

# Withdrawal/Redaction Sheet

## Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001. fax	Signing Statement on HR 3811 Felony Violations for Failure to Pay Child Support (partial) (1 page)	06/11/98	P5
002. note	President Announces the Deadbeat Parents Punishment Act of 1997 (partial) (1 page)	ca. June, 1997	P5

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**COLLECTION:**

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

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**FOLDER TITLE:**

Child Support-Felony to Cross State Lines [2]

rx21

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### 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]

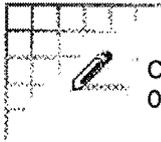
Freedom of Information Act - [5 U.S.C. 552(b)]

- 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]

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.



Christa Robinson  
06/19/98 05:39:30 PM

Record Type: Record

To: Bruce N. Reed/OPD/EOP, Elena Kagan/OPD/EOP, WEINSTEIN\_P @ A1 @ CD @ VAXGTWY  
cc: See the distribution list at the bottom of this message  
Subject: Next Week

I will be out of the office next week, and I'm terribly sorry for what now seems like bad timing. (Originally POTUS was leaving for China after the Family Conf., so there wouldn't be any events.) The work on the Family Conference will be done by today. Here's contact info. on the other events next week.

NOTE: We are not the lead on any of these events.

**1. FDA Announcement -- Tuesday or Wednesday**

Bob Nash's office is the lead Staff Contact. **CONTACT:** Walker x6-2866

Briefing: Nash's office will draft it -> Chris/Sarah will contribute -> Elena will edit -> and Nash's office will submit it.

Press Paper: Chris/Sarah will compose -> Elena will edit -> Laura will and submit it.

Q&A

\*Bruce should be listed on Briefing memo. Bruce and Chris should attend briefing.

**2. AG Research Bill Signing - Tuesday**

Legislative Affairs is the lead on this. **CONTACT:** Dario Gomez x6-1720

Briefing - Leg. Affairs will do the briefing --> Diana will contribute -> Leg. Affairs will submit it.

Press Paper - Leg. Affairs/OMB will draft -> Diana will contribute -> Leg. Affairs will submit.

**EVENT:** Rose Garden Ceremony at 10:30am.  
Speaking Program: Glickman, Legal Immigrant, Farmer, and the President.

**3. Deadbeat Parents Bill Signing - Wednesday**

Leg. Affairs is the lead. **CONTACT:** Peter Jacoby/Jennell - x6-6493

Briefing - Leg. Affairs will draft -> Diana/Cynthia Rice will contribute -> Elena will edit -> Leg. Affairs will submit.

Press Paper and Q&A- Diana will draft -> Elena will edit -> Laura will submit.

\* Bruce will be listed on briefing memo, and Bruce and Diana should attend briefing.

**EVENT:** Oval Office Statement at 9:45 am.  
Speaking Program: VP, Mother, POTUS.  
Members of Congress and advocates will stand beside the President.

Total Pages: \_\_\_\_\_

LRM ID: MDH201

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

Thursday, June 11, 1998

## LEGISLATIVE REFERRAL MEMORANDUM

**URGENT**

TO: Legislative Liaison Officer - See Distribution below  
 FROM: Janet R. Forsgren  
 OMB CONTACT: Janet R. Forsgren (for) Assistant Director for Legislative Reference  
 Melinda D. Haskins  
 PHONE: (202)395-3923 FAX: (202)395-6148  
 SUBJECT: Signing Statement on HR3811 Felony Violations for Failure to Pay Child Support

DEADLINE: **NOON** Friday, June 12, 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: Please review the attached signing statement for H.R. 3811.

IF WE DO NOT HEAR FROM YOU BY THE DEADLINE, WE WILL ASSUME THAT YOU HAVE NO OBJECTION TO THIS SIGNING STATEMENT.

**DISTRIBUTION LIST****AGENCIES:**

52-HHS - Sondra S. Wallace - (202) 690-7760  
 59-INTERIOR - Jane Lyder - (202) 208-4371  
 61-JUSTICE - L. Anthony Sutin - (202) 514-2141  
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William P. Marshall  
Steven M. Mertens  
Kate P. Donovan  
James C. Murr  
Janet R. Forsgren



## STATEMENT BY THE PRESIDENT

Today, I am pleased to approve H.R. 3811, the "Deadbeat Parents Punishment Act of 1998." The Act is based upon an Administration proposal to strengthen Federal law to prevent an individual from moving to another State or country to avoid paying child support. It sends a strong message to parents who have a moral and legally-established duty to support their children -- fulfill your financial obligations or face severe consequences.

H.R. 3811 strengthens existing child support enforcement law in several ways. Most importantly, the Act establishes two felony offenses for egregious non-payment of child support. First, it makes it a felony for a parent to travel to another State or country with the intent of evading the payment of child support, if the obligation has remained unpaid for more than one year or is greater than \$5,000. Second, it makes it a felony to willfully fail to pay child support to a child residing in another State, if the obligation has been unpaid for more than two years or is greater than \$10,000. Persons convicted of either offense will be subject to a jail term of up to two years and a fine. This is a reasonable consequence for an inexcusable act.

Although States and localities have the primary responsibility for child support enforcement, the Federal Government plays an important role in holding fully accountable parents who neglect their most basic responsibility to provide financial support to their children. H.R. 3811 is an appropriate step to encourage such parental accountability. It is based on bipartisan agreement that the Federal Government will not tolerate "deadbeat" parents who shirk their parental responsibilities. I am glad to sign this legislation into law.



The Association for Children for Enforcement of Support, Inc.

