

For the reasons stated in the preamble, the Panama Canal Commission proposes to amend 35 CFR parts 133 and 135 as follows:

#### **PART 133—TOLLS FOR USE OF CANAL**

1. The authority citation for part 133 is revised to read as follows:

**Authority:** 22 U.S.C. 3791–3792.

2. Section 133.1 is revised to read as follows:

##### **§ 133.1 Rates of toll.**

The following rates of toll shall be paid by vessels using the Panama Canal:

(a) On vessels over 38.10 meters (125.00 feet) in length overall:

(1) On merchant vessels, yachts, army and navy transports, colliers, hospital ships, and supply ships, when carrying passengers or cargo (laden), \$2.57 per PC/UMS Net Ton—that is, the Net Tonnage determined in accordance with part 135 of this chapter.

(2) On vessels in ballast without passengers or cargo, \$2.04 per PC/UMS Net Ton.

(3) On other floating craft including warships, other than transports, colliers, hospital ships, and supply ships, \$1.43 per ton of displacement.

(4) All vessels whose PC/UMS Net Tonnage (laden or ballast) or displacement tonnage would result in a toll of less than \$1,500 shall pay the fixed, minimum toll provided in paragraph (b) of this section.

(b) On vessels less than or equal to 38.10 meters (125.00 feet) in length overall:

(1) Vessels with or without passengers or cargo shall pay a fixed, minimum toll of \$1,500.

(2) Vessels whose constructional features are such as to render the application of this provision unreasonable or impractical, as determined by the Panama Canal Commission, shall have a PC/UMS Net or displacement tonnage determined and shall have the toll assessed in accordance with paragraph (a) of this section; however, in no case shall the toll be less than \$1,500.

#### **PART 135—RULES FOR MEASUREMENT OF VESSELS**

1. The authority citation for part 135 is revised to read as follows:

**Authority:** 22 U.S.C. 3791–3792.

1. Section 135.1 is amended by adding at the end thereof two new sentences to read as follows:

##### **§ 135.1 Scope.**

\* \* \* Vessels less than or equal to 38.10 meters (125.00 feet) in length

overall are not required to be measured, except as provided for in § 133.1(b)(2) of this chapter. Vessels greater than 38.10 meters (125.00 feet) in length overall may not be assigned a PC/UMS Net Tonnage if it is determined by the Panama Canal Commission the fixed, minimum toll provided for in § 133.1(b)(1) will apply.

Dated: December 29, 1997.

**John A. Mills,**

*Secretary, Panama Canal Commission.*

[FR Doc. 98–099 Filed 1–2–98; 8:45 am]

BILLING CODE 3640–04–P

#### **DEPARTMENT OF HEALTH AND HUMAN SERVICES**

##### **Office of Inspector General**

##### **42 CFR Part 1001**

##### **Negotiated Rulemaking Committee on the Shared Risk Exception; Meetings**

**AGENCY:** Office of Inspector General (OIG), HHS.

**ACTION:** Meeting of Negotiated Rulemaking Committee.

**SUMMARY:** This document announces the revised dates for the seventh set of meetings of the Negotiated Rulemaking Committee on the Shared Risk Exception. The purpose of this Committee is to negotiate the development of an interim final rule addressing the shared risk exception to the Federal health care programs' anti-kickback provisions, as statutorily-mandated by section 216 of the Health Insurance Portability and Accountability Act of 1996.

**DATES:** The next series of meetings will be held on January 21 and 22, 1998 from 9:00 a.m. to 5:00 p.m.

**ADDRESSES:** The January sessions will be held at the Holiday Inn Capitol, 550 C Street, SW., Washington, DC 20024, as previously announced.

**FOR FURTHER INFORMATION CONTACT:** Inquiries regarding these sessions should be addressed to Joel Schaer, OIG Regulations Officer, Office of Counsel to the Inspector General, Room 5518, Cohen Building, 330 Independence Avenue, SW., Washington, DC 20201; or call (202) 619–0089.

**SUPPLEMENTARY INFORMATION:** The dates for the next series of meetings for the Negotiated Rulemaking Committee on the Shared Risk Exception, originally scheduled for January 20 through 22, 1998 (62 FR 63689, December 2, 1997), have been revised. The Committee will now plan to meet only on January 21 and 22, 1998.

The Negotiated Rulemaking Committee on the Shared Risk Exception been established to provide advice and make recommendations to the Secretary of Health and Human Services with respect to the text or content of an interim final rule that will establish standards relating to the exception to the anti-kickback statute for risk-sharing arrangements, set forth in section 1128B(b)(3)(F) of the Social Security Act. The exception was enacted by section 216 of Public Law 104–191, the Health Insurance Portability and Accountability Act (HIPAA) of 1996. Section 216 of HIPAA provides that the Secretary will promulgate regulations that establish standards for the exception using an expedited negotiated rulemaking process. In the January meeting, the Committee will conclude discussion of issues relating to the development of the interim final rule and the options for resolving those issues.

