

MAKING CHANGES TO SENATE COMMITTEES

Mr. HAGEL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 215, submitted earlier by Senator LOTT.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative assistant read as follows:

A resolution (S. Res. 215) making changes to Senate committees for the 106th Congress.

There being no objection, the Senate proceeded to consider the resolution.

Mr. HAGEL. Mr. President, I ask unanimous consent that the resolution be agreed to and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 215) was agreed to, as follows:

S. RES. 215

Resolved, That the following change shall be effective on those Senate committees listed below for the 106th Congress, or until their successors are appointed:

Committee on Environment and Public Works: Mr. SMITH of New Hampshire, Chairman.

Mr. HAGEL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HAGEL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

DUGGER MOUNTAIN WILDERNESS ACT OF 1999

Mr. HAGEL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. 1843, introduced earlier today by Senator SESSIONS.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 1843) to designate certain Federal land in the Talladega National Forest, Alabama, as the "Dugger Mountain Wilderness."

There being no objection, the Senate proceeded to consider the bill.

Mr. HAGEL. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and any statement relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 1843) was read the third time and passed, as follows:

S. 1843

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Dugger Mountain Wilderness Act of 1999".

SEC. 2. DESIGNATION OF DUGGER MOUNTAIN WILDERNESS, ALABAMA.

(a) DESIGNATION.—There is designated as wilderness and as a component of the National Wilderness Preservation System, in accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), certain Federal land in the Talladega National Forest, Alabama, comprising approximately 9,200 acres, as generally depicted on the map entitled "Proposed Dugger Mountain Wilderness", dated July 2, 1999, to be known as the "Dugger Mountain Wilderness".

(b) MAP AND DESCRIPTION.—

(1) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary of Agriculture (referred to in this Act as the "Secretary") shall submit to Congress a map and description of the boundaries of the Dugger Mountain Wilderness.

(2) FORCE AND EFFECT.—The map and description shall have the same force and effect as if included in this Act, except that the Secretary may correct clerical and typographical errors in the map and description.

(3) PUBLIC AVAILABILITY.—A copy of the map and description shall be on file and available for public inspection in the office of—

- (A) the Chief of the Forest Service; and
- (B) the Supervisor of National Forest System land located in the State of Alabama.

(c) MANAGEMENT.—

(1) IN GENERAL.—Subject to valid existing rights, land designated as wilderness by this Act shall be managed by the Secretary in accordance with the applicable provisions of the Wilderness Act (16 U.S.C. 1131 et seq.).

(2) EFFECTIVE DATE EXCEPTION.—With respect to the Dugger Mountain Wilderness, any reference in the Wilderness Act (16 U.S.C. 1131 et seq.) to the effective date of that Act shall be considered to be a reference to the date of enactment of this Act.

(d) TREATMENT OF DUGGER MOUNTAIN FIRE TOWER.—

(1) IN GENERAL.—Not later 2 years after the date of enactment of this Act, the Forest Service shall disassemble and remove from the Dugger Mountain Wilderness the Dugger Mountain fire tower (including any supporting structures).

(2) EQUIPMENT.—The Forest Service may use ground-based mechanical and motorized equipment to carry out paragraph (1).

(3) FIRE TOWER ROAD.—

(A) IN GENERAL.—The road to the fire tower shall be open to motorized vehicles during the period required to carry out paragraph (1) only for the purpose of removing the tower (including any supporting structures).

(B) PERMANENT CLOSURE.—After the period referred to in subparagraph (A), the road to the fire tower shall be permanently closed to motorized use.

(4) APPLICABLE LAW.—The Forest Service shall carry out paragraph (1) in accordance with the National Historic Preservation Act (16 U.S.C. 470 et seq.).

CHILD SUPPORT MISCELLANEOUS AMENDMENTS OF 1999

Mr. HAGEL. Mr. President, I ask unanimous consent that the Senate now proceed to the immediate consideration of S. 1844 introduced earlier today by Senators ROTH, MOYNIHAN, and others.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 1844) to amend Part D of title IV of the Social Security Act to provide for an alternative penalty procedure with respect

to compliance with requirements for a State disbursement unit.

There being no objection, the Senate proceeded to consider the bill.

Mr. ROTH. Mr. President, I rise today to introduce the Child Support Miscellaneous Amendments of 1999. This legislation is co-sponsored by Senators MOYNIHAN, VOINOVICH, FEINSTEIN, ROBERTS, BOXER, ENZI, THOMAS, GRAMM, and KERREY.

This bill would provide a more appropriate penalty for States that have not met the deadline for establishing a State Disbursement Unit (SDU). The 1996 welfare reform law (P. L. 104-193) made a number of important changes to the nation's child support system, including a requirement that States establish and operate a State Disbursement Unit (SDU) to receive child support payments and distribute the money in accord with State child support distribution rules. In general, States had until October 1st of this year to establish an SDU.