Honorable President Clinton  
Office of Scheduling, Room 185  
The White House  
1600 Pennsylvania Avenue, NW  
Washington, D.C. 20500

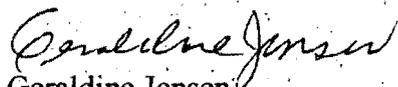
Dear President Clinton,

ACES, Association for Children for Enforcement of Support, is pleased that the Senate concurred in the House's decision to pass HR 2925, the Deadbeat Parents Bill. We are grateful that the administration initiated and supported this new Legislation, making it a federal felony for parents who evade child support obligations by crossing state lines, sponsored by Representatives, Steny Hoyer and Henry Hyde

ACES would appreciate your consideration of holding a public bill signing to increase awareness of the importance of paying child support, and to spotlight your efforts to assist families owed child support in the United States.

ACES is a nonprofit organization dedicated to assisting disadvantaged children affected by parents who fail to meet legal and moral support and/or visitation obligations. We have 390 chapters in 48 states with almost 40,000 members. ACES members across the U.S. worked hard to educate Congress about the importance of enacting the Deadbeat Parents Bill.

Sincerely,

  
Geraldine Jensen  
President

cc: Bruce Lindsay, Asst. to the President and Deputy Counsel  
Cynthia Rice, Office of Domestic Policy  
Bruce Reed, Chief of Domestic Policy



Cynthia A. Rice

06/08/98 03:49:22 PM

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Record Type: Record

To: Christa Robinson/OPD/EOP, Lisa M. Kountoupes/WHO/EOP  
cc: Diana Fortuna/OPD/EOP  
Subject: Possible 6/23 event: Signing Ceremony for Deadbeat Parents Act

This child support bill, which establishes a felony offense for a person to cross state lines to evade child support, passed the Senate by UC on Friday and is on its way to us. It is based on a proposal made by the President in 1996 which he highlighted in his 1997 State of the Union address. The measure, HR 2925, was sponsored by Rep. Hyde and Hoyer (I believe Kohl and Dewine were active in the Senate).

Bruce would like to do a signing ceremony for this bill. The leading group representing custodial parents, i.e., moms who are owed child support, is urging us to hold one. (The group, the Association for Children for Enforcement of Support, or ACES, has 40,000 members in 48 states).

Lisa -- can you find out when we'll actually get the bill?

Christa -- this sounds like a good candidate for the message opening on the 23rd. Can you do a scheduling request? Diana will be working on this (she's out this afternoon, though).

Sat  
6/6

# Senate Passes Child Support Legislation

*Associated Press*

The Senate passed and sent to President Clinton yesterday a bill making it a federal felony for parents to cross state lines to evade child support.

It would apply if the amount owed is \$5,000 or more and the payments are more than one year delinquent. It would also apply if the child lives in a different state than the parent responsible for the payments, and the parent "willfully fails" to make the payments.

The Deadbeat Parents Act of 1998, sponsored by Reps. Henry J. Hyde (R-Ill.) and Steny H. Hoyer (D-Md.), will be signed by Clinton, aides for both Hyde and Hoyer said.

The Senate, which approved a similar bill last year, passed it by voice vote, without debate. The House approved it 402 to 16 last month.

Parents owing \$10,000 or more or who fail to pay for two years could face as much as two years in prison. Parents also could face fines and would be responsible for making restitution for unpaid child support. Current law makes it only a misdemeanor to cross state lines to avoid payments.

Hoyer said the bill would "help close loopholes in the system which allow parents to slip across state lines to avoid paying child support, thus leaving children and families in economic ruins."

DEADBEAT PARENTS PUNISHMENT ACT OF 1998 (Senate - June 05, 1998)

[Page: S5734]

Mr. LOTT. I ask unanimous consent the Senate proceed to consideration of Calendar No. 369, H.R. 3811.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 3811) to establish felony violations for the failure to pay legal child support obligations, and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

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

Mr. DeWINE. Mr. President, I rise today in support of final passage of the Deadbeat Parents Punishment Act authored by my distinguished colleague, Senator Herb Kohl from Wisconsin. Senator Kohl has worked tirelessly to strengthen our child support laws, and I have been happy to lend my support to this effort.

The House bill we pass today mirrors the Senate-passed version that we sponsored earlier this session. I believe children should not have to suffer twice for the decisions of their parents to divorce; once when they decide to divorce, and again when one of the parents evades the financial responsibility to care for them.

Let me tell you just one story from my home state of Ohio. Marcia Walsh, the mother of seven children, became one of the working poor when she and her husband divorced, and he neglected his child support order. He left Ohio, leaving Marcia to support seven children, ages 6 to 15, on food stamps and a \$14,000-a-year night job. When Marcia turned to our federal Child Enforcement Program, she discovered a failed program whose collection rate is only about 19.4 percent.

Mr. President, people like Marcia and her children deserve better than that.

Our bill will help address situations like theirs, in two ways. First, the Deadbeat Parents Punishment Act gives federal law enforcement an incentive to bring more of these cases against deadbeats by making this offense a felony. Second, this legislation would make movement from state to state to avoid child support payments a crime. Today, nonpayment of child support is a class B misdemeanor, and the Federal Bureau of Investigation is frustrated at having to chase deadbeats for just a class B misdemeanor. Federal prosecutors are equally discouraged about trying misdemeanor cases.

It is currently not a crime to move to another state to avoid having to pay child support. Under this

bill, not paying child support for two years, owing more than \$10,000 in back child support, or going to another state to avoid child support payments would be penalized by a fine or two years in jail, or both. If the parent flees the state where the child resides, and owes more than \$5,000, the same penalty described above would apply.