Both the January 21 and 22, 1998 meetings will be open to the public without advanced registration. A summary of all proceedings of these meetings and relevant matters and other material will also be available for public inspection at the address listed above from the hours of 8:30 a.m. to 5:00 p.m., or can be accessed through the OIG web site located at <http://www.dhhs.gov/progorg/oig>. Notice of this meeting is given under the Federal Advisory Committee Act (5 U.S.C. App. 2).

Dated December 19, 1997.

**D. McCarty Thornton,**

*Chief Counsel to the Inspector General.*

[FR Doc. 98–30 Filed 1–2–98; 8:45 am]

BILLING CODE 4150–04–P

#### **DEPARTMENT OF HEALTH AND HUMAN SERVICES**

##### **Administration for Children and Families**

##### **45 CFR Parts 302, 303, and 304**

**RIN 0970–AB69**

##### **Child Support Enforcement Program; State Plan Requirements, Standards for Program Operations, and Federal Financial Participation**

**AGENCY:** Office of Child Support Enforcement (OCSE), HHS.

**ACTION:** Notice of proposed rulemaking

**SUMMARY:** This proposed rule would implement part of the paternity establishment provisions contained in section 331 of the Personal Responsibility and Work Opportunity

Reconciliation Act of 1996 (PRWORA) and amended by section 5539 of Pub. L. 105-33, which impose new statutory requirements for a State's voluntary paternity acknowledgement process and require the Secretary to promulgate regulations governing voluntary paternity establishment services and identifying the types of entities other than hospitals and birth record agencies that may be allowed to offer voluntary paternity establishment services. States will be required to adopt laws and procedures that are in accordance with the statutory and regulatory provisions. These proposed regulations will address these procedures and related provisions.

**DATES:** Consideration will be given to written comments received by March 6, 1998.

**ADDRESSES:** Comments should be submitted in writing to the Office of Child Support Enforcement, Administration for Children and Families, 370 L'Enfant Promenade, SW., 4th Floor, Washington, DC 20447, Attention: Director of Policy and Planning Division, Mail Stop: OCSE/DPP. Comments may also be submitted by sending electronic mail (e-mail) to "jrothstein@acf.dhhs.gov.", or by telefaxing to 202-401-3444. This is not a toll-free number. Comments sent electronically must be in ASCII format. Comments will be available for public inspection Monday through Friday, 8:30 a.m. to 5:00 p.m. on the 4th floor of the Department's offices at the above address.

**FOR FURTHER INFORMATION CONTACT:** Jan Rothstein, OCSE Division of Policy and Planning, (202) 401-5073. Hearing impaired individuals may call the Federal Dual Party Relay Service at 800-877-8339 between 8:00 a.m. and 7:00 p.m. Eastern time.

**SUPPLEMENTARY INFORMATION:**

**Paperwork Reduction Act**

Section 466(a)(5)(C) of the Social Security Act (the Act) as added by section 331 of Pub. L. 104-193 and amended by section 5539 of Pub. L. 105-33 contains a requirement that information be disclosed to a third party. As required by the Paperwork Reduction Act of 1995 (44 U.S.C. 3507(d)), the Administration for Children and Families has submitted a copy of this section to the Office of Management and Budget (OMB) for its review.

Section 466(a)(5)(C) of the Act as added by section 331 of Pub. L. 104-193 and amended by section 5539 of Pub. L. 105-33 requires States to pass laws ensuring a simple civil process for voluntarily acknowledging paternity

under which the State must provide that, before a mother and putative father can sign a voluntary acknowledgement of paternity, the mother and putative father must be given notice, orally or through the use of video or audio equipment and in writing of the alternatives to, the legal consequences of, and the rights (including any rights, if a parent is a minor, due to minority status) and responsibilities of acknowledging paternity. To comply with this requirement States must disclose information about these rights in written and oral formats or through the use of video or audio equipment to mothers and putative fathers. We estimate the time needed to disclose the information to mothers and putative fathers to be approximately 10 minutes. In order to ensure effective disclosure of this information, States will need to provide training to other State employees and the employees of local governments, non-profits and for profit businesses. We estimate this training will take an additional 1,600 hours yearly for all entities. We have added these hours to the time estimated to be necessary for the third party disclosure in order to establish the total estimated burden hours for this requirement.

Likely respondents to the third party disclosure include hospitals, TANF agencies, Food Stamp agencies, WIC centers, Maternal and Child Health centers, doctors, lawyers, and secondary schools. While the total number of potential respondents is approximately 2,000,000, we expect the actual number of respondents will be closer to 100,000. We estimate that 448,600 paternities will be voluntarily established in 1998 and of that number half will be established in hospitals. The total burden hours estimated for the third party disclosure are 76,059.