States that have not met this deadline will lose all Federal funds for the administration of their child support enforcement programs, and also may be in jeopardy of losing Temporary Assistance for Needy Families (TANF) funds.

Although most States have met the deadline, for various reasons about seven States may not. This bill provides that States may apply for an alternative smaller, graduated penalty, as described in the "Description of the Child Support Miscellaneous Amendments of 1999."

Mr. President, I ask unanimous consent that a description of the bill be printed in the RECORD following my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See Exhibit 1.)

Mr. ROTH. Moreover, this legislation provides that any penalty will be waived if a State establishes an SDU within six months of the original deadline, that is, by April 1, 2000. If a State misses the April 1st date but establishes an SDU within a year of the deadline, that is, by September 30, 2000, the penalty shall be limited to one percent of child support funds for the fiscal year.

Mr. President, in my view this alternative penalty system is more suitable for technology-related program requirements, where States may be moving towards compliance but need additional time. Indeed, the proposed legislation follows similar changes made last year in providing an alternative penalty for States that did not meet the deadline for establishing an automated statewide data system for child support. In this regard, the proposed legislation would provide for a single penalty for a State that does not meet either the automated data system or SDU requirements.

The Congressional Budget Office has found this legislation has no cost.

I urge the support of all Senators.

EXHIBIT NO. 1

DESCRIPTION OF THE CHILD SUPPORT MISCELLANEOUS AMENDMENTS OF 1999

PRESENT LAW

The 1996 welfare reform law (P.L. 104-193) required States to establish and operate a State Disbursement Unit (SDU) to receive child support payments and distribute the money in accord with State child support distribution rules. The SDU may be operated by a single State agency, two of more State agencies under a regional cooperative agreement, or by a contractor responsible to the State agency. Alternatively, the SDU may be established by linking local disbursement units, such as counties, under an agreement with the Secretary of Health and Human Services. States that processed receipt of child support payments through their courts at the time of enactment of the 1996 welfare reform law enacted had until October 1, 1999, to operate an SDU. States that did not process child support payments through the courts were required to be operating an SDU by October 1, 1998.

The penalty for not meeting the SDU requirement is the loss of all Federal child support payments. States receive Federal funds for child support enforcement administration according to a matching formula. Furthermore, if a state cannot certify that it has an approved child support enforcement plan—including an SDU—when it renews its Temporary Assistance for Needy Families (TANF) plan (i.e., every 27 months), it is not eligible for TANF funds.

EXPLANATION OF PROVISION

States not operating an approved State Disbursement Unit (SDU) by October 1, 1999, may apply to the Secretary for an alternative penalty. To qualify for the alternative penalty, the Secretary must find that the State has made and is continuing to make a good faith effort to comply, and the State must submit a corrective plan by April 1, 2000. If these conditions are fulfilled, the Secretary must not disapprove the State child support enforcement plan. Instead, the Secretary must reduce the amount the State would otherwise have received in Federal child support payments by the alternative penalty amount for the fiscal year.

The alternative penalty amount is equal to: 4 percent of the penalty base in the first fiscal year; 8 percent in the second fiscal year; 16 percent in the third fiscal year; 25 percent in the fourth fiscal year; and 30 percent in the fifth and subsequent fiscal years. The penalty base is defined as the Federal administrative reimbursement for child support enforcement (i.e., the 66 percent Federal matching funds) that otherwise would have been payable to the State in the previous fiscal year.

If a State that is subject to a penalty has an approved SDU on or before April 1, 2000, the Secretary shall waive the penalty. If a State that is subject to a penalty achieves compliance after April 1, 2000, and on or before September 30, 2000, the penalty amount shall be 1 percent of the penalty base.

In addition, the Secretary may not impose a penalty against a State for a fiscal year for which the State has already been penalized for noncompliance with respect to the automated data processing system requirement, as provided under Section 455 of the Social Security Act.

The loss of Temporary Assistance to Needy Families block grant funds by a State for failure to substantially comply with one or more of the IV-D requirements is not applicable with respect to the SDU requirements (or the automated systems requirement).

EFFECTIVE DATE

October 1, 1999.

Mr. MOYNIHAN. Mr. President, I rise today in support of this technical, yet necessary, legislation, the Child Support Miscellaneous Amendments of 1999. We live in a nation with an ever-increasing number of single mothers. About one-third (32.8%) of all children born in the United States last year were born outside of marriage. At a minimum, we need a comprehensive and effective child support system to see to it that non-custodial parents—often fathers—provide for these children.

Maintaining a central unit for disbursing and collecting child support payments in each state is essential. This eases the burden on the business community, whose cooperation we need. Unfortunately, a handful of states appear to have missed the statutory deadline for having such a central unit in operation. Under current law, all Federal funding for the child support programs in these states will be withdrawn.