Mr. President, making sure parents live up to their financial responsibilities for their children is a very important national priority. We have serious laws in this country protecting life and property--it's highly appropriate that we protect with equal seriousness the interests of our most precious national resource, America's children.

I thank Senator Kohl for his work on this important bill.

Mr. KOHL. Mr. President, I rise today to express my support for the final passage of our Deadbeat Parents Punishment Act and to commend Senator DeWine, cosponsor of the Senate version which we passed last November, along with Chairman Hyde and Congressman Hoyer for their commitment to promoting the welfare of children and to strengthening our child support laws. In sum, this measure sends a clear message to the deadbeat parents of America: pay up or go to jail.

Mr. President, when the original Child Support Recovery Act of 1990 was first enacted, Senator Shelby and I hoped to make a real impact on the non-payment of support orders. And we did make some progress. Over 200 more cases of nonpayment were prosecuted. Over 50 went to jail. Of the 150-some remaining cases, many were dropped when the defendant agreed to pay the support arrears. And some very high profile cases prosecuted under this law have also made some potential deadbeats think twice before not paying. But for some deadbeats the threat of a misdemeanor sentence still isn't enough to keep them paying. Many would rather 'risk it.' They know that if they get caught for a first offense--no matter how big their debt and no matter how long they went without paying--they aren't facing a felony conviction.

Now, Mr. President, we are not trying to throw people into jail. We'd rather they paid their child support on time and in full. And many parents--mothers and fathers--do just that. But some need a little extra incentive to fulfill their responsibilities. The threat of a year in prison and a felony conviction on their records, contained in this bill, provides that much needed incentive.

It has been estimated that if delinquent parents fully paid up their child support, approximately 800,000 women and children could be taken off the welfare rolls. In fact, Mr. President, since our original legislation was signed into law in 1992, collections have increased by nearly 50 percent, from \$8 billion to \$11.8 billion. Moreover, a new national database has helped identify 60,000 delinquent fathers--over half of whom owed money to women on welfare.

Although we should be proud of these efforts, they are merely a point of departure, not a final destination. It seems to me that in passing this legislation, we all recognize that we can not simply stop and rest on our laurels. We must continue to work on behalf of children and families. We must give police and prosecutors the tools they need to make a real impact on the non-payment of child support. And today, we have taken that next step, we have done these things, and we have continued this important work. I look forward to the President's signing this bill into law, which will

help ensure that deadbeats across the country sign more child support checks.

Mr. LOTT. Mr. President, I would like to notify the Senate that this is the bill that is commonly referred to as the Deadbeat Parents Punishment Act, and I appreciate the cooperation that we received on both sides of the aisle today to get this legislation through, because it is clearly something that should be passed. We should have felony violations for failure to pay legal child support obligations. I am glad to move the legislation.

I ask unanimous consent the bill be considered read a third time and passed, the motion to reconsider be laid upon the table, and any statements relating to the bill be printed at the appropriate place in the Record.

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

The bill (H.R. 3811) was ordered to a third reading, was read the third time, and passed.

[Page: S5735]

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

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Mr. FRANK  
Mr. McCOLLUM  
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Mr. McCOLLUM

Total Pages: 6

LRM ID: MDH192

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

Friday, May 8, 1998

**URGENT****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.

**DISTRIBUTION LIST****AGENCIES:**

92-Office of Personnel Management - Harry Wolf - (202) 608-1424  
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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.

[DOCID: f:h2925ih.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.

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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

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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>

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Diana Fortuna

05/11/98 11:22:57

AM

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Record Type: Record

To: Melinda D. Haskins/OMB/EOP

cc:

Subject: here's quote from 97 state of the union

In the last four years, we have increased child support collections by 50 percent. Now we should go further and do better by making it a felony for any parent to cross a state line in an attempt to flee from this, his or her most sacred obligation. (Applause.)

*implies that it is not already a felony*

Total Pages: \_\_\_\_\_

LRM ID: MDH201

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

Thursday, June 11, 1998

## LEGISLATIVE REFERRAL MEMORANDUM

**URGENT**

TO: Legislative Liaison Officer - See Distribution below  
FROM: Janet R. Forsgren (for) Assistant Director for Legislative Reference  
OMB CONTACT: Melinda D. Haskins  
PHONE: (202)395-3923 FAX: (202)395-6148  
SUBJECT: Signing Statement on HR3811 Felony Violations for Failure to Pay Child Support

DEADLINE: **NOON** Friday, June 12, 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: Please review the attached signing statement for H.R. 3811.

IF WE DO NOT HEAR FROM YOU BY THE DEADLINE, WE WILL ASSUME THAT YOU HAVE NO OBJECTION TO THIS SIGNING STATEMENT.

