

Withdrawal/Redaction Sheet

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001. email	David Ross to Cynthia Rice re: Marilyn Kane (partial) (1 page)	06/22/98	P6/b(6), b(6)
002. fax	Debbie Kline to Cynthia Rice re: Child Support Enforcement "Success Stories" (2 pages)	06/21/98	P6/b(6), b(6)

COLLECTION:

Clinton Presidential Records
Domestic Policy Council
Cynthia Rice (Subject Files)
OA/Box Number: 15428

FOLDER TITLE:

Child Support-Felony to Cross State Lines

rx20

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

- P1 National Security Classified Information [(a)(1) of the PRA]
- P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
- P3 Release would violate a Federal statute [(a)(3) of the PRA]
- P4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA]
- P5 Release would disclose confidential advise between the President and his advisors, or between such advisors [(a)(5) of the PRA]
- P6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA]

C. Closed in accordance with restrictions contained in donor's deed of gift.

PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).

RR. Document will be reviewed upon request.

Freedom of Information Act - [5 U.S.C. 552(b)]

- b(1) National security classified information [(b)(1) of the FOIA]
- b(2) Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]
- b(3) Release would violate a Federal statute [(b)(3) of the FOIA]
- b(4) Release would disclose trade secrets or confidential or financial information [(b)(4) of the FOIA]
- b(6) Release would constitute a clearly unwarranted invasion of personal privacy [(b)(6) of the FOIA]
- b(7) Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]
- b(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
- b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

	Current Law	Our bill	House and Senate bill*
Those who travel to avoid paying child support		Felony	--This is a new category -- Felony to cross state or country lines to avoid paying child support under two conditions below. First and subsequent offenses - Prison terms of up to two years and/or fine
Those who owe at least \$5k or have owed for at least 1 year	Federal Offense -- Misdemeanor because first offense only has a maximum of 6 months even though second offense has maximum of 2 years (ie-only 2nd or subsequent offenses are felonies)	Felony 1 for 2nd offense	First offense - Prison terms of up to 6 months and/or fine Second or subsequent offenses - Prison terms of up to two years and/or fine <i>Misdemeanor on 1st</i>
Those who owe at least \$10k or have owed for at least 2 years		Felony	--This is a new category -- Willful failure to pay: First and subsequent offenses - Prison terms of up to two years and/or fine

OLD
↓

*Amends current Federal criminal law to describe new penalties and provide for mandatory restitution in cases of willfully failing to pay child support. Two new categories of felonies were created in order to deal with egregious violations more effectively.

Prosecutions can be brought in any district where child lived or where the parent resided during the time period of nonpayment.

Deadbeat Parents Punishment Act of 1998 -- Time Line

- July 21, 1996** President Clinton sends a memorandum to Attorney General Janet Reno directing her to, among other things, draft legislation to amend the Child Support Recovery Act in order to establish a felony for the wilful and egregious failure to pay child support to a child residing in other state. The President instructs the Attorney General to report back to him the specific actions that she has taken on this directive within 90 days.
- September 27, 1996** The Child Support Recovery Amendments Act is submitted to Congress. This legislation was drafted by the Department of Justice under the President's directive, and it makes it a felony to cross state lines to evade child support or to egregiously fail to make child support payments.
- September 30, 1996** Senators Kohl (D-WI) and Shelby (R-AL) retitle the DOJ's bill and introduce it on the Senate floor as the Deadbeat Parents Act of 1996 (S. 2180). The bill is referred to the Judiciary committee, and there was never any floor action on the bill.
- October 3, 1996** Representatives Schumer (D-NY) and Conyers (D-MI) introduce the DOJ's proposed bill in the House (H.R. 4341). It is referred to the House Judiciary Committee and then the subcommittee on crime. No floor action was taken.
- October 21, 1996** Attorney General Reno issues a written response and report to the President which details the actions taken by the Department of Justice with respect to the child support enforcement.
- June 24, 1997** The Department of Justice sends a revised bill to the 105th Congress. The bill is similar to the one previously sent to the 104th Congress, but it also includes several additional measures which clarify and strengthen federal child support enforcement provisions.
- November 5, 1997** Senator Kohl (D-WI) introduces the Deadbeat Parents Punishment Act of 1997 (S. 1371).
- November 6, 1997** S. 1371 was referred to the Committee on Judiciary and was ordered to be reported without amendment favorably. It was then reported out of the committee and placed on the Senate Legislative Calendar.
- November 7, 1997** Representative Hoyer introduces the Deadbeat Parents Punishment Act of 1997 in the House (H.R. 2925), and it is referred to the House Committee on the Judiciary.

- November 13, 1997** S. 1371 is considered in the Senate and passes by unanimous consent. Message about Senate action is sent to the House. The bill is referred to the House Committee on the Judiciary.
- November 18, 1997** H.R. 2925 is referred to the House Subcommittee on Crime
- November 24, 1997** S. 1371 is referred to the House Subcommittee on Crime.
- March 26, 1998** H.R. 2925 is considered by the Subcommittee and a mark-up session is held. The bill is then forwarded from the Subcommittee to the Full House Judiciary Committee by a voice vote.
- April 1, 1998** H.R. 2925 is considered by the Full House Judiciary Committee and a mark-up session is held. It was ordered to be reported by a voice vote.
- May 7, 1998** Representative Hyde introduces the Deadbeat Parents Punishment Act of 1998 (H.R. 3811). This bill is virtually identical to H.R. 2925. The bill is referred to the House Committee on the Judiciary.
- May 12, 1998** H.R. 3811 is called up by the House under suspension of the rules, and it is considered by the House as unfinished business. It then passes the House by a Yea-Nay vote of 402-16.
- May 13, 1998** H.R. 3811 is received in the Senate, and it is read twice. It is then placed on the Senate Legislative Calendar.
- June 5, 1998** H.R. 3811 passes in the Senate by unanimous consent without amendments. The bill is cleared for the White House.
- June 9, 1998** A message is sent from the Senate to the House with regard to the action taken on H.R. 3811 in the Senate.
- June 18, 1998** The Deadbeat Parents Punishment Act of 1998 is presented to the President.
- June 24, 1998** The President will sign the Deadbeat Parents Punishment Act of 1998.

H.R. 3811

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 'Deadbeat Parents Punishment Act of 1998'.

SEC. 2. ESTABLISHMENT OF FELONY VIOLATIONS.

Section 228 of title 18, United States Code, is amended to read as follows:

'228. Failure to pay legal child support obligations

'(a) Offense: Any person who--

'(1) willfully fails to pay a support obligation with respect to a child who resides in another State, if such obligation has remained unpaid for a period longer than 1 year, or is greater than \$5,000;

'(2) travels in interstate or foreign commerce with the intent to evade a support obligation, if such obligation has remained unpaid for a period longer than 1 year, or is greater than \$5,000; or

'(3) willfully fails to pay a support obligation with respect to a child who resides in another State, if such obligation has remained unpaid for a period longer than 2 years, or is greater than \$10,000; shall be punished as provided in subsection (c).

'(b) Presumption: The existence of a support obligation that was in effect for the time period charged in the indictment or information creates a rebuttable presumption that the obligor has the ability to pay the support obligation for that time period.

'(c) Punishment: The punishment for an offense under this section is--

'(1) in the case of a first offense under subsection (a)(1), a fine under this title, imprisonment for not more than 6 months, or both; and

'(2) in the case of an offense under paragraph (2) or (3) of subsection (a), or a second or subsequent offense under subsection (a)(1), a fine under this title, imprisonment for not more than 2 years, or both.

'(d) Mandatory Restitution: Upon a conviction under this section, the court shall order restitution under section 3663A in an amount equal to the total unpaid support obligation as it exists at the time of sentencing.

'(e) Venue: With respect to an offense under this section, an action may be inquired of and prosecuted in a district court of the United States for--

'(1) the district in which the child who is the subject of the support obligation involved resided during a period during which a person described in subsection (a) (referred to in this subsection as an 'obligor') failed to meet that support obligation;

(2) the district in which the obliger resided during a period described in paragraph (1); or

(3) any other district with jurisdiction otherwise provided for by law.

(f) Definitions: As used in this section--

(1) the term 'Indian tribe' has the meaning given that term in section 102 of the Federally Recognized Indian Tribe List Act of 1994 (25 U.S.C. 479a);

(2) the term 'State' includes any State of the United States, the District of Columbia, and any commonwealth, territory, or possession of the United States; and

(3) the term 'support obligation' means any amount determined under a court order or an order of an administrative process pursuant to the law of a State or of an Indian tribe to be due from a person for the support and maintenance of a child or of a child and the parent with whom the child is living.



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White House Press Release

MEMORANDUM FOR THE ATTORNEY GENERAL

THE WHITE HOUSE

Office of the Press Secretary

For Immediate Release

July 22, 1996

July 21, 1996

MEMORANDUM FOR THE ATTORNEY GENERAL

Subject: Criminal Child Support Enforcement

I am proud of the progress we have made over the last 3 years in addressing the problem of **child** support enforcement.

While State and local agencies have and must have primary responsibility for **child** support enforcement, the Federal Government has a crucially important role to play. One aspect of that role involves bringing prosecutions under the **Child** Support Recovery Act of 1992, which for the first time created a Federal criminal offense for interstate cases, where persons willfully fail to pay **child** support for their **child** who lives in another State.

The Department of Justice, working through the local United States Attorneys' offices, has brought **child** support cases across the Nation to get the message out that a person who willfully avoids **child** support payments for a **child** in another State runs a grave risk of Federal prosecution. Each U.S. Attorney's office has a **child** support coordinator; the Federal Bureau of Investigation has committed its resources; the Department of Justice has authorized the Department of Health and Human Services' Inspector General to investigate these cases.

But these important measures are not enough.

The Department of Justice, working with the Department of Health and Human Services and the States, must pursue all available measures to punish those who have tried to evade their **child** support obligations.

Therefore, I direct you to take the following important steps to strengthen our **child** support enforcement efforts.

First, I direct you to convene a task force consisting of Federal, State, and local prosecutors, the Department of Health and Human Services, and the State agencies responsible for **child** support enforcement to enhance criminal prosecution of **child** support debtors. You should consider:

- o measures to improve the process of referring appropriate cases for Federal, State, or local criminal enforcement;
- o the adequacy of all applicable Federal and State laws;
- o the availability and appropriate allocation of resources; and
- o ways to coordinate Federal, State, and local efforts to make enforcement most effective.

Second, I direct you to review the sentences that have been imposed upon those convicted under the **Child** Support Recovery Act, including restitution orders, incarceration, and community service, with the goal of identifying novel and effective sentencing options, and send guidance to Federal prosecutors setting forth factors to consider when seeking sentencing orders from courts.

Third, I direct you to draft legislation to amend the **Child** Support Recovery Act to establish a felony offense for a person who willfully fails to pay **child** support for a **child** in another State where there has been an egregious failure to meet **child** support obligations.

Fourth, I direct you, as part of your effort to enforce criminal laws, to cooperate with the Department of Health and Human Services to place on their Internet **child** support page the names of persons who have been indicted under Federal law for willfully failing to pay **child** support and have fled in an attempt to escape criminal prosecution.

Finally, I direct you to report back to me within 90 days on the actions you have taken to fulfill this directive.

WILLIAM J. CLINTON



U. S. Department of Justice

Office of the Deputy Attorney General

Special Counsel to the Deputy Attorney General

Washington, D.C. 20530

FACSIMILE COVERSHEET

DATE: 4/16/97

TO: Cynthia Rice
456-7431 (fax)
456-2846 (phone)

FROM: Debra L.W. Cohn
Special Counsel to the Deputy Attorney General

Telephone No. (202) 514 - 3052 Fax No. (202) 307 - 0097

TRANSMISSION CONTAINS 21 SHEETS INCLUDING THIS COVERSHEET

Problems with this transmission should be directed to SeLena Powell, (202) 514-6771

SPECIAL NOTE(S)

Attached is:

1. OMB-cleared legislative package on criminal child support enforcement.
2. "Criminal Child Support Enforcement: The Attorney General's Progress Report to the President" October 1996, (w/o attachments) (an update is being prepared).
3. Text of letter to Rep. Hyde from DOJ's AAG Fois on criminal child support, which is a good summary over child support enforcement efforts. Please do not release in letter form.
4. Recent statistics on child support enforcement.

U.S. Department of Justice
Washington, D.C. 20530

CRIMINAL CHILD SUPPORT ENFORCEMENT

THE ATTORNEY GENERAL'S PROGRESS REPORT TO THE PRESIDENT



OCTOBER 1996



Office of the Attorney General
Washington, D. C. 20530

October 21, 1996

The President
The White House
Washington, D.C. 20500

Dear Mr. President:

On July 21, 1996, you issued a Directive instructing the Department of Justice to take certain measures to enhance the criminal prosecution of those who willfully fail to pay their child support obligations. I am pleased to report to you on the steps that we have taken to implement that Directive.

As you will see, we have made significant progress in fulfilling each of the mandates of the Directive. I am particularly pleased to report that we have convened the Criminal Child Support Enforcement Task Force with representatives from federal, state, and local government. I am confident that the Task Force will foster cooperation between the different levels of government and the various agencies responsible for child support enforcement.

As detailed in the report, we also have increased steadily the number of federal prosecutions brought under the Child Support Recovery Act. Although the federal government has authority to prosecute only certain interstate cases, we take this responsibility seriously.

I am proud to report that we have made significant progress in strengthening criminal child support enforcement and in developing the coordination that will enable us to do so more effectively.

Sincerely,

A handwritten signature in cursive script, appearing to read "Janet Reno".

Janet Reno

Criminal Child Support Enforcement

I. Introduction

On July 21, 1996, the President directed the Attorney General to take certain actions to facilitate the identification and prosecution of those who willfully fail to pay their child support obligation. The President's Directive includes four specific mandates, each of which are reported on below. A copy of the Directive is appended as Attachment 1.

Importantly, the Department of Justice has increased steadily the numbers of cases filed and convictions obtained under the Child Support Recovery Act (CSRA). In calendar years 1993 and 1994, 14 cases were filed and five convictions obtained under the CSRA. In fiscal years 1995 and 1996, 187 cases were filed and 64 convictions obtained.

II. The Task Force

Directive. The President's Directive instructed the Attorney General to convene a Task Force comprised of federal, state and local prosecutors, the Department of Health and Human Services, and state agencies responsible for child support enforcement, in order to enhance criminal prosecution of child support obligors. The Task Force was to discuss:

- * measures to improve referrals of appropriate cases for federal, state, or local criminal enforcement;
- * the adequacy of all applicable federal and state laws;
- * the availability and appropriate allocation of resources;
- * ways to coordinate federal, state, and local efforts to make enforcement most effective.

Actions Taken. On Monday, September 30, 1996, the Criminal Child Support Enforcement Task Force met for the first time. The Department of Justice selected the members of the Task Force in consultation with the Department of Health and Human Services, the National District Attorneys Association, and the National Association of Attorneys General. Members were selected to represent state administrative agencies responsible for child support enforcement, state and local prosecutors, federal prosecutors, the Department of Health & Human Services, and the Department of Justice. Members represent urban as well as rural communities, and large as well as small states. A list of the participants is appended as Attachment 2.

