrated many areas in which the House-passed bill could be improved;

(4) on March 31, 1998, the Senate Finance Committee voted 20-0 to report an IRS restructuring package that contains more oversight over the IRS, more accountability for employees, and a new arsenal of taxpayer protections; and

(5) the Senate Finance package includes the following items which were not included in the House bill:

(A) removal of the statutory impediments to the Commission of Internal Revenue's efforts to reorganize the agency to create a more streamlined, taxpayer-friendly organization.

(B) the providing of real oversight authority for the Internal Revenue Service Oversight Board to help prevent taxpayer abuse.

(C) the creation of a new Treasury Inspector General for Tax Administration to ensure independence and accountability.

(D) real, meaningful relief for innocent spouses.

(E) provisions which abate penalties and interest after 1 year so that the IRS does not profit from its own delay.

(F) provisions which ensure due process of law to taxpayers by granting them a right to a hearing before the IRS can pursue a lien, levy, or seizure.

(G) provisions which forbid the IRS from coercing taxpayers to extend the 10-year statute of limitations of collection.

(H) provisions which require the IRS to terminate employees who abuse taxpayers or other IRS employees.

(I) provisions which make the Taxpayer Advocate more independent, and

(J) provisions enabling the Commissioner of Internal Revenue to manage employees more effectively.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the assumptions underlying the functional to totals in this budget resolution assume that the Senate shall, as expeditiously as possible, consider and pass an IRS restructuring bill which provides the most taxpayer protections, the greatest degree of IRS employee accountability, and enhanced oversight.

**SEC. 302. SENSE OF CONGRESS REGARDING THE SUNSET OF THE INTERNAL REVENUE CODE OF 1986.**

(a) FINDINGS.—Congress finds that a simple and fair Federal tax system in one that—

(1) applies a low tax rate, through easily understood laws, to all Americans;

(2) provides tax relief for working Americans;

(3) protects the rights of taxpayers and reduces tax collection abuses;

(4) eliminates the bias against savings and investment;

(5) promotes economic growth and job creation;

(6) does not penalize marriage or families; and

(7) provides for a taxpayer-friendly collections process to replace the Internal Revenue Service.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the provisions of this resolution assume that all taxes imposed under the Internal Revenue Code of 1986 shall sunset for any taxable year beginning after December 31, 2001 (or in the case of any tax not imposed on the basis of a taxable year, on any taxable event or for any period after December 31, 2001) and that a new Federal tax system will be enacted that is both simple and fair as described in subsection (a) and that provides only those resources for the Federal Government that are needed to meet its responsibilities to the American people.

**DORGAN AMENDMENT NO. 2280**

Mr. DORGAN proposed an amendment to amendment No. 2218 proposed by him to the concurrent resolution, S. Con. Res. 86, supra; as follows:

At the end of the amendment add the following:

**SEC. . SENSE OF CONGRESS ON THE TAX TREATMENT OF HOME MORTGAGE INTEREST AND CHARITABLE GIVING.**

(a) FINDINGS.—Congress finds that—

(1) current Federal income tax laws embrace a number of fundamental tax policies including longstanding encouragement for home ownership and charitable giving, expanded health and retirement benefits.

(2) the mortgage interest deduction is among the most important incentives in the income tax code and promotes the American Dream of home ownership—the single largest investment for most families, and preserving it is critical for the more than 20,000,000 families claiming it now and for millions more in the future.

(3) favorable tax treatment to encourage gifts to charities is a longstanding principle that helps charities raise funds needed to provide services to poor families and others when government is simply unable or unwilling to do so, and maintaining this tax incentive will help charities raise money to meet the challenges of their charitable missions in the decades ahead;

(4) legislation has been proposed to repeal the entire income tax code at the end of the year 2001 without providing a specific replacement; and

(5) sunseting the entire income tax code without describing a replacement threatens our Nation's future economic growth and unwisely eliminates existing tax incentives that are crucial for taxpayers who are often making the most important financial decisions of their lives.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the levels in this resolution assume that Congress supports the continued tax deductibility of home mortgage interest and charitable contributions and that a sunset of the tax code that does not provide a replacement system that preserves this deductibility could damage the American dream of home ownership and could threaten the viability of non-profit institutions.