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## EOP:

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James C. Murr  
Janet R. Forsgren



# Withdrawal/Redaction Marker

## Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001. fax	Signing Statement on HR 3811 Felony Violations for Failure to Pay Child Support (partial) (1 page)	06/11/98	P5

**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.**

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**COLLECTION:**

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

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**FOLDER TITLE:**

Child Support-Felony to Cross State Lines [2]

rx21

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**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]
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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]

STATEMENT BY THE PRESIDENT

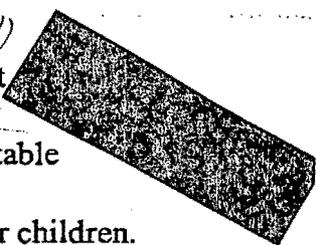
Today, I am pleased to approve H.R. 3811, the "Deadbeat Parents Punishment Act of 1998." The Act is based upon an Administration proposal to strengthen Federal law to prevent an individual from moving to another State or country to avoid paying child support. It sends a strong message to parents who have a moral and legally-established duty to support their children -- fulfill your financial obligations or face severe consequences. *Strength*

H.R. 3811 strengthens existing child support enforcement law in several ways. Most importantly, the Act establishes two felony offenses for egregious non-payment of child support. First, it makes it a felony for a parent to travel to another State or country with the intent of evading the payment of child support, if the obligation has remained unpaid for more than one year or is greater than \$5,000. Second, it makes it a felony to willfully fail to pay child support to a child residing in another State, if the obligation has been unpaid for more than two years or is greater than \$10,000. Persons convicted of either offense will be subject to a jail term of up to two years and a fine. This is a reasonable consequence for an inexcusable act.

*No*

Although States and localities have the primary responsibility for child support enforcement, the Federal Government plays an important role in holding fully accountable parents who neglect their most basic responsibility to provide financial support to their children.

*PS(4)*



H.R. 3811 is an appropriate step to encourage such parental accountability. It is based on bipartisan agreement that the Federal Government will not tolerate "deadbeat" parents who shirk their parental responsibilities. I am glad to sign this legislation into law.

*for the success DWR*

Kohl Staff - enrolling date  
 Peter Jacoby - 2<sup>nd</sup> only pass

HR2925 was Adm bill  
 384

	Current Law	Our bill	House and Senate bill*
Those who travel to avoid paying child support		Felony	Felony to cross state lines to avoid paying under either of 2 conditions below
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	Felony	Prison terms of up to 6 months when owe > \$5K and more than 1 year late
Those who owe at least \$10k or have owed for at least 2 years		Felony	Prison terms of up to two years when owe > \$10K and more than 2 years late

\*Amends current Federal criminal law to describe new penalties and provide for mandatory restitution in cases of willfully failing to pay child support.

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

Rahm - while reauthorized bill @ signing

~~USA~~

trying to better  
 that work

Lisa: H = A - her guess

Grampenberger refused

5/22

- have to pass under other budget bill w.o.
- House would not pass under Kohl
- So Hyde bill went to Sen.
- Kohl: may use it, but after recess so time for signing ceremony

~~Felony~~

House

	Current Law	Our bill	House and Senate bill
Those who travel to avoid paying child support			
Those who owe at least \$5k or have owed for at least 1 year <i>w/fully or partly no pay for child in another state</i>	<i>misdemeanor 1st</i>		
Those who owe at least \$10k or have owed for at least 2 years			

where is it a felony, where a misdemeanor

Felony mat.wpd

(Pres. statements)

Our bill - DOJ

Senate

identical

House passed (2 bills #s)

~~D. Hoyer~~

~~R. Hyde~~

PRESIDENTIAL SCHEDULING REQUEST

June 9, 1998

ACCEPT

REGRET

PENDING

---

TO: Stephanie Streett, Director of Scheduling and Advance

FROM: Bruce Reed, Assistant to the President for Domestic Policy  
Rahm Emanuel, Senior Advisor to the President

REQUEST: For the President to hold a signing ceremony for HR 3811, the Deadbeat Parents Punishment Act of 1998.

PURPOSE: To highlight the President's commitment to making parents pay child support.

BACKGROUND: On June 5, Congress passed HR 3811, the Deadbeat Parents Punishment Act of 1998. The bill creates a felony offense for people who cross state lines to evade paying child support. The bill applies to parents owing more than \$5,000. Parents who willfully fail to pay \$10,000 or more in child support are subject to two years of imprisonment. The bill is based on the President's 1996 proposal which he highlighted in his 1997 State of the Union Address. The signing ceremony would be an opportunity for the President to thank Congress for its support and to demonstrate his commitment to child support and children.

DATE: June 23, 1998

DURATION: 60 minutes

LOCATION: The White House

PARTICIPANTS: The President  
Attorney General Reno  
Secretary Shalala  
Members of Congress  
Representatives of the Association for Children for Enforcement of Support (ACES), the 40,000 member national group that represents parents who are owed child support  
Child Advocacy Groups

REMARKS  
REQUIRED: Yes

MEDIA: Open Press

CONTACT: Christa Robinson x6-5165



**EXECUTIVE OFFICE OF THE PRESIDENT  
OFFICE OF MANAGEMENT AND BUDGET  
WASHINGTON, D.C. 20503**

May 12, 1998 (SENT)  
(House)

# STATEMENT OF ADMINISTRATION POLICY

(THIS STATEMENT HAS BEEN COORDINATED BY OMB WITH THE CONCERNED AGENCIES.)

**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.

\*\*\*\*\*

The F-250's recalled do not include the series Super Duty model, and vehicles produced through mid-1998 in the 1998 model year are being recalled.

Also Monday, an insurance institute reported that none of the five small pickup trucks it tested in front-end crashes had received a good safety rating. The Dodge Dakota and Nissan Frontier rated poor in 40 mile-an-hour crash tests by the Insurance Institute of Highway Safety. The Chevrolet S-10 received a mediocre rating, the institute said. The best rating for the five trucks, acceptable, was given to the Toyota Tacoma and the Ford Ranger.

## Smoke of Mexican Fires Reaches Southern U.S.

MIAMI, May 12 (AP) — Smoke from thousands of forest fires raging in southeastern Mexico has drifted nearly 2,000 miles, shrouding skylines and suburbs from Miami to the Mississippi Delta.