The Task Force met for a full day. The members discussed several issues, including: the factors influencing the decision whether to prosecute federally or locally, the means and methods available to strengthen and expand investigative efforts, current legal challenges to federal prosecutions, sentencing options in criminal prosecutions, and effective alternatives to criminal prosecution. A copy of the agenda is appended as Attachment 3.

At the end of the first meeting, the Task Force decided to form several small groups to work on issues identified at the first meeting. The small groups will focus on the following matters: federal prosecution issues, state prosecution issues, federal/state and interstate cooperation, investigations, sentencing options, alternative measures for child support enforcement, and tribal child support enforcement issues.

Among the issues to be considered by the small groups are: whether federal law enforcement officials can assist state prosecution efforts by returning fleeing obligors to face prosecution in the pursuing state; whether additional state legislation should be encouraged; how sentencing options can be improved so that the defendant is appropriately punished and child support obligations are collected; how the impact of federal child support enforcement prosecutions can be maximized; and under what circumstances the data available from the IRS can be obtained and utilized by federal and state prosecutors.

The Task Force is scheduled to reconvene in December to evaluate the information generated by the small groups.

III. Sentencing Options and Guidance

Directive. The President's Directive instructed the Attorney General to review sentences already imposed for convictions under the Child Support Recovery Act (CSRA), to identify novel and effective sentencing options, and to provide guidance to federal prosecutors nationwide based upon that analysis.

Actions Taken. The Executive Office for United States Attorneys has completed an initial review of sentences imposed under the CSRA. At the Task Force meeting, members reported on novel and effective sentencing options. The United States Attorney for the District of South Dakota reported that her office commonly requests that the defendant be sentenced to community service as a condition of probation. State prosecutors also noted that, under certain circumstances, community service requirements had been successful. Other Task Force members identified as possible options weekend-in-jail and home monitoring programs, both of which may enable obligors to earn money to fulfill their child support obligations while serving their sentences.

The Department will continue to review the sentencing options to determine which sanctions appear to have the most impact and which have been the most effective at producing results that benefit the children and custodial parents while serving law enforcement concerns of punishment and deterrence. Once that process has been completed, the Department will share that information with the United States Attorneys' Offices in order to make sentences in cases brought under the CSRA both consistent and effective.

IV. Legislative Amendments

Directive. The President directed the Attorney General to draft amendments to the CSRA that would establish a felony for egregious failures to meet with child support obligations.

Actions Taken. The Department drafted legislation to amend the CSRA to establish a felony for egregious failures to meet child support obligations. The "Child Support Recovery Amendments Act of 1996" was transmitted to Congress on September 27, 1996. A copy of that proposal is appended as Attachment 4.

On September 30, 1996, Senator Herb Kohl (D-WI), along with Senator Richard Shelby (R-AL), introduced the proposed legislation as S. 2180, retitled the "Deadbeat Parents Punishment Act of 1996." At the time of its introduction, Senator Kohl indicated that this legislation will be one of his highest priorities in the 105th Congress. On October 3, 1996, Representatives Charles Schumer (D-NY) and John Conyers, Jr. (D-MI) introduced the proposed legislation in the House as H.R. 4341.

The proposed legislation creates two new felony offenses, subject to a two-year maximum prison term. These are: (1) traveling in interstate or foreign commerce with the intent to evade a support obligation if the obligation has remained unpaid for a period longer than one year or is greater than \$5,000; and (2) willfully failing to pay a support obligation regarding a child residing in another state if the obligation has remained unpaid for a period longer than two years or is greater than \$10,000. These offenses indicate a level of culpability greater than that reflected by the current six-month maximum prison term for a first offense.

As indicated in the Department's September 27, 1996, letter transmitting this proposal to the Congress, in preparing this proposal the Department considered the statute's application to child support orders issued by Indian tribal courts and related issues. While the legislation as drafted does not specifically address this matter, we intend to consult closely with Indian tribes and other tribal organizations during congressional deliberations on this proposal with a view toward the development

of appropriate amendments. We also intend to consider other amendments to fine-tune and strengthen the CSRA.

V. Internet

Directive. The President directed the Department of Justice to cooperate with the Department of Health & Human Services to place on the Internet the names of those persons charged under the CSRA who have fled criminal prosecution.

Actions Taken. After meeting with the Department of Health & Human Services and the Justice Management Division of the Department of Justice, representatives from the Department's Criminal Division and the Executive Office for United States Attorneys concluded that information about defendants fleeing CSRA prosecution should be published on the Department of Justice "Homepage" rather than on the Department of Health & Human Services Homepage.

Department of Justice representatives have reviewed the formats of the U.S. Marshals' Most Wanted list, the Drug Enforcement Administration's Most Wanted list, the Federal Bureau of Investigation's Most Wanted list, and several states' "Most Wanted Deadbeat Parent" pages. They are determining currently the appropriate format to list defendants who have fled CSRA prosecution and the most effective method of collecting the information about such defendants from the United States Attorneys' Offices.

VI. Conclusion

Federal, state, and local prosecutors, the Department of Justice, the Department of Health & Human Services, and state agencies responsible for child support enforcement are working together to enhance the criminal prosecution of those who willfully fail to pay their child support obligations. The first meeting of the Criminal Child Support Task Force provided an important opportunity to share information and to increase coordination between the different levels of government and the different agencies charged with enforcing child support obligations. The Justice Department will continue to foster such cooperation and to carry out the mandates of the President's Directive.

The Honorable Henry Hyde
U.S. House of Representatives
Washington, D.C. 20510

Dear Congressman Hyde:

Thank you for the recent letter you and Senator Shelby sent to the Attorney General concerning the Department's strategy for prosecutions under the Child Support Recovery Act (CSRA). We appreciate your leadership over the years on this important issue. We are sending a similar response to Senator Shelby.

As you know, Congress mandated that the states bear primarily responsibility for child support enforcement. Title IV-D of the Social Security Act, 42 U.S.C. 651 *et seq.*, requires states to establish child support enforcement programs. The agencies operating these programs, known as state "IV-D" agencies, are responsible for collecting child support and locating parents who fail to make child support payments. The Department of Health and Human Services' ("HHS") Office of Child Support Enforcement ("OCSE") is responsible for funding and overseeing these agencies. States also have primary responsibility for criminal prosecutions for nonpayment of child support.

The Department of Justice has a much narrower but equally significant responsibility in bringing federal criminal prosecutions in the appropriate interstate child support cases. Given the importance of these cases but the absence of additional resources allocated to enforce the CSRA, the Department's prosecution effort is designed to create maximum deterrence, given the available resources, by aggressive criminal enforcement of the most egregious cases. Criminal child support prosecutions not only punishes defendants in specific criminal cases, but also influences the conduct of many other potential defendants who have failed or might otherwise fail to pay child support. Thus, while criminal prosecution is not a practical or appropriate primary mechanism for collecting overdue child support payments, the threat of criminal prosecution not only deters federal criminal behavior but also supports efforts at all levels of government to collect child support from delinquent parents.

Effective prosecution of CSRA cases depends on coordination among federal and state

prosecutors and investigators. We rely on the state IV-D agencies to screen and refer the most egregious cases for potential federal prosecution. Moreover, CSRA cases require proof of a valid court order directing payment of child support and other extensive documentation, the specifics which may vary from state to state. The local state IV-D agency assembles the relevant documentation and records and forwards them to the FBI, which, along with other federal and state law enforcement agencies, investigates allegations of potential federal criminal violations. Specifically, the Department has taken numerous steps to ensure appropriate referrals, investigation and prosecution of these cases. These steps include:

- * Delivered numerous oral and written statements from the Attorney General and the Deputy Attorney General to every U.S. Attorney, underscoring the importance of child support enforcement and requesting period reports on each districts' activities.
- * Sent written guidance on best practices on referrals, investigations and prosecutions to every U.S. Attorney's Office, including sample referral forms and Memoranda of Understanding between U.S. Attorney's Offices and State IV-D agencies.
- * Identified effective investigative practices and disseminated them to FBI offices.
- * Increased the number of federal investigators available for child support prosecutions by granting Department of Health and Human Services Office of Inspector General Special Agents authority as Special Deputy United States Marshals to conduct investigations and initiate arrests for CSRA offense.
- * Explored effective means to obtain tax information on the obligor's parent's financial ability to pay, consistent with 26 U.S.C. 6103(i)(1), and shared model pleadings with U.S. Attorney's Offices.
- * Provided onsite training and education by our Criminal Division's Child Exploitation and Obscenity Section and United States Attorneys, to state IV-D agencies, interested federal and state law enforcement and concerned members of the public.

These recent efforts have resulted in a substantial increase in the number of prosecutions brought under the CSRA. The most current available data, covering a period of slightly more than two fiscal years from October 1, 1994, through October 30, 1996, indicates that the Department of Justice filed 231 cases (many of which are still pending) and obtained 72 convictions. In calendar years 1993 and 1994, the Department filed 14 cases and obtained five convictions.

While each case is unique and important, we offer a few examples of our recent enforcement efforts:

- * On March 14, 1996, the U.S. Attorney in the Eastern District of California

filed two criminal CSRA complaints in Fresno and Sacramento charging two absent fathers, with violations of the CSRA. The two men together owe over \$132,000 in unpaid child support. These cases were both investigated by the HHS OIG under their newly deputized authority.

* On June 24, 1996, one man was charged in a one count Bill of Information with violating 18 U.S.C. 228 in the Western District of North Carolina. On July 1, 1995, he pled guilty to that charge and was sentenced to five years probation, and was ordered to pay \$36,400.00 in back due child support. He was also ordered to stay current on his child support payments as a condition of probation. No fine was imposed in light of his restitution obligation. This defendant was a former Olympic gold medalist (1972 4 x 100 meter relay) and former National Football League player.

* On August 15, 1996, an attorney pleaded guilty to one misdemeanor count of violating CSRA in the Western District of Missouri. He admitted he owes more than \$100,000 in unpaid child support, and has paid a total of only \$8,000 since his divorce in 1982. The defendant's two children and his ex-wife live in the Kansas City area; he now resides in Albuquerque.

On December 3, 1996, one defendant pled guilty to a one count indictment charging a violation of 18 U.S.C. Section 228. During the period charged, he represented himself as the President and Chief Executive Officer for a company entitled Taft, Edwards, McNab and Austin, Inc. in California. He portrayed himself as a financier who had no children, and at various times represented his net worth to range from between 3 to 18 million dollars. The government was able to show that on September 23, 1993, the defendant received at least \$84,000 from the sale of bonds. It was also established that he was one of two beneficiaries of the income of a trust set up by his mother prior to her death. Despite these facts, the defendant failed to use these assets to pay his child support obligation which had been set at \$35.00 a week by court order in 1987.

While the number of prosecutions has increased substantially, the Department is working to improve child support enforcement efforts in a number of ways. For example, this February, the Department of Justice is sponsoring child support enforcement training for more than one hundred prosecutors, with representation of every U.S. Attorney's Office.

Second, as a result of President Clinton's Directive to the Attorney General on July 21, 1996, the Attorney General convened a task force comprising federal, state and local prosecutors, FBI, the Department of Health and Human Services, Internal Revenue Service, and state agencies responsible for child support enforcement, in order to enhance criminal prosecution of child support obligors. The Department of Justice selected the members of the Task Force in consultation with the Department of Health and Human Services, the

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National District Attorneys Association, and the National Association of Attorneys General.

The Task Force is examining measures to improve referrals of appropriate cases for federal, state, or local criminal enforcement; the adequacy of applicable federal and state laws; the availability and appropriate allocation of resources; and ways to coordinate federal, state, and local efforts to make enforcement most effective. Among the issues being considered by the Task Force are: whether federal law enforcement officials can assist state prosecution efforts by returning fleeing obligors to face prosecution in the pursuing state; whether additional state legislation is needed; improving sentencing options so that the defendant is appropriately punished and child support obligations collected; and the circumstances under which data from the IRS can be obtained and utilized by state prosecutors.

Also as a result of President Clinton's Directive to the Attorney General on July 21, 1996, the Department drafted legislation to amend the CSRA to establish a felony for egregious failures to meet child support obligations. The "Child Support Recovery Amendments Act of 1996" was transmitted to Congress on September 27, 1996. The proposed legislation would create two new felony offenses, subject to a two-year maximum prison term. These offenses are: (1) traveling in interstate or foreign commerce with the intent to evade a support obligation if the obligation has remained unpaid for a period longer than one year or is greater than \$5,000; and (2) willfully failing to pay a support obligation regarding a child residing in another state if the obligation has remained unpaid for a period longer than two years or is greater than \$10,000. These offenses indicate a level of culpability greater than that reflected by the current six-month maximum prison term for a first offense. We also are considering other amendments to fine-tune and strengthen the CSRA to address tribal issues and other concerns.

We very much appreciate your continued interest in this very important issue, and I would be glad to meet with you, as I did last year, to discuss with you further our enforcement efforts, legislative proposals, or any other issues concerning the CSRA. Please do not hesitate to contact me if I can be of further assistance to you.

Sincerely,

Andrew Fois
Assistant Attorney General

CASES UNDER THE CHILD SUPPORT RECOVERY ACT OF 1992
18 U.S.C. 228

THROUGH JANUARY 31, 1997

	FY 1995	FY 1996	FY 1997 (Partial)*
MATTERS RECEIVED	575	519	146
CASES FILED	82	140	53
CONVICTIONS AND PLEAS	28	43	27

FY 1994 is not available. The calendar year numbers for 1993 and 1994 are given below. The 1994 calendar numbers will overlap the FY 1995 numbers as FY 1995 includes the last three months of 1994.

CALENDAR YEAR	1993	1994
CASES FILED	2	12
CONVICTIONS AND PLEAS	1	4

* Fiscal Years run from October 1 of the preceding year to September 30. (FY 1995 would be 10/1/94-9/30/95) This column is a Year to Date total of 4 months. Data entry is available about 4-6 weeks after completion of the month.



U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

The Honorable Newt Gingrich
Speaker
U.S. House of Representatives
Washington, D.C. 20515

Dear Mr. Speaker:

Enclosed is a legislative proposal, the "Child Support Recovery Amendments Act of 1997," which strengthens federal criminal child support enforcement by establishing felony violations for aggravated cases of failing to pay legal child support obligations and other measures. A section-by-section analysis is also enclosed. We have forwarded an identical proposal to the President of the United States Senate.

This proposal results from the President's directive to the Attorney General of July 21, 1996. In that directive, the President said that, "[w]hile State and local agencies have and must have primary responsibility for child support enforcement, the Federal Government has a crucially important role to play," and asked that the Attorney General take several specific steps to strengthen child support enforcement efforts. One of these steps was "to draft legislation to amend the Child Support Recovery Act to establish a felony offense for a person who willfully fails to pay child support for a child in another State where there has been an egregious failure to meet child support obligations."

Current law makes it a federal offense willfully to fail to pay a child support obligation with respect to a child who lives in another State if the obligation has remained unpaid for longer than a year or is greater than \$5,000. A first offense is subject to a maximum of six months of imprisonment, and a second or subsequent offense to a maximum of two years.

The draft bill addresses the law enforcement and prosecutorial concern that the current statute does not adequately address more serious instances of nonpayment of support obligations. For such cases a maximum term of imprisonment of just six months does not meet the sentencing goals of punishment and deterrence. Aggravated offenses, such as those involving parents who move from State to State to evade child support payments, require more severe penalties.