To ensure that public comments have maximum effect in developing the final regulations, ACF urges that persons wishing to comment clearly identify the specific section or sections of the regulations that the comment addresses and that comments be in the same order as the regulations.

ACF will consider comments by the public on these proposed collections of information in:

- Evaluating whether the proposed collections are necessary for the proper performance of the functions of ACF, including whether the information will have practical utility;
- Evaluating the accuracy of ACF's estimate of the burden of the proposed collections of information, including the validity of the methodology and assumptions used;

- Enhancing the quality, usefulness, and clarity of the information to be collected; and

- Minimizing the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technology, e.g., permitting electronic submission of responses.

OMB is required to make a decision concerning the collection of information contained in this proposed regulation between 30 and 60 days after publication of this document in the **Federal Register**. Therefore, a comment is best assured of having its full effect if OMB receives it within 30 days of publication. This does not affect the deadline for the public to comment to the Department on the proposed regulations. Written comments to OMB for the proposed information collection should be sent directly to the following: Office of Management and Budget, Paperwork Reduction Project, 725 17th Street, NW., Washington DC 20503, Attn: Ms. Wendy Taylor.

**Statutory Authority**

These proposed regulations are published under the authority of section 466(a)(5)(C) of the Act, as amended by section 331 of Pub.L. 104-193. Section 466(a)(5)(C)(iii) of the Act requires the Secretary to promulgate regulations governing voluntary paternity establishment services and identifying the types of entities other than hospitals and birth record agencies that may be allowed to offer voluntary paternity establishment services. States will be required to adopt laws and procedures that are in accordance with the statutory and regulatory provisions.

**Background**

Paternity establishment is a necessary first step for obtaining child support in cases where a child is born out-of-wedlock. In addition to child support, there are other potential financial benefits to establishing paternity, including establishing a child's rights to the father's Social Security benefits, veterans' benefits, pension benefits, and other rights of inheritance. Paternity establishment could also be the first step in developing a psychological and social bond between the father and child, in giving the child social and psychological advantages and a sense of family heritage, and in providing access to important medical history information.

Congress and the Federal government have long recognized the importance of paternity establishment. In 1975, Title IV-D of the Social Security Act was

enacted to require States to establish public child support agencies. These IV-D agencies provide child support enforcement services, including paternity establishment services. The Child Support Enforcement Amendments of 1984 required States to permit paternity to be established until a child's 18th birthday.

The Family Support Act of 1988 contained several provisions designed to improve paternity establishment, including performance standards, timeframes for case processing, enhanced funding (90% Federal financial participation) for genetic testing, a requirement that States compel all parties in a contested paternity case to submit to genetic testing upon the request of a party, a requirement that States compel each parent to provide his or her social security number as part of the birth certificate issuance process, and a clarification of the earlier expansion of the requirement permitting paternity establishment to 18 years of age.

The Omnibus Reconciliation Act of 1993 (OBRA '93) further reformed the child support enforcement program to increase the performance standards for both the number of paternities established for children born out-of-wedlock and the timeliness with which paternity establishment is accomplished. One major provision of OBRA '93 was the requirement that States have laws providing for voluntary paternity establishment services at birthing hospitals statewide.

Partly as a result of these Federal and State statutory provisions and their implementation, the number of paternities established each year by the IV-D Child Support Enforcement program has increased substantially from about 270,000 in fiscal year (FY) 1987 to over 553,000 in FY 1993, an increase of over 100 percent in just six years. Nearly a million paternities were established in FY 1996, an increase of over 80 percent in the three years since enactment of OBRA '93.

Finally, in section 101 of PRWORA, Congress cited a number of social and statistical findings relating to the need for paternity establishment. In 1992, only 54 percent of single-parent families with children had a child support order established and, of that number, only about one-half received the full amount due. Of the cases enforced through the public child support enforcement system, only 18 percent of the caseload has a collection. The number of individuals receiving IV-D services more than tripled since 1965, and more than two-thirds of these recipients are children, with eighty-nine percent of

children receiving Aid to Families with Dependent Children benefits living in homes in which no father is present. The increase in the number of children receiving public assistance is closely related to the increase in births to unmarried women. Congress further cited that between 1970 and 1991, the percentage of live births to unmarried women increased nearly threefold, from 10.7 percent to 29.5 percent, and if the current trend continues, 50 percent of all births by the year 2015 will be out-of-wedlock. The estimated rate of nonmarital teen pregnancy rose 23 percent from 54 pregnancies per 1,000 unmarried teenagers in 1976 to 66.7 pregnancies in 1991, while the overall rate of nonmarital pregnancy rose 14 percent from 90.8 pregnancies per 1,000 unmarried women in 1980 to 103 in both 1991 and 1992.

