

Diana Fortuna

05/11/98 11:22:57

AM

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*

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

PAGES:

PHONE NUMBER:

(includes cover page)

DRAFT - NOT FOR RELEASEMay 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 (Baviera), 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.



Cynthia A. Rice

06/09/98 08:46:17 PM

Record Type: Record

To: Lesley A. Pate/OPD/EOP

cc: Diana Fortuna/OPD/EOP

Subject: Would you pls get from the library or the web

*Cynthia, I hope that
this is what you
wanted. If not
let me know Thx.
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)

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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 `obliger') 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.'.

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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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.

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[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.

□

- 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
- ☐
- ☐ 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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- 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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- ☐ 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.
- ☐

- 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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- ☐ 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.

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.'

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

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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.

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One Hundred Second Congress of the United States of America

AT THE SECOND SESSION

Begun and held at the City of Washington on Friday, the third day of January,
one thousand nine hundred and ninety-two

An Act

To impose a criminal penalty for flight to avoid payment of arrearages
in 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 'Child Support Recovery Act of 1992'.

SEC. 2. FAILURE TO PAY LEGAL CHILD SUPPORT OBLIGATIONS.

(a) IN GENERAL- Title 18, United States Code, is amended by inserting after chapter 11 the
following new chapter:

'CHAPTER 11A--CHILD SUPPORT

'Sec.

'228. Failure to pay legal child support obligations.

'Sec. 228. Failure to pay legal child support obligations

'(a) OFFENSE- Whoever willfully fails to pay a past due support obligation with respect to a
child who resides in another State shall be punished as provided in subsection (b).

'(b) PUNISHMENT- The punishment for an offense under this section is--

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

'(2) in any other case, a fine under this title, imprisonment for not more than 2 years, or
both.

'(c) RESTITUTION- Upon a conviction under this section, the court shall order restitution under
section 3663 in an amount equal to the past due support obligation as it exists at the time of
sentencing.

'(d) DEFINITIONS- As used in this section--

'(1) the term 'past due support obligation' means any amount--

`(A) 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; and

`(B) that has remained unpaid for a period longer than one year, or is greater than \$5,000; and

`(2) the term `State' includes the District of Columbia, and any other possession or territory of the United States.'

(b) TECHNICAL AMENDMENT- The part analysis for part I of title 18, United States Code, is amended by inserting after the item relating to chapter 11 the following new item:

228'.

SEC. 3. DISCRETIONARY CONDITION OF PROBATION.

Section 3563(b) of title 18, United States Code, is amended--

(1) by striking `or' at the end of paragraph (20);

(2) by redesignating paragraph (21) as paragraph (22); and

(3) by inserting after paragraph (20) the following new paragraph:

`(21) comply with the terms of any court order or order of an administrative process pursuant to the law of a State, the District of Columbia, or any other possession or territory of the United States, requiring payments by the defendant for the support and maintenance of a child or of a child and the parent with whom the child is living; or'.

SEC. 4. CRIMINAL CHILD SUPPORT ENFORCEMENT.

(a) AMENDMENT OF THE OMNIBUS CRIME CONTROL AND SAFE STREETS ACT OF 1968- Title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.) is amended--

(1) by redesignating part P as part Q;

(2) by redesignating section 1601 as section 1701; and

(3) by inserting after part O the following new part:

`PART P--CRIMINAL CHILD SUPPORT ENFORCEMENT

`SEC. 1601. GRANT AUTHORIZATION.

`(a) IN GENERAL- The Director of the Bureau of Justice Assistance may make grants under this part to States, for the use by States, and local entities in the States to develop, implement, and enforce criminal interstate child support legislation and coordinate criminal interstate child support enforcement efforts.