The draft bill creates two new categories of felony offenses, subject to a two-year maximum prison term. These are: (1) traveling in interstate or foreign commerce with the intent to evade a support obligation if the obligation has remained unpaid for a period longer than one year or is greater than \$5,000; and (2) willfully failing to pay a support obligation regarding a child residing in another State if the obligation has remained unpaid for a period longer than two years or is greater than \$10,000. These offenses indicate a level of culpability greater than that reflected by the current six-month maximum prison term for a first offense. A maximum two-year prison term is appropriate for these offenses.

The current proposal is similar to one the Department submitted to the 104th Congress, but the current proposal includes several additional measures which clarify and strengthen federal child support enforcement provisions. First, we have considered the statute's application to child support orders issued by Indian tribal courts. The draft bill now includes within its definition section a reference to support obligations as determined under a court order or administrative process pursuant to the law of an Indian tribe. In addition, we have included a venue section which clarifies that prosecutions under the statute may be brought in any district in which the child resided or the obligor resided during a period of nonpayment.

The Office of Management and Budget has advised that there is no objection from the standpoint of the Administration's program to the presentation of this proposal and that its enactment would be in accord with the program of the President. Please let us know if we may be of additional assistance in connection with this or any other matter.

Sincerely,

Andrew Fois
Assistant Attorney General

Enclosure

A BILL

To establish felony violations for the failure to pay legal child support obligations and for other purposes.

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

SEC. 1. SHORT TITLE.

This Act may be cited as the "Child Support Recovery Amendments Act of 1997."

SEC. 2. ESTABLISHMENT OF FELONY VIOLATIONS.

Section 228 of title 18, United States Code, is amended to read as follows:

"§228. Failure to pay legal child support obligations

"(a) Offense.--Any person who--

"(1) willfully fails to pay a support obligation with respect to a child who resides in another State, if such obligation has remained unpaid for a period longer than one year, or is greater than \$5000;

"(2) travels in interstate or foreign commerce with the intent to evade a support obligation, if such obligation has remained unpaid for a period longer than one year, or is greater than \$5,000; or

"(3) willfully fails to pay a support obligation with respect to a child who resides in another State, if such obligation has remained unpaid for a period longer than two years, or is greater than \$10,000;

shall be punished as provided in subsection (c).

"(b) Presumption.--The existence of a support obligation that was in effect for the time period charged in the indictment or information creates a rebuttable presumption that the obligor has the ability to pay the support obligation for that time period.

"(c) Punishment.--The punishment for an offense under this section is--

"(1) in the case of a first offense under subsection (a)(1), a fine under this title, imprisonment for not more than 6 months, or both; and

"(2) in the case of an offense under subsection (a)(2) or (a)(3), or a second or subsequent offense under subsection (a)(1), a fine under this title, imprisonment for not more than 2 years, or both.

"(d) Mandatory Restitution.--Upon a conviction under this section, the court shall order restitution under section 3663A in an amount equal to the total unpaid support obligation as it exists at the time of sentencing.

"(e) Definitions.--As used in this section--

"(1) the term 'support obligation' means any amount determined under a court order or an order of an administrative process pursuant to the law of a State or of an Indian tribe to be due from a person for the support and maintenance of a child or of a child and the parent with whom the child is living; and

3

"(2) the term 'State' includes any State of the United States, the District of Columbia, and any commonwealth, territory, or possession of the United States; and

"(3) the term 'Indian tribe' means an Indian or Alaska Native tribe, band, nation, pueblo, village, or community that the Secretary of Interior acknowledges to exist as an Indian tribe pursuant to section 102 of the Federally Recognized Indian Tribe List Act of 1994 (25 U.S.C. 479a).

"(f) Venue. - Any offense under this section may be inquired of and prosecuted in any district in which the child resided or the obligor resided during a period of nonpayment, or in any other district otherwise provided by law."

Check
paragraph (F)
on "Venue". The
original is
worded a little
differently. |

SECTION-BY-SECTION ANALYSIS

The Child Support Recovery Amendments Act of 1997 amends the current criminal statute regarding the failure to pay legal child support obligations, 18 U.S.C. §228, to create felony violations for aggravated offenses. Current law makes it a federal offense willfully to fail to pay a child support obligation with respect to a child who lives in another State if the obligation has remained unpaid for longer than a year or is greater than \$5,000. A first offense is subject to a maximum of six months of imprisonment, and a second or subsequent offense to a maximum of two years.

The bill addresses the law enforcement and prosecutorial concern that the current statute does not adequately address more serious instances of nonpayment of support obligations. For such offenses a maximum term of imprisonment of just six months does not meet the sentencing goals of punishment and deterrence. Aggravated offenses, such as those involving parents who move from State to State to evade child support payments, require more severe penalties.

Section 2 of the bill creates two new categories of felony offenses, subject to a two-year maximum prison term. These are: (1) traveling in interstate or foreign commerce with the intent to evade a support obligation if the obligation has remained unpaid for a period longer than one year or is greater than \$5,000; and (2) willfully failing to pay a support obligation regarding a child residing in another State if the obligation has remained unpaid for a period longer than two years or is greater

than \$10,000. These offenses, proposed 18 U.S.C. §228(a)(2) and (3), indicate a level of culpability greater than that reflected by the current six-month maximum prison term for a first offense. The level of culpability demonstrated by offenders who commit the offenses described in these provisions is akin to that demonstrated by repeat offenders under current law, who are subject to a maximum two-year prison term.

Proposed section 228(b) of title 18, United States Code, states that the existence of a support obligation in effect for the time period charged in the indictment or information creates a rebuttable presumption that the obligor has the ability to pay the support obligation for that period. Although "ability to pay" is not an element of the offense, a demonstration of the obligor's ability to pay contributes to a showing of willful failure to pay the known obligation. The presumption in favor of ability to pay is needed because proof that the obligor is earning or acquiring income or assets is difficult. Child support offenders are notorious for hiding assets and failing to document earnings. A presumption of ability to pay, based on the existence of a support obligation determined under State law, is useful in the jury's determination of whether the nonpayment was willful. An offender who lacks the ability to pay a support obligation due to legitimate, changed circumstances occurring after the issuance of a support order has State civil means available to reduce the support obligation and thereby avoid violation of the federal criminal statute in the first instance.

In addition, the presumption of ability to pay set forth in the bill is rebuttable; a defendant can put forth evidence of his or her inability to pay.

The reference to mandatory restitution in proposed section 228(d) of title 18, United States Code, amends the current restitution requirement in section 228(c). The amendment conforms the restitution citation to the new mandatory restitution provision of federal law, 18 U.S.C. §3663A, enacted as part of the Antiterrorism and Effective Death Penalty Act of 1996, P.L. 104-132, section 204. This change simply clarifies the applicability of that statute to the offense of failure to pay legal child support obligations.

For all of the violations set forth in proposed subsection (a) of section 228, the government must show the existence of a determination regarding the support obligation, as under current law. Under proposed subsection (e)(1) the government must show, for example, that the support obligation is an amount determined under a court order or an order of an administrative process pursuant to the law of a State to be due from a person for the support and maintenance of a child or of a child and the parent with whom the child is living. Proposed subsection (e)(1), however, expands the scope of covered support obligations to include amounts determined under a court order or an order of an administrative process pursuant to the law of an Indian tribe. Subsection (e)(3) defines the term 'Indian tribe' to mean an Indian or Alaska Native tribe, band, nation, pueblo,

village, or community that the Secretary of Interior acknowledges to exist as an Indian tribe pursuant to section 102 of the Federally Recognized Indian Tribe List Act of 1994, 25 U.S.C. §479a. The expanded definition permits enforcement of the statute for all children for whom child support was ordered by either a State or tribal court or through a State or tribal administrative process.

Proposed subsection (e)(2) of section 228 amends the definition of "State," currently in subsection (d)(2), to clarify that prosecutions may be brought under this statute in a commonwealth, such as Puerto Rico. The current definition of "State" in section 228, which includes possessions and territories of the United States, does not expressly include commonwealths.

Proposed subsection (f) clarifies that prosecutions for violations of this section may be brought either in the district where the child resided or the obligor resided during a period of nonpayment. Inclusion of this language is necessary in light of a recent case, Murphy v. United States, 934 F.Supp. 736 (W.D. Va. 1996), which held that a prosecution had been improperly brought in the Western District of Virginia, where the child resided, because the obligor was required, by court order, to send his child support payments to the state of Texas. Proposed subsection (f) is not meant to exclude other venue statutes, such as section 3237 of title 18, United States Code, which applies to offenses begun in one district and completed in another.

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Proposed subsection (f) clarifies that prosecutions for violations of this section may be brought either in the district where the child resided or the obligor resided during a period of nonpayment. Inclusion of this language is necessary in light of a recent case, Murphy v. United States, 934 F.Supp. 736 (W.D. Va. 1996), which held that a prosecution had been improperly brought in the Western District of Virginia, where the child resided, because the obligor was required, by court order, to send his child support payments to the state of Texas. Proposed subsection (f) is not meant to exclude other venue statutes, such as section 3237 of title 18, United States Code, which applies to offenses begun in one district and completed in another.

EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
LEGISLATIVE AFFAIRS

PHONE: 395-4790 / FAX: 395-3729

TO:

Diana Fortuna

DATE:

5-11

FROM:

CHUCK KIEFFER

CHUCK KONIGSBERG

LISA KOUNTOUPES

KATE DONOVAN

NANCY BRANDEL

Comments:

Draft SAR on HR 3811 - please
call Kate @ 5-9/36 w/ clearance.

- On House suspensions calendar for tomorrow.

Thanks

FAX #:

6-7431

PHONE NUMBER:

PAGES:

(includes cover page)

DRAFT - NOT FOR RELEASE

May 11, 1998
(Senate)

H.R. 3811 - Deadbeat Parents Punishment Act of 1998
(Reps. Hyde (R) IL and Hoyer (D) MD)

The Administration strongly supports H.R. 3811. The bill would implement a Presidential initiative, making it a felony for an individual to travel to another State or country with the intent of avoiding the payment of child support.

Pay-As-You-Go Scoring

H.R. 3811 would affect direct spending and receipts; therefore, it is subject to the pay-as-you-go requirements of the Omnibus Budget Reconciliation Act of 1990. The Office of Management and Budget estimates that the bill's net deficit effect would be negligible.

(Do Not Distribute Outside the Executive Office of the President)

This position was developed by LRD (Haskins) in consultation with HRD (Friedman), BASD (Bavier), and OIRA (W. Taylor/Oliven). The Department of Justice (Jones) as well as the Domestic Policy Council (Fortuna) concur with this position. The Office of Personnel Management (Wolf) had no objection. The Departments of Veterans Affairs (Thompson), Labor (McCarthy), and the Interior (Cardinale) as well as the National Economic Council (Parker) had no comment. The Departments of Defense, Health and Human Services, Labor, State, and the Treasury did not comment on this SAP.

OMB/LA clearance: _____

Background

On July 21, 1996, the President directed the Justice Department "to draft legislation to amend the Child Support Recovery Act to establish a felony offense for a person who willfully fails to pay child support for a child in another State where there has been an egregious failure to meet child support obligations."

On June 24, 1997, the Department of Justice transmitted a draft bill to the Congress entitled, the "Child Support Recovery Amendments Act of 1997." The draft bill created two new categories of felony offenses subject to a two-year prison term and/or fine for failure to pay child support: (1) traveling in interstate or foreign commerce with the intent to evade a child support obligation if the obligation has remained unpaid for a period longer than one year or is greater than \$5,000; and (2) willfully failing to pay a support obligation regarding a child residing in another State if the obligation has remained unpaid for a period longer than two years or is greater than \$10,000.

The President's January 27, 1998, State of the Union Address stated that "[w]e still have a lot more to do, all to us, to make welfare reform a success [including] increasing child support collections from deadbeat parents who have a duty to support their own children."

Administration Position to Date

The Administration previously has not taken a position on H.R. 3811. (Note: H.R. 3811 is identical to S. 1371. S. 1371 passed the Senate on November 13, 1997, by unanimous consent.)

It is expected that the House will move to consider S. 1371 after passage of H.R. 3811 under suspension of the rules. Thus, upon passage by the House, S. 1371 would be enrolled and presented to the President.

Summary of H.R. 3811

Under current law, it is a Federal offense for an individual to willfully fail to pay child support to a child who lives in another State if the obligation has remained unpaid for longer than a year or is greater than \$5,000. The first offense is subject to a maximum of six months in prison and/or a fine. Subsequent offenses are subject to a maximum prison sentence of two years and/or a fine.

H.R. 3811 would establish two new categories of felony offenses for the non-payment of child support. Specifically, the bill would make it a felony subject to up to two years imprisonment and/or a fine for an individual to: (1) travel to another State or country to evade paying child support, if the arrearage is more than one year old or greater than \$5,000; or (2) willfully fail to pay child support to a child who lives in another State, if the arrearage is more than two years old or greater than \$10,000.

H.R. 3811 would create a "rebuttable presumption" that an individual's ability to pay child support is established at the time a court originally orders the individual to pay child support. In addition, it would clarify the current-law requirement that parents found guilty of willfully evading to pay child support must repay any arrearages. The bill also would stipulate that offenses committed under the Act may be prosecuted in the Federal district court where the child owed support resides or "deadbeat" parent lived while committing the offense.

Pay-As-You-Go Scoring

According to HRD (Friedman), H.R. 3811 would affect direct spending and receipts; therefore, it is subject to the pay-as-you-go requirement of the Omnibus Budget Reconciliation Act of 1990. The Office of Management and Budget estimates that the net deficit effect from H.R. 3811 would be negligible.

LEGISLATIVE REFERENCE DIVISION DRAFT

May 11, 1998 - 3:45 p.m.

Justice

~~Debra Cohn~~

Debra Cohn 514-3052

Office of Deputy Attorney General

Legislative package cleared
through OMB and they
are holding

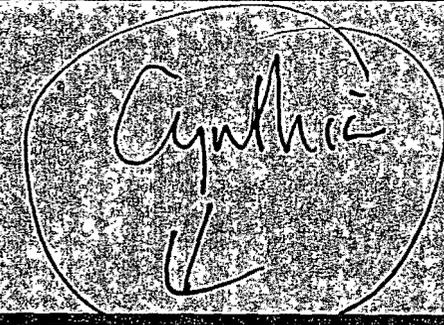
DOJ Directive

- meetings in progress
- reviewing sections
- interim report

Wall

PHOTOCOPY
PRESERVATION

METRO



For States, Federal Help Often the Difference in Child Support Cases

By Brooke A. Masters
Washington Post Staff Writer

In 1992, Fairfax County health inspector Daniel Bannister fled to Florida, leaving behind his unemployed wife to cope with cancer and take care of their two children.

Over the next four years, he racked up \$60,000 in unpaid child support, while his ex-wife, Terry, lived on food stamps and disability payments.

Virginia's Division of Child Support Enforcement spent more than four years trying to find him and collect some money, with no success. Finally, the case was referred to federal prosecutors under a 1992 law that makes it a crime to cross state lines to avoid paying child support.

Federal investigators found him in less than two months.

Yesterday, Bannister, 50, was sentenced to serve 30 days in jail, on weekends, and to pay his ex-wife \$500 a month. Since his arrest, he also has made a cash payment to her of \$8,000.

"I gave up. I thought he would never be found," said Terry Bannister, 49, who attended the hearing in a wheelchair because she lost a leg to the cancer. "Then they gave it to the federal government. I guess people shouldn't give up."