This is too harsh of a penalty. States are missing the deadline because they are simply behind schedule in their procurement effort or because of a broader failing in the computer systems undergirding their child support programs. This legislation would provide an alternative, more modest, financial penalty for those states which are late in meeting the deadline. For those states suffering a general failure of their child support computer systems it would not impose a penalty because those states have already been penalized.

I thank the Chairman for his work on this matter, simple one of reasonable program administration.

Mr. BAYH. Mr. President, today I rise as an original cosponsor of the Child Support Miscellaneous Amendments of 1999. This bill will provide states, such as Indiana with additional time to either obtain a waiver from the Department of Health and Human Services or comply with the state disbursement unit requirement without being penalized. It is important that states are provided with sufficient time to determine what system will allow them to collect and disburse child support payments most efficiently.

For many states the most economical and administratively efficient means of delivering and collecting child support payments is to comply with the requirement and create a central state disbursement unit. However, the Department of Health and Human Services has recognized some exceptions to that general rule and granted those states a waiver. The State of Indiana has applied for a waiver but is awaiting the Secretary's determination of whether or not to grant the waiver request. This legislation will allow Indiana, and the other states in a similar predicament, the time they need to determine what system works best for them. In addition, the penalty these states face will be reduced. States will not be in jeopardy of losing all of their

administrative dollars for child support collection.

Without this legislation, the State of Indiana could lose as much as \$33.5 million, undermining the state's ability to collect child support. While child support collection affects the budgets of the Federal and State Governments, it most importantly affects the children for whom it is intended. The system was designed so children would at least have the economic support of both their parents.

It is important that Congress continue to find ways to collect child support owed to children from noncustodial parents. Child support administrative dollars help states accomplish that goal.

There are other steps Congress can take to reconnect noncustodial parents with their children and encourage them to pay child support. As we continue to discuss the intricacies of child support collection, the need for a child to have the emotional and financial support of both parents should be incorporated into the discussion. I look forward to having that discussion in the near future.

I thank Senator ROTH and Senator MOYNIHAN for their leadership on this issue and for acknowledging the need to provide states with more time to implement a child support collection and disbursement system that works. I urge my colleagues to support this legislation.

Mr. HAGEL. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 1844) was read the third time and passed, as follows:

S. 1844

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Child Support Miscellaneous Amendments of 1999".

SEC. 2. ALTERNATIVE PENALTY PROCEDURE RELATING TO COMPLIANCE WITH REQUIREMENTS RELATING TO STATE DISBURSEMENT UNIT.

(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:

"(5)(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 subparagraphs (A) and (B)(i) of section 454(27), 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, not later than April 1, 2000, 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.

“(ii) All failures of a State during a fiscal year to comply with any of the requirements of section 454B shall be considered a single failure of the State to comply with section 454(27)(A) during the fiscal year for purposes of this paragraph.

“(B) In this paragraph:

“(i) The term ‘penalty amount’ means, with respect to a failure of a State to comply with subparagraphs (A) and (B)(i) of section 454(27)—

“(I) 4 percent of the penalty base, in the case of the 1st fiscal year in which such a failure by the State occurs (regardless of whether a penalty is imposed in that fiscal year under this paragraph with respect to the failure), except as provided in subparagraph (C)(ii);

“(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;

“(IV) 25 percent of the penalty base, in the case of the 4th such fiscal year; or

“(V) 30 percent of the penalty base, in the case of the 5th or any subsequent such fiscal year.

“(ii) The term ‘penalty base’ means, with respect to a failure of a State to comply with subparagraphs (A) and (B)(i) of section 454(27) 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 all penalties imposed against a State under this paragraph for any failure of the State to comply with subparagraphs (A) and (B)(i) of section 454(27) if the Secretary determines that, before April 1, 2000, the State has achieved such compliance.

“(ii) If a State with respect to which a reduction is required to be made under this paragraph with respect to a failure to comply with subparagraphs (A) and (B)(i) of section 454(27) achieves compliance with such section on or after April 1, 2000, and on or before September 30, 2000, then the penalty amount applicable to the State shall be 1 percent of the penalty base with respect to the failure involved.

“(D) The Secretary may not impose a penalty under this paragraph against a State for a fiscal year for which the amount otherwise payable to the State under paragraph (1)(A) of this subsection is reduced under paragraph (4) for 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 striking “section 454(24)” and inserting “paragraph (24) or (27)(A) of section 454”.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 1999.

PROVIDING SUPPORT FOR CERTAIN INSTITUTES AND SCHOOLS

Mr. HAGEL. Mr. President, I ask unanimous consent that S. 440 be discharged from the HELP Committee and, further, that the Senate now proceed to its consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 440) to provide support for certain institutes and schools.