**KENNEDY AMENDMENT NO. 2281**

Mr. KENNEDY proposed an amendment to amendment No. 2183 proposed by him to the concurrent resolution, S. Con. Res. 86, supra; as follows:

Strike all after the first word and insert the following:

**SENSE OF THE SENATE CONCERNING A PATIENT'S BILL OF RIGHTS.**

(a) FINDINGS.—Congress finds that—

(1) patients lack reliable information about health plans and the quality of care that health plans provide;

(2) experts agree that the quality of health care can be substantially improved, resulting in less illness and less premature death;

(3) some managed care plans have created obstacles for patients who need to see specialists on an ongoing basis and have required that women get permission from their primary care physician before seeing a gynecologist;

(4) a majority of consumers believe that health plans compromise their quality of care to save money;

(5) Federal preemption under the Employee Retirement Income Security Act of 1974 prevents States from enforcing protections for the 125,000,000 workers and their families receiving health insurance through employment-based group health plans; and

(6) the Advisory Commission on Consumer Protection and Quality in the Health Care Industry has unanimously recommended a patient bill of rights to protect patients against abuses by health plan and health insurance issuers.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the assumptions underlying this resolution provide for the enactment of legislation to establish a patient's bill of rights for participants in health plans, and that legislation should include—

(1) a guarantee of access to covered services, including needed emergency care, specialty care, obstetrical and gynecological care for women, and prescription drugs;

(2) provisions to ensure that the special needs of women are met, including protecting women against "drive-through mastectomies";

(3) provisions to ensure that the special needs of children are met, including access to pediatric specialists and centers of pediatric excellence;

(4) provisions to ensure that the special needs of individuals with disabilities and the chronically ill are met, including the possibility of standing referrals to specialists or the ability to have a specialist act as a primary care provider;

(5) a procedure to hold health plans accountable for their decisions and to provide for the appeal of a decision of a health plan to deny care to an independent, impartial reviewer;

(6) measures to protect the integrity of the physician-patient relationship, including a ban on "gag clauses" and a ban on improper incentive arrangements; and

(7) measures to provide greater information about health plans to patients and to improve the quality of care.

(8) a requirement that the network of providers included in the plan are adequate to ensure the provision of services covered by the plan.

**NICKLES AMENDMENT NO. 2282**

Mr. NICKLES proposed an amendment to the concurrent resolution, S. Con. Res. 86, supra; as follows:

At the appropriate place, insert the following:

**SEC. . SENSE OF THE SENATE ON HEALTH CARE QUALITY.**

(a) FINDINGS.—The Senate makes the following findings:

(1) Rapid changes in the health care marketplace have compromised confidence in the our Nation's health system.

(2) American consumers want more convenience, fewer hassles, more choices, and better service from their health insurance plans.

(3) All Americans deserve quality-driven health care supported by sound science and evidence-based medicine.

(4) The Federal Government, through the National Institutes of Health, supports research that improves the quality of medical care that Americans receive.

(5) This resolution assumes increased funding for the National Institutes of Health for 1999 of \$15,100,000,000, an 11-percent increase over current funding levels, which are 7 percent higher than in 1997.

(6) As the largest purchaser of health care services, the Federal Government has a responsibility to utilize its purchasing power to demand high quality health plans and providers for its health programs and to protect its beneficiaries from inferior medical care.

(7) The Federal Government must adopt the posture of private sector purchasers and insist on high quality care for the 67,000,000 medicare and medicaid beneficiaries and the 9,000,000 Federal employees, retirees, and their dependents.

(8) The private sector has proven to be more capable of keeping pace with the rapid changes in health care delivery and medical practice that affect quality of care considerations than the Federal Government.

(9) As Congress considers health care legislation, it must first commit to "do no harm" to health care quality, consumers, and the evolving market place. Rushing to legislate or regulate based on anecdotal information and micro-managing health plans on politically popular issues will not solve the problems of consumer confidence and the quality of our health care system.