The Bannister case shows how federal efforts can make the difference in tracking down deadbeat parents who move from state to state to avoid their obligations. "Not only do federal investigators have access to better databases, but they also have people stationed all over the country. States collected only 18.3 percent of the child support payments they sought in 1995, and officials estimate that at least 20 percent of cases involve parents who are out of state."

Yet federal authorities handle only a tiny number of child support cases. The Justice Department prosecutes fewer than 200 deadbeat parents annually, although the number is rising because investigators from the Department of Health and Human Services have started taking some cases. In fiscal 1996, 140 cases were filed nationwide, up from 82 in 1995, according to the Executive Office of U.S. Attorneys.

Meanwhile, there are more than 300,000 delinquent parents in Maryland, Virginia and the District alone.

"The main objective is to bring cases in every area of the country as a deterrent," said Justice Department spokesman Gregory King. "The [federal] law is not designed to be a collection tool. We don't have the resources."

Some congressmen think the federal government should step in more often. Rep. Henry J. Hyde (R-Ill.), who chairs the

House Judiciary Committee, is planning to introduce a bill to make the Social Security Administration or another federal agency responsible for collecting child support.

"State efforts to collect child support are not working," Hyde spokesman Sam Stratman said. "Federal taxpayers are subsidizing deadbeat parents with federal welfare dollars for children who are not getting support payments."

Currently, U.S. attorneys get involved only when local officials refer cases to them. Avoiding child support is a federal crime only if the parent owes more than \$5,000 and willfully has avoided making payments.

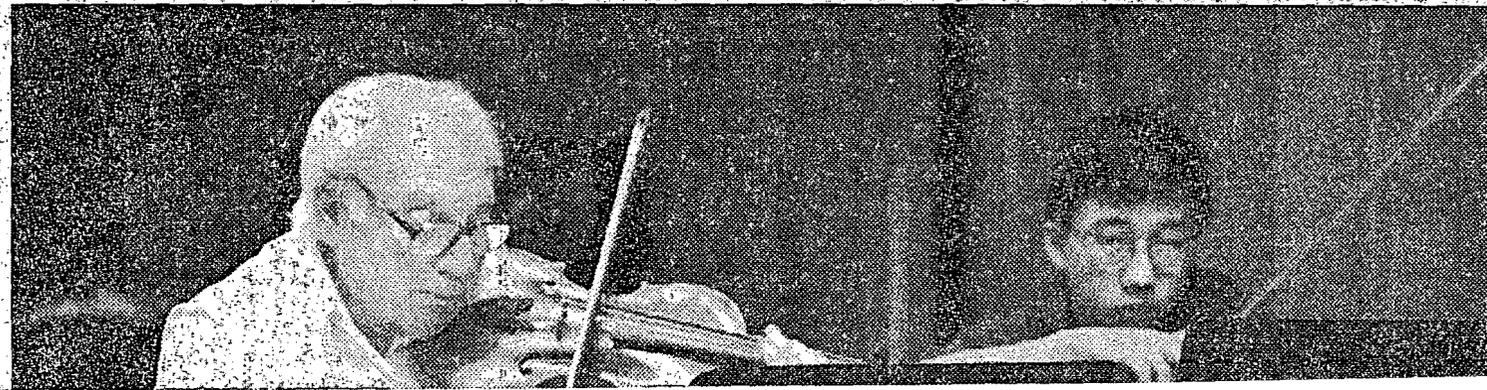
The U.S. attorney for the Eastern District of Virginia, Helen F. Fahey, is the area's most aggressive in seeking out referrals and filing charges. Her office has received 85 referrals and has

See CHILD SUPPORT D7, Col. 1

DONNA BRITT

Former Panther Will Discover a Changed Nation

The scene at Elmer "Geronimo"



Aron Moved To Wing for Ill Prisoners

Hit-Man Case Suspect

For States, Federal Help Often the Difference in Tough Child Support Cases

CHILD SUPPORT, From D1

prosecuted 31 people since the 1992 law went into effect. Maryland's U.S. attorney has prosecuted two of 24 cases received, and the District has gotten just two referrals and filed federal charges once.

In the past month, federal marshals have arrested five deadbeat dads from Virginia, including three of the state's 10 most wanted.

Custodial parents say that having a case transferred to federal prosecutors makes a tremendous difference.

Gail Harrison's husband, Dennis, left her with two young boys in 1981 and took all the furniture out of their Woodbridge home. By 1987, he had stopped making child support payments entirely, prosecutors said. She spent 10

years trying to get Virginia officials to go after him in Florida and Illinois.

"Every three months, my caseworker would change. It was really frustrating. You can call for days and all you get is a busy signal," said Harrison, 39. "The only way anything was going to get done was to get it out of Virginia's hands."

Federal investigators took the case in April 1996, and Dennis Harrison pleaded guilty in December to owing more than \$60,000. He was sentenced to 10 days in jail.

Virginia and U.S. officials said federal investigators do better on the hard-core cases because they have more access to tax records and other computer databases and are more skilled at tracking fugitives.

"You can hide from the state of Virginia in the state of Montana, but you can't hide in the U.S. from the federal

government," said Health and Human Services deputy inspector general Jack Hartwig.

That is why Hyde and others are talking about keeping the \$2 billion a year the federal government gives to the states for child support enforcement. They argue that a 12-year effort to computerize state child support collection continues to lag behind schedule. An April report by HHS's inspector general found just six states have working computer systems in place.

State officials argue that they recently have stepped up their efforts, by seizing drivers licenses and arresting deadbeat parents, and that they do the best that can be expected with much higher caseloads.

"It's pretty expensive to prosecute somebody with an FBI agent. The volume would preclude doing it" for every case, said Pat Addison, customer service manager for Virginia's

child support division. "The [federal-state] partnership is working and should be encouraged."

For the Bannisters, federal enforcement made a difference. Daniel Bannister told the court "my main intention is to continue to make restitution."

U.S. Magistrate Judge Barry R. Poretz said he imposed the weekends-only jail time to make it possible for the defendant to start paying immediately. He also put the defendant on probation for four years and warned that he would face additional sanctions if he stops paying.

"There is always a consequence to one's actions," Poretz said. "Mr. Bannister's priorities have been completely wrong. I'm going to restructure [his] priorities."

Terry Bannister said, "I guess it was fair. If he was in jail, I wouldn't get any money."



Hit Man Case Suspect Moved To Jail Wing for Ill Prisoners

ARON, From D1

lawsuit, although she recently won a Maryland Court of Special Appeals ruling enabling her to petition for a new trial on the defamation suit.

In an interview yesterday, Harrison said that a county prosecutor contacted him by telephone Wednesday afternoon to warn him that his name was on the list. The prosecutor told him he should "take it seriously, rather than shrug it off," Harrison recalled yesterday.

Harrison, 50, who lives in the District, said he was not particularly "surprised or chilled" when he learned that his name was on the list. He said that his courtroom battle with Aron and attempts to settle the case had left him with negative feelings.

stuff behind, to get over it and move forward," Friedman said.

But he added that Ruthann Aron did not need her husband's money to renew the litigation. He said she has more than \$2 million in her accounts, much of that from her real estate investments. Friedman said the couple did not argue over the issue.

Aron is scheduled to be reexamined by a county staff psychologist today, said Bullard-Vinson, the spokeswoman for the county jail. Bullard-Vinson would not disclose the psychologist's initial assessment or what remarks from Aron led them to believe that she may be suicidal. But as a precaution, she has been examined by a staff psychologist, and jail officials also are monitoring her meals and how much she eats. Aron's attorney, Barry Hal

Total Pages: 6

LRM ID: MDH192

EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
Washington, D.C. 20503-0001

URGENT

Friday, May 8, 1998

LEGISLATIVE REFERRAL MEMORANDUM

TO: Legislative Liaison Officer - See Distribution below
FROM: *Mark Forsgren* Mark R. Forsgren (for) Assistant Director for Legislative Reference
OMB CONTACT: Melinda D. Haskins
PHONE: (202)395-3923 FAX: (202)395-6148
SUBJECT: Statement of Administration Policy on HR3811 Deadbeat Parents
Punishment Act of 1998

DEADLINE: 10 AM Monday, May 11, 1998

In accordance with OMB Circular A-19, OMB requests the views of your agency on the above subject before advising on its relationship to the program of the President. Please advise us if this item will affect direct spending or receipts for purposes of the "Pay-As-You-Go" provisions of Title XIII of the Omnibus Budget Reconciliation Act of 1990.

COMMENTS: H.R. 3811 will be considered by the House under suspension of the rules on Tuesday, May 12th. We do not have text for the bill. According to the House Judiciary Committee, H.R. 3811 is identical to H.R. 2925, a bill similar to a Justice Department draft bill transmitted on 6/24/97.

THIS DEADLINE IS FIRM. IF WE DO NOT HEAR FROM YOU BY THE DEADLINE, WE WILL ASSUME THAT YOU HAVE NO COMMENT.

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LRM ID: MDH192 SUBJECT: Statement of Administration Policy on HR3811 Deadbeat Parents Punishment Act of 1998

RESPONSE TO LEGISLATIVE REFERRAL MEMORANDUM

If your response to this request for views is short (e.g., concur/no comment), we prefer that you respond by e-mail or by faxing us this response sheet. If the response is short and you prefer to call, please call the branch-wide line shown below (NOT the analyst's line) to leave a message with a legislative assistant.

You may also respond by:

(1) calling the analyst/attorney's direct line (you will be connected to voice mail if the analyst does not answer); or

(2) sending us a memo or letter

Please include the LRM number shown above, and the subject shown below.

TO: Melinda D. Haskins Phone: 395-3923 Fax: 395-6148 Office of Management and Budget Branch-Wide Line (to reach legislative assistant): 395-7362

FROM: _____ (Date) _____ (Name) _____ (Agency) _____ (Telephone)

The following is the response of our agency to your request for views on the above-captioned subject:

- _____ Concur
_____ No Objection
_____ No Comment
_____ See proposed edits on pages _____
_____ Other: _____
_____ FAX RETURN of _____ pages, attached to this response sheet

DRAFT - NOT FOR RELEASE

May 8, 1998 (3:08pm)

H.R. 3811 - "Deadbeat Parents Punishment Act of 1999"

(Rep. Hyde (R) IL)

The Administration strongly supports H.R. 3811. The bill would implement the Administration's proposal to make it a felony for an individual to travel to another State or country with the intent to avoid paying legal child support obligations or fail willfully to pay child support to a child who resides in another State.

Pay-As-You-Go

H.R. 3811 would affect direct spending and receipts; therefore, it is subject to the pay-as-you-go requirements of the Omnibus Budget Reconciliation Act of 1990. The Office of Management and Budget estimates that the net deficit effect would be insignificant.

DOJ - > 1 yr - fine or

> 2 yr - fine or pen or jail

Strongly spt

Susp tom.



Identical to Senate

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[DOCID: f:h2925jh.txt]

105th CONGRESS
1st Session

H. R. 2925

To establish felony violations for the failure to pay legal child support obligations, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

November 7, 1997

Mr. Hoyer (for himself and Mr. Hyde) introduced the following bill; which was referred to the Committee on Judiciary

A BILL

To establish felony violations for the failure to pay legal child support obligations, and for other purposes.

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 "Deadbeat Parents Punishment Act of 1997".

SEC. 2. ESTABLISHMENT OF FELONY VIOLATIONS.

Section 228 of title 18, United States Code, is amended to read as follows:

Sec. 228. Failure to pay legal child support obligations

(a) Offense.--Any person who--

(1) willfully fails to pay a support obligation with respect to a child who resides in another State, if such obligation has remained unpaid for a period longer than 1 year, or is greater than \$5,000;

(2) travels in interstate or foreign commerce with the intent to evade a support obligation, if such obligation has remained unpaid for a period longer than 1 year, or is greater than \$5,000; or

(3) willfully fails to pay a support obligation with respect to a child who resides in another State, if such obligation has remained unpaid for a period longer than 2 years, or is greater than \$10,000;

shall be punished as provided in subsection (c).

(b) Presumption.--The existence of a support obligation that was in effect for the time period charged in the indictment or information creates a rebuttable presumption that the obligor has the ability to pay the support obligation for that time period.

(c) Punishment.--The punishment for an offense under this section is--

(1) in the case of a first offense under subsection (a)(1), a fine under this title, imprisonment for not more than 6 months, or both; and

(2) in the case of an offense under paragraph (2) or (3) of subsection (a), or a second or subsequent offense under subsection (a)(1), a fine under this title, imprisonment for not more than 2 years, or both.

(d) Mandatory Restitution.--Upon a conviction under this section, the court shall order restitution under section 3663A in an amount equal to the total unpaid support obligation as it exists at the time of sentencing.

(e) Venue.--With respect to an offense under this section, an action may be inquired of and prosecuted in a district court of the United States for--

(1) the district in which the child who is the subject of the support obligation involved resided during a period during which a person described in subsection (a) (referred to in this subsection as an 'obligor') failed to meet that support obligation;

(2) the district in which the obligor resided during a period described in paragraph (1); or

(3) any other district with jurisdiction otherwise provided for by law.

(f) Definitions.--As used in this section--

(1) the term 'Indian tribe' has the meaning given that term in section 102 of the Federally Recognized Indian Tribe List Act of 1994 (25 U.S.C. 479a);

(2) the term 'State' includes any State of the United States, the District of Columbia, and any commonwealth, territory, or possession of the United States; and

(3) the term 'support obligation' means any amount determined under a court order or an order of an administrative process pursuant to the law of a State or of an Indian tribe to be due from a person for the support and maintenance of a child or of a child and the parent with whom the child is living.''

<all>



Cynthia A. Rice

06/09/98 08:46:17 PM

Record Type: Record

To: Lesley A. Pate/OPD/EOP
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Subject: Would you pls get from the library or the web

*Cynthia, I hope that
this is what you
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-J*

Would you please get these statements which appeared in the Congressional Record on May 12th regarding the Deadbeat Parents Punishment Act (the day it passed the House)? Thanks.

DEADBEAT PARENTS PUNISHMENT ACT OF 1998 (House of Representatives - May 12, 1998)

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DEADBEAT PARENTS PUNISHMENT ACT OF 1998 (House of Representatives - May 12, 1998)

[Page: H3042]

Mr. McCOLLUM. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3811) to establish felony violations for the failure to pay legal child support obligations, and for other purposes.

The Clerk read as follows:

H.R. 3811

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 'Deadbeat Parents Punishment Act of 1998'.

SEC. 2. ESTABLISHMENT OF FELONY VIOLATIONS.

Section 228 of title 18, United States Code, is amended to read as follows:

'228. Failure to pay legal child support obligations

'(a) **Offense:** Any person who--

'(1) willfully fails to pay a support obligation with respect to a child who resides in another State, if such obligation has remained unpaid for a period longer than 1 year, or is greater than \$5,000;

'(2) travels in interstate or foreign commerce with the intent to evade a support obligation, if such obligation has remained unpaid for a period longer than 1 year, or is greater than \$5,000; or

'(3) willfully fails to pay a support obligation with respect to a child who resides in another State, if such obligation has remained unpaid for a period longer than 2 years, or is greater than \$10,000; shall be punished as provided in subsection (c).

'(b) **Presumption:** The existence of a support obligation that was in effect for the time period charged in the indictment or information creates a rebuttable presumption that the obligor has the ability to pay the support obligation for that time period.