#### Description of Statutory Provisions

Section 466(a)(5)(C)(iii)(II)(aa) of the Act as amended by Pub. L. 104-193 requires that "(T)he Secretary shall prescribe regulations governing voluntary paternity establishment services offered by hospitals and birth record agencies." Section 466(a)(5)(C)(iii)(II)(bb) of the Act as amended by Pub. L. 104-193 requires that "(T)he Secretary shall prescribe regulations specifying the types of other entities that may offer voluntary paternity establishment services, and governing the provision of such services, which shall include a requirement that such an entity must use the same notice provisions used by, use the same materials used by, provide the personnel providing such services with the same training provided by, and evaluate the provision of such services in the same manner as the provision of such services is evaluated by, voluntary paternity establishment programs of hospitals and birth record agencies."

The statute also requires that States develop procedures for a simple civil process for voluntarily acknowledging paternity. This process must ensure that a mother and a putative father do not sign an acknowledgement of paternity before they are both given notice orally or through the use of video or audio equipment and in writing of the alternatives to, the legal consequences of, and the rights (including those rights due to minority status) and responsibilities of acknowledging paternity. In addition, section 466(a)(5)(M) of the Act requires that States develop procedures under which voluntary acknowledgements and adjudications of paternity by judicial or administrative processes are filed with the State registry of birth records for

comparison with information in the State case registry. These changes required by PRWORA are largely expansions on requirements previously established under OBRA '93. However, as noted above, the Act now requires the Secretary to prescribe by regulations the types of other entities that may offer voluntary paternity establishment services and to write regulations governing the voluntary paternity establishment services offered by hospitals, birth record agencies, and other entities participating in the State's voluntary paternity establishment program.

We propose to implement the requirements of amended section 466(a)(5)(C) by amending § 302.70, addressing State laws, § 303.5, addressing establishment of paternity and § 304.20, addressing availability and rate of Federal financial participation.

#### Regulatory Philosophy

Historically in the child support enforcement program, the Federal government had specified in detailed regulations how things must be done by States. The Federal Office of Child Support Enforcement (OCSE) has entered an era which necessitates a new philosophy with respect to Federal mandates through regulation. Because the President is committed to reducing the burden on States and streamlining regulations, OCSE's new watchwords are partnership, results, flexibility, and accountability.

Since OCSE's partnership with States is built on shared trust and the primary Federal concern is results, we believe our partners in State and local government should have a significantly greater degree of flexibility, within the constraints of the Federal statute, than previously permitted. Striking the appropriate balance between flexibility and standardization will be a continuing challenge as OCSE strives for an environment that encourages and rewards rather than stifles creativity throughout the child support community.

These proposed regulations reflect OCSE's consultation with our partners and stakeholders on how detailed the required procedures should be and what other sources of voluntary paternity establishment services should be included in the list of entities. OCSE took into careful consideration the fact that so many of the Federal requirements in the new law will necessitate State legislation. In the past, there occasionally have been concerns when State legislatures enacted legislation in response to Federal

statutory and regulatory requirements, but had to return in a later session to enact State laws in response to new or additional Federal regulations. We were concerned to avoid that situation here, if at all possible.

Because the Federal statute and regulations are fairly explicit with respect to State requirements governing paternity establishments, we believe it prudent to merely extend existing regulatory requirements which govern voluntary paternity acknowledgement in hospitals to govern birth record agencies and other entities participating in the State's voluntary paternity establishment program as well.

Other paternity establishment provisions contained in section 331 of Pub. L. 104-193, as well as other portions of Pub. L. 104-193 that address paternity issues, are not addressed in this proposed rulemaking. Necessary changes to existing regulations which are inconsistent with new Federal mandates will be addressed in a separate omnibus rule-making. While we do not intend at this time to restate Federal statutory requirements in regulations, should the need arise based on unforeseen circumstances, we will work with our partners and stakeholders to determine if further regulation and guidance is needed to ensure consistent and effective compliance with Federal statutory requirements and expectations.

In considering how best to implement the statutory requirement that the Secretary promulgate regulations for expanding voluntary paternity establishment services to include not only birthing hospitals, but also birth record agencies and other entities, OCSE has looked for guidance from the President's National Performance Review guidelines for reinventing regulations. The guiding principles are to: cut obsolete regulations; reward results, not red tape; get out of Washington to create grass roots partnerships; and negotiate, not dictate.

#### Consultation Process

With these guidelines and OCSE's watchwords of partnership, results, flexibility, and accountability, we elicited input from our partners, including State and local IV-D administrators, State and Federal birth record agencies, and others with empirical and applied knowledge of voluntary paternity establishment services. OCSE has consulted with the National Governors' Association, the American Public Welfare Association, the National Conference of State Legislatures, the National Association of Counties, the AFL-CIO, the Center for

Law and Social Policy, the Children's Defense Fund, the Center for Budget and Policy Priorities, the United States Conference of Mayors, the National League of Cities, Child Trends, the Manpower Development Research Corporation, the Urban Institute, the Coalition on Human Needs, the National Association of Social Workers, the National Organization for Women's Legal Defense Fund, the American Association of University Women, and others. Some of our partners have long-term experience in the in-hospital program for voluntary paternity establishment services, others have a wider breadth of experience from a vital records perspective, and still others have come from a child support enforcement background with varied experience in working with and through their partners, and in achieving legislative enactments and implementation successes. With their help, we developed the list of entities where States may make voluntary paternity establishment services available.