`(b) USES OF FUNDS- Funds distributed under this part shall be used to--

`(1) develop a comprehensive assessment of existing criminal interstate child support enforcement efforts, including the identification of gaps in, and barriers to, the enforcement of such efforts;

- `(2) plan and implement comprehensive long-range strategies for criminal interstate child support enforcement;
- `(3) reach an agreement within the State regarding the priorities of such State in the enforcement of criminal interstate child support legislation;
- `(4) develop a plan to implement such priorities; and
- `(5) coordinate criminal interstate child support enforcement efforts.

`SEC. 1602. STATE APPLICATIONS.

- `(a) IN GENERAL- (1) To request a grant under this part, the chief executive of a State shall submit an application to the Director in such form and containing such information as the Director may reasonably require.
- `(2) An application under paragraph (1) shall include assurances that Federal funds received under this part shall be used to supplement, not supplant, non-Federal funds that would otherwise be available for activities funded under this part.
- `(b) STATE OFFICE- The office designated under section 507 of title I--
 - `(1) shall prepare the application required under section 1602; and
 - `(2) shall administer grant funds received under this part, including, review of spending, processing, progress, financial reporting, technical assistance, grant adjustments, accounting, auditing, and fund disbursement.

`SEC. 1603. REVIEW OF STATE APPLICATIONS.

- `(a) IN GENERAL- The Bureau shall make a grant under section 1601(a) to carry out the projects described in the application submitted by an applicant under section 1602 upon determining that--
 - `(1) the application is consistent with the requirements of this part; and
 - `(2) before the approval of the application, the Bureau has made an affirmative finding in writing that the proposed project has been reviewed in accordance with this part.
- `(b) APPROVAL- Each application submitted under section 1602 shall be considered approved, in whole or in part, by the Bureau not later than 45 days after first received unless the Bureau informs the applicant of specific reasons for disapproval.
- `(c) DISAPPROVAL NOTICE AND RECONSIDERATION- The Bureau shall not disapprove any application without first affording the applicant reasonable notice and an opportunity for reconsideration.

`SEC. 1604. LOCAL APPLICATIONS.

- `(a) IN GENERAL- (1) To request funds under this part from a State, the chief executive of a local entity shall submit an application to the office designated under section 1602(b).
- `(2) An application under paragraph (1) shall be considered approved, in whole or in part, by the State not later than 45 days after such application is first received unless the State informs the applicant in writing of specific reasons for disapproval.
- `(3) The State shall not disapprove any application submitted to the State without first affording

the applicant reasonable notice and an opportunity for reconsideration.

`(4) If an application under paragraph (1) is approved, the local entity is eligible to receive funds under this part.

`(b) DISTRIBUTION TO LOCAL ENTITIES- A State that receives funds under section 1601 in a fiscal year shall make such funds available to a local entity with an approved application within 45 days after the Bureau has approved the application submitted by the State and has made funds available to the State. The Director may waive the 45-day requirement in this section upon a finding that the State is unable to satisfy the requirement of the preceding sentence under State statutes.

`SEC. 1605. DISTRIBUTION OF FUNDS.

`The Federal share of a grant made under this part may not exceed 75 percent of the total costs of the project described in the application submitted under section 1602(a) for the fiscal year for which the project receives assistance under this part.

`SEC. 1606. EVALUATION.

`(a) IN GENERAL- (1) Each State and local entity that receives a grant under this part shall submit to the Director an evaluation not later than March 1 of each year in accordance with guidelines issued by the Director and in consultation with the Director of the National Institute of Justice.

`(2) The Director may waive the requirement specified in subsection (a) if the Director determines that such evaluation is not warranted in the case of the State or local entity involved.

`(b) DISTRIBUTION- The Director shall make available to the public on a timely basis evaluations received under subsection (a).

`(c) ADMINISTRATIVE COSTS- A State or local entity may use not more than 5 percent of the funds it receives under this part to develop an evaluation program under this section.

`SEC. 1607. DEFINITIONS.

`For purposes of this part, the term 'local entity' means a child support enforcement agency, law enforcement agency, prosecuting attorney, or unit of local government.'