'(c) **Punishment:** The punishment for an offense under this section is--

'(1) in the case of a first offense under subsection (a)(1), a fine under this title, imprisonment for not more than 6 months, or both; and

'(2) in the case of an offense under paragraph (2) or (3) of subsection (a), or a second or subsequent offense under subsection (a)(1), a fine under this title, imprisonment for not more than 2 years, or both.

'(d) **Mandatory Restitution:** Upon a conviction under this section, the court shall order restitution under section 3663A in an amount equal to the total unpaid support obligation as it exists at the time of sentencing.

'(e) **Venue:** With respect to an offense under this section, an action may be inquired of and prosecuted in

a district court of the United States for--

(1) the district in which the child who is the subject of the support obligation involved resided during a period during which a person described in subsection (a) (referred to in this subsection as an 'obligor') failed to meet that support obligation;

(2) the district in which the obligor resided during a period described in paragraph (1); or

(3) any other district with jurisdiction otherwise provided for by law.

(f) **Definitions:** As used in this section--

(1) the term 'Indian tribe' has the meaning given that term in section 102 of the Federally Recognized Indian Tribe List Act of 1994 (25 U.S.C. 479a);

(2) the term 'State' includes any State of the United States, the District of Columbia, and any commonwealth, territory, or possession of the United States; and

(3) the term 'support obligation' means any amount determined under a court order or an order of an administrative process pursuant to the law of a State or of an Indian tribe to be due from a person for the support and maintenance of a child or of a child and the parent with whom the child is living.'

The SPEAKER pro tempore (Mr. Bereuter). Pursuant to the rule, the gentleman from Florida (Mr. McCollum) and the gentleman from Florida (Mr. Wexler) each will control 20 minutes.

The Chair recognizes the gentleman from Florida (Mr. McCollum).

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DEADBEAT PARENTS PUNISHMENT ACT OF 1998 (House of Representatives - May 12, 1998)

GENERAL LEAVE

Mr. McCOLLUM. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the bill under consideration.

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

There was no objection.

Mr. McCOLLUM. Mr. Speaker, I yield myself such time as I may consume.

The Deadbeat Parents Punishment Act of 1998 strengthens Federal law by establishing felony violations for the most serious cases of failure to pay legal child support obligations.

H.R. 3811 is a bipartisan bill introduced by the gentleman from Illinois (Mr. Hyde) and the gentleman from Maryland (Mr. Hoyer), and is nearly identical to a bill we moved through the Subcommittee on Crime in the Committee on the Judiciary last month. The bill is also similar to one the Justice Department submitted to the 104th Congress.

Mr. Speaker, our current penalties for deadbeat parents are inadequate. It is currently a Federal offense to fail to pay a child support obligation for a child living in another State if the obligation has remained unpaid for longer than a year or is greater than \$5,000. A first offense is subject to a maximum of 6 months of imprisonment; and a second or subsequent offense, to a maximum of 2 years. But the law fails to address the problem of more aggravated cases. This bill remedies the problem.

H.R. 3811 establishes two new felony offenses. The first offense is traveling in interstate or foreign commerce with the intent to evade a support obligation if the obligation has remained unpaid for a period longer than 1 year or is greater than \$5,000.

The second offense is willfully failing to pay a support obligation regarding a child residing in another State if the obligation has remained unpaid for a period longer than 2 years or is greater than \$10,000.

Both of these offenses involve a degree of culpability that is not adequately addressed by current penalties. As such, the bill provides for a maximum 2-year prison term for these offenses.

H.R. 3811 includes several additional measures which clarify and strengthen Federal child support enforcement provisions. The bill clarifies how these penalties apply to child support orders issued by Indian tribal courts. The bill also includes a venue section that clarifies that prosecutions under the statute may be brought in any district in which the child resided or which the obligated parent resided during a period of nonpayment.

This bill is a reasonable and appropriate step by the House to do what it can to hold accountable those parents who neglect next their most basic responsibilities to their children. The abdication of moral and legal duty by deadbeat parents calls for unequivocal social condemnation. This bill expresses such condemnation, even as it seeks to deter such unacceptable dereliction of duty.

Mr. Speaker, I reserve the balance of my time.

Mr. FRANK of Massachusetts. Mr. Speaker, I claim the time of the gentleman from Florida (Mr. Wexler) until he arrives.

The SPEAKER pro tempore. The gentleman from Massachusetts (Mr. Frank) is recognized for 20 minutes.

Mr. FRANK of Massachusetts. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as a member of the Committee on the Judiciary, I would say that we agree with the gentleman from Florida.

Mr. Speaker, I reserve the balance of my time.

Mr. McCOLLUM. Mr. Speaker, I yield 3 minutes to the gentleman from Illinois (Mr. Hyde), the chairman of our full committee.

Mr. HYDE. Mr. Speaker, the parameters of this bill have been well explained by Mr. McCollum. It is a good bill. It is a necessary bill. It is overdue to punish those who abdicate their fundamental and their legal responsibility to provide for their children.

This legislation deals with the consequences of the disintegration of the family. We do not have an awful lot of power to keep families together, but we can ensure strong condemnation is directed against those who neglect their children in violation of law.

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DEADBEAT PARENTS PUNISHMENT ACT OF 1998 (House of Representatives - May 12, 1998)

In doing so, we take a small, but important, step to support the family institution and the legal duties of parents to their children. The punishment that we as a society direct against wrongdoing is a clear indication of what we value and of what we hold dear. This bill represents our commitment to be vigilant on behalf of our families and our children.

Mr. Speaker, I want to express my appreciation to the gentleman from Maryland (Mr. Hoyer) whose impetus to get this bill to the floor has been very strong, very effective, and who supports this bill, who was present at the creation, and deserves a great deal of credit for its existence. I want to acknowledge that publicly, and I hope we get a large affirmative vote.

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Mr. McCOLLUM. Mr. Speaker, I reserve the balance of my time.

Mr. FRANK of Massachusetts. Mr. Speaker, I yield as much time as he may consume to the gentleman from Florida (Mr. Wexler).

Mr. WEXLER. Mr. Speaker, I rise in support of this bill. This is a very important bill. This country is built on rights and responsibilities. It is the job of the government to protect the rights of the citizens and to make sure that they discharge their responsibilities. There is no responsibility more sacred than that of a parent to a child, to provide for, to care for, to make certain that their children are well.

The ideal situation, I believe, is one in which both parents share the child-rearing responsibility. But even in the too-numerous single-parent households, the other parent has a responsibility, at the least, to contribute financially.

There was a period where we, as a society, did not enforce that obligation very rigorously. I am glad to say that that period is over. Through accommodation of stiff penalties and aggressive enforcement strategies, child support collections are way up in the past few years.

This is a lot like what has happened with drunk driving. By toughening law enforcement and relentlessly sending the message that what was once tolerated will not be tolerated any longer, we have been able to change behavior for the better.

This bill will make a significant improvement in current law. It is aimed at people who move from one State to another to avoid paying child support. A custodial parent in Florida can have a very difficult time trying to collect child support from a parent who has moved, for instance, to Ohio.

In 1992, Congress passed the first law establishing Federal penalties for crossing State lines to evade child support. This statute has been an important piece of the very successful effort by the Clinton administration to increase child support collections. Under this current law, first offense is a misdemeanor.

H.R. 3811 will toughen the law so particularly egregious first offenses, those that involve a debt of more than \$10,000 or one that has been outstanding for more than 2 years will be felonies punishable by up to

2 years in prison.

I want to note that H.R. 3811 is identical to H.R. 2925, which was introduced by the gentleman from Maryland (Mr. Hoyer) and marked up by the Committee on the Judiciary.

I want to commend both the gentleman from Maryland (Mr. Hoyer) and the gentleman from Illinois (Mr. Hyde) for their leadership on this issue, and I urge my colleagues to support this bill.

Mr. FRANK of Massachusetts. Mr. Speaker, I yield 2 minutes to the gentlewoman from of Texas (Ms. Jackson-Lee).

(Ms. JACKSON-LEE of Texas asked and was given permission to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise to support the legislation dealing with deadbeat parents and particularly adding additional felonies for those who willfully do not pay child support. This legislation deals more with the idea of financial compensation. It sometimes deals with the very survival of children.

Yesterday, I had the opportunity to meet with women from around my community. We, of course, were talking about what I consider a felony as well, and that is, the present bankruptcy bill that we are marking up that does not respond to protecting child support in its present form.

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In the course of discussing that legislation, Mr. Speaker, the pain of expression of the need and dependence on child support was made very clear. In many instances, women or men with custody who have to rely upon the civil process system time after time after time find that the parent that owes the money does not pay child support many times.

The civil proceedings are not raised to the level of enough intensity to require those parents to do what they should do! They usually abscond and then make those individuals who are dependent upon child support parent and child, fight for their survival.

One of my constituents talked about the intimidation of her spouse who held up child support payments by requiring the parent to do something special to receive those child support payments. But the worst thing is not being able to find those individuals who owe the child support payments as they move from State to State. So I want to commend the chairman for this very vital and important bill.

I hope that we can also confront this important issue as we revise the bankruptcy code that needs to be revised, but it needs to be revised with the input and insight of those who also are negatively impacted by it.

Child support is many times a life-or-death matter, Mr. Speaker; I hope that my colleagues will support this legislation.

□

- Mr. Speaker, I support H.R. 3811 the Deadbeat Parents Punishment Act. We must protect our children who rely on child support, and create stiffer penalties for those parents who avoid their financial obligation to their children. Deadbeat parents must understand that this type of irresponsible behavior is unacceptable and that they can be punished for attempting to avoid child support payments by moving between states, or out of the United States.
- As Chair of the Children's Congressional Caucus and a strong child advocate, I firmly believe that we must consider children our first priority. For this reason, I cosponsored H.R. 2487 the Child Support Incentive Act, legislation which reformed the child support incentive payment plan, and improved state collection performance. I am also currently opposing H.R. 3150, which would allow credit card companies to have the same priority as parents seeking child support during and after a debtor's bankruptcy.
- Child support is an issue critical to the well-being of our nation's children. According to a recent study by the Department of Health and Human Services, between 1989 and 1991, 21-28% of poor children in America did not receive any child support from their non-custodial parent. In 1994, one in every four children lived in a family with only one parent present in the home. In the same year, the Child Support Enforcement system handled 12.8 million cases of non-payment. Yet, the system was only able to collect \$615 million of the \$6.8 billion due in back child support. The result is that the average amount of overdue child support payments is a shocking \$15,000 per parent.

- In Texas alone, there were 847,243 cases of child support payment delinquencies. Too many families and children in this country are forced to rely upon government assistance because absent parents have attempted to beat the system. We must protect the welfare of our children and support tough and fair child support enforcement laws.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Florida (Mr. **Wexler**) to assume the remainder of the time on the minority side.

Mr. WEXLER. Mr. Speaker, I yield such time as he may consume to the gentleman from Maryland (Mr. **Hoyer**), who introduced the bill with identical language that we are speaking of now.

Mr. HOYER. Mr. Speaker, I thank the gentleman from Florida for yielding and being so generous in the yielding of time. I thank the gentleman from Florida (Mr. **McCollum**), and I want to thank the gentleman from Illinois (Mr. **Hyde**), whom I just saw leave the floor. I know the gentleman made a statement on this bill before, but I want to thank the gentleman from Illinois (Mr. **Hyde**):

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DEADBEAT PARENTS PUNISHMENT ACT OF 1998 (House of Representatives - May 12, 1998)

The gentleman from Illinois (Mr. **Hyde**) introduced legislation to deal with the deadbeat parent problem of those leaving States to avoid the payment of child support. There was a problem that existed because States were faced with requests to enforce misdemeanor offenses in another State, and the State of residence of the deadbeat parent was reluctant to act.

I went to the gentleman from Illinois (Mr. **Hyde**) and said I wanted to introduce legislation to up the penalties for these serious, egregious failures to pay child support. He agreed. I introduced that legislation. I am very pleased that the gentleman has now introduced similar legislation in the last few days, and we have this on the floor. The gentleman from Illinois (Mr. **Hyde**) and I have worked very closely on this.

I, therefore, Mr. Speaker, rise in strong support of this legislation, which sends a clear and unmistakable message to deadbeat parents who attempt to use State borders as a shield against the enforcement of child support orders. That message is, you can run, but you cannot hide from the child support you owe.

I am proud to be a cosponsor of the Deadbeat Parents Punishment Act along with my friend, whom I mentioned earlier, the gentleman from Illinois (Mr. **Hyde**), Chairman of the Committee on the Judiciary. The Deadbeats Act is a companion to legislation introduced by Senator **Kohl** of Wisconsin, which unanimously passed the Senate this year.

[Page: H3044]

[TIME: 1545]

This legislation will stiffen penalties for deadbeat parents in egregious interstate cases of child support delinquency. It will also enable Federal authorities to go after those who attempt to escape State-issued child support orders by fleeing across State lines.

Under the Child Support Recovery Act sponsored by the gentleman from Illinois (Mr. **Hyde**) in 1992, to which I earlier referred, parents who willfully withhold child support payments totaling more than \$5,000 or owe for more than 1 year, are presently subject to a misdemeanor offense punishable by not more than 6 months. Current law also provides that a subsequent offense is a felony punishable by up to 2 years in prison.

H.R. 3811 addresses the difficulty States frequently encounter in attempting to enforce child support orders beyond their borders. This legislation will augment current law by creating a felony offense for parents with an arrearage totaling more than \$10,000 or owing for more than 2 years. This provision, like current law, would apply where the noncustodial parent and child legally reside in different States.

In addition, Mr. Speaker, this legislation will make it a felony for a parent to cross a State border with the intent of evading a child support order where the arrearage totals more than \$5,000 or is more than 1 year past due, regardless of residency.

H.R. 3811 is not simply about ensuring just punishment in intentional severe cases of child support evasion; it serves to complement other Federal child support enforcement measures to help States

establish and enforce child support orders.

The ultimate goal, of course, Mr. Speaker, is to put deadbeat parents on notice and to induce compliance. Our cumulative efforts, Mr. Chairman, will increase parental accountability, decrease child poverty and dependence on public assistance, and erase the notion that nonpayment of State-ordered child support is a viable option.

Congress, of course, cannot force anyone to be a loving, nurturing and involved parent. However, by acting together, we can strengthen the government's ability to make parents fulfill their minimum moral and legal responsibility, which is to provide financial support for the children they bring into this world.

The deliberate neglect of this obligation should warrant serious consequences for the parent, as serious as the consequences are for that child who is in need of those provisions. The Deadbeat Parents Punishment Act of 1997 will ensure that this is the case, even for those who attempt to use State borders as a barrier to enforcement of child support orders.

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DEADBEAT PARENTS PUNISHMENT ACT OF 1998 (House of Representatives - May 12, 1998)

Mr. Speaker, I urge my colleagues to vote for this legislation today, and I want to thank the 50 bipartisan cosponsors of this legislation, especially, as I said, the gentleman from Illinois (Chairman **Hyde**), for his leadership on this issue.