#### Description of Regulatory Provisions—Section 302.70(a)(5)(iii)

##### Current Regulations

Current § 302.70(a)(5)(iii) requires States to have in effect laws requiring the use of procedures for a simple civil process for voluntarily acknowledging paternity under which the State must provide that the rights and responsibilities of acknowledging paternity are explained, and ensure that due process safeguards are afforded. Such procedures must include a hospital-based program for the voluntary acknowledgement of paternity in the period immediately before or after the birth of a child to an unmarried woman, and a requirement that all public and private birthing hospitals participate in the program. Such procedures must also include a process for voluntarily acknowledging paternity outside of hospitals.

##### Proposed Regulations

We propose that section 302.70(a)(5)(iii) be revised to require a State to have in effect laws requiring procedures for a simple civil process for voluntarily acknowledging paternity. Under these procedures, before a mother and putative father can sign a voluntary acknowledgement of paternity, the mother and the putative father must be given notice, orally or through the use of video or audio equipment and in writing, of the alternatives to, the legal consequences of, and the rights (including any rights, if a parent is a

minor, due to minority status) and responsibilities of acknowledging paternity, and ensure that due process safeguards are afforded. This section would be further revised to specify that both parents are to sign the voluntary acknowledgement.

We propose to revise paragraph (a)(5)(iii)(B) to require that State procedures must include a program for voluntary acknowledgement of paternity in birth record agencies and in other entities participating in the State's voluntary paternity establishment program. We propose to add a new paragraph (a)(5)(iii)(C) to require that State procedures governing hospital-based programs and birth record agencies must also apply to other entities participating in the State's voluntary paternity establishment program, including the use of the same notice provisions, the same materials, the same evaluation methods, and the same training for the personnel of these other entities providing voluntary paternity establishment services.

#### Description of Regulatory Provisions—Section 303.5(g)

##### Current Regulations

Current § 303.5(g) requires States to establish, in cooperation with hospitals, a hospital-based program in every public and private birthing hospital, by January 1, 1995, for voluntary paternity acknowledgement during the period immediately before or after the birth of a child to an unmarried woman.

The hospital-based program:

(1) Must provide to both the mother and alleged father, if he is present in the hospital, written materials about paternity establishment, the forms necessary to voluntarily acknowledge paternity, a written description of the rights and responsibilities of acknowledging paternity, and the opportunity to speak with staff, either by telephone or in person, who are trained to clarify information and answer questions about paternity establishment;

(2) Must also provide the mother and alleged father, if he is present, the opportunity to voluntarily acknowledge paternity in the hospital, afford due process safeguards, and forward the completed acknowledgments or copies to the entity designated by the State; and

(3) Need not provide the voluntary paternity acknowledgement services in cases where the mother or alleged father is a minor or a legal action is already pending, if the provision of such services is precluded by State law.

The State must:

(1) Require that a voluntary acknowledgment obtained through a hospital-based program be signed by both parents, and that the parents' signatures be authenticated by a notary or witness(es);

(2) Provide to all public and private birthing hospitals in the State written materials about paternity establishment, forms necessary to voluntarily acknowledge paternity, and copies of a written description of the rights and responsibilities of acknowledging paternity;

(3) Provide training, guidance, and written instructions regarding voluntary acknowledgment of paternity, as necessary to operate the hospital-based program;

(4) Assess each birthing hospital's program on at least an annual basis; and

(5) Designate an entity to which hospital-based programs must forward completed voluntary acknowledgments or copies. Under the State procedures, this entity must be responsible for promptly recording identifying information about the acknowledgments with a statewide database, and the IV-D agency must have timely access to whatever identifying information and documentation it needs to determine if an acknowledgment has been recorded and to seek a support order on the basis of a recorded acknowledgment.

#### *Proposed Regulations*

We propose to revise 45 CFR 303.5(g)(1) to require that the State voluntary paternity establishment program also be available at the State birth record agency, local birth record agencies designated by the State and at other entities designated by the State. The designation of the particular entities that may offer voluntary paternity establishment services would be the responsibility of the State.