(10) When health insurance premiums rise, Americans lose health coverage. Studies indicate that a 1 percent increase in private health insurance premiums will be associated with an increase in the number of persons without insurance of about 400,000 persons.

(11) Health care costs have begun to rise significantly in the past year. The Congressional Budget Office (referred to as "CBO") projects that the growth in health premiums will be 5.5 percent in 1998 up from 3.8 percent in 1997. CBO continues to project that premiums will grow about 1 percentage point faster than the Gross Domestic Product in the longer run. CBO also warns that new Federal mandates on health insurance could exacerbate this increase in premiums.

(12) The President's Advisory Commission on Consumer Protection and Quality in the Health Care Industry developed the Consumer Bill of Rights and Responsibilities. This includes information disclosure, confidentiality of health information, and choice of providers.

(13) The President's Commission further determined that private sector organizations have the capacity to act in a timely manner needed to keep pace with the swiftly evolving health system.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the assumptions underlying this resolution assume that the Senate will not pass any health care legislation that will—

(1) make health insurance unaffordable for working families and increase the number of uninsured Americans;

(2) divert limited health care resources away from serving patients to paying lawyers and hiring new bureaucrats; or

(3) impose political considerations on clinical decisions, instead of allowing such decisions to be made on the basis of sound science and the best interests of patients.

DOMENICI (AND OTHERS)  
AMENDMENT NO. 2283

Mr. DOMENICI (for himself, Mr. CRAIG, and Mr. LOTT) proposed an amendment to amendment No. 2226 proposed by Mr. ROCKEFELLER to the concurrent resolution, S. Con. Res. 86, supra; as follows:

On page 14, line 7, strike "\$51,500,000,000." and all that follows through line 24, and substitute in lieu thereof the following:

(B) Outlays, \$42,800,000,000.

Fiscal year 2000:

(A) New budget authority, \$51,800,000,000.

(B) Outlays, \$44,700,000,000.

Fiscal year 2001:

(A) New budget authority, \$52,100,000,000.

(B) Outlays, \$45,700,000,000.

Fiscal year 2002:

(A) New budget authority, \$51,400,000,000.

(B) Outlays, \$45,800,000,000.

Fiscal year 2003:

(A) New budget authority, \$52,000,000,000.

(B) Outlays, \$46,900,000,000.

On page 25, line 8, strike "\$300,000,000." and all that follows through line 25, and substitute in lieu thereof the following:

—\$300,000,000,

(B) Outlays, —\$1,900,000,000.

Fiscal year 2000:

(A) New budget authority, —\$1,200,000,000.

(B) Outlays, —\$4,600,000,000.

Fiscal year 2001:

(A) New budget authority, —\$2,700,000,000.

(B) Outlays, —\$3,000,000,000.

Fiscal year 2002:

(A) New budget authority, —\$3,800,000,000.

(B) Outlays, —\$7,000,000,000.

Fiscal year 2003:

(A) New budget authority, —\$5,400,000,000.

(B) Outlays, —\$5,000,000,000.

In lieu of the language proposed to be stricken, insert:

(6) For reductions in programs in function 700, Veterans Benefits and Services: For fiscal year 1999, \$500,000,000 in budget authority and \$500,000,000 in outlays; for fiscal years 1999–2003, \$10,500,000,000 in budget authority and \$10,500,000,000 in outlays.

(7) Sense of the Senate on VA compensation and post-service smoking-related illnesses.