"For the last four days, the smoke has been spreading out over the Gulf of Mexico and hooking up into the central and southeastern United States," said Joseph Prospero, director of the Cooperative Institute for Marine and Atmospheric Studies at the University of Miami. Mr. Prospero said soot from the distant fires was probably too high above the ground to affect breathing or register on pollution monitors. But in Texas, the smoke prompted officials to issue a health warning for children, the elderly and people with respiratory and heart ailments in more than 50 counties today.

Many of the fires — more than 9,000 in all, which have swept across some 850 square miles — were started in January by farmers clearing land for planting, although arsonists are blamed for some of them.

## Moderate Is Nominee For Nebraska Governor

OMAHA, Neb., May 12 (AP) — The Mayor of Lincoln, Neb., a political moderate, defeated two conservative candidates today to win the Republican nomination for governor.

Mayor Mike Johanns easily defeated the one-time front-runner, Representative Jon Christensen, whose last-minute attacks in the Republican gubernatorial primary backfired, and State Auditor John

year-old lawyer and former state legislator, Jim McFarland.

## Doctors Accuse Insurers Of Bias Against Women

The Associated Press

A doctors' group has accused insurance companies of sex discrimination for covering the impotence pill Viagra but not birth control for women.

The American College of Obstetricians and Gynecologists yesterday urged Congress to require insurers that pay for prescription drugs to cover contraception as well.

Contraception is a medical necessity, said Dr. Anita Nelson, a spokeswoman for the doctors' group meeting this week in New Orleans.

Insurers said that birth-control coverage was available but that many employers did not offer such benefits because of the cost.

While 9 of 10 employer-based health insurance plans cover prescription drugs, most did not cover prescription contraceptives, the doctors' group said.

By contrast, nearly half of the almost 300,000 men who take Viagra each week are reimbursed at least in part, according to IMS Health, a consulting group.

## House Increases Penalties For Fleeing Child Support

WASHINGTON, May 12 (AP) — The House voted today to raise the penalties for parents who cross state lines to evade child support.

The bill, sponsored by Representatives Henry J. Hyde, Republican of Illinois, and Steny H. Hoyer, Democrat of Maryland, would make it a felony, with prison terms of up to six months, for a parent to cross a state line to avoid child support when the amount of money owed is \$5,000 or more and is more than a year late.

Parents owing \$10,000 or more or who fail to pay for two years could face up to two years in prison. Parents could also face fines and would be responsible for making restitution for unpaid child support. Current law makes it only a misdemeanor to cross state lines to avoid payments.

THE FRESH AIR FUND:  
JOY OF SUMMERTIME

The New York Times

WEDNESDAY, MAY 13, 1998

# Withdrawal/Redaction Marker

## Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
002. note	President Announces the Deadbeat Parents Punishment Act of 1997 (partial) (1 page)	ca. June, 1997	P5

**This marker identifies the original location of the withdrawn item listed above.  
For a complete list of items withdrawn from this folder, see the  
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### COLLECTION:

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

### FOLDER TITLE:

Child Support-Felony to Cross State Lines [2]

rx21

### RESTRICTION CODES

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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.

① The President today called upon the House of Representatives to pass the Deadbeat Parents Punishment Act and send it to him for signature. The Act, which has passed the Senate but not the House, makes it a felony offense to cross state

**PRESIDENT ANNOUNCES THE DEADBEAT PARENTS PUNISHMENT ACT OF 1997**

**The President Calls upon the Federal Government to Strengthen Child Support Enforcement**

PS(2)

The President stated in a directive to the Attorney General on July 21, 1996 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." The President asked that the Attorney General take several specific steps to strengthen child support enforcement efforts.

**Current Law Regarding Failure to Pay Child Support Obligations**

Current law makes it a federal offense to willfully 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 current law, by providing for a maximum punishment of just six months in prison for a first offense, makes violations only a misdemeanor. Police officers and prosecutors have used the current law effectively, but they have found that current misdemeanor penalties are not strict enough to adequately deal with more serious cases, those cases in which parents move from State to State, or internationally, to intentionally evade child support penalties.

**The President Proposes Stiffer Penalties For Those Who Fail to Meet Support Obligations**

The Deadbeat Parents Punishment Act addresses the law enforcement and prosecutorial concern that the current statute does not adequately address more serious instances of nonpayment of support obligations.

The Act amends Federal criminal law to prescribe criminal penalties (*including mandatory restitution*) for willful failure to pay child support obligations.

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.

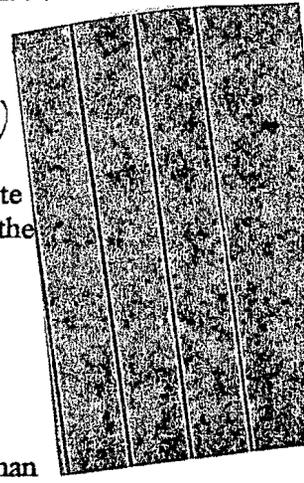
**President Creates Two New Categories of Felony Offenses, Subject to a Two-Year Maximum Prison Term**

The first offense is: Traveling in interstate or foreign commerce with the intent to evade a support obligation regarding a child residing in another State if the obligation has remained unpaid for a period longer than one 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 two years or is greater than \$10,000.