These entities to be identified by the State could include the following and similar entities: public health clinics (including Supplementary Feeding Program for Women, Infants, and Children (WIC) and Maternal and Child Health (MCH) clinics); private health care providers (including obstetricians, gynecologists, pediatricians, and midwives); agencies providing assistance or services under title IV-A of the Act; agencies providing food stamp eligibility services; agencies providing child support enforcement (IV-D) services; Head Start and child care agencies (including child care information and referral providers); individual child care providers; Community Action Agencies and Community Action Programs; secondary education schools (particularly those

that have parenthood education curricula); Legal Aid agencies; and private attorneys; and any similar public or private health, welfare, or social services organization.

Although the Secretary is required to prescribe in regulations the "types of entities" which States may designate to provide voluntary paternity services, we wish to allow States the broadest possible discretion to determine which entities within their jurisdiction should be designated, trained and empowered to provide this important service.

We also propose to revise § 303.5(g), to replace the reference to the requirement that the State designate an entity to which the voluntary acknowledgement program must forward completed voluntary acknowledgement forms or copies with a requirement that the State designate the State registry of birth records as the entity to which the voluntary acknowledgement program must forward completed voluntary acknowledgement forms or copies. We also propose to replace references to the hospital-based voluntary paternity establishment program with references to hospitals, birth record agencies, and other entities participating in the State's voluntary paternity establishment program.

By making these changes, we propose to expand the applicability of all existing provisions in § 303.5(g)(2)-(8) to birth record agencies and other entities participating in the State's voluntary paternity establishment program. This is consistent with the statutory requirement that the Secretary prescribe regulations governing the provision of services by the other entities. The statute specifies that the other entities participating in the State's voluntary paternity establishment program must use the same materials and be trained and evaluated in the same manner as the voluntary paternity establishment programs of hospitals and birth record agencies. We believe this consistency will greatly facilitate the establishment of paternities by entities other than hospitals and birth record agencies.

Additionally, to reflect other new statutory requirements, we propose to revise § 303.5(g)(2)(i)(C) and § 303.5(g)(5)(iii), to require that hospitals, birth record agencies, and other entities participating in the voluntary paternity establishment program provide to the mother, and the father if present, an oral as well as written description of the consequences of voluntarily acknowledging paternity. The information about consequences

may also be provided through the use of video or audio equipment.

The description must address not only the rights and responsibilities of acknowledging paternity, but also the alternatives to, and the legal consequences of, acknowledging paternity. In addition, the description must ensure that due process safeguards are afforded and that any rights due to minority status be described to the parents if a parent is a minor.

#### **Description of Regulatory Provisions—Section 304.20(b)(2)**

##### *Current Regulations*

Under current § 304.20(b)(2)(vi), Federal financial participation is available for State administrative costs for paternity establishment services, including payments up to \$20 to birthing hospitals and other entities that provide prenatal or birthing services for each voluntary acknowledgment obtained pursuant to an agreement with the IV-D agency. Under current § 304.20(b)(2)(vii), Federal financial participation is available for developing and providing to birthing hospitals and other entities that provide prenatal or birthing services written and audiovisual materials about paternity establishment and forms necessary to voluntarily acknowledge paternity. Under current § 304.20(b)(2)(viii), Federal financial participation is available for reasonable and essential short-term training regarding voluntary acknowledgment of paternity associated with a State's hospital-based program.

##### *Proposed Regulations*

We propose to revise these paragraphs to allow Federal financial participation in these allowable costs with respect to birth record agencies and other entities participating in the voluntary paternity establishment program. This is consistent with our proposal to expand the applicability of all existing provisions in § 303.5(g)(2)-(8) to birth record agencies and other entities participating in the State's voluntary paternity establishment program.

#### **Regulatory Flexibility Analysis**

The primary impact of these regulations is on State governments and individuals, which are not considered small entities under the Regulatory Flexibility Act. Most of the requirements being imposed on entities are required by statute. The regulations require hospitals, birth record agencies and the other entities participating in the State's voluntary paternity establishment program to be subject only to certain minimal requirements.

These requirements include: undergoing training, being evaluated annually, providing oral and written information to mothers and putative fathers, and transmitting the acknowledgements to the State registry of birth records. The information about consequences may also be provided through the use of video or audio equipment. The Federal regulations do not specify the nature or extent of the training, evaluation or materials to be provided. The States will furnish the training, conduct the evaluation, and provide the materials and forms to be used. The requirements imposed by the regulations do not result in a significant impact on a substantial number of small entities. Therefore, the Secretary certifies, under 5 U.S.C. 605(b), as enacted by the Regulatory Flexibility Act (Pub. L. 96-354), that these proposed regulations will not result in a significant impact on a substantial number of small entities.

#### Executive Order 12866

Executive Order 12866 requires that regulations be reviewed to ensure that they are consistent with the priorities and principles set forth in the Executive Order. The Department has determined that this rule is consistent with these priorities and principles. The proposed regulations are required by PRWORA and represent expansion of the existing regulations to cover birth record agencies and other entities.