(b) TECHNICAL AMENDMENT- The table of contents of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.) is amended by striking the matter relating to part P and inserting the following:

`Part P--Criminal Child Support Enforcement

`Sec. 1601. Grant authorization.

`Sec. 1602. State applications.

`Sec. 1603. Review of State applications.

`Sec. 1604. Local applications.

`Sec. 1605. Distribution of funds.

`Sec. 1606. Evaluation.

`Sec. 1607. Definitions.

`Part Q--Transition--Effective Date--Repealer

`Sec. 1701. Continuation of rules, authorities, and proceedings.'

(c) AUTHORIZATION OF APPROPRIATIONS- Section 1001(a) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793(a)) is amended--

(1) by redesignating the last three paragraphs sequentially as paragraphs (7), (8), and (9);
and

(2) by adding at the end the following new paragraph:

`(10) There are authorized to be appropriated \$10,000,000 for each of the fiscal years 1994, 1995, and 1996 to carry out projects under part P.'

SEC. 5. COMMISSION ON CHILD AND FAMILY WELFARE.

(a) ESTABLISHMENT- There is established a commission to be known as the Commission on Child and Family Welfare (referred to in this section as the 'Commission').

(b) MEMBERSHIP-

(1) COMPOSITION- The Commission shall be composed of 15 members of whom--

(A) 3 shall be appointed by the President, in consultation with the Attorney General and the Secretary of Health and Human Services;

(B) 4 shall be appointed by the President pro tempore of the Senate;

(C) 2 shall be appointed by the minority leader of the Senate;

(D) 4 shall be appointed by the Speaker of the House of Representatives; and

(E) 2 shall be appointed by the minority leader of the House of Representatives.

(2) QUALIFICATIONS- Members of the Commission shall be--

(A) persons who have expertise in family law, children's issues, mental health, and related policies;

(B) persons who have expertise, through research and practice, in laws and policies related to child and family welfare;

(C) persons who represent organizations that seek to protect the civil rights of children;

(D) persons who represent advocacy groups that work for the interests of children;

(E) persons who represent advocacy groups that work for the interests of both custodial and noncustodial parents; and

(F) persons who have conducted extensive research on, or delivered services to, children adversely affected by divorce.

(3) DATE- The appointments of the members of the Commission shall be made no later

than June 1, 1993.

(c) PERIOD OF APPOINTMENT; VACANCIES- Members shall be appointed for the life of the Commission. Any vacancy in the Commission shall not affect its powers, but shall be filled in the same manner as the original appointment.

(d) INITIAL MEETING- No later than 30 days after the date on which all members of the Commission have been appointed, the Commission shall hold its first meeting.

(e) MEETINGS- The Commission shall meet at the call of the Chairman.

(f) QUORUM- A majority of the members of the Commission shall constitute a quorum, but a lesser number of members may hold hearings.

(g) CHAIRMAN AND VICE CHAIRMAN- The Commission shall select a Chairman and Vice Chairman from among its members.

(h) DUTIES- The Commission shall--

(1) compile information and data on the issues that affect the best interests of children, including domestic issues such as abuse, family relations, services and agencies for children and families, family courts and juvenile courts;

(2) compile a report that lists the strengths and weaknesses of the child welfare system as it relates to placement (including child custody and visitation), summarizes State laws and regulations relating to visitation, and makes recommendations for changing the system or developing a Federal role in strengthening the system;

(3) study the strengths and weaknesses of the juvenile and family courts as they relate to visitation, custody, and child support enforcement and suggest any recommendations for changing these systems; and

(4) study domestic issues that relate to the treatment and placement of children (such as child and spousal abuse) and suggest recommendations for any needed changes, including models for mediation and other programs.

(i) REPORT- Not later than January 1, 1994, the Commission shall submit to the President and the Congress an interim report, and not later than January 1, 1995, a final report, which shall contain a detailed statement of the findings and conclusions of the Commission, together with its recommendations for such legislation and administrative actions as it considers to be appropriate.