**Congressional Sponsors**

Senate Sponsor- Senator Herb Kohl (R)-Michigan  
House Sponsor- Representative Steny H. Hoyer (D)-Maryland



## Bills in Congress

The bills described below have been introduced in the current session of Congress. H.R. refers to the House of Representatives, S. refers to the Senate. The phone number of the committee handling the bill is provided below; you may call to check on the status of legislation, or express your views. It is even more important to let your own Representative and Senator know your views. The capital switchboard, which can connect you with the offices of all members of Congress and committees, is (202) CA4-3121 (224-3121). This is a 24-hour switchboard that can provide you night and day with names, addresses, and direct phone numbers of all members of Congress. During normal weekday business hours, the switchboard can connect you with any Congressional office on Capitol Hill. To save on expenses, you can contact the Congressmembers' local branch office in your district. **BETTER YET, WRITE A LETTER AS DESCRIBED BELOW.**

H.R. 2503, the "Deadbeat Parents Punishment Act of 1997", introduced by Rep. Steny Hoyer (D-MD) and Rep. Henry Hyde (R-IL) to establish felony violations for the failure to pay financial child support obligations and other purposes. Referred to House Judiciary Committee, Crime Subcommittee 202-225-3926. Similar to S. 226, introduced by Sen. Herbert Kohl (D-WI), referred to Senate Judiciary Committee, (202) 224-5225. Urge your House member or Senator to offer a "balancing amendment" to provide similar penalties for failure to honor court-ordered visitation. Congress can do this on the same basis that it passes financial child support legislation—to improve collections, because the Census Bureau finds that access (visitation) enforcement improves financial child support payments.

S. 97, introduced by Sen. John Kerry (D-MA), to amend the Internal Revenue Code to require the IRS to collect financial child support through wage withholding and to eliminate State enforcement of financial child support obligations other than medical support obligations. Referred to the Senate Finance Committee, (202) 224-4515. Similar to H.R. 2189, introduced by Rep. Henry Hyde (R-IL), referred to Human Resources Subcommittee of House Ways and Means (202) 224-4515. Urge your House member or Sena-

tor to offer a "balancing amendment" to provide IRS enforcement of any financial penalties for access denial that any state may impose, such as fines or court costs for missed access, for the same reason as stated in the note to H.R. 2503 above.

S. 1075, introduced by Sen. Christopher Dodd (D-CT), to provide demonstration projects to establish minimum financial child support payments. Referred to Finance Committee (202) 224-4515. Urge your House member or Senator to offer a "balancing amendment" to establish minimum

access/visitation/parenting time of at least a third of the time on a year-round basis, because the Census Bureau says that parents with at least of the third of the time (joint physical custody) with their children pay up to twice as much in financial child support as parents with no access to their children.

H.R. 869, introduced by Rep. Christopher Cox (D-CA), to require a parent who is delinquent in financial child support to include his unpaid obligation in gross income and to allow custodial parents a bad debt deduction for unpaid financial child support payments. Referred to Human Resources Subcommittee of House Ways and Means, phone (202) 244-4515. Urge your House member or Senator to offer a "balancing amendment" to include unpaid visitation penalty in gross income and to allow non-custodial parents a bad debt collection for unpaid visitation fines or penalties.

H.R. 399, introduced by Rep. Michael Bilirakis (R-FL) to prohibit the provision of financial assistance by the Federal Government to any person who is more than 60 days delinquent in the payment of any financial child support obligation. A hearing was held on this bill in November, 1997, by the Committee on Government Reform and Oversight (202) 225-5074. Write your House member or Senator recommending "balancing" this bill with a provision prohibiting the same assistance to anyone 60 days delinquent in honoring a court's access/visitation order.

### Congress's Call to Fatherhood by Jill Hollandsworth CRC Intern

There has long been a Congressional Caucus for Women's Issues, chaired by Eleanor Holmes Norton (D-DC), and a Senate Children and Family Subcommittee, headed by Sen. Christopher Dodd (D-CT). Now, because Congress has become aware of the need for more involved fathers, it has started the bipartisan Fatherhood Promotion Task Force.

The Task Force, initiated in June 1997, is co-chaired by Reps. Joseph Pitts (R-PA), Mike McIntyre (D-NY), Jim Rogan (R-CA), and Jim Turner (D-TX), and now has 32 members in Congress.

The Task Force is working with The National Fatherhood Initiative, in Gaithersburg, MD., but welcomes input from other groups.

### Write to Congress!

Write to House members at:

Representative —  
(name of your Representative)  
House of Representatives  
Washington, D.C. 20515

Write to Senators at:

Senator — (name of your Senator)  
U.S. Senate  
Washington, D.C. 20510

Continued on page 18

**Bill Summary & Status for the 105th Congress**

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**S.1371**SPONSOR: [Sen Kohl](#) (introduced 11/05/97)RELATED BILLS: [H.R.2925](#)

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Jump to: [Titles](#), [Status](#), [Committees](#), [Amendments](#), [Cosponsors](#), [Summary](#)

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**TITLE(S):**

- SHORT TITLE(S) AS INTRODUCED:**  
Deadbeat Parents Punishment Act of 1997
  - OFFICIAL TITLE AS INTRODUCED:**  
A bill to establish felony violations for the failure to pay legal child support obligations, and for other purposes.
- 

**STATUS: Floor Actions**11/13/97 Referred to House Committee on the Judiciary (12/15/97 CR [H10962](#))11/13/97 Measure passed Senate(CR [S12668](#))11/13/97 Measure considered in Senate (CR [S12667-12668](#))11/13/97 Measure called up by unanimous consent in Senate (CR [S12667](#))11/06/97 Reported to Senate from the Committee on the Judiciary (without written report) (CR [S11863](#))

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**STATUS: Detailed Legislative Status****Senate Actions****Nov 5, 97:**

Read twice and referred to the Committee on Judiciary.