(A) FINDINGS.—The Senate finds that—

(i) the President has twice included in his budgets a prohibition on the entitlement expansion that the Department of Veterans Affairs (referred to as the "VA") is proposing to allow post-service smoking-related illness to be eligible for VA compensation;

(ii) Congress has never acted on this entitlement expansion;

(iii) the Congressional Budget Office and the Office of Management and Budget have concluded that this change in VA policy would result in at least \$10,000,000,000 over 5 years and \$45,000,000,000 over 10 years in additional mandatory costs to the VA;

(iv) these increased number of claims and the resulting costs may present undue delay and hardship on veterans seeking claim review;

(v) the entitlement expansion apparently runs counter to all existing VA policy, including a statement by former Secretary Brown that "It is inappropriate to compensate for death or disability resulting from veterans' personal choice to engage in conduct damaging to their health."; and

(vi) Secretary Brown's comment was recently reaffirmed by Acting Secretary of Veterans Affairs Togo West, who stated "It has been the position of the Department and of my predecessor that the decision to use tobacco by service members is a personal decision and is not a requirement for military

service. And that therefore to compensate veterans for diseases whose sole connection to service is a veteran's own tobacco use should not rest with the Government."

(B) SENSE OF THE SENATE.—It is the sense of the Senate that the function totals and assumptions underlying this resolution assume the following:

(i) The support of the President's proposal to not allow post-service smoking related illnesses to be eligible for VA.

(ii) The study and report required by paragraph (3) will be completed.

(iii) The Secretary of the Department of Veterans Affairs, the Office of Management and Budget, and the General Accounting Office are jointly required to—

(aa) jointly study (referred to in this section as the "study") the VA General Counsel's determination and the resulting actions to change the compensation rules to include disability and death benefits for conditions related to the use of tobacco products during service; and

(bb) deliver an opinion as to whether illnesses resulting from post-service smoking should be considered as a compensable disability.

(iv) The study should include—

(aa) the estimated numbers of those filing such claims, the cost resulting from such claims, the time necessary to review such claims, and how such a number of claims will affect the VA's ability to review its current claim load;

(bb) an examination of how the proposed change corresponds to prior VA policy relating to post-service actions taken by an individual; and

(cc) what Federal benefits, both VA and non-VA, former service members having smoking-related illnesses are eligible to receive.

(v) The study shall be completed no later than July 1, 1999.

(vi) The Department of Veterans Affairs and the Office of Management and Budget shall report their finding to the Majority and Minority Leaders of the Senate and the chairmen and ranking minority members of the Senate Budget and Veterans' Affairs Committees.

ROCKEFELLER AMENDMENT NO.  
2284

Mr. ROCKEFELLER proposed an amendment to amendment No. 2226 proposed by him to the concurrent resolution, S. Con. Res. 86, supra; as follows:

On page 14, line 7, strike "\$51,500,000,000." and all that follows through line 24, and substitute in lieu thereof the following:

(B) Outlays, \$42,300,000,000.

Fiscal year 2000:

(A) New budget authority, \$50,800,000,000.

(B) Outlays, \$43,700,000,000.

Fiscal year 2001:

(A) New budget authority, \$50,100,000,000.

(B) Outlays, \$43,700,000,000.

Fiscal year 2002:

(A) New budget authority, \$48,400,000,000.

(B) Outlays, \$42,800,000,000.

Fiscal year 2003:

(A) New budget authority, \$48,000,000,000.

(B) Outlays, \$42,900,000,000.

On page 25, line 8, strike "\$300,000,000." and all that follows through line 25, and substitute in lieu thereof the following:

\$200,000,000.

(B) Outlays, —\$1,400,000,000.

Fiscal year 2000:

(A) New budget authority, —\$200,000,000.

(B) Outlays, —\$3,600,000,000.

Fiscal year 2001:

(A) New budget authority, —\$700,000,000.  
 (B) Outlays, —\$1,000,000,000.  
**Fiscal year 2002:**  
 (A) New budget authority, —\$800,000,000.  
 (B) Outlays, —\$4,000,000,000.  
**Fiscal year 2003:**  
 (A) New budget authority, —\$1,400,000,000.  
 (B) Outlays, —\$1,000,000,000.  
 On page 31, line 24, strike subsection (6) in its entirety.

**KEMPTHORNE AMENDMENT NO. 2285**

Mr. KEMPTHORNE proposed an amendment to amendment No. 2206 proposed by Mr. REID to the concurrent resolution, S. Con. Res. 86, supra; as follows:

At the end of subsection (b)(2), strike "Act," and insert the following:

"Act through their proceeds alone, if subsequent legislation provides an alternative or mixed, dedicated source of mandatory funding."