Mr. Speaker, in conclusion, let me say, as someone who has practiced law for over a quarter of a century, who, in fact, tried his last case in 1990 prior to our changing the rules which prohibit me from practicing law further, I was always concerned about how child support was perceived to be perhaps less important to deal with than some other matters that came before our courts; that it was sort of put at the end of the docket, and that the practical judgment was that clearly we cannot incarcerate a father, because then he will not be able to pay it all. I say 'father,' because over 80 percent of those parents who are referred to as deadbeat parents are the fathers who believe that they can participate in bringing a child into the world, but then somehow not participate in supporting that child. Indeed, the consequence of that is many times to expect a result in the rest of us supporting that child. We have talked a lot about responsibility.

We talked about responsibility in the crime bill. We talked about responsibility in the welfare bill, where we expect work. Here we are talking about an expectation of responsibility as a parent.

As I said earlier, we cannot make a parent love a child. They ought to, and we would hope they would. But we can certainly expect that they will support that child and try to bring that child up in a way that will give that child some opportunity.

Mr. Speaker, again I thank the members of the Committee on the Judiciary, and my friend the gentleman from Illinois (Mr. **Hyde**) for his help with this legislation.

Mr. McCOLLUM. Mr. Speaker, I yield 1 minute to the gentleman from Pennsylvania (Mr. **Fox**).

Mr. FOX of Pennsylvania. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, children are at the heart of the need for this legislation. No child should go to bed hungry, miss a medical appointment, not have adequate housing or be deprived of quality education. We have no more precious resource than our children. We have no greater responsibility than the protection, development and security of our children.

The greatest uncollected debt in our country, unfortunately, is child support. Thankfully, the Deadbeat Parents Punishment Act of 1998 strengthens Federal law by establishing felony violations for the most serious cases to pay legal child support obligations.

H.R. 3811 is a bipartisan bill introduced by the gentleman from Illinois (Chairman **Hyde**) and the gentleman from Maryland (Mr. **Hoyer**), and is one that all my colleagues should support.

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- Mr. PAUL. Mr. Speaker, today the Congress will collectively move our nation two steps closer to a national police state by further expanding a federal crime and paving the way for a deluge of

federal drug prohibition legislation. Of course, it is much easier to ride the current wave of federalizing every human misdeed in the name of saving the world from some evil than to uphold a Constitutional oath which prescribes a procedural structure by which the nation is protected from what is perhaps the worst evil, totalitarianism. Who, after all, and especially in an election year, wants to be amongst those members of Congress who are portrayed as soft on drugs or deadbeat parents irrespective of the procedural transgressions and individual or civil liberties one tramples in their zealous approach.

- Our federal government is, constitutionally, a government of limited powers. Article one, Section eight, enumerates the legislative areas for which the U.S. Congress is allowed to act or enact legislation. For every other issue, the federal government lacks any authority or consent of the governed and only the state governments their designees, or the people in their private market actions enjoy such rights to governance. The tenth amendment is brutally clear in stating 'The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.' Our nation's history makes clear that the U.S. Constitution is a document intended to limit the power of central government. No serious reading of historical events surrounding the creation of the Constitution could reasonably portray it differently. Of course, there will be those who will hang their constitutional 'hats' on the interstate commerce general welfare clauses, both of which have been popular 'headgear' since the FDR's headfirst plunge into New Deal Socialism.

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- The interstate commerce clause, however, was included to prevent states from engaging in protectionism and mercantilist policies as against other states. Those economists who influenced the framers did an adequate job of educating them as to the necessarily negative consequences for consumers of embracing such a policy. The clause was never intended to give the federal government carte blanche to intervene in private economic affairs anytime some special interest could concoct a 'rational basis' for the enacting such legislation.
- Likewise, while the general welfare provides an additional condition upon each of the enumerated powers of the U.S. Congress detailed in Article I, Section eight, it does not, in itself, provide any latitude for Congress to legislatively take from A and give to B or ignore every other government-limiting provision of Constitution (of which there are many), each of which are intended to limit the central government's encroachment on liberty.
- Nevertheless, rather than abide by our constitutional limits, Congress today will likely pass H. Res. 423 and H.R. 3811 under suspension of the rules meaning, of course, they are 'non-controversial.' House Resolution 423 pledges the House to 'pass legislation that provides the weapons and tools necessary to protect our children and our communities from the dangers of drug addiction and violence'. Setting aside for the moment the practicality of federal prohibition
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- laws, an experiment which failed miserably in the so-called 'Progressive era', the threshold question must be: 'under what authority do we act?' There is, after all, a reason why a Constitutional amendment was required to empower the federal government to share jurisdiction with the States in fighting a war on a different drug (alcohol)--without it, the federal government had no constitutional authority. One must also ask, 'if the general welfare and commerce clause were all the justification needed, why bother with the tedious and time-consuming process of amending the Constitution?' Whether any governmental entity should be in the 'business' of protecting competent individuals against themselves and their own perceived stupidity is certainly debatable--Whether the federal government is empowered to do so is not. Being stupid or brilliant to one's sole disadvantage or advantage, respectively, is exactly what liberty is all about.
- Today's second legislative step towards a national police state can be found in H.R. 3811, the Deadbeat Parents Punishment Act of 1998. This bill enhances a federal criminal felony law for those who fail to meet child support obligations as imposed by the individual states. Additionally, the bills shifts some of the burden of proof from the federal government to the accused. The United States Constitution prohibits the federal government from depriving a person of life, liberty, or property without due process of law. Pursuant to this constitutional provision, a criminal defendant is presumed to be innocent of the crime charged and, pursuant to what is often called 'the Winship doctrine,' the prosecution is allocated the burden of persuading the fact-finder of every fact necessary to constitute the crime . . . charged.' The prosecution must carry this burden because of the immense interests at stake in a criminal prosecution, namely that a conviction often results in the loss of liberty or life (in this case, a sentence of up to two years). This departure from the long held notion of 'innocent until proven guilty' alone warrants opposition to this bill.

- Perhaps, more dangerous is the loss of another Constitutional protection which comes with the passage of more and more federal criminal legislation. Constitutionally, there are only three federal crimes. These are treason against the United States, piracy on the high seas, and counterfeiting (and, as mentioned above, for a short period of history, the manufacture, sale, or transport of alcohol was concurrently a federal and state crime). 'Concurrent' jurisdiction crimes, such as alcohol prohibition in the past and federalization of felonious child support delinquency today, erode the right of citizens to be free of double jeopardy. The fifth amendment to the U.S. Constitution specifies that no person be subject for the same offense to be twice put in jeopardy of life or limb . . . ! In other words, no person shall be tried twice for the same offense. However, in United States v. Lanza, the high court in 1922 sustained a ruling that being tried by both the federal government and a state government for the same offense did not offend the doctrine of double jeopardy. One danger of unconstitutionally expanding the federal criminal justice code is that it seriously increases the danger that one will be subject to being tried twice for the same offense. Despite the various pleas for federal correction of societal wrongs, a national police force is neither prudent nor constitutional.

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- The argument which springs from the criticism of a federalized criminal code and a federal police force is that states may be less effective than a centralized federal government in dealing with those who leave one state jurisdiction for another. Fortunately, the Constitution provides
-
- for the procedural means for preserving the integrity of state sovereignty over those issues delegated to it via the tenth amendment. The privilege and immunities clause as well as full faith and credit clause allow states to exact judgments from those who violate their state laws. The Constitution even allows the federal government to legislatively preserve the procedural mechanisms which allow states to enforce their substantive laws without the federal government imposing its substantive edicts on the states. Article IV, Section 2, Clause 2 makes provision for the rendition of fugitives from one state to another. While not self-enacting, in 1783 Congress passed an act which did exactly this. There is, of course, a cost imposed upon states in working with one another than relying on a national, unified police force. At the same time, there is a greater cost to centralization of police power.
- It is important to be reminded of the benefits of federalism as well as the costs. There are sound reasons to maintain a system of smaller, independent jurisdictions--it is called competition and, yes, governments must, for the sake of the citizenry, be allowed to compete. We have obsessed so much over the notion of 'competition' in this country we harangue someone like Bill Gates when, by offering superior products to every other similarly-situated entity, he becomes the dominant provider of certain computer products. Rather than allow someone who serves to provide values as made obvious by their voluntary exchanges in the free market, we lambaste efficiency and economies of scale in the private marketplace. Yet, at the same time, we further centralize government, the ultimate monopoly and one empowered by force rather than voluntary exchange.
- When small governments becomes too oppressive, citizens can vote with their feet to a 'competing' jurisdiction. If, for example, I do not want to be forced to pay taxes to prevent a cancer patient from using medicinal marijuana to provide relief from pain and nausea, I can move to Arizona. If I want to bet on a football game without the threat of government intervention, I can move to Nevada. If I want my income tax at 4% instead of 10%, I can leave Washington, DC, for the surrounding state suburbs. Is it any wonder that many productive people leave DC and then commute in on a daily basis? (For this, of course, DC will try to enact a commuter tax which will further alienate those who will then, to the extent possible, relocate their workplace elsewhere). In other words, governments pay a price (lost revenue base) for their oppression.
- As government becomes more and more centralized, it becomes much more difficult to vote with one's feet to escape the relatively more oppressive governments. Governmental units must remain small with ample opportunity for citizen mobility both to efficient governments and away from those which tend to be oppressive. Centralization of criminal law makes such mobility less and less practical.
- For each of these reasons, among others, I must oppose the further and unconstitutional centralization of power in the national government and, accordingly, H. Res. 423 and H.R. 3811.

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[Page: H3045]

- Mrs. ROUKEMA. Mr. Speaker, I rise today in support of the Deadbeat Parents Punishment Act of 1998. I thank Mr. **Hyde** for introducing this measure and for supporting the right of children to receive the support payments to which they are legally and morally entitled.
- Mr. Speaker, I have spent many years working on the issue of child support enforcement. As part of that work, I had the honor of serving on the U.S. Commission on Interstate Child Support Enforcement. This commission conducted a comprehensive review of our child support system and issued a series of recommendations for reform. I am pleased to be able to say that many of those recommendations have been made part of federal law.

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- This bill will help the States identify these parents residing in different States than that in which the order was initially issued and hold them accountable for failing to pay child support, by making it a felony under Federal law with punishments of fines and jail sentences. Additionally, the parent will still be responsible for making restitutions of all unpaid child support which is still owned at the time they are sentenced.
- Accordingly, I urge my colleagues to join in supporting this measure which will help our Nation's children and make parents assume their responsibility for their children.

Mr. WEXLER. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. McCOLLUM. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida (Mr. McCollum) that the House suspend the rules and pass the bill, H.R. 3811.

The question was taken.

Mr. McCOLLUM. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I and the Chair's prior announcement, further proceedings on this motion will be postponed.

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- One of the recommendations of the commission was that willful non-payment of support should be made a criminal offense. We have already done that under federal law. Federal law currently carries a six-month jail term for deadbeats who refuse to pay. Willful failure to pay child support is a misdemeanor.
- This bill today toughens the federal law by making willful non-payment of child support a felony. It maintains the six-month jail term for first-offenders and establishes a prison sentence of up to two years for second offenders. It also requires that deadbeats who are convicted and sent to jail still have to pay the support that they owe.
- In addition, there is an important legal distinction in making this crime a felony. A felony conviction carries more than just a jail term. A convicted felon loses the right to vote, to be licensed in many professions, to hold public office and many other rights.
- This is a good bill and it will be a good law. But we must not stop here.
-
- This bill applies only to non-support cases that cross state lines--when the deadbeat parent and his or her child live in different states, or when the deadbeat moves to another state to avoid payment. It does not apply to deadbeats who live in the same state as their children. We must pass legislation requiring that the states make non-payment of support a criminal offense under state law as well. Only then will all the children who are not receiving support get the legal protection to which they are entitled.
- The federal government has wisely adopted federal criminal penalties for those who cross interstate lines to avoid child support. But to reach everyone, states should use criminal penalties for those who choose to ignore their legal, financial and moral obligations.
- Mr. Speaker, it is a national disgrace that our child support enforcement system continues to allow so many parents who can afford to pay for their children's support to shirk these obligations. The so-called 'enforcement gap'--the difference between how much child support could be collected and how much child support is collected--has been estimated at \$34 billion!
- Failure to pay court-ordered child support is not a 'victimless crime.' The children going without these payments are the first victims. But the taxpayers are the ultimate victims, when the parents who have custody are forced onto the welfare rolls for the lack of support payments being withheld by deadbeats.
- Mr. Speaker, let's make deadbeats pay up or face the consequences. Let's let them know that they can run, but they can't hide.
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- Mr. GILMAN. Mr. Speaker, I rise today in support of H.R. 3811, which establish felon violations for parents who fail to pay child support. This legislation will help encourage non-custodial parents to pay their court ordered support payments in a timely fashion or face a substantial fine or up to \$10,000 and/or a prison sentence of up to 2 years.
- The purpose of this bill is to help local law enforcement officials collect outstanding court-ordered child support payments. This will be especially helpful in situations where the parent has moved to another State in the hopes of avoiding paying child support. There are far too many cases of this occurring in our Nation each year. The children are the ones who are being hurt the most. Those 'dead beat parents' who refuse to take responsibility for their children and pay child support, as ordered by the court, should be ashamed of themselves. These support payments are supposed to be used for their children's basic needs such as, clothing and schooling, and in most cases, this additional money is desperately needed in order to provide a decent life to these children.
- Just one example of how this failure to pay affects families is in the quality of child care received. Because the parents are divorced and the custodial parent must work, these support payments are used to help defray the cost of child care for their children. When a parent refuses to make their child support payments, the custodial parent has to make choices and if they have to choose between buying groceries and using the best day care center in town, a parent would have to choose the former. However, the child still needs to be in day care, and they may not be able to attend the best facility available. As a result, the children are unnecessarily put in harm's way, because their parent dodged his or her responsibilities and denied his child monetary assistance.

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THE WHITE HOUSE

Office of the Press Secretary
(Monrovia, California)

For Immediate Release

July 22, 1996

REMARKS BY THE PRESIDENT
TO THE CITIZENS OF DENVER

Buell Theater
Denver, Colorado

9:35 A.M. MDT

THE PRESIDENT: Thank you. Ladies and gentlemen, thank you for that wonderful welcome. Thank you, Mayor Webb, for your leadership and for your extraordinarily powerful personal statement. Thank you, Governor Romer, for being my friend for such a long time now, and for being a shining example of the best in public service. Thank you all for keeping him on the job.

Ladies and gentlemen, before I begin my remarks today I'd like to say just a word about an issue that I believe is on the minds and hearts of all Americans -- the ongoing recovery operations involving TWA Flight 800.

This is a very long and difficult period for the families and loved ones of the people who were on that plane. It is literally an agonizing process, made worse by the fact that the weather has been so poor and that many of the things that would have been done by now have not been able to be done.

I want the families to know that I am working as hard as I can to speed this process and to make it as easy as possible. I've asked the relevant federal agencies to provide pathologists to the recovery teams in New York if they're requested by the state. And we are working very, very hard to get to the bottom of this. We will do that, and we will give them the answers they seek as soon as we possibly can.

Meanwhile, I ask the rest of you to keep them in your prayers. It is this awful hanging fire that is a difficult and agonizing thing for them. We can all imagine how we would feel if we were in their place. And so I ask you to keep them in your prayers, and I assure you that we will do everything we can to get to the bottom of this as quickly as possible.

Let me say I have come here to Denver today, as the Governor and the Mayor said, to discuss the issue of welfare reform and specifically to talk a little bit about the child support issue. But I want to put it into a larger context of where we are as a people -- why this is important and what we're trying to do together to get ready to march into that new century just four years away.