**Nov 6, 97:**

Committee on Judiciary. Ordered to be reported without amendment favorably.

**Nov 6, 97:**

Committee on Judiciary. Reported to Senate by Senator Hatch without amendment. Without written report.

Placed on Senate Legislative Calendar under General Orders. Calendar No. 271.

**Nov 13, 97:**

Passed Senate without amendment by Unanimous Consent.

Message on Senate action sent to the House.

**House Actions****Nov 13, 97:**

Referred to the House Committee on the Judiciary.

**Nov 24, 97:**Referred to the Subcommittee on Crime.

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**STATUS: Congressional Record Page References**11/13/97 Full text of Measure as passed Senate printed (CR [S12668](#))

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**COMMITTEE(S):**

- COMMITTEE(S) OF REFERRAL:  
Senate Judiciary  
House Judiciary
- COMMITTEE(S) REPORTING:  
Senate Judiciary
- SUBCOMMITTEE(S):  
Hsc Crime

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**AMENDMENT(S):**

\*\*\*NONE\*\*\*

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**3 COSPONSORS:**

Sen DeWine - 11/05/97 Sen Abraham - 11/06/97  
Sen Burns - 11/07/97

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**SUMMARY:**

(AS INTRODUCED)

Deadbeat Parents Punishment Act of 1997 - Amends Federal criminal law to prescribe criminal penalties (including mandatory restitution) for willful failure to pay child support obligations.

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**DEADBEAT PARENTS PUNISHMENT ACT OF 1997 (Senate - November 13, 1997)**

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[Page: S12667]

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of Calendar No. 271, S. 1371.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (S. 1371) to establish felony violations for the failure to pay legal child support obligations, and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

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

Mr. KOHL. Mr. President, let me take a moment to explain the Deadbeat Parents Punishment Act of 1997, which I introduced with Senator DeWine and which I drafted with the help of the administration. This measure toughens the criminal penalties we created in the Child Support Recovery Act of 1992 and creates new gradations of offenders to target and punish the most egregious child support evaders. It ensures that more serious crimes receive the more serious punishments they clearly deserve. And, Mr. President, this measure sends a clear message to deadbeat dads and moms: ignore the law, ignore your responsibilities, and you will pay a high price. In other words, pay up or go to jail.

When Senator Shelby and I introduced the original Child Support Recovery Act, we knew that Federal prosecutors had a role to play to keep these parents from shirking their legal, and I would argue moral, responsibilities. It has been estimated that if delinquent parents fully paid up their child support, approximately 800,000 women and children could be taken off the welfare rolls. In fact, Mr. President, since that legislation was signed into law in 1992, over 386 cases have been filed, resulting in at least 165 convictions to date. And not only has that law brought about punishment, but it has also brought about payment. Collections have increased by nearly 50 percent, from \$8 billion to \$11.8 billion, and a new national database has helped identify 60,000 delinquent fathers--over half of whom owed money to women on welfare. Although we should be proud of that increase, we can not merely rest on our laurels. More can be done--and today the Senate's passage of the Deadbeat Parents Punishment Act is a step in the right direction.

Mr. President, as you know, current law already makes it a Federal offense to willfully fail to pay child support obligations to a child in another State if the obligation has remained unpaid for longer than a year or is greater than \$5,000. However, the current law, by providing for a maximum punishment of just 6 months in prison for a first offense, makes violations only a misdemeanor. A first offense--no matter how egregious--is not a felony under current law.

Police officers and prosecutors have used the current law effectively, but they have found that current misdemeanor penalties do not have the teeth to adequately deal with more serious cases--those cases in which parents move from State to State, or internationally, to intentionally evade child support penalties.

Those are serious cases that deserve serious felony punishment and, under this new measure, that serious punishment will be available.

Mr. President, I believe that making the Deadbeat Parents Punishment Act law will make a difference in the lives of families across the country. I thank my friend from Ohio, and this bill's original cosponsor, Senator **DeWine** for his efforts on behalf of children and families, and I commend my colleagues in the Senate for passing this important message. I look forward to this measure quickly passing the House and being signed into law by the President.

Mr. President, I ask unanimous consent that a section-by-section analysis be printed in the Record.

There being no objection, the material was ordered to be printed in the **Record**, as follows:

## **Section-by-Section Analysis of S. 1371, The Deadbeat Parents Punishment Act of 1997**

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## DEADBEAT PARENTS PUNISHMENT ACT OF 1997 (Senate - November 13, 1997)

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### Section-by-Section Analysis of S. 1371, The Deadbeat Parents Punishment Act of 1997

The 'Deadbeat Parents Punishment 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 to willfully 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.

Proposed subsection (e) 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 (e) 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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**DEADBEAT PARENTS PUNISHMENT ACT OF 1997 (Senate - November 13, 1997)**

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Mr. LOTT. Mr. President, I ask unanimous consent that the bill be read the third time and passed; that the motion to reconsider be laid upon the table; and that any statements relating to the bill appear at the appropriate place in the **Record**.

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

The bill (S. 1371) was read the third time and passed, as follows:

**S. 1371**

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:

'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.'

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*Bill Summary & Status for the 105th Congress*

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**H.R.2925**

SPONSOR: [Rep Hoyer](#) (introduced 11/07/97)

RELATED BILLS: [S.1371](#)

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**STATUS:** Detailed Legislative Status

**House Actions**

**Nov 7, 97:**

Referred to the House Committee on the Judiciary.