#### Unfunded Mandates Act

The Department has determined that this proposed rule is not a significant regulatory action within the meaning of the Unfunded Mandates Reform Act of 1995.

#### List of Subjects in 45 CFR Parts 302, 303, and 304

Accounting, Child support, Grant programs—social programs, and Reporting and recordkeeping requirements.

(Catalog of Federal Domestic Assistance Program No. 93.563, Child Support Enforcement Program)

Dated: July 30, 1997.

**Olivia A. Golden,**

*Principal Deputy Assistant Secretary for Children and Families.*

Approved: September 25, 1997.

**Donna E. Shalala,**

*Secretary, Department of Health and Human Services.*

For the reasons stated in the preamble, we propose to amend title 45 CFR chapter III of the Code of Federal Regulations as follows:

### PART 302—STATE PLAN REQUIREMENTS

1. The authority citation for Part 302 continues to read as follows:

**Authority:** 42 U.S.C. 651 through 658, 664, 666, 667, 1302, 1396a(a)(25), 1396b(d)(2), 1396b(o), 1396b(p) and 1396(k).

2. Section 302.70 is amended by revising paragraph (a)(5)(iii) introductory by revising paragraph (a)(5)(iii)(B), and by adding paragraph (a)(5)(iii)(C) to read as follows:

#### § 302.70 Required State laws.

(a) \* \* \*

(5) \* \* \*

(iii) Procedures for a simple civil process for voluntarily acknowledging paternity under which the State must provide that, before a mother and putative father can sign a voluntary acknowledgement of paternity, the mother and the putative father must be given notice, orally or through video or audio equipment, and in writing, of the alternatives to, the legal consequences of, and the rights (including any rights, if a parent is a minor, due to minority status) and responsibilities of acknowledging paternity, and ensure that due process safeguards are afforded. Such procedures must include:

(A) \* \* \*

(B) A process for voluntary acknowledgement of paternity in birth record agencies, and in other entities participating in the State's voluntary paternity establishment program; and

(C) A requirement that the procedures governing hospital-based programs and birth record agencies must also apply to other entities participating in the State's voluntary paternity establishment program, including the use of the same notice provisions, the same materials, the same evaluation methods, and the same training for the personnel of these other entities providing voluntary paternity establishment services.

\* \* \* \* \*

### PART 303—STANDARDS FOR PROGRAM OPERATIONS

3. The authority citation for Part 303 continues to read as follows:

**Authority:** 42 U.S.C. 651 through 658, 660, 663, 664, 666, 667, 1302, 1396a(a)(25), 1396b(d)(2), 1396b(o), 1396b(p) and 1396(k).

4. Section 303.5 is amended by revising paragraph (g) to read as follows:

#### § 303.5 Establishment of paternity.

\* \* \* \* \*

(g) *Voluntary paternity establishment programs.* (1) The State must establish, in cooperation with every hospital and birth record agency and with all other

entities participating in the State's voluntary paternity establishment program, a program for voluntary paternity establishment services.

(i) The hospital-based portion of the voluntary paternity establishment services program must be operational in private and public birthing hospitals statewide and must provide voluntary paternity establishment services focusing on the period immediately before and after the birth of a child born out-of-wedlock.

(ii) The voluntary paternity establishment services program must also be available at the State birth record agency, every local birth record agency within the State, and at all other entities participating in the State's voluntary paternity establishment program. These entities may include the following types of entities:

(A) Public health clinics (including Supplementary Feeding Program for Women, Infants, and Children (WIC) and Maternal and Child Health (MCH) clinics), and private health care providers (including obstetricians, gynecologists, pediatricians, and midwives);

(B) Agencies providing assistance or services under title IV-A of the Act, agencies providing food stamp eligibility service, and agencies providing child support enforcement (IV-D) services;

(C) Head Start and child care agencies (including child care information and referral providers), and individual child care providers;

(D) Community Action Agencies and Community Action Programs;

(E) Secondary education schools (particularly those that have parenthood education curricula);

(F) Legal Aid agencies, and private attorneys; and

(G) Any similar public or private health, welfare or social services organization.

(2) The hospitals, birth record agencies, and other entities participating in the State's voluntary paternity establishment program must, at a minimum:

(i) Provide to both the mother and alleged father, if he is present:

(A) Written materials about paternity establishment,

(B) The forms necessary to voluntarily acknowledge paternity,

(C) A written and oral or through the use of video or audio equipment description of the alternatives to, the legal consequences of, and the rights (including any rights, if a parent is a minor, due to minority status) and responsibilities of acknowledging paternity, and

(D) The opportunity to speak with staff, either by telephone or in person, who are trained to clarify information and answer questions about paternity establishment;

(ii) Provide the mother and alleged father, if he is present, the opportunity to voluntarily acknowledge paternity;

(iii) Afford due process safeguards; and

(iv) Forward completed acknowledgements or copies to the State registry of birth records.