**THE CHILD SUPPORT PERFORMANCE AND INCENTIVE ACT OF 1998**

**ROTH (AND OTHERS) AMENDMENT NO. 2286**

Ms. COLLINS (for Mr. ROTH for himself, Mr. MOYNIHAN, Mr. MURKOWSKI, Mr. ROCKEFELLER, Mr. BAUCUS, Mr. CHAFEE, Mr. KENNEDY, Mr. ABRAHAM, Mr. JEFFORDS, Mr. SANTORUM, Mr. GRASSLEY, Mr. GRAHAM, and Ms. MOSELEY-BRAUN) proposed an amendment to the bill (H.R. 3130) to provide for an alternative penalty procedure for States that fail to meet Federal child support data processing requirements, to reform Federal incentive payments for effective child support performance, and to provide for a more flexible penalty procedure for States that violate interjurisdictional adoption requirements; as follows:

Strike all after the enacting clause and insert the following:

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Child Support Performance and Incentive Act of 1998".

**SEC. 2. TABLE OF CONTENTS.**

The table of contents of this Act is as follows:

- Sec. 1. Short title.
- Sec. 2. Table of contents.

**TITLE I—CHILD SUPPORT DATA PROCESSING REQUIREMENTS**

- Sec. 101. Alternative penalty procedure.
- Sec. 102. Authority to waive single statewide automated data processing and information retrieval system requirement.

**TITLE II—CHILD SUPPORT INCENTIVE SYSTEM**

- Sec. 201. Incentive payments to States.

**TITLE III—ADOPTION PROVISIONS**

- Sec. 301. More flexible penalty procedure to be applied for failing to permit interjurisdictional adoption.

**TITLE IV—MISCELLANEOUS**

- Sec. 401. Elimination of barriers to the effective establishment and enforcement of medical child support.

- Sec. 402. Safeguard of new employee information.
- Sec. 403. Conforming amendments regarding the collection and use of social security numbers for purposes of child support enforcement.
- Sec. 404. Elimination of definition regarding high-volume automated administrative enforcement of child support.
- Sec. 405. General accounting office reports.
- Sec. 406. Technical corrections.

**TITLE I—CHILD SUPPORT DATA PROCESSING REQUIREMENTS**

**SEC. 101. ALTERNATIVE PENALTY PROCEDURE.**

(a) IN GENERAL.—Section 455(a) of the Social Security Act (42 U.S.C. 655(a)) is amended by adding at the end the following:

"(4)(A)(i) If—  
 "(I) the Secretary determines that a State plan under section 454 would (in the absence of this paragraph) be disapproved for the failure of the State to comply with section 454(24)(A), and that the State has made and is continuing to make a good faith effort to so comply; and  
 "(II) the State has submitted to the Secretary a corrective compliance plan that describes how, by when, and at what cost the State will achieve such compliance, which has been approved by the Secretary,  
 then the Secretary shall not disapprove the State plan under section 454, and the Secretary shall reduce the amount otherwise payable to the State under paragraph (1)(A) of this subsection for the fiscal year by the penalty amount.

"(i) The Secretary may only impose a single reduction of the amount otherwise payable to the State under paragraph (1)(A) of this subsection for a fiscal year for the failure of the State to comply during such fiscal year with section 454(24)(A) or with any other provision of this part that imposes a requirement with respect to the establishment or operation of an automated data processing and information retrieval system.  
 "(B) In this paragraph:  
 "(i) The term 'penalty amount' means, with respect to a failure of a State to comply with section 454(24)—  
 "(I) 4 percent of the penalty base, in the case of the 1st fiscal year in which such a failure by the State occurs;  
 "(II) 8 percent of the penalty base, in the case of the 2nd such fiscal year;  
 "(III) 16 percent of the penalty base, in the case of the 3rd such fiscal year; or  
 "(IV) 30 percent of the penalty base, in the case of the 4th or any subsequent such fiscal year.  
 "(i) The term 'penalty base' means, with respect to a failure of a State to comply with section 454(24) during a fiscal year, the amount otherwise payable to the State under paragraph (1)(A) of this subsection for the preceding fiscal year.