(j) HEARINGS-

(1) IN GENERAL- Subject to paragraph (2), the Commission may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Commission considers advisable to carry out the purposes of this section.

(2) BROAD PUBLIC PARTICIPATION- The Commission shall conduct hearings in various areas of the country, including inner cities, suburbs, and rural areas, to gather a broad spectrum of information on the issues to be addressed. Parents, children, experts, religious leaders, and public and private agency officials shall be afforded the opportunity to give testimony at such hearings.

(k) INFORMATION FROM FEDERAL AGENCIES- The Commission may secure directly from any Federal department or agency such information as the Commission considers necessary to carry out the provisions of this Act. Upon request of the Chairman of the Commission, the head of such department or agency shall furnish such information to the Commission to the extent permitted by law.

(l) POSTAL SERVICES- The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

(m) COMPENSATION OF MEMBERS- Each member of the Commission who is not an officer or employee of the Federal Government shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which such member is engaged in the performance of the duties of the Commission. All members of the Commission who are officers or employees of the United States shall serve without compensation in addition to that received for their services as officers or employees of the United States.

(n) TRAVEL EXPENSES- The members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.

(o) STAFF-

(1) IN GENERAL- The Chairman of the Commission may, without regard to the civil service laws and regulations, appoint and terminate an executive director and such other additional personnel as may be necessary to enable the Commission to perform its duties. The employment of an executive director shall be subject to confirmation by the Commission.

(2) COMPENSATION- The Chairman of the Commission may fix the compensation of the executive director and other personnel without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay for the executive director and other personnel may not exceed the rate payable for level V of the Executive Schedule under section 5316 of that title.

(p) DETAIL OF GOVERNMENT EMPLOYEES- Any Federal Government employee may be detailed to the Commission without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege.

(q) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES- The Chairman of the Commission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals which do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of that title.

(r) TERMINATION OF THE COMMISSION- (1) The Commission shall terminate 90 days after the date on which the Commission submits its final report under subsection (i).

(2) Any funds held by the Commission on the date of termination of the Commission shall be deposited in the general fund of the Treasury of the United States and credited as miscellaneous receipts. Any property (other than funds) held by the Commission on that date shall be disposed of as excess or surplus property.

(s) AUTHORIZATION OF APPROPRIATIONS-

(1) IN GENERAL- There are authorized to be appropriated to the Commission \$2,000,000 for fiscal years 1993 and 1994 to carry out this section.

(2) AVAILABILITY- Any sums appropriated under the authorization contained in this subsection shall remain available, without fiscal year limitation, until expended.

Speaker of the House of Representatives.

Vice President of the United States and
President of the Senate.

END

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 ^{Punishment} 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.



**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.

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: *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: 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:**

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Janet E. Irwin
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William P. Marshall
Kate P. Donovan
James C. Murr
Janet R. Forsgren
John E. Thompson
Steven M. Mertens

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

**RESPONSE TO
LEGISLATIVE REFERRAL
MEMORANDUM**

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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.

[DOCTD: 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>

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
Frank R. Forsgren
FROM: Janet 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. *

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Matthew McKearn
Richard B. Bavier
Laura Oliven Silberfarb
Wendy A. Taylor
Cynthia A. Rice
Diana Fortuna
Emil E. Parker
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**LRM ID: MDH192 SUBJECT: Statement of Administration Policy on HR3811 Deadbeat
Parents Punishment Act of 1998**

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 Office of Management and Budget
 Branch-Wide Line (to reach legislative assistant): 395-7362**

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

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_____ Concur

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(Rep. Hyde (R) IL)

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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 from.



Identical to Senate

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< 1pm

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105th CONGRESS
1st Session

H. R. 2925

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IN THE HOUSE OF REPRESENTATIVES

November 7, 1997

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which was referred to the Committee on Judiciary

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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>