There being no objection, the Senate proceeded to consider the bill.

AMENDMENT NO. 2504

(Purpose: To support the Robert T. Stafford Public Policy Institute)

Mr. HAGEL. Mr. President, Senator JEFFORDS has an amendment at the desk, and I ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nebraska [Mr. HAGEL] for Mr. JEFFORDS, proposes an amendment numbered 2504.

The amendment is as follows:

At the end add the following:

TITLE V—ROBERT T. STAFFORD PUBLIC POLICY INSTITUTE

SEC. 501. DEFINITIONS.

In this section:

(1) ENDOWMENT FUND.—The term “endowment fund” means a fund established by the Robert T. Stafford Public Policy Institute for the purpose of generating income for the support of authorized activities.

(2) ENDOWMENT FUND CORPUS.—The term “endowment fund corpus” means an amount equal to the grant or grants awarded under this title.

(3) ENDOWMENT FUND INCOME.—The term “endowment fund income” means an amount equal to the total value of the endowment fund minus the endowment fund corpus.

(4) INSTITUTE.—The term “institute” means the Robert T. Stafford Public Policy Institute.

(5) SECRETARY.—The term “Secretary” means the Secretary of Education.

SEC. 502. PROGRAM AUTHORIZED.

(a) GRANTS.—From the funds appropriated under section 505, the Secretary is authorized to award a grant in an amount of \$5,000,000 to the Robert T. Stafford Public Policy Institute.

(b) APPLICATION.—No grant payment may be made under this section except upon an application at such time, in such manner, and containing or accompanied by such information as the Secretary may require.

SEC. 503. AUTHORIZED ACTIVITIES.

Funds appropriated under this title may be used—

(1) to further the knowledge and understanding of students of all ages about education, the environment, and public service;

(2) to increase the awareness of the importance of public service, to foster among the youth of the United States greater recognition of the role of public service in the development of the United States, and to promote public service as a career choice;

(3) to provide or support scholarships;

(4) to conduct educational, archival, or preservation activities;

(5) to construct or renovate library and research facilities for the collection and compilation of research materials for use in carrying out programs of the Institute;

(6) to establish or increase an endowment fund for use in carrying out the programs of the Institute.

SEC. 504. ENDOWMENT FUND.

(a) MANAGEMENT.—An endowment fund created with funds authorized under this title shall be managed in accordance with the standard endowment policies established by the Institute.

(b) USE OF ENDOWMENT FUND INCOME.—Endowment fund income earned (on or after the date of enactment of this title) may be used to support the activities authorized under section 503.

SEC. 505. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this title \$5,000,000. Funds appropriated under this section shall remain available until expended.

Mr. HAGEL. Mr. President, I ask unanimous consent that the amendment be agreed to, the bill be read a third time and passed, the motion to reconsider be laid upon the table, and any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 2504) was agreed to.

The bill (S. 440), as amended, was read the third time and passed, as follows:

S. 440

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

TITLE I—HOWARD BAKER SCHOOL OF GOVERNMENT

SEC. 101. DEFINITIONS.

In this title:

(1) BOARD.—The term “Board” means the Board of Advisors established under section 104.

(2) ENDOWMENT FUND.—The term “endowment fund” means a fund established by the University of Tennessee in Knoxville, Tennessee, for the purpose of generating income for the support of the School.

(3) SCHOOL.—The term “School” means the Howard Baker School of Government established under this title.

(4) SECRETARY.—The term “Secretary” means the Secretary of Education.

(5) UNIVERSITY.—The term “University” means the University of Tennessee in Knoxville, Tennessee.

SEC. 102. HOWARD BAKER SCHOOL OF GOVERNMENT.

From the funds authorized to be appropriated under section 106, the Secretary is authorized to award a grant to the University for the establishment of an endowment fund to support the Howard Baker School of Government at the University of Tennessee in Knoxville, Tennessee.

SEC. 103. DUTIES.

In order to receive a grant under this title, the University shall establish the School. The School shall have the following duties:

(1) To establish a professorship to improve teaching and research related to, enhance the curriculum of, and further the knowledge and understanding of, the study of democratic institutions, including aspects of regional planning, public administration, and public policy.

(2) To establish a lecture series to increase the knowledge and awareness of the major public issues of the day in order to enhance informed citizen participation in public affairs.

(3) To establish a fellowship program for students of government, planning, public administration, or public policy who have demonstrated a commitment and an interest in pursuing a career in public affairs.

(4) To provide appropriate library materials and appropriate research and instructional equipment for use in carrying out academic and public service programs, and to enhance the existing United States Presidential and public official manuscript collections.

(5) To support the professional development of elected officials at all levels of government.

SEC. 104. ADMINISTRATION.

(a) BOARD OF ADVISORS.—