Denver's a good place to do this. This is a city that believes in itself and in the future, and America needs to believe in itself and in its future. Denver is clearly getting ready for a new century only four years away. I arrived last night at your new airport, the first one of its size in 20 years. I now am speaking in this incredible arts complex, the second biggest in America, looking at this

wonderful auditorium that is lined with sandstone that I'm told was hewn right out of the beautiful mountains that are just beyond these walls. This is a large-minded place. And America needs to be large-minded as we stand on the threshold of this new century.

Because the information age is so dramatically changing the way we work, the way we live, the way we relate to each other and the rest of the world, the next generation of Americans is literally going to have more opportunities to live out their dreams than any generation of Americans in history. The young people that are in this audience today, within a matter of ten years will be doing jobs that have not even been invented yet. Some of them have not been conceived yet.

So this is going to be a very exciting time, full of enormous possibility. But as is inevitable in the human condition, it will also have some very stiff challenges. We know that the very things that make the world more exciting, more open -- the rapid movement of information and ideas and capital and technology and people -- from community to community, from state to state, from nation to nation -- all that openness and speed that brings so many new opportunities also impose new challenges on us that are economic, that are social, that deal with our very essence of security.

We know, for example, that there are more economic opportunities, but the people without the education to take advantage of them may be left behind. And so the very prosperity that is coming to our country, if we don't work very hard at it, can increase inequality among working families, not just poor families on welfare.

We know, for example, that this great mobility that we have and all the choices we have as consumers, and our ability to stay before a computer or a cable television for hours on end may isolate us, one from another, and further strain the fragile bonds of community. We know that if people have too many individual choices, they may neglect their responsibilities to others and to the community at large.

We know that the more open our society is to good things moving around, the more vulnerable we become to the organized forces of destruction. We know that you can get on the Internet, for example, and if you know how to plug in you can learn how to make a bomb like the one that destroyed the Federal Building in Oklahoma City.

So the trick for us is to meet the challenges of this new age and protect the values that have sustained America through more than 200 years of life. That is the way to make the future the best time for America.

When I sought this job I had a simple vision for what I wanted America to do as we stand on the threshold of this new century. I wanted us to make sure that the American Dream was alive for everybody who was willing to work for it without regard to their race, their gender, their background, their station in life. I wanted this to be a country that was coming together, not being divided by racial and ethnic and religious forces that are tearing the world apart in other places on the globe. And I wanted our country to continue to be the world's leader for peace and prosperity, for security and for freedom.

Yes, the Cold War is over and we are trying to complete its unfinished business of reducing the nuclear threat, and reconciling ourselves to former communist countries. But we must recognize that there are new security threats and we must recognize that there are continuing responsibilities on the United States if we want our children to have a safe world to live in.

Now, to me, there is a simple formula that I try to keep in mind every day about how we ought to approach this. We need to create

opportunity for all Americans; we need to insist on responsibility from all Americans; and we need to do everything we can to create a greater sense of community in this country -- a sense that we're all in this together.

Today I want to talk mostly about responsibility, but let me just mention a few things about the other issues. This issue of community could hardly be more important. I worked so hard to get the Congress to create the national service program, AmeriCorps -- (applause) -- to give now 45,000 people, by the end of this year as many as 60,000 young people, the chance to serve in their communities, meeting challenges in their communities, and earning the money to go to college, and opening that program to people right across the income spectrum because I wanted a symbol of the way we ought to work together. I wanted it to stand as sort of a cross between a domestic Peace Corps and a domestic G.I. Bill, so that we could pull people together and move forward together into the future.

We worked very hard to help people in our country deal with racial differences. I tried to take the affirmative action issue, for example, out of politics and into real life, and say we ought to mend it, but not end it, as long as we have continuing discrimination in our country. (Applause.)

We've tried to find a way to help people with profound religious convictions express those convictions even in public forums without violating the First Amendment.. We've worked especially hard with our schools on that issue -- trying to reconcile the differences between us so that we can respect our diversity and grow stronger because of it.

If you look around in this room today and you see all the different backgrounds from which we come, if you watch the Olympics and you look at the American team, depending on what sport and what athlete, you could think you were watching someone from Europe, from Scandinavia, from the Middle East, from Africa, from Latin America, from Asia. They could all be on America's team because we are not a one-race nation. We're a nation bound together by shared ideals and shared values and shared convictions. (Applause.)

So whether it's abroad and trying to help deal with the ethnic problems in Bosnia, or the religious problems in Northern Ireland, or the difficult problems in the Middle East, to the tribal butchery in Rwanda where our people went and saved so many lives, we tried to live our sense of community and our conviction about it.

We've also tried to help parents and working people deal with what I think is one of the most significant challenges to preserving the American community in America today, and that gets me into the other two issues. And that is the inherent tension that so many people feel between work and family, especially in this economy.

The truth is that the average working family is now spending more hours at work and less hours at home, fewer hours at home, than 25 years ago. A stunning statistic. So much for the proposition that there are a lot of lazy Americans.

But what we want is to be able to succeed at home and at work. And what we want is to understand that our most important job is raising our children, but we also have to do a good job at the other work of America so that we can create opportunity for people, to give them the opportunity to raise their children and have their lives and live out their destinies.

And reconciling those two things has been very difficult indeed. That's why I fought so hard for the Family and Medical Leave

Act. That's why I fought to give families the -- (applause.) That's why I fought to give families the tools they might need to help their child-rearing efforts in the V-chip and getting the -- challenging the entertainment industry to rate television programs and trying to stop television advertising --or, excuse me, trying to stop advertising across the board from being aimed at children to get them to buy tobacco products, which is illegal and the biggest public health problem in the country. (Applause.)

If you look at the problem of community in a microcosm as the problems of families in neighborhoods -- trying to succeed at home and succeed at work, it leads you to the other two issues -- opportunity and responsibility. The first responsibility of government, after providing for the security of the country, is to try to create an environment in which people have the ability to succeed, and then give people the tools they need to succeed -- so that when I became President we had to, first of all, get our economic house in order. We had, four years ago, the slowest job growth since the Great Depression. We had a very stagnate economy, unemployment was nearly 8 percent. We had quadrupled the debt in four years. The deficit was at \$290 billion a year and going higher.

And so we, first of all, said, look, we have to turn this around. And we had a simple strategy: Get the deficit down to get interest rates down, so people would invest in America. Expand trade to sell more American products. And invest in the basic things that Americans need to succeed.

Now, three and a half years later, the deficit has been cut from \$290 billion -- this year it's projected to be \$117 billion -- more than a 60-percent cut in four years. (Applause.) This is the first administration in which the deficit has been cut in all four years since the 1840s. And I'm proud of that. (Applause.)

The interest rates dropped. The economy produced 10 million jobs -- over 300,000 here in Colorado. The unemployment rate has dropped and the combined rates of unemployment, inflation and home mortgages is at the lowest they've been in almost 30 years. So we have turned the big economy around. (Applause.) It is the soundest its been in a generation.

Nothing reflects that more than what happens to home ownership. In the 12 years before I took office, believe it or not, the rate of home ownership in America had actually gone down significantly, partly because of the enormous pressure on interest rates and home mortgage rates aggravated by our massive debt. We have been determined to give the American people more chances to live out their dreams. The deficit cut helped drive interest rates down and the home ownership strategy that Secretary Cisneros devised in partnership with the home-building interests around our country was designed to broaden and deepen the ranks of home owners.

Among other things, one of the things that we did that I'm proudest of is that we have cut \$1,000 off the average closing costs for the average first time home buyers -- young couples trying to get into their homes for the first time. It's made a real difference. (Applause.)

Today we know we've got almost 4 million new home owners in the last three and a half years. We've got 8 million home owners who have refinanced their mortgages because of lower interest rates. And the Department of Commerce reported that home ownership is at its highest rate in 15 years. And over the past two years it grew at its fastest rate in 30 years. This strategy is working for the benefit of ordinary Americans, and we need to keep on the path we're on. We need to keep working for this.

to keep working for this.

Now, we certainly have more to do. We need to balance the budget, but do it in the right way. We don't have to destroy our commitment to the environment or to education, or wreck the Medicaid program or create a two-tiered system of Medicare that's unfair to the oldest, the poorest and the sickest elderly Americans. We don't have to do that. But we do have to balance the budget.

We ought to pass the Kassebaum-Kennedy bill to basically guarantee what you've tried to do here -- you don't lose your health insurance if you have to change jobs or if someone in your family gets sick. (Applause.)

The minimum wage bill that Mayor Webb mentioned has been passed by Houses of Congress, but they haven't both passed the same bill and sent it to me. So it's not a done deal yet. But you should know that that bill is important to me for two reasons, not just one: In addition to the minimum wage, the bill also increases incentives to small businesses to invest in their business -- because that's where most new jobs are being created -- and passes most of the retirement reforms I asked for to make it easier for people in small businesses or self-employed people to take out and maintain retirement even when the business is down or when they have to change jobs.

We have to make available a secure retirement not just for those of us who are fortunate to work for bigger businesses or for government, but for people who work in small business, as well. So that bill needs to pass for the minimum wage and the retirement reforms and the investment incentives for small businesses. These things need to be done and done now. (Applause.)

But I have to tell you, of all the opportunity initiatives we could take -- and I'm betraying my long partnership with your Governor now -- the most important thing we could do is to increase the quality and the availability of education to all Americans. (Applause.) For as long as we've been around, educational opportunity has been an advantage to most people. After World War II, the G.I. Bill literally helped us to build the biggest middle class in the history of the world. But today -- today -- education is critical to the ability of families to keep up, much less to move ahead.

Now, we've made a lot of proposals, but I just want to emphasize two today. First of all, it is imperative that we give the same standard of educational opportunity to people in isolated rural areas and inner city poor schools that others have. And one of the ways to do that is to connect every classroom in the country to the Information Superhighway by the year 2000 and train the teachers to use it, so that all that information will be available to all of our children. (Applause.)

The other thing I believe we have to do is to continue to break down the barriers to people going to college and staying there until they get an education. (Applause.) I believe strongly that one of the most important things our administration has done is to change the college loan system, so that people can borrow money at lower costs with less hassle and then pay it back as a percentage of their income. So there is never an incentive not to borrow money to go to college because you can limit your annual repayment rates.

But I think we should do more. I have recommended that we give a deduction of up to \$10,000 a year for the cost of college tuition for people without regard to their age. And I believe we should make universal -- universal -- the availability of at least two years of community college to every American, which means a tax credit of \$1,500 a year for two years. (Applause.)

Now, if we were to put in place that structure of opportunity it would be easier for people to succeed at home and at work, and for us to realize our vision of an America with the American Dream alive, coming together instead of being divided, strong and self-confident enough to lead the world toward peace and freedom.

The other thing we have to do, however, is to put in place a system in which we get more responsibility from all Americans. We have to continue to work the take our streets back from guns and gangs and drugs and violence. (Applause.) We can never eliminate crime and violence altogether. And sometimes people ask me -- they say, well, the crime rate has come down for four years in a row. And I say, that's very good, but it's still too high. I'm glad it's down four years in a row, but it's still too high. And I'm worried about the fact that violence, random violence among young people between the ages of 12 and 17 continues to go up. Cocaine use is down by about a third, but random drug use among people between the ages of 12 and 17 has been going up since 1991. So that concerns me.

And my test will be -- you ought to figure out what your test would be. I guess your test would be when you feel safe walking on your streets in your neighborhood. But my test will be, is when we can all go home at night and turn on the evening news, and if the lead story is a crime story, we are shocked instead of numbed by it. We're actually surprised because we've reached a point in our country where it is the exception, not the rule. And I'm here to tell you we can make violent crime the exception, not the rule, in America again if we do the right thing. And I am determined to do it. (Applause.)

Our anticrime strategy: Put 100,000 police on the streets in community policing. Increase neighborhood watch patrols; involve neighbors in their own efforts. Do more things to help people deal with the problems that juveniles have. Support community curfews. Support stronger truancy laws. Support summer jobs and activities and drug education and prevention programs, as well as punishment programs. Support positive things for young people to keep them out of trouble in the first place. Ban the assault weapons that we banned and enforce the Brady Bill. (Applause.) And follow a comprehensive strategy against crime that is tough on crime, but tries to prevent young people from becoming criminals.

That is our strategy. And it is working. The crime rate has come down for four years in a row. We had the awfulest hullabaloo you ever heard when we passed the assault weapons ban and the Brady Bill. And to hear the folks on the other side tell it, we had brought an end to an American way of life -- never be another hunting season in Colorado or Arkansas. (Laughter.) They had people so lathered up in the election two years ago you couldn't talk to them. But you know what? All those same folks got it figured out now because they've had two more hunting seasons and nobody lost their rifle. But 60,000 felons, fugitives and stalkers could not buy a handgun because of the Brady Bill. It was the right thing to do. (Applause.)

The other day we had an announcement in Washington with the Vice President and members of the Cellular Telephone Association in which they committed 50,000 telephones -- just the first installment -- programmed to call the local police department, fire department and hospital to give to neighborhood watches. We now have 20,000 neighborhood watch associations in America. We have millions of people in it. I challenged another million Americans to join.

We have to do our part, too, as citizens -- but I'm telling you, we do not have to live with intolerable crime levels. We do not have to live with juvenile crime rates going up. We have to find ways to be very tough with people who do terrible things, but we also got to give these kids some things to say yes to. We can't let them raise

give these kids some things to say yes to. We can't let them raise themselves and then wonder why they turn out to be in trouble. (Applause.)

Now, it is in that context I want you to see the welfare reform debate, because welfare reform is about responsibility, all right, but it's also about opportunity. What do you want from all these poor folks that are on welfare? What do you want from them? They all have kids. Ask yourselves, what do you want? You want them to have kids that turn out to be the Mayor of Denver, right? Isn't that what you want? (Applause.) This is what I ask Congress to think about when they think about welfare reform. We want those families to be able to do what we want middle-class families to do, and they're struggling to do as well -- succeed at home and at work. That's what we want.

Now, it's true that I have vetoed two previous bills that had the label "welfare reform" on it, because I didn't think they were welfare reform. (Applause.) And it wasn't because they were too tough on work, it was because they were too tough on kids. And if you don't succeed at home, whether you're poor or rich or somewhere in the middle, then your work life won't compensate for it in terms of the impact on your own family and on society at large. But if you don't succeed at work, then it's very difficult to build a network of successful homes.

That's why this is so hard. So we decided we would take a different tact while trying to work with Congress, and that I would use the power given to the President under the 1988 welfare reform law to just waive federal rules and regulations for states that wanted to find new ways to move people from welfare to work in a way that helped them raise their children. Colorado was one of 40 of the 50 states to get welfare reform experiment waivers. There have been a total of 67 of these issued now, with more to come.

Now, the results have been pretty impressive. Already -- this is something hardly anybody in America knows -- but three-quarters of the welfare families in America today are under new rules requiring them to make extra efforts to move from welfare to work. And the results have been significant.

The New York Times said that we had effected a quiet revolution in welfare. Sometimes I wish it weren't so quiet, I wish more people knew about it. But the fact is there are 1.3 million fewer people on the welfare rolls today than there were the day I took the Oath of Office and about a million fewer on the food stamp rolls. (Applause.) In Colorado, the rate has dropped by 18 percent in three years. That's astonishing -- 18 percent in three years. (Applause.)