"(C)(i) The Secretary shall waive a penalty under this paragraph for any failure of a State to comply with section 454(24)(A) during a fiscal year if—  
 "(I) at any time during the fiscal year, the State has submitted to the Secretary a request that the Secretary certify the State as having met the requirements of such section;  
 "(II) the Secretary subsequently provides the certification (regardless of whether the certification is provided in that fiscal year) as a result of a timely review conducted pursuant to the request; and  
 "(III) the State has not failed such a review.  
 "(ii) With respect to only the 1st or 2nd fiscal years in which a reduction is imposed under this paragraph for the failure of a State to comply with section 454(24)(A), if the State achieves compliance with section

454(24)(A) during the 2nd fiscal year, in the case of a reduction imposed for 1 fiscal year, or during the 3rd fiscal year, in the case of a reduction imposed for 2 consecutive fiscal years, the Secretary shall increase the amount otherwise payable to the State under paragraph (1)(A) of this subsection for such 2nd or 3rd fiscal year, as the case may be, by an amount equal to 20 percent of the reduction imposed for the immediately preceding fiscal year.

"(iii) The Secretary shall reduce the amount of any reduction that, in the absence of this clause, would be required to be made under this paragraph by reason of the failure of a State to achieve compliance with section 454(24)(B) during the fiscal year, by an amount equal to 20 percent of the amount of the otherwise required reduction, for each State performance measure described in section 458A(b)(4) with respect to which the applicable percentage under section 458A(b)(6) for the fiscal year is 100 percent, if the Secretary has made the determination described in section 458A(b)(5)(B) with respect to the State for the fiscal year.  
 "(D) The preceding provisions of this paragraph (except for subparagraph (C)(i)) shall apply, separately and independently, to a failure to comply with section 454(24)(B) in the same manner in which the preceding provisions apply to a failure to comply with section 454(24)(A)."

(b) INAPPLICABILITY OF PENALTY UNDER TANF PROGRAM.—Section 409(a)(8)(A)(i)(III) of such Act (42 U.S.C. 609(a)(8)(A)(i)(III)) is amended by inserting "(other than section 454(24))" before the semicolon.

**SEC. 102. AUTHORITY TO WAIVE SINGLE STATEWIDE AUTOMATED DATA PROCESSING AND INFORMATION RETRIEVAL SYSTEM REQUIREMENT.**

(a) IN GENERAL.—Section 452(d)(3) of the Social Security Act (42 U.S.C. 652(d)(3)) is amended to read as follows:

"(3) The Secretary may waive any requirement of paragraph (1) or any condition specified under section 454(16), and shall waive the single statewide system requirement under sections 454(16) and 454A, with respect to a State if—

"(A) the State demonstrates to the satisfaction of the Secretary that the State has or can develop an alternative system or systems that enable the State—

"(i) for purposes of section 409(a)(8), to achieve the paternity establishment percentages (as defined in section 452(g)(2)) and other performance measures that may be established by the Secretary;

"(ii) to submit data under section 454(15)(B) that is complete and reliable;

"(iii) to substantially comply with the requirements of this part; and

"(iv) in the case of a request to waive the single statewide system requirement, to—

"(I) meet all functional requirements of sections 454(16) and 454A;

"(II) ensure that calculation of distributions meets the requirements of section 457 and accounts for distributions to children in different families or in different States or sub-State jurisdictions, and for distributions to other States;

"(III) ensure that there is only 1 point of contact in the State which provides seamless case processing for all interstate case processing and coordinated, automated intra-state case management;

"(IV) ensure that standardized data elements, forms, and definitions are used throughout the State;

"(V) complete the alternative system in no more time than it would take to complete a single statewide system that meets such requirement; and

"(VI) process child support cases as quickly, efficiently, and effectively as such cases