**Nov 18, 97:**

Referred to the Subcommittee on Crime.

*Bill Summary & Status for the 105th Congress*

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**H.R.2925**

SPONSOR: [Rep Hoyer](#) (introduced 11/07/97)

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**COMMITTEE(S):**

- COMMITTEE(S) OF REFERRAL:  
[House Judiciary](#)
- SUBCOMMITTEE(S):  
Hsc Crime

*Bill Summary & Status for the 105th Congress*

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**H.R.2925**

SPONSOR: [Rep Hoyer](#) (introduced 11/07/97)

RELATED BILLS: [S.1371](#)

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**2 COSPONSORS:**

[Rep Hyde](#) - 11/07/97 [Rep Conyers](#) - 11/08/97

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**Deadbeat Parents Punishment Act of 1997 (Introduced in the House)**

HR 2925 IH

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.'

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**Bill 9 of 50**

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**To require States to impose criminal penalties on persons who willfully fail to pay child support, as a condition of Federal funding of State child support enforcement programs. (Introduced in the House)**

HR 267 IH

105th CONGRESS

1st Session

**H. R. 267**

To require States to impose criminal penalties on persons who willfully fail to pay child support, as a condition of Federal funding of State child support enforcement programs.

**IN THE HOUSE OF REPRESENTATIVES**

**January 7, 1997**

Mrs. ROUKEMA introduced the following bill; which was referred to the Committee on Ways and Means

**A BILL**

To require States to impose criminal penalties on persons who willfully fail to pay child support, as a condition of Federal funding of State child support enforcement programs.

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

**SECTION 1. REQUIREMENT THAT STATES IMPOSE CRIMINAL PENALTIES ON PERSONS WHO WILLFULLY FAIL TO PAY CHILD SUPPORT.**

(a) STATE PLAN REQUIREMENT- Section 454 of the Social Security Act (42 U.S.C. 654) is amended--

- (1) by striking 'and' at the end of paragraph (32);
- (2) by striking the period at the end of paragraph (33) and inserting '; and'; and

(3) by inserting after paragraph (33) the following:

'(34) provide that the State shall have in effect criminal penalties for the willful failure to pay child support.'

(b) EFFECTIVE DATE- The amendments made by subsection (a) shall take effect on January 1, 1999, and shall apply to payments under title IV of the Social Security Act for calendar quarters beginning on or after such date, without regard to whether regulations to implement such amendments are promulgated by such date.

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**Bill 10 of 50**

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**Denial of Passports to Noncustodial Parents in Cases of Nonpayment of Child Support (Introduced in the House)**

HR 389 IH

105th CONGRESS

1st Session

**H. R. 389**

Concerning denial of passports to noncustodial parents subject to State arrest warrants in cases of nonpayment of child support.

**IN THE HOUSE OF REPRESENTATIVES**

**January 9, 1997**

Mr. ANDREWS introduced the following bill; which was referred to the Committee on International Relations

**A BILL**

Concerning denial of passports to noncustodial parents subject to State arrest warrants in cases of nonpayment of child support.

*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 'Denial of Passports to Noncustodial Parents in Cases of Nonpayment of Child Support'.

**SEC. 2. DENIAL OF PASSPORTS TO NONCUSTODIAL PARENTS SUBJECT TO STATE ARREST WARRANTS IN CASES OF NONPAYMENT OF CHILD SUPPORT.**

The Secretary of State is authorized to refuse a passport or revoke, restrict, or limit a passport in any case in which the Secretary of State determines or is informed by competent authority that the applicant or passport holder is a noncustodial parent who is the subject of an outstanding State

THE WHITE HOUSE  
WASHINGTON

Kohl has agreed to  
do our amended  
"Deadbeat Parents

Punishment Act "

LRM ID: MDH32

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

Wednesday, March 12, 1997

URGENT

LEGISLATIVE REFERRAL MEMORANDUM

*Elenato Jr*

TO: Legislative Liaison Officer - See Distribution below  
*B. Pellicci*  
FROM: Janet R. Forsgren (for) Assistant Director for Legislative Reference  
OMB CONTACT: Melinda D. Haskins  
PHONE: (202)395-3923 FAX: (202)395-6148  
SUBJECT: JUSTICE Proposed Draft Bill on Child Support Recovery Amendments Act of 1997  
DEADLINE: 10 am Thursday, March 13, 1997

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: The attached Department of Justice (DOJ) draft bill would amend the Child Support Recovery Act pursuant to the President's July 21, 1996, directive to DOJ to establish a felony offense for a person who willfully fails to pay child support for a child in another State. This draft bill is similar to a DOJ draft bill that was transmitted to the Congress on September 27, 1996.

\* DOJ has requested that OMB clear this draft bill by tomorrow (Thursday, March 13th.) It plans to transmit its draft bill to the Congress tomorrow. \*

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U.S. Department of Justice

Office of Legislative Affairs

**DRAFT**

Office of the Assistant Attorney General

Washington, D.C. 20530

? Is this the  
final descriptor

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,

**DRAFT**

Andrew Fois  
Assistant Attorney General

Enclosure

[ Has update to attorney 7/17 ]

general rept from Oct

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will fax next week

Debra Cohn

4/17

General concern that  
federal prosecution will be the  
panacea - only 200 cases

Felony

Narrow set of cases -  
aggravated  
interstate  
where state efforts fail  
where intentional failure  
etc

Part of fed resp is to facilitate  
state efforts