Now, some of that is due to the improving economy -- but that's a good argument for good economic policy. But some of it is due to our learning what it takes to move people trapped in dependency to independence and interdependence with the rest of us so they can raise their children and succeed in the workplace.

I do believe we need to finish the job. We can do some things with waivers. I'll give you some other examples. Oregon, Missouri, and most recently Wisconsin, have asked for permission to take the welfare check -- this is quite interesting -- because they know that there's not enough money to just have the government pay for jobs for people who can't get jobs in the private sector, so they've asked for permission to take the welfare check and actually give it to private employers as a wage supplement for eight or nine months to encourage people to hire folks at a decent wage and train them. And they figure -- and I think they're right -- that even if when the supplement ends, somehow the employers can't afford to keep folks on the payroll, at least they will have had nine months of work experience, something on their resume learning how to succeed in the workplace. And a lot of

their resume learning how to succeed in the workplace. And a lot of people will be kept full-time. I think that's the kind of idea we want. (Applause.)

And Wisconsin has proposed to go further and to give these folks continuing health care and child care support and actually to extend child care and health care coverage to low-wage workers who have not been on welfare, to keep them from falling into welfare. Now, these are good ideas. (Applause.) In return for that, the sort of hammer they want, the tough thing they want, is to require people to enroll and to be available for jobs from the day they sign up for welfare, not a year or two later. I think that's fine, if you're going to give somebody a job in health care and child care, what more can you ask?

But these are the kinds of things we can do with the waiver system. But it's not enough. We would be better off if we could pass a welfare reform bill in Congress. And I want to explain why. Number one, it would be good to end this waiver process and simply set up a framework to the states and say: here's your money; do these things, and you figure out how to do them. Don't come to us for permission. You know more about than we do. Figure out how to do them. But you ought to require strict time limits; you ought to require work; you ought to provide child support; and you ought to enforce the child support laws of your state better. Now, that's what I think the framework would do.

We are very close to this agreement on these basic elements. And we shouldn't let the opportunity slip from our grasp. But neither should we pass a bill that says welfare reform at the top, but really winds up still being very tough on children, including children from already working families.

So what I'm doing now is working very hard with the Congress. I hope and expect to sign legislation that does move people from welfare to work and does support instead of undermine the raising of our children.

This should not be a party issue. All Americans ought to want this system changed. And I hope very much that Congress will pass a bipartisan bill that meets those standards. If it does, I think it would have almost unanimous support from the American people. And I believe it can be done before Congress leaves for town for its vacation in August.

So I want you to join me in saying to the members of Congress, whether you're a Democrat or Republican, get together, don't be hard on kids, be tough for work, be good for the kids. Let's try to help all families succeed at home and at work. We've got enough experiments. We've moved enough people off welfare. We know what works. Let's pass this bill and get on with it and do it now. That's what we need to do. (Applause.)

I want to mention one thing that's very important that's often not talked about in welfare, although the Mayor and the Governor talked about it, and that's child support enforcement. There's no area where we need more personal responsibility than child support. The best provisions of the welfare bill moving through Congress are those that relate to child support because they would give us greater capacity to collect child support across state lines. About -- well, slightly more than a third of all the child support cases where child support is delinquent in America today are cases that cross state lines. That's one of the main reasons we need this national legislation.

This is a big hidden social crisis in America today. If every person in this country paid the child support they're legally obligated to pay and that they can pay, we could move 800,000 women and

children off the welfare rolls today. That's what a problem it is.
(Applause.)

So let me just echo what the Mayor and the Governor said. Governments can do a lot of things, but they don't raise children; people raise children. And if parents don't do it, very often the kids are left out there on the streets raising themselves with absolutely horrible consequences.

And there are a lot of single-parent families in this country today where the single parent's doing a fine job. And since I lived in one for a time in my life, I'm proud to say that I know that can happen. (Applause.) I also know that no child gets here with one parent alone. And no one should be able to escape responsibility for bringing a child into this world. That is the first and most important responsibility. We cannot talk about how we need more responsibility from all of our citizens when we've got a child support collection system that is a national scandal, and people believe they can bring kids in the world and turn around and walk off from them and never lift a finger to help them make their way through life. That is wrong, and we have to change that.

And we can change it in the beginning by simply collecting the child support that is owed, that is payable, that people can pay that they don't pay. There's a lot more work we need to do with young parents, principally young fathers, by helping them understand what their responsibilities are and then structuring opportunities for them to fulfill it. But we can just begin by collecting the child support.

You cannot imagine how many women and children are thrown into poverty simply because the responsible parents, usually the father, walks away and leaves them without any money and won't help. This puts mothers who are trying to raise their kids under terrible pressure. A lot of women out there working two jobs, working at night, worried sick about their kids, can't afford the child support -- I mean, excuse me -- can't afford the child care. All of the other problems working families face are aggravated many times over by families that have a single parent raising the kids with no help from child support -- every other one.

And if you're in a position where you've had these problems, trying to raise your child and work and do all these things, you know how much worse it is if child support is owed and not paid. This is a moral outrage and a social disaster. It is simply -- and it's wrong when people say, well, the taxpayers will pick up the bill. Well, the taxpayers may pick up the bill to some extent, but it's rarely enough. And secondly, it is a cold, inadequate substitute for having a parent do the right thing. (Applause.)

So let me tell you, this legislation would help us to make it easier to collect child support across national lines. It would require every state in the country to follow Colorado's lead in the revocation of a driver's license. It would get us employer's help when people change jobs and move across state lines because there would be an employer registry that we could refer to for the collection of child support that's due across state lines. That's why this legislation is needed.

There are a lot of things that can be done now. We're now tracking down deadbeat parents so that they can't skip out by crossing the state line. We're requiring states to establish programs at hospitals to find out the identity of fathers at the time a baby is born. Two hundred thousand fathers have been identified through this program.

Earlier this year I took action to require mothers to identify the fathers or risk losing their welfare benefits. I signed an executive order to make sure every employee of the federal government pays his or her child support. We ought to be setting a good example in the federal government before we preach to others to do the same. We are now a model employer in that regard. We've been working with states to do more. And one of the reasons I wanted to make this statement here today is that Colorado has one of the finest programs in the country to find deadbeat parents and make them pay. I want every state to do as well. Together, we can all do better.

Now, all these efforts are making a difference. Compared to four years ago, child support collections are up 40 percent -- from \$8 billion a year to \$11 billion a year. That's the good news. Paternity identification is up 40 percent. That's the good news. The bad news is we could double that increase again and still be under what is strictly legally owed. We've got to keep going on this issue.

I'm pleased to announce today that the Postal Service is going to work with states to post wanted lists of parents who owe support. I challenge every state to develop such a list if they don't have one already. (Applause.) That may seem cruel to you, but think of it this way: Keep in mind, if there's an order outstanding, a judge has made a determination that the payment can be made -- that is, that the parent can actually physically afford to make the payment. Now, that may seem cruel to you, but people take it as routine to walk in the Post Office and see somebody who robs a bank or a 7-11. As bad as that is, if nobody's hurt it's not as bad as robbing our children of their future. That's the biggest robbery of all. (Applause.)

I've also directed the Justice Department to work with states to strengthen their own penalties and prosecutions for those who don't pay child support. I want the prosecutors to be able to track down these parents and tell the courts to make them pay. And, if necessary, even to be able to send them to jail if they refuse.

The third thing we're doing is to harness the potential of the Internet. This is amazing -- 19 states -- 19 states have web sites whereby just literally clicking with your mouse families can find out how to collect and look for the most wanted deadbeat parents. Today, the state of Colorado was announcing that it will start a web page. (Applause.) This page will be connected like the others are to the computer site that's run by the national government.

There's a lot of things the Internet can be used for, and they're not all good. This is a good thing we can use technology for, to instantaneously get this information out all across America and make it available to anybody who can access a computer.

And finally let me say I want to renew my challenge to every state to follow the lead of Colorado with the driver's license revocation. The statute we're working for, if we get welfare reform, will require it anyway, but the states ought to do it because it's right.

Now, we are saying by these strong actions and our efforts to pass welfare reform, you have to behave responsibly. And if you owe child support, you better pay it. If you deliberately refuse to pay it, you can find your face posted in the Post Office. We'll track you down with computers. (Applause.) We'll track you down with law enforcement. We'll find you through the Internet. Not because anybody has a particular interest in humiliating someone, but because we have got to find a way if we want to go into the 21st century as a great nation to succeed at work and at home. And it has to begin with parents doing their part. The government can never substitute for that. (Applause.)

That last thing I'd like to say about this whole thing is that, as you know, there are limits to how much all these enforcement mechanisms can do. We need to find a way to move into the modern world taking maximum advantage of all the changes that our age offers and still getting back to the basic sense of right and wrong that we know about our obligations to our children and to our future.

In the 1830s, when Alexis de Tocqueville came here, he said, "America is great because America is good. If America ever stops being good, she will no longer be great." That is still true.

When I visited our Olympians with Hillary a couple of days ago and we met young people from other countries, all they wanted to talk to me about was what they thought about America -- an Irish athlete thanking me for our efforts to end the violence in Northern Ireland; a Croatian athlete thanking me for Secretary Brown's trade mission that ended so tragically just because he and these businesspeople were trying to help those folks put their lives back together, and thanking me that Secretary Kantor had finished the mission; a Palestinian athlete saying that his people were an old people, but they never had an Olympic team until they made peace with Israel, and saying that a lot of them wanted to keep that peace and keep it going.

These are things that we represent to other people, things that are good. Things that make people whole. Things that enable people to live out their dreams. And somehow with all this excitement of the modern world and all these personal choices and all these personal challenges, we have to find a way to remember that in the end what makes us great is living out our dreams in a way that build strong families, strong neighborhoods, strong communities and a strong country.

And if we could just keep in mind every day that the choices we make as citizens and as workers and as parents will affect what this country looks like when our children are our age, I think we'd make the right decisions. And America's best days, therefore, are still before us.

Thank you very much, and God bless you. (Applause.)

END

10:20 A.M. MDT

National Directory of N

Includes 3 things =

- new hires
- quarterly
- unemployment

1,032,352

State by state #s

Reports

1,283,756 Duplicated

overlap

→ 2 addresses for one individual

Withdrawal/Redaction Marker

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001. email	David Ross to Cynthia Rice re: Marilyn Kane (partial) (1 page)	06/22/98	P6/b(6), b(6)

**This marker identifies the original location of the withdrawn item listed above.
For a complete list of items withdrawn from this folder, see the
Withdrawal/Redaction Sheet at the front of the folder.**

COLLECTION:

Clinton Presidential Records
Domestic Policy Council
Cynthia Rice (Subject Files)
OA/Box Number: 15428

FOLDER TITLE:

Child Support-Felony to Cross State Lines

rx20

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

- P1 National Security Classified Information [(a)(1) of the PRA]
- P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
- P3 Release would violate a Federal statute [(a)(3) of the PRA]
- P4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA]
- P5 Release would disclose confidential advise between the President and his advisors, or between such advisors [(a)(5) of the PRA]
- P6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA]

C. Closed in accordance with restrictions contained in donor's deed of gift.

PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).

RR. Document will be reviewed upon request.

Freedom of Information Act - [5 U.S.C. 552(b)]

- b(1) National security classified information [(b)(1) of the FOIA]
- b(2) Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]
- b(3) Release would violate a Federal statute [(b)(3) of the FOIA]
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- b(7) Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]
- b(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
- b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]



David G Ross <dross @ acf.dhhs.gov>
06/22/98 12:03:05 PM

Please respond to dross@acf.dhhs.gov

Record Type: Record

To: Cynthia A. Rice/OPD/EOP

cc: John Monahan <jmonahan @ acf.dhhs.gov>, Michael Kharfen <mkharfen @ acf.dhhs.gov>

Subject: Marilyn Kane

Cynthia - here is the address and telephone number for Marilyn Kane. She would be a wonderful spokesperson. Her picture was on the cover of People Magazine about two years ago and her story was featured. Her ex-husband was arrested under the current law.

Marilyn Kane
330 East 38th St. Apt 16-N
New York, New York 10016
Telephone: 212 686 4949
DOB: May 3, 1948
SSN: [REDACTED]

PL/B6

If you want to talk to her with me, please page me at:
888 709 2775, leave a number and I will call you right back.

Thank you,

David Ross

PS - I am submitting the other names through Michael Kharfen.



Karen E. Skelton

06/22/98 12:33:25 PM

Record Type: Record

To: Diana Fortuna/OPD/EOP, Cynthia A. Rice/OPD/EOP

cc:

Subject: Prosecutors

I have a few ideas of prosecutors who have taken these cases to trial. One is Nash Schott, and the other is Rob Chestnut. Both are in the Eastern District of VA, Alexandria.

I will call them if you want. Please advise.

Also, can I see the "stories" you have, just out of curiosity? They are probably not familiar, but I might know something about them

Thanks.

Roosevelt Room

Diana Fortuna

06/21/98 08:30:25
PM

Record Type: Record

To: Cynthia A. Rice/OPD/EOP

cc:

bcc:

Subject: Re: My biggest worry about child support signing ceremony

*4 real people
8-10 members
Shalala
Reno
JP*

I totally agree with you. And I'm not sure it is under control. This Tania Lopez from women's office/OPL is supposedly looking into it, but no idea of what she's come up with yet. Furthermore, since the only WH conference call we've had on this didn't include Leg Affairs, that hookup isn't happening. Supposedly Peter Jacoby and Janelle Erickson are the Leg Affairs people. I am trying to get all these folks on my 10:30am Monday conference call, to see if that will help.

67300

It's definitely a small crowd -- 15-17 people total, minus Reno/Shalala and members. Another 10 could fit behind the pool if necessary. Tania acted like she needed 8-15 people from the advocate world, but I'm not sure she knows the right people to invite!

It would be great if you had time to intervene on this.

Reno from

Cynthia A. Rice

*Hayes
Kohl*



Cynthia A. Rice

06/21/98 01:18:04 PM

Record Type: Non-Record

To: Diana Fortuna/OPD/EOP

cc:

Subject: My biggest worry about child support signing ceremony

My biggest worry about the child support signing ceremony at this point is finding the real person to speak and inviting the other real people to stand there -- maybe I should take on this task while you worry about paper. How many real people do we have room for, do you know? Where do things stand with leg affairs on this? If it's still unclear, I think Monday morning I need to engage on this, talk to Jacoby and then the Hill staffers and ACES directly. Let me know. Thanks.

ACES FAX

CHAPTER DEVELOPMENT DIRECTOR

4230 MASTERS RD

LEAVITTSBURG, OH 44430

PHONE: 330-898-4004

FAX #: 330-898-4491

email: dkaces@earthlink.net

TO: CYNTHIA RICE

FAX #: 202 456-2846

FROM: Debbie Kline, ACES

DATE: 6/21/98

SUBJECT:

PAGES: 2 (Including Cover Sheet)

NOTES: CYNTHIA - I ~~STILL~~ ~~HAVE~~ ~~NOT~~ ~~TALKED~~ ~~WITH~~ ~~HER~~ ~~YET~~. HERE IS EVERYONE ELSE. HERE IS ANOTHER MOM

Withdrawal/Redaction Marker

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
002. fax	Debbie Kline to Cynthia Rice re: Child Support Enforcement "Success Stories" (2 pages)	06/21/98	P6/b(6), b(6)

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