(3) The hospitals, birth record agencies, and other entities participating in the State's voluntary paternity establishment program need not provide services specified in paragraph (g)(2) of this section in cases where the mother or alleged father is a minor or a legal action is already pending, if the provision of such services is precluded by State law.

(4) The State must require that a voluntary acknowledgement be signed by both parents, and that the parents' signatures be authenticated by a notary or witness(es).

(5) The State must provide to all hospitals, birth record agencies, and other entities participating in the State's voluntary paternity establishment program:

(i) Written materials about paternity establishment, ii) forms necessary to voluntarily acknowledge paternity, and

(ii) Form necessary to voluntarily acknowledge paternity, and

(iii) Copies of a written description of the alternatives to, the legal consequences of, and the rights (including any rights, if a parent is a minor, due to minority status) and responsibilities of acknowledging paternity.

(6) The State must provide training, guidance, and written instructions regarding voluntary acknowledgment of paternity, as necessary to operate the voluntary paternity establishment services in the hospitals, birth record agencies, and other entities participating in the State's voluntary paternity establishment program.

(7) The State must assess each hospital, birth record agency, and other entity participating in the State's voluntary paternity establishment program that are providing voluntary paternity establishment services on at least an annual basis.

(8) The State must designate the State registry of birth records as the entity to which hospitals, birth record agencies, and other entities that are participating in the State's voluntary paternity establishment program must forward completed voluntary acknowledgements or copies in accordance with

§ 303.5(g)(2)(iv). Under State procedures, the State registry of birth records must be responsible for promptly recording identifying information about the acknowledgements with a statewide database, and the IV-D agency must have timely access to whatever identifying information and documentation it needs to determine in accordance with § 303.5(h) if an acknowledgement has been recorded and to seek a support order on the basis of a recorded acknowledgement in accordance with § 303.4(f).

\* \* \* \* \*

#### PART 304—FEDERAL FINANCIAL PARTICIPATION

5. The authority citation for Part 304 continues to read as follows:

**Authority:** 42 U.S.C. 651 through 655, 657, 1302, 1396a(a)(25), 1396b(d)(2), 1396b(o), 1396b(p) and 1396(k).

6. Section 304.20 is amended by revising paragraph (b)(2)(vi) through paragraph (6)(2)(viii) to read as follows:

##### § 304.20 Availability and rate of Federal financial participation.

(b) \* \* \*

(2) \* \* \*

(vi) Payments up to \$20 to hospitals, birth record agencies, and other entities participating in the State's voluntary paternity establishment program, under § 303.5(g) of this chapter, for each voluntary acknowledgement obtained pursuant to an agreement with the IV-D agency;

(vii) Developing and providing to hospitals, birth record agencies, and other entities participating in the State's voluntary paternity establishment program, under § 303.5(g) of this chapter, written and audiovisual materials about paternity establishment and forms necessary to voluntarily acknowledge paternity; and

(viii) Reasonable and essential short-term training associated with the State's program of voluntary paternity establishment services under § 303.5(g).

\* \* \* \* \*

[FR Doc. 98-088 Filed 1-2-98; 8:45 am]

BILLING CODE 4184-01-P

#### FEDERAL COMMUNICATIONS COMMISSION

##### 47 CFR Part 73

[MM Docket No. 97-244, RM-9200]

##### Radio Broadcasting Services; Kerrville, TX

**AGENCY:** Federal Communications Commission.

**ACTION:** Proposed rule.

**SUMMARY:** The Commission requests comments on a petition filed by The Stronghold Foundation, Inc., requesting the allotment of Channel 291A to Kerrville, TX, as the community's third local FM station. Channel 291A can be allotted to Kerrville in compliance with the Commission's minimum distance separation requirements without the imposition of a site restriction. The coordinates for Channel 291A at Kerrville are 30-02-48 NL and 99-08-24 WL. Since Kerrville is located within 320 kilometers (199 miles) of the U.S.-Mexican border, concurrence of the Mexican government has been requested.

**DATES:** Comments must be filed on or before February 9, 1998, and reply comments on or before February 24, 1998.

**ADDRESSES:** Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, or its counsel or consultant, as follows: Bradford D. Carey, Hardy and Carey, L.L.P., 111 Veterans Boulevard, Suite 255, Metairie, Louisiana, 70005 (Counsel for petitioner).

**FOR FURTHER INFORMATION CONTACT:** Pam Blumenthal, Mass Media Bureau, (202) 418-2180.

**SUPPLEMENTARY INFORMATION:** This is a synopsis of the Commission's Notice of Proposed Rule Making, MM Docket No. 97-244, adopted December 10, 1997, and released December 19, 1997. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC's Reference Center (Room 239), 1919 M Street, NW, Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, ITS, Inc., (202) 857-3800, 1231 20th Street, NW, Washington, DC 20036.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter