Office of the Attorney General

Washington, D.C. 20530

July 13, 1993

MEMORANDUM FOR UNITED STATES ATTORNEYS

FROM: THE ATTORNEY GENERAL

SUBJECT: Prosecutive Guidelines and Procedures for the Child Support Recovery Act of 1992

The Child Support Recovery Act of 1992

The Child Support Recovery Act of 1992 (CSRA), Pub. L. No. 102-521, makes the willful failure to pay a past due support obligation with respect to a child residing in another state a federal offense. 18 U.S.C. § 228 (see appendix 1). A first violation of the CSRA is punishable by six months imprisonment and/or a fine. Subsequent violations are punishable by two years imprisonment and/or a fine. The F.B.I. has investigatory jurisdiction.

The following policies and procedures are intended to ensure effective prosecution of the CSRA by providing a means for selecting egregious cases which states are unable to handle because of the interstate nature of the case.

Elements of the Offense

The United States must prove that the defendant:

1. Having the ability to pay,
2. Did willfully fail to pay,
3. A known past due (child) support obligation,
4. Which has remained unpaid for longer than one year OR is an amount greater than $ 5,000,
5. For a child who resides in another state.[1]

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[1] Interstate flight is not an element of the offense.

Definitions

Past due support obligation

The CSRA defines "past due support obligation" as 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
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> (B) that has remained unpaid for a period longer than one year, or is greater than $5000.

18 U.S.C. § 228(d)(1).

Willfulness

According to the legislative history, willfulness has the same meaning as it has for purposes of federal criminal tax law. H. Rep. No. 102-771, 102d Cong., 2d Sess. at 6 (see appendix 2). For criminal tax cases, willfulness is the knowing and intentional violation of a known legal duty. Cheek v. United States, 111 S. Ct. 604, 610 (1991).

With respect to ability to pay, the legislative history states:

> the government must establish beyond a reasonable doubt, that at the time payment was due the [defendant] possessed sufficient funds to enable him to meet his obligation or that the lack of sufficient funds on such date was created by (or was the result of) a voluntary and intentional act without justification in view of all the financial circumstances of the [defendant].

H. Rep. No. 102-771, 102d Cong., 2d Sess. at 6 (see appendix 2).

Willfulness cannot be presumed from non-payment alone. 138 Cong. Rec. S17131 (October 7, 1992) (see appendix 3). The government is required to prove that the defendant, as of the date specified as the date of the offense, willfully failed to pay an outstanding amount.

Criminal culpability is not obviated by partial payment of support obligations because the statute defines past due support obligation as "any amount." However, partial payment may be relevant to inability to pay, which would negate willfulness. The

circumstances of any case in which partial payment has been made, including the relationship of the amount of partial payment to the total arrearage and ability to pay the arrearage, should be considered before proceeding.

Venue

Venue for prosecution will lie in either the district where the child resides or the district where the non-paying parent resides. The policy considerations regarding venue are discussed infra.

Sentencing Issues

In addition to the imprisonment and other penalties described above, the CSRA provides that upon conviction the court shall order restitution of an amount equal to the past due support obligation as it exists at the time of sentencing. 18 U.S.C. § 228(c); for general information see Prosecutor's Guide to Criminal Fines and Restitution.[2]

The Sentencing Guidelines do not apply to first violations of the CSRA because they are class B misdemeanors. With respect to subsequent violations, the Sentencing Guidelines do not include a guideline for this offense. Therefore, sentencing should be based on the most analogous offense, which is theft. See U.S. Sentencing Guideline § 2B1.1.

Probation Condition in Offenses

The CSRA amends 18 U.S.C. § 3563(b) so that a sentencing court in any type of case, including violations of the CSRA, may provide, as a condition of probation or supervised release, that a defendant meet his support obligations.

Investigative/Prosecutive Procedures

Referral Sources

Complaints and referrals for investigation may come from private lawyers, individual complainants, or state and local agencies.

Title IV-D of the Social Security Act, 42 U.S.C. §§ 651 et seq., requires states to establish programs for the enforcement of

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[2] The Prosecutor's Guide to Criminal Fines and Restitution can be obtained by contacting Richard Sponseller, Associate Director for Financial Litigation or Frank Shippen of the Executive Office for U.S. Attorneys at 202-501-7017.

child support. The agencies operating these programs are known as IV-D agencies.[3] These agencies must pursue child support on behalf of individuals who are receiving public assistance as well as at the request of individuals who are not. In addition, there may be other qualified agencies involved with child support.[4] Ordinarily, an individual complainant should be encouraged to work with a IV-D agency or other appropriate agency to pursue other available remedies before action is taken by federal prosecutors.

IV-D agencies may have a great deal of information concerning violations of the CSRA. Due to the variation among state laws, U.S. Attorneys are encouraged to coordinate with IV-D officials or their designees and other appropriate officials on local and state levels to establish referral procedures and may wish to establish local committees to develop local guidelines. Additionally, regardless of the source of the referral, U.S. Attorneys may wish to arrange for local IV-D agencies or other appropriate agencies to prepare referral packages for prosecution.

U.S. Attorneys in multi-district states are encouraged to work together to develop a uniform state-wide approach.

Referral Package

U.S. Attorneys should require a referral package in every case. It is suggested that United States Attorneys coordinate the preparation of the referral package with the appropriate IV-D agency. Each referral package for investigation/prosecution should include the information contained in appendix 5. As a general rule, these cases should be accepted only if they make clear that all reasonably available remedies have been exhausted.

Prosecutive Screening Criteria

As a general principle, it is recommended that cases should be accepted only when the referral makes clear that all reasonably available remedies have been exhausted.[5] Among such cases, priority should be given to cases where the following is established:

a. a pattern of flight from state to state to avoid payment or flight after service of process for contempt

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[3] A list of state coordinators for all of the IV-D agencies is attached as appendix 4.

[4] In some states, the State Attorney General may enforce child support obligations.

[5] Specific remedies are identified in appendix 5.

or contempt hearing; or

b. a pattern of deception to avoid payment such as changing employment, concealing assets or location, or using false social security numbers; or

c. failure to make support payments after being held in contempt; or

d. when the failure to make child support payments has a nexus to other potential federal charges, such as bankruptcy fraud (i.e. concealing assets), bank fraud (i.e. false statements to a bank), federal income tax charges (i.e. false statement or tax evasion) or other related criminal conduct.

Selecting Venue

Since venue for this crime may lie in either the district where the debtor resides or the district where the child resides, United States Attorneys may want to consider these general policy guidelines on venue after reviewing a referral package. For example, the efficiency of prosecution should be considered (i.e. costs of transporting witnesses, victims or the defendant or the availability and need for documents custodians to testify). Also, the deterrent impact of the prosecution in each district should be considered generally.

Factors that favor venue in the district where the child resides include the presence of significant evidence in that district, such as judicial or administrative orders reflecting the support obligation or arrearage. Another factor suggesting that venue may be appropriate in the child's district would be if the custodial parent receives public assistance in that district.

Factors that favor venue in the district where the non-paying parent resides include the presence of evidence showing willfulness such as documents concerning the existence or concealment of assets, change(s) of residence or "job hopping."

Notice to Target and Charging

If, after reviewing all pertinent documents, further action is believed to be warranted, the following steps should be taken before filing charges:

1) Before referring any case involving the CSRA to the F.B.I., a letter should be sent to the non-paying parent advising them of the CSRA and that they appear to be in violation of it and requesting payment of the arrearage within a specified period (see

appendix 6). If payment is not made, the matter should be referred to the F.B.I.

2) Prior to filing charges, a second letter advising the target that charges will be filed unless satisfactory payment is made within a specified period of time. (see appendix 7).

3) If satisfactory payment is still not forthcoming and no adequate explanation for non-payment has been advanced, United States Attorneys' offices should file charges against the non-paying parent.

Inasmuch as the first offense is a misdemeanor, consideration should be given to use of a summons to obtain the presence of the defendant in court.

Except in extraordinary cases, pre-trial diversion should not be used to resolve these cases, since the impact of the felonious second offense would be avoided by pre-trial diversion of the first offense.

So that criminal process is not used to enforce a civil debt, once charges are filed, a case should not be routinely dismissed merely because an offender makes payment.

Possible Defenses

In screening cases, some of the possible defenses which should be considered are:

1. Ex post facto application of statute, i.e. whether an arrearage in the amount of $ 5000 which had accrued prior to the enactment of the CSRA constitutes a violation or whether the arrearage must have remained unpaid for a period of one year commencing on or after the date of the enactment of the CSRA.

2. Statute of limitations: whether the violation is a continuing offense, i.e., whether an arrearage dating from over five years is chargeable.

3. Custodial parent, perhaps with aid of state or local agencies, has attempted to limit or terminate visitation or otherwise interfere with contact between non-paying parent and child.

4. Payment in kind, i.e. defendant purchased clothes, food or paid tuition.

Criminal Division Contacts

Any questions concerning the CSRA or any suggestions regarding proposed sentencing guidelines may be directed to Deborah Sorkin or Phillip Talbert in the Criminal Division at 202-514-1026.

A P P E N D I X 1

LEGISLATIVE AFFAIRS

One Hundred Second Congress of the United States of Am

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

THE WHITE HOUSE
OCT 20 1992

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.

"§ 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:

"11A. Child support ..... 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.
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"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

"(b) STATE OFFICE.—The office designated under section 507 of title I—

"(1) shall prepare the application required under section 1602; and

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"(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.

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"(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.

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"(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.

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(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 pro tempore.

Robert Byrd

~~*Vice President of the United States and*~~
President of the Senate pro tempore.

A P P E N D I X 2

102D CONGRESS 2d Session | HOUSE OF REPRESENTATIVES | REPORT 102-771

CHILD SUPPORT RECOVERY ACT OF 1992

AUGUST 8, 1992.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. BROOKS, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany H.R. 1241]

[Including cost estimate of the Congressional Budget Office]

The Committee on the Judiciary, to whom was referred the bill (H.R. 1241) to impose a criminal penalty for flight to avoid payment of arrearages in child support, having considered the same, report favorably thereon with amendments and recommend that the bill as amended do pass.

The amendments are as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

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:

"CHAPTER 11A—CHILD SUPPORT

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

"§ 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) of this section.

"(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 or imprisonment for not more than 6 months, or both; and

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

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"(c) RESTITUTION.—Upon a conviction under this section, the court shall order restitution under section 3663 of this title 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) CLERICAL AMENDMENT.—The table of chapters at the beginning of part I of title 18, United States Code, is amended by inserting after the item relating to chapter 11 the following:

"11A. Child support ..... 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:

"(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 the funds requested.

"(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 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 and 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.".

Amend the title so as to read:

A bill to amend title 18, United States Code, to provide penalties for willful refusal to pay child support, and for other purposes.

EXPLANATION OF AMENDMENT

Inasmuch as H.R. 1241 was ordered reported with a single amendment in the nature of a substitute, the contents of the report constitute an explanation of that amendment.

SUMMARY AND PURPOSE

H.R. 1241 addresses the growing problem of interstate enforcement of child support by punishing certain persons who intentionally fail to pay their child support obligations. The bill would create a criminal statute punishing any person who willfully fails to pay a "past due support obligation" to a child who resides in another state. The punishment authorized for a first offense is a fine up to $5,000 and/or imprisonment for not more than six months. For a second or subsequent conviction, the defendant could receive a fine up to $250,000 and imprisonment for not more than two years.

H.R. 1241 sets forth a definition of "past due support obligation," which is any amount determined under a court order or an order of an administrative process pursuant to the law of a state to be due from a person for the support and maintenance of a child or of a child and the parent with whom the child is living. In order for criminal liability to attach, the "past due support obligation" must have remained unpaid for a period longer than one year or must be greater than $5,000.

The bill requires the court to order restitution in an amount equal to the past due support obligation as it exists at the time of sentencing. It further provides the Federal courts with the authority to make compliance with child support obligations a condition of probation in any Federal criminal case. Finally, the bill creates a grant program under which the Bureau of Justice Assistance may make grants to states and local entities to develop, implement, and enforce criminal interstate child support legislation and coordinate criminal interstate child support enforcement efforts.

DISCUSSION

NEED FOR FEDERAL CRIMINAL INTERSTATE CHILD SUPPORT ENFORCEMENT

A growing proportion of American children live in single parent homes. According to recent data collected by the Bureau of the Census, ten million women head households with children whose

father is absent from the home, an increase of 39 percent in just over one decade. Approximately 16 million children live in these homes.

The effect of this phenomenon has been tragic. The poverty rate of families with children from an absent father has risen steadily throughout the 1980s. Indeed, 3.2 million such families were below the official government poverty level in 1989, a poverty rate of 32.2 percent.

Such statistics make clear that financial support from non-custodial parents is essential in helping children and their caretaker remain or become self-sufficient. Yet all too often that support is not forthcoming, even where a legal obligation to provide support exists. As recently as 1989, $16.3 billion in child support payments were due, but only $11.2 billion were made.

This deficit, averaging $5 billion per year, greatly increases the cost to the States and the Federal government in helping these families "make ends meet." For example, in 1988, 6.4 million children from homes in which the father was absent were enrolled in the program of Aid to Families with Dependent Children ("AFDC"), and that number has steadily increased since that time.

Recognizing this problem, Congress moved with the Social Services Amendments of 1974 to establish a Federal-state partnership for the collection of child support. This program has grown tremendously from its inception, with collections rising from $512 million in 1976 to $4.6 billion in 1988, a real increase of 328 percent in FY 1988 dollars.

Realizing the potential for even greater collections for both AFDC and non-AFDC families, Congress strengthened and expanded the tools available to the state collection programs in the Child Support Enforcement Amendments of 1984 and the Family Support Act of 1988. These enactments have made possible increased collections by a number of means, including Federal tax refund offsets, state tax refund offsets, unemployment compensation intercepts and direct wage withholding.

In spite of these improved collection efforts, the annual deficit in child support payments remains unacceptably high. This is especially true in interstate collection cases, where enforcement of support is particularly difficult.

According to a report released by the General Accounting Office in January 1992, "Interstate Child Support: Mothers Report Receiving Less Support From Out-of-State Fathers," GAO/HRD-92-39FS, approximately one-third of child support cases concern children whose father live in a different state and, thus, require interstate collection. According to that report, fifty-seven percent of the custodial parents in interstate cases reported receiving child support payments only occasionally, seldom or never.

Although there are many reasons for which a parent may fail to make a child support payment, research in this area reveals that a significant number of the parents who fail to pay do so intentionally. The statistics above suggest that their chances for successfully avoiding such payments increase markedly when they cross state lines.

The Association for Children for Enforcement of Support (ACES) informed the Committee that at least 42 states have made willful

failure to pay child support a crime, punishable in some states by imprisonment for up to ten years. Unfortunately, the ability of those states to enforce such laws outside their own boundaries is severely limited. Although most states have adopted the Uniform Reciprocal Enforcement of Support Act, which includes provisions designed to deal with the extradition of interstate child support defendants and the processing of requests for enforcement of support orders, interstate extradition and enforcement in fact remains a tedious, cumbersome and slow method of collection.

EFFECT OF FEDERAL CRIMINAL INTERSTATE CHILD SUPPORT ENFORCEMENT

H.R. 1241 addresses the problem of interstate enforcement of child support by taking the incentive out of moving interstate to avoid payment. The bill is designed to target interstate cases only. These are the cases which state officials report to be clearly the most difficult to enforce, especially the "hard core" group of parents who flagrantly refuse to pay and whom traditional extradition procedures have utterly failed to bring to justice.

The Committee believes that a child should be able to expect the most basic support from those chose to bring the child into the world. That expectation should not end at the state line. The Committee further believes that the taxpayers of America should be able to expect that the burden of caring for these children will be placed on the shoulders of the parents—where it rightfully belongs.

WILLFUL FAILURE TO PAY CHILD SUPPORT

The operative language establishing the requisite intent under H.R. 1241 is "willfully fails to pay." This language has been borrowed from the tax statutes that make willful failure to collect or pay taxes a Federal crime, 26 U.S.C. §§ 7202, 7203. Thus, the willful failure standard of H.R. 1241 should be interpreted in the same manner that Federal courts have interpreted these felony tax provisions. In order to establish willfulness under those provisions.

> the government must establish, beyond a reasonable doubt, that at the time payment was due the taxpayer possessed sufficient funds to enable him to meet his obligation or that the lack of sufficient funds on such date was created by (or was the result of) a voluntary and intentional act without justification in view of all of the financial circumstances of the taxpayer.

U.S. v. *Poll*, 521 F.2d 329, 333 (9th Cr. 1975). The willfulness element in the tax felony statutes requires proof of an intentional violation of a known legal duty, and thus describes a specific intent crime. *U.S.* v. *Birkenstock*, 823 F.2d 1026, 1028 (7th Cir. 1987). The word "willfully" under the tax felony statutes imports a bad purpose or evil motive. *U.S.* v. *Bishop*, 412 U.S. 346, 361 (1973). The Committee intends that the willful failure standard of H.R. 1241 be given similar effect as the willful failure standard contained in these tax felony provisions.

Committee Consideration

On Wednesday, January 15, 1992, the Subcommittee on Crime and Criminal Justice convened a hearing on H.R. 1241, at which testimony was heard from Ms. Margaret Campbell Haynes. Ms. Haynes currently serves as the Chair of the U.S. Commission on interstate Child Support which was created by Congress in 1988 to examine the problem of interstate child support and to recommend ways to reform interstate enforcement.

The Subcommittee also heard testimony from Mr. Harry Wiggins, Director, Division of Child Support Enforcement, Department of Social Services, Commonwealth of Virginia. Prior to his current position, Mr. Wiggins served in a similar capacity for the State of New Jersey, for a total of more than twelve years of experience in the field of child support enforcement. Testimony was also received from Dr. Robert Lerman, Chairman, Economics Department, American University; Ms. Geraldine Jensen, National President, Association for Children for Enforcement of Support ("ACES"); and three private citizens who are victims of child support delinquency.

On April 9, 1992, the Subcommittee on Crime and Criminal Justice, a quorum being present, adopted an amendment in the nature of a substitute to H.R. 1241 offered by Representative Charles E. Schumer, and reported H.R. 1241, as amended, the "Child Support Recovery Act of 1992."

Section-by-Section Analysis

Section 1.—Provides that the short title of bill shall be the "Child Support Recovery Act of 1992."

Section 2.—Creates a new offense at § 228 of title 18, United States Code, imposing a fine and up to six months imprisonment upon any person who willfully fails to pay a past due support obligation owed to a child who resides in another state. This section also authorizes a fine and up to two years imprisonment upon a second or subsequent conviction.

The term "past due support obligation" is defined as any amount determined under a court order or an order of an administrative process pursuant to the law of a state to be due from a person for the support and maintenance of a child or of a child and the parent with whom the child is living. The obligation must have remained unpaid for a period longer than one year, or must be greater than $5,000,00.

Section 2 also requires the court to order restitution under § 3663 of title 18, United States Code. The restitution must be ordered in an amount equal to the past due support obligation as it exists at the time of sentencing.

Section 3.—Amends § 3563 of title 18, United States Code, to grant authority to the Federal courts to make as a condition of probation in any Federal criminal matter compliance 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.

Section 4.—Provides authority to the Bureau of Justice Assistance to make grants to states and local entities to develop, implement and enforce criminal interstate child support legislation and coordinate criminal interstate child support enforcement efforts. It authorizes for appropriation $10 million for each of the fiscal years 1994, 1995 and 1996.

COMMITTEE VOTE

On July 1, 1992, the Committee, by voice vote, a quorum being present, adopted the amendment in the nature of a substitute to H.R. 1241 offered by Representative Charles E. Schumer, and ordered the bill, H.R. 1241, reported favorably as amended.

COMMITTEE OVERSIGHT FINDINGS

In compliance with clause 2(l)(3)(A) of rule XI of the Rules of the House of Representatives, the Committee reports that the findings and recommendations of the Committee, based on oversight activities under clause 2(b)(1) of rule X of the Rules of the House of Representatives, are incorporated in the descriptive portions of this report.

COMMITTEE ON GOVERNMENT OPERATIONS OVERSIGHT FINDINGS

No findings or recommendations of the Committee on Government Operations were received as referred to in clause 2(l)(3)(D) of rule XI of the Rules of the House of Representatives.

NEW BUDGET AUTHORITY AND TAX EXPENDITURES

Clause 2(l)(3)(B) of House Rule XI is inapplicable because this legislation does not provide new budgetary authority or increased tax expenditure.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

In compliance with clause 2(l)(C)(3) of rule XI of the Rules of the House of Representatives, the Committee sets forth, with respect to the bill H.R. 1241, the following estimate and comparison prepared by the Director of the Congressional Budget Office under section 403 of the Congressional Budget Act of 1974:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, July 9, 1992.

Hon. JACK BROOKS,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, PC.

Dear Mr. Chairman: The Congressional Budget Office has reviewed H.R. 1241, the Child Support Recovery Act of 1992.

Enactment of H.R. 1241 would not affect direct spending or receipts. Therefore, pay-as-you-go procedures would not apply to the bill.

If you wish further details on this estimate, we will be pleased to provide them.

Sincerely,

ROBERT D. REISCHAUER,
Director.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

1. Bill number: H.R. 1241.

2. Bill title: Child Support Recovery Act of 1992.

3. Bill status: As ordered reported by the House Committee on the Judiciary on July 1, 1992.

4. Bill purpose: H.R. 1241 would make failure to pay legal child support obligations a federal offense and would establish penalties for offenders. The bill would apply only to child support obligations unpaid for a period greater than one year or to obligations greater than $5,000. The penalties established by H.R. 1241 for failure to pay legal child support obligations would be as follows: (1) first-time offenders would be fined up to $5,000 or imprisoned for not more than six months, or both; (2) repeat offenders would be fined up to $250,000 or imprisoned for not more than 2 years, or both.

The bill also would authorize appropriations of $10 million for each of the fiscal years 1994, 1995, and 1996 for the Bureau of Justice Assistance to make grants to states for interstate child support legislation and enforcement.

5. Estimated cost to the Federal Government:

[By fiscal year, in millions of dollars]

	1993	1994	1995	1996	1997
Authorization level		10	10	10	
Estimated outlays		2	6	10	8

Enactment of H.R. 1241 would result in additional costs to the criminal justice system to investigate, prosecute, and punish child support offenders. These costs will vary to the extent that the Department of Justice chooses to allocate resources to this particular crime. CBO cannot estimate the amount of any such costs at this time.

The costs of this bill fall within budget function 750.

Basis of estimate: We have assumed that the full amounts authorized for the grants to states would be appropriated for each fiscal year. Outlay estimates are based on historical spending patterns for similar activities.

6. Pay-as-you-go considerations: The Budget Enforcement Act of 1990 sets up pay-as-you-go procedures for legislation affecting direct spending or receipts through 1995. CBO estimates that enactment of H.R. 1241 would not affect direct spending or receipts. Therefore, pay-as-you-go procedures would not apply to the bill.

7. Estimated cost to State and local governments: The states that are awarded grants under this legislation would be required to fund at least 25 percent of the cost of the projects for which the

grants are intended. The state share would amount to about $3 million a year.

8. Estimate comparison: None.
9. Previous CBO estimate: None.
10. Estimate prepared by: Mark Grabowicz.
11. Estimate approved by: Paul Van de Water (for C. G. Nuckols, Assistant Director for Budget Analysis).

Inflationary Impact Statement

Pursuant to clause 2(l)(4) of rule XI of the Rules of the House of Representatives, the Committee estimates that H.R. 1241 will have no significant inflationary impact on prices and costs in the national economy.

Changes in Existing Law Made by the Bill, as Reported

In compliance with clause 3 of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italics, existing law in which no change is proposed is shown in roman):

TITLE 18, UNITED STATES CODE

PART I—CRIMES

Chap.		Sec.
1.	General provisions	1
	. . . . .	
11A.	*Child support*	*228*
	. . . . .	

CHAPTER 11A—CHILD SUPPORT

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

§ 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) of this section.

(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 or imprisonment for not more than 6 months, or both; and

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

(c) Restitution.—Upon a conviction under this section, the court shall order restitution under section 3663 of this title 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.

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PART II—CRIMINAL PROCEDURE

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CHAPTER 227—SENTENCES

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Subchapter B—Probation

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§ 3563. Conditions of probation

(a) * * *

(b) DISCRETIONARY CONDITIONS.—The court may provide, as further conditions of a sentence of probation, to the extent that such conditions are reasonably related to the factors set forth in section 3553(a)(1) and (a)(2) and to the extent that such conditions involve only such deprivations of liberty or property as are reasonably necessary for the purposes indicated in section 3553(a)(2), that the defendant—

(1) * * *

* * * * * * *

(20) remain at his place of residence during nonworking hours and, if the court finds it appropriate, that compliance with this condition be monitored by telephonic or electronic signaling devices, except that a condition under this paragraph may be imposed only as an alternative to incarceration; [or]

(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

[21] *(22)* satisfy such other conditions as the court may impose.

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OMNIBUS CRIME CONTROL AND SAFE STREETS ACT OF 1968

TITLE I—JUSTICE SYSTEM IMPROVEMENT

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PART P—CRIMINAL CHILD SUPPORT ENFORCEMENT

Sec. 1601. Grant authorization.
Sec. 1602. State applications.
Sec. 1603. Review of State applications.
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Sec. 1607. Definitions.

PART Q—TRANSITION—EFFECTIVE DATE—REPEALER

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

* * * * * * *

PART J—FUNDING

AUTHORIZATION OF APPROPRIATIONS

SEC. 1001. (a)(1) * * *

* * * * * * *

[(6)] *(7)* There is authorized to be appropriated $25,000,000 for each of the fiscal years 1991, 1992, and 1993 to carry out the programs under part N of this title.

[(7)] *(8)* There are authorized to be appropriated $15,000,00 for fiscal year 1989 and such sums as may be necessary for each of the fiscal years 1990, 1991, and 1992 to carry out the programs under part M of this title.

[(7)] *(9)* There are authorized to be appropriated $20,000,000 for fiscal year 1991, and such sums as may be necessary for fiscal years 1992 and 1993, to carry out part O.

(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.

* * * * * * *

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 the funds requested.

(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 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 and 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.

PART P/Q—TRANSITION—EFFECTIVE DATE—REPEALER

CONTINUATION OF RULES, AUTHORITIES, AND PROCEEDINGS

SEC. [1601.] *1701.* (a)(1) All orders, determinations, rules, regulations, and instructions of the Law Enforcement Assistance Administration which are in effect on the date of the enactment of the Justice System Improvement Act of 1979 shall continue in effect

according to their terms until modified, terminated, superseded, set aside, or revoked by the President or the Attorney General, the Office of Justice Assistance, Research, and Statistics or the Director of the Bureau of Justice Statistics, the National Institute of Justice, or the Administrator of the Law Enforcement Assistance Administration with respect to their functions under this title or by operation of law.

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A P P E N D I X 3

The motion to lay on the table was agreed to.

ROBERT C. BYRD LOCKS AND DAM

Mr. FORD. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. 3345, a bill to designate the Gallipolis Locks and Dams, Ohio River, Ohio and West Virginia, as the "Robert C. Byrd locks and dam," introduced earlier today by Senators ROCKEFELLER and MOYNIHAN; that the bill be deemed read three times, passed; and the motion to reconsider laid upon the table; that a statement by Senator ROCKEFELLER appear in the RECORD at the appropriate place.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The bill (S. 3345) was deemed read three times and passed.

RENAMING GALLIPOLIS LOCKS AND DAM FOR SENATOR ROBERT C. BYRD

Mr. ROCKEFELLER. Mr. President, I am exceedingly proud to report the passage of legislation that will rename the Gallipolis locks and dam for the senior Senator from West Virginia, ROBERT C. BYRD. It has been my privilege to sponsor this amendment legislation, honoring this great servant of the people of the State of West Virginia and the Nation. His lifetime has been devoted to public service. Senator BYRD has held more legislative elective offices than any other individual in the history of West Virginia, and he has the distinct honor of having held more Senate leadership positions than any other Senator in Senate history.

In am privileged every day to serve at his side. I have watched him lead, and I have watched him fight. He has been my mentor and he is my friend. He is the epitome of a West Virginia Mountaineer. He is proud, tough, and independent, and he cares about the people he serves. He is more than deserving of this tribute that we pay him today.

Senator BYRD has been the driving force behind this project, which has taken many years to plan and construct. As Governor, I worked along with Senator BYRD in pushing for improvements to this facility—a project that is not only vital to West Virginia commerce, but to all of the States that use the Ohio River for shipment of their goods.

The replacement locks and dam, that we are renaming in honor of Senator BYRD, were originally constructed in the mid-1930's. As soon as construction was completed, the lock chambers were operating at capacity. Delays of up to 10 hours to get through the locks are not infrequent. The inadequate size of the lock chambers and the dangerous approach are responsible for massive congestion. This project, that will be dedicated next week, will alleviate both the danger and the delays that have been associated with Gallipolis for over 55 years.

Each year, 42 million tons are locked through this facility to move coal, steel, chemicals, and other products to ports for export. The Ohio River is a vital link in the transportation system of this Nation. Without the efforts of Senator ROBERT C. BYRD, one of the worst bottlenecks to navigation commerce in the Nation would not have been eliminated. Because of his efforts, we will spur more jobs, more opportunity, and more hope for the people we serve.

I would like to take a moment to thank the floor staff for their assistance in helping to get this legislation to the floor, especially Lula Davis who has gone above and beyond what is required to make this happen in a very short amont of time.

CHILD SUPPORT RECOVERY ACT OF 1992

Mr. FORD. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives on S. 1002.

The ACTING PRESIDENT pro tempore laid before the Senate the following message from the House of Representatives:

Resolved, That the bill from the Senate (S. 1002) entitled "An Act to impose a criminal penalty for flight to avoid payment of arrearages in child support", do pass with the following amendment:

Strike out all after the enacting clause and insert:

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.

"§ 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:

"11A. Child support ..... 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. 8. 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 re-

gard 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 (t).

(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.

Mr. KOHL. Mr. President, I am pleased that the Senate will pass the amended version of S. 1002, the so-called deadbeat parents bill. This measure—authored by myself, Senator SHELBY, and Congressmen HYDE and SCHUMER—makes it a Federal offense for noncustodial parents who live in another State to evade their child support obligations.

All too often around here, partisan politics and gridlock undermine even the most substantive proposals. In fact, that could be the epitaph of the 102d Congress. So, I am especially grateful that this legislation represents a triumph of bipartisan spirit over a legislative traffic jam.

Today, we're sending the message that the best interests of the child are held paramount by all of us.

And here's more good news: This bipartisan concern for children who suffer without needed child support has reached even our Presidential candidates.

Both Bill Clinton and President Bush have vowed to make deadbeat parents face their financial responsibility to their children and pay up. Both candidates have developed several child support reform proposals of their own. And, both Bush and Clinton have a particular interest in deadbeat parents who are involved in interstate child support cases and are not paying up. All of us are speaking with the same voice when we say it's time to stop letting noncustodial parents who deliberately ignore their children's financial needs get away with neglect.

Mr. President, back in July I chaired a Juvenile Justice Subcommittee hearing on S. 1002. The subcommittee heard from custodial and noncustodial parents' groups, the legal community, and the recently concluded U.S. Commission on Interstate Child Support.

This bill is a step in the right direction, and Senator SHELBY is to be commended for his efforts.

But some improvements have been made in S. 1002 since that hearing. As originally drafted, the bill seemed to create a presumption that any nonpayment was intentional. We changed the language so the Government will now have to prove willful failure to pay child support

This change makes sense for two reasons: First, because it protects noncustodial parents who are not able to pay child support; second, because it tells real deadbeats, pay up or go to jail.

Another change calls for the creation of a commission on Child and Family Welfare. The commission is not an attempt to link child support and child access; in fact, I do not believe that linkage is legitimate. But I do believe that some noncustodial parents, many of whom faithfully pay their child support, have legitimate concerns. They want to contribute to the emotional, as well as the financial, well-being of their children. We should look at this issue just as we studied interstate nonpayment, and that is what this provision charges the commission to do.

A third improvement is a provision that authorizes funds to States so they can develop, implement, and enforce interstate child support criminal laws.

Mr. President, in sum, I am confident that when this measure reaches President Bush's desk, he will sign it into law. And I am convinced that our collective, bipartisan efforts will help improve the financial and emotional welfare of millions of children.

Mr. FORD. Mr. President, I move that the Senate concur in the amendment of the House.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the motion.

The motion was agreed to.

Mr. FORD. Mr. President, I move to reconsider the vote by which the motion was agreed to.

Mr. SIMPSON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

LAND REMOTE SENSING POLICY ACT OF 1992

Mr. FORD. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 760, the Land Remote Sensing act of 1992.

The ACTING PRESIDENT pro tempore. The clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 2297) to enable the United States to maintain its leadership in land remote sensing by providing data continuity for the Landsat program, by establishing a new national land remote sensing policy, and for other purposes.

The ACTING PRESIDENT pro tempore. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Commerce, Science, and Transportation, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Land Remote Sensing Policy Act of 1992".

SEC. 2. FINDINGS.

The Congress finds and declares the following:

(1) The continuous collection and utilization of land remote sensing data from space are of major benefit in studying and understanding human impacts on the global environment, in managing the Earth's natural resources, in carrying out national security functions, and in planning and conducting many other activities of scientific, economic, and social importance.

(2) The Federal Government's experimental Landsat system established the United States as the world leader in land remote sensing technology.

(3) The national interest of the United States lies in maintaining international leadership in satellite land remote sensing and in broadly promoting the beneficial use of remote sensing data.

(4) The cost of unenhanced Landsat data has impeded the use of such data for scientific purposes, such as for global environmental change research, as well as for other public sector applications.

(5) Given the importance of the Landsat program to the urgent actions of the United States, including expedited procurement procedures, must be followed in order to provide data continuity.

(6) Full commercialization of the Landsat program cannot be achieved within the foreseeable future, and thus should not serve as the near-term goal of national policy on land remote sensing.

(7) Despite the success and importance of the Landsat system, funding and organizational uncertainties over the past several years have placed its future in doubt and have jeopardized United States leadership in land remote sensing.

(8) Recognizing the importance of the Landsat program in helping to meet national and commercial objectives, the President approved, on February 11, 1992, a National Space Policy Directive which was developed by the National Space Council and commits the United States to ensuring the continuity of Landsat coverage into the 21st century.

(9) Because unenhanced Landsat data is particularly important for global environmental change and national security purposes, management responsibilities for the program should be transferred from the Department of Commerce to an integrated program management involving the National Aeronautics and Space Administration and the Department of Defense.

(10) Regardless of management responsibilities for the Landsat program, the Nation's broad civilian, national security, commercial, and foreign policy interests in remote sensing will best be served by ensuring that Landsat remains an unclassified program that operates according to the principles of open skies and nondiscriminatory access.

(11) Technological advances aimed at reducing the size and weight of satellite systems hold the potential for dramatic reductions in the cost,

"the United States trustee, after consultation with parties in interest, shall";

(25) in section 1129(a)—

(A) by striking the semicolon at the end of paragraph (4) and inserting a period; and

(B) in paragraph (12) by striking "section 1930," and inserting "section 1930 of title 28,";

(26) in section 1228(b)(2)—

(A) by striking "section 1202(d) of this title" and inserting "section 586(b) of title 28"; and

(B) by striking "section 1202(e) of this title" and inserting "section 586(e) of title 28";

(27) in section 1302(b) by striking "and" at the end of paragraph (3); and

(28) in section 1329(a)(2) by striking "of" and all that follows through the semicolon and inserting "of the kind described in section 523(a) (5), (8), or (9);".

SEC. 602. TITLE 28, UNITED STATES CODE.

Section 586(a)(3) of title 28, United States Code, is amended in the matter preceding subparagraph (A) by inserting "12," after "11,".

MOTION OFFERED BY MR. BROOKS

Mr. BROOKS. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. BROOKS moves to strike all after the enacting clause of the Senate bill, S. 1985 and insert in lieu thereof the provisions of H.R. 6020 as passed by the House.

The motion was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed.

The title of the Senate bill was amended so as to read: "A bill to amend titles 11 and 28 of the United States Code, relating to bankruptcy."

A motion to reconsider was laid on the table.

A similar House bill, H.R. 6020, was laid on the table.

CHILD SUPPORT RECOVERY ACT OF 1992

Mr. BROOKS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 1002) to impose a criminal penalty for flight to avoid payment of arrearages in child support, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

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

Mr. SENSENBRENNER. Mr. Speaker, reserving the right to object, I wish to ask the gentleman from Texas [Mr. BROOKS] if he could explain what we are doing to this very meritorious bill. I yield to the gentleman from Texas for that purpose.

Mr. BROOKS. Mr. Speaker, on August 4, 1992, the House passed H.R. 1241, the Child Support Recovery Act of 1992. As passed by the House, H.R. 1241: First, created a new Federal criminal offense with regard to violations of civil child support orders; second, granted Federal courts the authority to make compliance with child support obligations a condition of probation in any Federal criminal matter; and third, authorized $10 million for each of fiscal years 1994, 1995, and 1996 for grants to State and local entities for development, implementation, and enforcement of criminal interstate child support legislation and coordination of criminal interstate child support enforcement efforts.

S. 1002 is largely similar to that bill, except it did not contain a bureau of justice assistance grant program to assist the States in criminal child support enforcement which was contained in H.R. 1241. S. 1002 also creates a commission to study child and family welfare.

This amendment would, essentially, make S. 1002 identical to H.R. 1241 as passed by the House, retaining the addition of the commission added by the Senate.

This amendment has bipartisan support, including that of the principal sponsor of H.R. 1241, the distinguished gentleman from Illinois [Mr. HYDE]. I urge my colleagues to support the amendment.

Mr. SENSENBRENNER. Further reserving the right to object, Mr. Speaker, I yield to the gentleman from Illinois [Mr. HYDE].

Mr. HYDE. Mr. Speaker, I thank the gentleman very much for yielding. I just want to congratulate Chairman BROOKS, the gentleman from New York [Mr. SCHUMER], as well as the gentleman from Wisconsin [Mr. SENSENBRENNER], the gentleman from New Jersey [Mr. HUGHES], and everyone on the subcommittee. I think this is an excellent bill.

What it does is it makes a Federal crime out of anyone who crosses a State line willfully to avoid paying child support. There is a jurisdictional amount of $5,000. But what it does is it puts some teeth into child support enforcement. There are too many children and the statistics are really startling. There is some $5 billion a year that does not get paid in court ordered child support.

To visit on children who are vulnerable and defenseless the difficulties that may exist between spouses is really a disgraceful thing. So to strike a blow for the children who are abandoned, this puts some teeth into child enforcement awards. The States have tried to cope with this, but when a parent, usually it is the father, crosses a State line for the purpose of avoiding child support, the two States have great difficulty in tracking a very mobile, evasive father down to enforce child support.

Now that the Federal Government will be in, it will have great therapeutic effect I am sure and result in enforcement of child support. I think we have won one for the children, and that is no small achievement. I congratulate Mr. BROOKS, Mr. SENSENBRENNER, Mr. SCHUMER, Mr. HUGHES, and any and all associated with this good effort.

Mr. SENSENBRENNER. Mr. Speaker, further reserving the right to object, I wish to associate myself with the remarks of both the gentleman from Texas [Mr. BROOKS] and the gentleman from Illinois [Mr. HYDE].

I have been told that if support orders were completely paid, the welfare burden in Milwaukee County would be cut in half. The gentleman from Illinois [Mr. HYDE] has said that there is $5 billion in outstanding child support orders.

I think that this is a step in the right direction to get some of that collected. That means the deadbeat dads will end up paying the support rather than the taxpayers.

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I think that this is a tremendous step in the right direction, and I support the bill thoroughly.

Mr. HOYER. Mr. Speaker, will the gentleman yield?

Mr. SENSENBRENNER. Further reserving the right to object, I yield to the gentleman from Maryland.

Mr. HOYER. Mr. Speaker, I thank the gentleman. I had not expected to be here and did not, frankly, know this bill was on the floor. But I am a cosponsor of this bill, and I want to congratulate the gentleman from Illinois for his leadership on this issue and congratulate the chairman of the committee, the gentleman from Texas [Mr. BROOKS], on his role.

As someone who has handled, I suppose, hundreds, maybe thousands, of support cases over the 25 years of my practice, one of the most outrageous things that I think we have in our society is the growing number of parents who irresponsibly abandon and fail to support their progeny and expect the rest of us to do so, and even more egregious, expect, in most instances, the single mother to do so; not in every instance, and this will apply, of course, to a parent of either sex who abandons the child.

But it is, I think, excellent policy, long overdue, that the Nation addresses those who abandon and cross State lines to avoid the support of their children.

One of the great issues of this country today is personal responsibility. The Government cannot do it all, nor should it. The private sector, business, cannot do it all, nor should it. It is obvious that if our Nation is going to succeed it will succeed because of the collective doing of things by individuals that they know they should do.

I am pleased to rise in the strongest possible support for this legislation and, again, say to my friend, the gentleman from Illinois, I congratulate him for his leadership and say I was pleased to cosponsor this piece of legislation.

Mr. SENSENBRENNER. Further reserving the right to object, Mr. Speaker, I yield to the gentleman from Kentucky [Mr. MAZZOLI].

Mr. MAZZOLI. Mr. Speaker, I thank the gentleman very much for yielding, and I salute him, and the gentleman from Illinois [Mr. HYDE] and the gen-

tleman from Texas [Mr. BROOKS] and my seatmate for many years, the gentleman from New Jersey [Mr. HUGHES] on the bill.

I would just, as a little anecdote here, I guess, some anecdotal evidence, that the combined evidence that what we are doing now, federalizing the, to me, heinous crime of skipping on a debt that you owe not just to society but to your own progeny, I have had occasion this summer to be back home often and walking along the streets and have a man come up to me saying that they think they are being given a very hard ride from the local authorities on child support payments and that sort of thing, and that is something new for me which does reflect, I believe, a growing awareness at the State and local level of the need to enforce these orders and the fact that those orders are being enforced.

I think this criminalizing the very outrageous tactic that is used to avoid debt is going to further add to the arsenal the local prosecutors have to make sure these debts are collected.

So I want to thank my friend for the excellent work that he has done.

Mr. HYDE. Mr. Speaker, will the gentleman yield further?

Mr. SENSENBRENNER. Further reserving the right to object, I yield to the gentleman from Illinois.

Mr. HYDE. Mr. Speaker, I just want to mention an organization that has been a driving force behind this legislation. It is called ACES, Association for Children's Enforcement of Support. These are a wonderful group of women, most of whom, or all of whom, have been abandoned and have abandoned children, and they have been tireless in driving for this legislation. This is their victory today when this legislation passes.

I thank the gentleman.

Mr. SENSENBRENNER. Mr. Speaker, finally reserving the right to object for the last time, I hope we can speedily send this bill to the President's desk so the ACES will not get trumped by the deadbeats.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore (Mr. MFUME). Is there objection to the request of the gentleman from Texas?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 1002

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.

"§ 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 180 days, or is greater than $2,500; 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:

"11A. Child support ..... 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. 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) 5 shall be appointed by the President, in consultation with the Attorney General and the Secretary of Health and Human Services;

(B) 2 shall be appointed by the President pro tempore of the Senate;

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

(D) 2 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, from the inner cities to the suburbs to 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.

(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 for fiscal years 1993 and 1994 such sums as are necessary 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.

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. BROOKS

Mr. BROOKS. Mr. Speaker, I offer an amendment in the nature of a substitute.

The Clerk read as follows:

Amendment in the nature of a substitute offered by Mr. BROOKS:

Strike all after the enacting clause and insert the following:

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.

"§ 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:

"11A. Child support ..... 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 with-

it regard to the provisions of chapter 51 and ubchapter III of chapter 53 of title 5, United tates 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.

Mr. BROOKS (during the reading). Mr. Speaker, I ask unanimous consent that the amendment in the nature of a substitute be considered as read and printed in the RECORD.

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

There was no objection.

The SPEAKER pro tempore. The question is on the amendment in the nature of a substitute offered by the gentleman from Texas [Mr. BROOKS].

The amendment in the nature of a substitute was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. BROOKS. Mr. Speaker, I ask unanimous consent that all Members may have 3 legislative days in which to revise and extend their remarks on the three bills just passed.

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

There was no objection.

DEPOSITORY INSTITUTIONS DISASTER RELIEF ACT OF 1992

Mr. GONZALEZ. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6050) to facilitate recovery from recent disasters by providing greater flexibility for depository institutions and their regulators, and for other purposes.

The Clerk read as follows:

H.R. 6050

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 "Depository Institutions Disaster Relief Act of 1992".

SEC. 2. APPRAISAL REQUIREMENTS.

Title XI of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (12 U.S.C. 3331 et seq.) is amended by adding at the end the following new section:

"SEC. 1128. EMERGENCY EXCEPTIONS FOR DISASTER AREAS.

"(a) IN GENERAL.—Each Federal financial institutions regulatory agency may, by regulation or order, make exceptions to this title, and to standards prescribed pursuant to this title, for transactions involving institutions for which the agency is the primary Federal regulator with respect to real property located within a disaster area if the agency—

"(1) makes the exception not later than 30 months after the date on which the President determines, pursuant to section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, that a major disaster exists in the area; and

"(2) determines that the exception—

"(A) would facilitate recovery from the major disaster; and

"(B) is consistent with safety and soundness.

"(b) 3-YEAR LIMIT ON EXCEPTIONS.—Any exception made under this section shall expire not later than 3 years after the date of the determination referred to in subsection (a)(1).

"(c) PUBLICATION REQUIRED.—Any Federal financial institutions regulatory agency shall publish in the Federal Register a statement that—

"(1) describes any exception made under this section; and

"(2) explains how the exception—

"(A) would facilitate recovery from the major disaster; and

"(B) is consistent with safety and soundness.

"(d) DISASTER AREA DEFINED.—For purposes of this section, the term 'disaster area' means an area in which the President, pursuant to section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, has determined that a major disaster exists.".

SEC. 3. TRUTH IN LENDING ACT; EXPEDITED FUNDS AVAILABILITY ACT.

(a) TRUTH IN LENDING ACT.—During the 180-day period beginning on the date of enactment of this Act, the Board of Governors of the Federal Reserve System may make exceptions to the Truth in Lending Act for transactions within an area in which the President, pursuant to section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, has determined that a major disaster exists, if the Board determines that the exception can reasonably be expected to produce benefits to the public that outweigh possible adverse effects.

(b) EXPEDITED FUNDS AVAILABILITY ACT.—During the 180-day period beginning on the date of enactment of this Act, the Board of Governors of the Federal Reserve System may make exceptions to the Expedited Funds Availability Act for depository institution offices located within an area referred to in subsection (a) of this section if the Board determines that the exception can reasonably be expected to produce benefits to the public that outweigh possible adverse effects.

(c) TIME LIMIT ON EXCEPTIONS.—Any exception made under this section shall expire not later than the earlier of—

(1) 1 year after the date of enactment of this Act; or

(2) 1 year after the date of the Presidential determination referred to in subsection (a).

(d) PUBLICATION REQUIRED.—The Board of Governors of the Federal Reserve System shall publish in the Federal Register a statement that—

(1) describes any exception made under this section; and

(2) explains how the exception can reasonably be expected to produce benefits to the public that outweigh possible adverse effects.

SEC. 4. DEPOSIT OF INSURANCE PROCEEDS.

(a) IN GENERAL.—The appropriate Federal banking agency may, by order, permit an insured depository institution, during the 18-month period beginning on the date of enactment of this Act, to subtract from the institution's total assets, in calculating compliance with the leverage limit prescribed under section 38 of the Federal Deposit Insurance Act, an amount not exceeding the qualifying amount attributable to insurance proceeds, if the agency determines that—

(1) the institution—

(A) had its principal place of business within an area in which the President, pursuant to section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, has determined that a major disaster exists, on the day before the date of that determination;

(B) derives more than 60 percent of its total deposits from persons who normally reside within, or whose principal place of business is normally within, areas of intense devastation caused by the major disaster (such as that portion of Dade County, Florida, south of Kendall Drive and east of Everglades National Park, as damaged by Hurricane Andrew);

(C) was adequately capitalized (as defined in section 38 of the Federal Deposit Insurance Act) before the major disaster; and

(D) has an acceptable plan for managing the increase in its total assets and total deposits; and

(2) the subtraction is consistent with the purpose of section 38 of the Federal Deposit Insurance Act.

(b) DEFINITIONS.—For purposes of this section:

(1) APPROPRIATE FEDERAL BANKING AGENCY.—The term "appropriate Federal banking agency" has the same meaning as in section 3 of the Federal Deposit Insurance Act.

(2) INSURED DEPOSITORY INSTITUTION.—The term "insured depository institution" has the same meaning as in section 3 of the Federal Deposit Insurance Act.

(3) LEVERAGE LIMIT.—The term "leverage limit" has the same meaning as in section 38 of the Federal Deposit Insurance Act.

(4) QUALIFYING AMOUNT ATTRIBUTABLE TO INSURANCE PROCEEDS.—The term "qualifying amount attributable to insurance proceeds" means the amount (if any) by which the institution's total assets exceed the institution's average total assets during the calendar quarter ending before the date of the Presidential determination referred to in subsection (a)(1)(A), because of the deposit of insurance payments or governmental assistance made with respect to damage caused by, or other costs resulting from, the major disaster.

SEC. 5. BANKING AGENCY PUBLICATION REQUIREMENTS.

(a) IN GENERAL.—During the 180-day period beginning on the date of enactment of this

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

AMENDMENT NO. 3067

Mr. FORD. Mr. President, I send an amendment to the desk for Mr. Mitchell, and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Kentucky [Mr. FORD], for Mr. MITCHELL, proposes an amendment numbered 3067.

Mr. FORD. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

On page 4, strike lines 8-12 and insert in lieu thereof the following:

"(f) IDENTIFICATION OF UNCONTAMINATED PROPERTY.—(A) In the case of real property owned by the United States that: (i) is or has been used as a military installation and on which the United States plans to or has terminated military operations, pursuant to a base closure law, including The Defense Base Closure and Realignment Act of 1990 (10 U.S.C. 2687 note), Title II of the Defense Authorization Amendments and Base Closure and Realignment Act (10 U.S.C. 2687 note), Section 2687 of title 10, United States Code, or any provision of law authorizing the closure or realignment of a military installation enacted on or after the date of enactment of this Act; or (ii) is not used as a military installation and on which the United States plans to terminated Federal government operations, other than military operations,"

On page 6, following lines 8 add "or" and the following new clause:

"(viii) a completed preliminary assessment and site investigation if such document provides information equivalent to that which would be included in clauses (i-vii)."

On page 6, strike lines 20 and insert in lieu thereof:

"(C) In the case of property on which the United States is terminating military operations as described in paragraph (A) identification and concurrence required under subparagraphs (A) and (B) shall be made 18 months after the military installation is selected for closure pursuant to a base closure law or 60 days after the Environmental Protection Agency approves a remedial investigation/feasibility study, whichever is later. In all other cases the identification and concurrence required".

On page 7, add the following new sentence at the of line 4:

"The head of the department, agency, or instrumentality of the United States, may sell or otherwise transfer any parcel of real property identified under subparagraph (A) 180 days after submitting a request for concurrence under subparagraph (B)."

On page 7, following line 20, insert the following:

"(E) The head of the department, agency, or instrumentality of the United States with jurisdiction over the real property subject to this subsection may sell, lease, or otherwise transfer any right, title, or interest to the real property identified under subparagraph (A) without regard to whether the real property is or has been listed as a site on the National Priorities List."

On page 7, line 21, strike "(E)" and insert in lieu thereof "(F)".

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 3067) was agreed to.

The PRESIDING OFFICER. The question is on the engrossment of the amendment and third reading of the bill.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read a third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill pass?

So the bill (H.R. 4016), as amended, was passed.

Mr. FORD. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. WARNER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. FORD. Mr. President, I ask unanimous consent that the Senate insist on its amendment, request a conference with the House on the disagreeing votes of the two Houses and that the Chair be authorized to appoint conferees.

There being no objection, the Presiding Officer [Mr. AKAKA] appointed Mr. MOYNIHAN, Mr. MITCHELL, Mr. LAUTENBERG, Mr. CHAFEE, and Mr. WARNER conferees on the part of the Senate.

CHILD SUPPORT RECOVERY ACT OF 1992

Mr. FORD. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 678, S. 1002, a bill to impose a criminal penalty for flight to avoid payment of arrearages in child support; that the committee-reported substitute amendment be deemed agreed to; that any statements with respect to this bill appear at this point in the RECORD; that the bill be read for the third time and passed; and that the motion to reconsider be laid upon the table.

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

So the committee substitute amendment was deemed agreed to, as follows:

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.

"§ 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 180 days, or is greater than $1,500; 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:

"11A. Child support ..... 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. 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) 5 shall be appointed by the President, in consultation with the Attorney General and the Secretary of Health and Human Services;

(B) 3 shall be appointed by the President pro tempore of the Senate;

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

(D) 3 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, from the inner cities to the suburbs to 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.

(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 privileges.

(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 for fiscal years 1993 and 1994 such sums as are necessary 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.

So the bill (S. 1002), as amended, was deemed read the third time and passed.

BIOTECHNOLOGY PATENT PROTECTION ACT

Mr. FORD. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 421, S. 654, a bill to amend title 35, United States Code, with respect to patents on certain biological processes.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (S. 654) to amend title 35, United States Code, with respect to patents on certain processes.

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

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on the Judiciary, with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

SECTION 1. CONDITIONS FOR PATENTABILITY; NON-OBVIOUS SUBJECT MATTER.

Section 103 of title 35, United States Code, is amended—

(1) in the first unnumbered paragraph by inserting "(a)" before "A patent";

(2) in the second numbered paragraph by inserting "(b)" before "Subject matter"; and

(3) by adding at the end thereof the following new subsection:

"(c) Notwithstanding any other provision of this section, a claimed process of making or using a machine, manufacture, or composition of matter is not obvious under this section if—

"(1) the machine, manufacture, or composition of matter is novel under section 102 of this title and nonobvious under this section; and

"(2)(A) the machine, manufacture, or composition of matter, and the claimed process invention at the time it was made, were owned by the same person or subject to an obligation of assignment to the same person; and

"(B) claims to the process and to the machine, manufacture, or composition of matter, are entitled to the same effective filing date, and appear in the same patent or in different patents which are owned by the same person and are set to expire on the same date.".

SEC. 2. PRESUMPTION OF VALIDITY.

The first unnumbered paragraph of section 282 of title 35, United States Code, is amended by inserting after the second sentence "A claim issued under the provisions of section 103(c) of this title on a process of making or using a machine, manufacture, or composition of matter shall not be held invalid under section 103 of this title solely because the machine, manufacture, or composition of matter is determined to lack novelty under section 102 of this title or to be obvious under section 103 of this title.".

SEC. 3. EFFECTIVE DATE.

The amendments made by this Act shall apply to all United States patents granted on or after the date of the enactment of the Act and to all applications for United States patents pending on or filed after such date of enactment, including any application for the reissuance of a patent.

the precedent for compensating Indian tribes in claims based on fair and honorable dealings. H.R. 4209 is intended to enable the Cherokee, Chickasaw, and Choctaw nations to be treated like other tribes. Every other tribe located along navigable waterways—the Sioux tribes along the Missouri River, for example—has received at least some compensation from the United States for damages to property interests caused by construction of navigational water projects.

Moreover, the claim that passage of H.R. 4209 would set a bad precedent is equally specious in light of the fact that no other tribe in the country acquired title to their land in the manner of the tribes involved here: Title to their lands west of the Mississippi River, including the bed of the Arkansas River, was negotiated by treaty and conveyed in fee patent. Furthermore, precedent exists from as early as 1949 for compensating non-Indian owners of private property for damages resulting from the exercise of the navigational servitude.

Second, this administration has consistently supported the protection of private property rights against the undue exercise of constitutional powers over them. Witness the administration's position in the recent Lucas case in the Supreme Court. Yet here, the Justice Department seeks to interpose a questionable interpretation of the theory of navigational servitude to prevent the tribes from being compensated for damages to the nations' property from the McClellan-Kerr project—damages that would be indisputably compensable if caused by a private party instead of the Federal Government.

Finally, it is significant that the claims authorized by Congress under Public Law 97-385 include claims based on fair and honorable dealings that are not otherwise recognized by any existing rule of law or equity. The fair and honorable dealing cause of action was originally created by Congress in the Indian Claims Commission Act of 1946 and was meant to make the United States accountable in moral, rather than legal, terms for damages to Indian property. The Government's treatment of the nations' property interests in the Arkansas riverbed fall squarely within the class of cases Congress contemplated when it authorized fair and honorable dealing claims under the Indian Claims Commission Act and Public Law 97-385.

Since the early 19th century the United States and the Cherokee, Chickasaw, and Choctaw nations have had a relationship based on treaties, statutes, and fee patent title to the tribes' lands. That relationship and rights vested in the nations thereby formed the basis for the nations' exclusive governmental and proprietary interest on the Arkansas River, including navigation, throughout the 19th century. H.R. 4209 enables the United States to be accountable to the nations under the fair and honorable dealings tenet without undermining the legal doctrine of navigational servitude. H.R. 4209, as amended by the Subcommittee on Administrative Law and Governmental Relations, embodies the proper expression of public policy compelled by conduct of the United States in this matter.

Mr. Speaker, this is not a question of what is legally required or the Federal Government. Rather, it is a question of our moral and equitable obligations to these tribes. The title to the land in question continues to be held in trust for the tribes by the United States. Failure to compensate them for the Federal use of their land is a gross breach of that trust.

With that in mind, I urge all my colleagues to support passage of H.R. 4209.

Mr. GEKAS. Mr. Speaker, I yield back the balance of my time.

Mr. FRANK of Massachusetts. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Massachusetts [Mr. FRANK] that the House suspend the rules and pass the bill, H.R. 4209, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

CHILD SUPPORT RECOVERY ACT OF 1992

Mr. SCHUMER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1241) to impose a criminal penalty for flight to avoid payment of arrearages in child support, as amended.

The Clerk read as follows:

H.R. 1241

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:

"CHAPTER 11A—CHILD SUPPORT

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

"§ 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) of this section.

"(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 or imprisonment for not more than 6 months, or both; and

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

"(c) RESTITUTION.—Upon a conviction under this section, the court shall order restitution under section 3663 of this title 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) CLERICAL AMENDMENT.—The table of chapters at the beginning of part I of title 18, United States Code, is amended by inserting after the item relating to chapter 11 the following:

"11A. Child support ..... 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:

"(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. 1602. 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 the funds requested.

"(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 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 and local entity may use not more than 5 percent of the funds it receives under this part of 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.".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York [Mr. SCHUMER] will be recognized for 20 minutes, and the gentleman from Illinois [Mr. HYDE] will be recognized for 20 minutes.

The Chair recognizes the gentleman from New York [Mr. SCHUMER].

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

Mr. Speaker, H.R. 1241 is a very significant bill, and it offers my colleagues in this House an opportunity to do something constructive for American families.

The bill is a bipartisan effort, and I want to truly commend the gentleman from Illinois [Mr. HYDE], who really spearheaded the efforts on this bill for the last several years. I think it is testament to his legislative perspicacity that he created this bill and worked so closely to get it passed, and to his own personal fortitude and integrity that he is here this evening to be here for the bill. It is appropriate, I guess, that this is a bill that strengthens families, because families is something I know is important to the gentleman from Illinois, and we do all grieve for him for his recent loss.

The bill would create a simple and straightforward criminal statute that would punish any person who willfully fails to pay a past-due support obligation to a child who resides in another State.

The bill also creates a grant program under which the Bureau of Justice Assistance may make grants to States and local entities to develop and implement this legislation and coordinate criminal interstate child support enforcement efforts.

Mr. Speaker, the need for this legislation is clear. Many of our States have done their best, and they have made willful failure to pay child support a crime punishable in some States by up to 10 years in prison. But the ability of those States to enforce such laws outside their own boundaries is hobbled by a labyrinth of extradition laws and snarls of redtape. As a result, skipping out on child support is one of the easiest crimes to get away with in America today.

At our hearings we heard of instance after instance where spouses, usually husbands, did not want to pay, went to another State, waited just until the legal process was able to catch up with him, and then went to another State and started the procedure all over again. Now this sounds very almost legal, but when you hear the mothers and see in your own mind's eye their children unable to get support, paying lawyers large sums of money, not only the financial wounds they suffer but the psychological wounds are enormous. And that is what this bill is intended to deal with.

Every year more than $5 billion in child support goes unpaid, forcing many families onto public assistance, especially AFDC and Medicaid. And it is unfair to ask the American taxpayers, Mr. Speaker, these people, the taxpayers who work so hard to support their own families, insure their own bills, to carry the burden of a deadbeat parent as well. We must help the States to collect the support these children desperately need by taking the incentive out of moving interstate to avoid payment. After all, simply put, a child's right to support should not end at the State line.

H.R. 1241 has been developed in consultation with the American Commission on Interstate Child Support, and reflects a preliminary recommendation made by the Commission with regard to the adoption of a Federal criminal statute. It enjoys the support of ACES, the Association for Children for Enforcement of Support, which has been an organization that deserves a heck of a lot of credit for moving this legislation. It also has the support of the National Child Suport Advocacy Coalition, and millions of custodial parents across this Nation.

These days we talk about family values, Mr. Speaker, and they mean many different things to many people. But I am sure we are all in agreement that part of family values is owning up to your responsibilities as a parent. The millions who do not and who now get away with it will have perhaps the fear of the law, perhaps the fear of God put into their bones by this legislation and thereby we will all increase our support of family values by passing this legislation.

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

The SPEAKER pro tempore (Mr. HUTTO). The question is on the motion offered by the gentleman from New York [Mr. SCHUMER] that the House suspend the rules and pass the bill, H.R. 1241, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The title of the bill was amended so as to read: "A bill to amend title 18, United States Code, to provide penalties for willful refusal to pay child support, and for other purposes.".

A motion to reconsider was laid on the table.

FEDERAL EMPLOYEES HUMANITARIAN LEAVE ACT OF 1992

Mr. MCCLOSKEY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2675) to amend title 5, United States Code, to provide for the granting of leave to Federal employees wishing to serve as bone-marrow or organ donors, and to allow Federal employees to use sick leave for purposes relating to the adoption of a child, as amended.

The Clerk read as follows:

H.R. 2675

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 "Federal Employees Humanitarian Leave Act of 1992".

SEC. 2. AVAILABILITY OF PAID LEAVE TO SERVE AS A BONE-MARROW OR ORGAN DONOR.

(a) IN GENERAL.—Subchapter II of chapter 63 of title 5, United States Code, is amended by adding at the end the following:

"§ 6327. Absence in connection with serving as a bone-marrow or organ donor

"(a) An employee in or under an Executive agency is entitled to leave without loss of or reduction in pay, leave to which otherwise entitled, credit for time or service, or performance or efficiency rating, for the time necessary to permit such employee to serve as a bone-marrow or organ donor.

"(b) Not to exceed 7 days of leave may be used under this section by an employee in a calendar year.

"(c) The Office of Personnel Management may prescribe regulations for the administration of this section.

"(d) Leave under this section may not be used after September 30, 1994.".

(b) TECHNICAL AMENDMENTS.—(1) Section 6129 of title 5, United States Code, is amended by inserting "6327," after "6326,".

(2) The table of sections for chapter 63 of title 5, United States Code, is amended by adding after the item relating to section 6326 the following:

"6327. Absence in connection with serving as a bone-marrow or organ donor.".

SEC. 3. USE OF SICK LEAVE IN ADOPTING A CHILD.

(a) IN GENERAL.—Section 6307 of title 5, United States Code, is amended—

(1) by redesignating subsection (c) as subsection (d);

(2) by inserting after subsection (b) the following:

"(c)(1) Sick leave provided by this section may be used for purposes relating to the adoption of a child.

"(2) Sick leave may not be used for purposes relating to the adoption of a child, pursuant to this subsection, after September 30, 1994."; and

(3) in subsection (d) (as so redesignated by paragraph (1)), by inserting "or for purposes relating to the adoption of a child," after "ailment,".

(b) TECHNICAL AMENDMENT.—Section 6129 of title 5, United States Code, is amended by striking "6307 (a) and (c)," and inserting "6307 (a) and (d),".

(c) ELECTION TO HAVE ANNUAL LEAVE RESTORED.—(1) The Office of Personnel Management shall prescribe regulations under which any employee who used or uses annual leave for an adoption-related purpose, after September 30, 1991, and before the date as of which sick leave first becomes available for such purpose as a result of the enactment of this section, may, upon appropriate written application, elect to have such employee's leave accounts adjusted to reflect the amount of annual leave and sick leave, respectively, which would remain had sick leave been used instead of all or any portion of the annual leave actually used, as designated by the employee.

(2) An application under this subsection may not be approved unless it is submitted—

(A) within 1 year after the date of the enactment of this Act or such later date as the Office may prescribe;

(B) in such form and manner as the Office shall require; and

(C) by an individual who is an employee as of the time of application.

(3) For the purpose of this subsection, the term "employee" has the meaning given such term in section 6301(2) of title 5, United States Code.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Indiana [Mr. MCCLOSKEY] will be recognized for 20 minutes, and the gentlewoman from Maryland [Mrs. MORELLA] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Indiana [Mr. MCCLOSKEY].

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

Mr. Speaker, H.R. 2675, the Federal Employees Humanitarian Leave Act of 1992, would allow Federal employees to use sick leave for the purposes of adopting a child. The bill would also authorize 7 days of administrative leave for Federal employees who become either bone-marrow or organ donors.

During fiscal year 1991, 524 employees used approximately 28,000 hours of sick leave for adoption purposes, under an experimental program authorized by Public Law 101-509. This amounts to an average of about 53 hours, or almost 7 days per employee.

Both male and female employees took advantage of the program, with women using about 60 percent of the leave and men using the remainder.

Mr. Speaker, the amendment adopted by the Committee on Post Office and Civil Service would make the sick leave for the adoption program retroactive to October 1, 1991, when the original program expired, and require that both programs authorized by the bill expire on October 1, 1994.

The committee included this sunset date in response to the administration's concern that these programs not be made permanent until the Office of Personnel Management can finish its comprehensive review of all types of leave available to Federal employees.

OPM is scheduled to provide Congress with the results of that review in April of next year.

Mr. Speaker, the Subcommittee on Compensation and Employee Benefits, which Mr. ACKERMAN chairs, has been contacted by many Federal employees who are in the process of adopting children and who would like to make use of this program.

I want to thank my colleagues Mr. ACKERMAN, Mrs. BYRON, Mr. WOLF and Mr. YOUNG of Florida, for their efforts and support of H.R. 2675. I urge my colleagues to support those Federal employees who are making the effort to adopt children or who are donating bone marrow or organs by supporting H.R. 2675.

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

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

Mr. Speaker, I thank the Chair for the opportunity to make a few observations about H.R. 2675. I would first like to thank the gentleman from New York [Mr. ACKERMAN] chairman of the Subcommittee on Compensation and Employee Benefits, for introducing this bill, the Federal Employees Humanitarian Leave Act. I would also like to recognize the chairman of the Committee on Post Office and Civil Service for moving this important bill so quickly after subcommittee markup.

This bill, Mr. Speaker, would give Federal employees an additional 7 days of sick leave when they qualify as bone marrow donors or organ donors. Donation of bone marrow or an organ is vitally important, not to the donor—the Federal employee—but to the recipient. Provisions in H.R. 2675 granting Federal employees an additional 7 days over and above accrued sick leave for recuperation purposes after such a donation will, undoubtedly, make it easier for employees to make such a donation.

Mr. Speaker, I would like to commend our colleague, the gentleman from Florida, Mr. BILL YOUNG for his extraordinary efforts to register donors in the National Marrow Donor Program and also the more than 50 colleagues and more than 3,000 congressional employees who have taken the required blood test to be listed on this registry.

There are more than 16,000 people awaiting bone marrow transplants. The donation of bone marrow or an organ is kept confidential—neither the donor nor the recipient know the other's identity. However, I would like to recognize that our colleague, the gentleman from Florida, CRAIG JAMES, within the month donated his bone marrow.

Mr. Speaker, additionally, H.R. 2675 provides for the use of sick leave when Federal employees adopt a child; the

problems. This could be true in some cases, but the facts show that most divorced fathers are able to make those payments. On average, court-ordered payments make up 13 percent of a father's income. Furthermore, a study has shown that the rate of nonpayment is about the same whether the parent makes $20,000 or $50,000.

State officials in most cases do an admirable job of trying to track down delinquent parents. However, it becomes extremely difficult for them to pursue nonpayers when they move from State to State. This is why H.R. 1241 is so important. It would make it a Federal crime to travel from State to State to avoid child support payments. A first offense would be punishable by a fine of up to $5,000 and/or imprisonment for up to 6 months. This will certainly provide a strong incentive to delinquent parents to live up to their responsibilities.

This bill will also help relieve some of the financial burdens of State governments. When a parent fails to meet his or her child support payments, many families are forced to depend on State welfare programs. Passage of this legislation will take single-parent families off the welfare roles.

Mr. Speaker, it's about time delinquent parents live up to their duties, it's about time they meet their court-ordered child support payments. We must pass this legislation for all those children and single parents who are living in poverty because of negligent parents who choose to ignore their responsibilities. We must pass this legislation for the future of our children.

Mr. HOYER. Mr. Speaker, I rise today in very strong support of H.R. 1241, a bill which will impose a criminal penalty for flight to avoid paying child support. I would like to thank and commend Mr. HYDE for introducing this important legislation, and the chairmen of the full and subcommittee Mr. BROOKS and Mr. SCHUMER, for expeditiously bringing this legislation to the floor. I am pleased to be cosponsor of this measure.

Mr. Speaker, my staff will tell you that there is no subject which evokes more anger from me than that of the shame of parents who refuse to take financial responsibility for their children. Even more shameful is a parent who will go so far as to leave a State where he or she has been ordered to pay child support in order to avoid payment to the custodial parent.

While I was a practicing attorney, I had a case where a father moved to at least four States, in order to avoid payment of his child support. Because he was a self-employed house painter, he was able to avoid being tracked through work records—he was undoubtedly getting paid in cash. I am pleased to say, that he has subsequently returned to Maryland, where he is now under direct court supervision to pay the support he has neglected to pay for over 6 years.

Clearly, Mr. Speaker, this was a criminal act. There are single parents across this country who must work two jobs, or who are forced to go on welfare because the absent parent refuses to support his or her children. This bill will make it a Federal crime to fail to pay child support when the child resides in another State. The incentive for a noncustodial parent to leave a State in order to avoid support payments will be eliminated. Very frankly, the threat of a 6-month prison sentence and a substantial fine ought make a parent think twice about skirting his or her financial obligations.

As evidence of the importance of this legislation, Governor Clinton said in his acceptance speech that he would like to address the fathers in this country who have abandoned their children by neglecting to pay child support. He said, "Take responsibility for your children or we will force you to do so. Because governments don't raise children; parents do. And you should."

My colleagues, Governor Clinton was absolutely right, and Mr. HYDE is absolutely right. This bill deserves the support of all of my colleagues and I strongly urge its passage.

Mr. HOAGLAND. Mr. Speaker, as the House today considers the Child Support Recovery Act of 1992, I want to commend the subcommittee chairman, Mr. SCHUMER and Mr. HYDE for their diligent pursuit of means to protect the growing number of American children who live in single-parent homes. Many of these children are tragically hurt because a noncustodial parent's child support payments are in arrears. Financial support from noncustodial parents is essential to helping support children.

The bill before us would make it a Federal crime to fail to pay child support for a child who lives in another State. It will address the problem of interstate enforcement of nonpayment of child support obligations by creating a criminal statute that would punish any person who willfully fails to pay support payments that are a year or longer overdue, or in an amount greater than $5,000.

It has been estimated that as much as $5 billion in support goes uncollected every year, with half of all women getting none or only part of what courts have ordered. Currently, it is very difficult to collect child support when a parent leaves the state of the former spouse. Two legal systems have to be contended with and some delinquent parents actually skip from State to State to avoid their obligations.

In general, I am extremely hesitant to federalize additional crimes. Our Federal court system is overloaded. I generally prefer to leave enforcement of these issues to the States. But I support the Schumer/Hyde effort. The issue of overdue child support payments must be addressed now. It is too important to families that are already torn apart and stretched in many directions to postpone help any longer.

In trying to steer away from adding more Federal crimes to the books, I pursued many suggestions on other ways to provide that help. The Interstate Commission on Child Support, in a preliminary report submitted to Congress, raised some of the same concerns that I share. But I have not been able to craft a solution that would leave the majority of the cases in the States' jurisdiction, and refer only the cases that the States could not resolve to the Federal courts. Most States have already adopted the uniform laws governing many aspects of child support payments—for example, the Uniform Interstate Family Support Act and the Uniform Reciprocal Enforcement of Support Act. But the States do not regularly implement these laws.

So I am afraid H.R. 1241 is a solution much more likely to succeed than the others. The administrative office of the U.S. courts estimates that as few as 500 cases will be filed in Federal district court annually.

Single-parent families, more frequently than not headed by women, need these back payments to make ends meet. I think it is important that we act to make sure that they have the recourse they need. I urge my colleagues to support H.R. 1241.

Mrs. LLOYD. Mr. Speaker, I rise in support of H.R. 1241—to make it a Federal crime to fail to pay child support for 1 year or to accrue a child support debt of $5,000. I am a cosponsor of this bill and a strong proponent of its provisions.

This is a profamily bill to protect America's children. Legally both parents are responsible for the financial support of their children. State laws generally require noncustodial parents to make payments to custodial parents for the support of dependent children once a support order is issued.

It is sad, but true, however, that many noncustodial parents, who are ordered by the courts to provide child support, never make full payments and flee the State to avoid repercussions. These parents, usually fathers, are shirking their moral and financial responsibilities to provide for their children's upbringing. As a result, these children often live in poverty and go without the basic food, clothing, and shelter that loving and caring parents willingly provide.

While parents often turn to the courts for help and assistance, unfortunately, in far too many cases, being awarded child support is not nearly the same as actually receiving child support payments. In fact, in 1990, one-quarter of women awarded child support received no money at all, and another quarter received only partial payment.

To remedy this, H.R. 1241 would make it a Federal crime for a parent or legal guardian to willfully fail to pay child support obligations to a child residing in another State. This bill puts teeth in State garnishment laws. A delinquent parent will be less likely to flee a State, and the children whom so desperately need help, when faced with the prospect of being charged with a felony.

Some may view this bill as harsh. I don't. What I view as harsh is the shameful neglect of children by parents who bring them into this world and then choose not to provide for them by moving from State to State to avoid child support enforcement actions. Nationwide, $5 million in support goes uncollected each year. This is a national disgrace—and children are the ones who suffer. We can no longer turn our back to the cries for help from parents, usually mothers, who are working hard to support their children while the fathers resume their lives elsewhere without concern for their own kids.

Nonpayment of child support should be a crime because children are far too precious a resource to be abandoned without penalty. Studies indicate that it is usually the case that when a family breaks up, the mother and children will not maintain the standard of living that they had when the family was together and that the father achieves after the separation. If court ordered child support was paid in full this should not be the case nearly so often. I urge support of H.R. 1241.

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

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

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Revised 04/06/93

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A P P E N D I X 5

APPENDIX 5

Referral Package

The U.S. Attorney's office should require that any referral package for investigation/prosecution include the following[6]:

1. Debtor information:

a. name, social security number, address and place of employment, including the source of this information and the date it was last verified.

b. all available biographical information, "rap" sheet, all actions pending against debtor, and photographs, if available.

2. Support obligation: all judicial or administrative orders reflecting the support obligation, including any modifications, and subsequent judicial or administrative orders evidencing the failure to pay amounts due under a prior order.

In some cases multiple, unrelated support orders may exist with respect to the same child. The decision as to which order is controlling should be made on the basis of the facts of each case.

3. Evidence of knowledge of support obligation such as notice from state agencies, contempt orders.

4. Payment history: duration, consistency and amount of arrearage.

5. Ability to pay:

a. a description of the debtor's assets, where they are located and whether they have been the subject of any liens or seizure actions.

b. all other available evidence regarding the ability of the non-paying parent to pay the past due support obligation, which may be disclosed, including information about lifestyle, mortgages, property settlements, Credit Bureau reports, unemployment records, loan applications, business and occupational licenses.

6. Case history:

a. description of all remedies pursued and their respective outcomes.

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[6] The documents described in this section should be certified copies when possible.

b. availability and adequacy of state criminal remedies, including whether state criminal charges are pending against the non-paying parent.

c. if state charges are not pending, the reason state charges have not been filed.

d. all evidence showing flight to avoid administrative or judicial process or prosecution.

e. certification that the custodial parent or agency acting on behalf of that person has pursued to the fullest extent possible all avenues, not limited to civil and criminal remedies and the basis for concluding that further state action would be unproductive.

Remedies for enforcing child support obligations may vary from state to state and may include but are not limited to the following: civil remedies such as filing an action relying on the long-arm jurisdiction of the state in which the custodial parent resides; bringing an action under the Uniform Reciprocal Enforcement of Support Act[7]; filing an action in the state where the non-paying parent resides; interstate wage withholding pursuant to 42 U.S.C. § 666(b)(1); state and federal tax refund interception pursuant to 26 U.S.C. § 6402(c) and 42 U.S.C. §§ 664, 654(18); and I.R.S. full collection pursuant to 26 U.S.C. § 6305 resulting in the non-payor's assets being seized to satisfy tax and other obligations such as past due support obligations.[8] Some of these remedies are available only through IV-D agencies.

7. Evidence regarding residence of the child and of the defaulting parent including:

a. whether the custodial parent moved with the child and the reasons for the move.

b. whether a child has lived with the non-paying parent for any significant time.

8. Evidence of the age of the child. Priority should be given to enforcing the CSRA in cases involving minors or non-minors with special physical or mental needs. Absent such compelling circumstances, cases involving children who are no longer minors should be carefully considered before proceeding.

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[7] See appendix 8.

[8] Any questions concerning administrative and civil remedies may be directed to Jeff Ball, contact for criminal non-support in the Office of Child Support Enforcement, Department of Health and Human Services, at 202-401-5427.

9. Information concerning the circumstances of the custodial parent and victim child and the impact of the failure to receive child support. Occasionally, cases should be prosecuted even though the custodial parent is not cooperating to protect the interests of the child or the government when the custodial parent is receiving public assistance because child support is not being paid.

A P P E N D I X 6

APPENDIX 6

SAMPLE FIRST LETTER

Re: Failure to provide child support for [name of child]

Dear [Target]:

We have been advised that you may be in violation of the Child Support Recovery Act with respect to [name of child/custodial parent to whom support is owed]. The Child Support Recovery Act of 1992, Pub. L. No. 102-521 was signed on October 25, 1992. One section of this Act, 18 U.S.C. § 228, makes it a federal criminal offense to willfully fail to pay a past due support obligation with respect to a child residing in another state.

The Act defines past due support obligation as an amount determined by state judicial or administrative process for the support and maintenance of a child which has remained unpaid for more than one year or is greater than $5000. For purposes of the Act, "willful failure" means failure to pay child support by someone who is able to do so. A first violation of the Act is punishable by six months imprisonment and a fine of $ 5,000. Subsequent violations are punishable by two years imprisonment and a fine of $ 250,000.

If you owe any child support, you should immediately contact [IV-D agency representative or representative of parent or child to whom support is owed] to make payment for such unpaid support. If you fail to make such arrangements by [date], we will consider referral of this matter to the F.B.I. for further investigation.

Sincerely,

United States Attorney

APPENDIX 7

SAMPLE SECOND LETTER

Re: Failure to pay child support for name of child]

Dear [Target]

You have not responded to our letter of [date of letter] which stated that you may be in violation of the Child Support Recovery Act with respect to [name of child/custodial parent to whom support is owed] and recommended that you contact [IV-D representative or representative of child or parent to whom money is owed] regarding your unpaid child support payments for [name of child]. Based on our investigation, we have concluded that you have violated the Child Support Recovery Act of 1992, 18 U.S.C. § 228, by willfully failing to pay a past due support obligation with respect to, [name of child], a child residing in another state.

Unless we have been advised by [IV-D representative or representative of child or parent to whom money is owed] by [deadline] that the child support arrearage has been paid, we expect to file criminal charges for violation of 18 U.S.C. § 228, as well as any additional federal laws which you may have violated. If you do not already have an attorney representing you, we advise you to retain one.

Sincerely,

United States Attorney

A P P E N D I X 8

Appendix IV-1

UNIFORM RECIPROCAL ENFORCEMENT OF SUPPORT ACT (1950)

PART I
General Provisions

SECTION 1. **Purposes.** The purposes of this act are to improve and extend by reciprocal legislation the enforcement of duties of support and to make uniform the law with respect thereto.

SECTION 2. **Definitions.** As used in this act unless the context requires otherwise,

(1) "State" includes any state, territory or possession of the United States and the District of Columbia in which this or a substantially similar reciprocal law has been enacted.

(2) "Initiating state" means any state in which a proceeding pursuant to this or a substantially similar reciprocal law is commenced.

(3) "Responding state" means any state in which any proceeding pursuant to the proceeding in the initiating state is or may be commenced.

(4) "Court" means the (here insert name) court of this state and when the context requires, means the court of any other state as defined in a substantially similar reciprocal law.

(5) "Law" includes both common and statute law.

(6) "Duty of support" includes any duty of support imposed or imposable by law, or by any court order, decree or judgment, whether interlocutory or final, whether incidental to a proceeding for divorce, judicial (legal) separation, separate maintenance or otherwise.

(7) "Obligor" means any person owing a duty of support.

(8) "Obligee" means any person to whom a duty of support is owed.

SECTION 3. **Remedies Additional to Those Now Existing.** The remedies herein provided are in addition to and not in substitution for any other remedies.

SECTION 4. **Extent of Duties of Support.** The duty of support imposed by the laws of this state or by the laws of the state where the obligee was present when the failure to support commenced as provided in Section 7 and the remedies provided for enforcement thereof, including any penalty imposed thereby, bind the obligor regardless of the presence or residence of the obligee.

PART II
Criminal Enforcement

SECTION 5. **Interstate Rendition.** The Governor of this state (1) may demand from the Governor of any other state the surrender of any person found in such other state who is charged in this state with the crime of failing to provide for the support of any person in this state and (2) may surrender on demand by the Governor of any other state any person found in this state who is charged in such other state with the crime of failing to provide for the support of a person in such other state. The provisions for extradition of criminals not inconsistent herewith shall apply to any such demand although the person whose surrender is demanded was not in the demanding state at the time of the commission of the crime and although he had not fled therefrom. Neither the demand, the oath nor any proceedings for extradition pursuant to this section need state or show that the person whose surrender is demanded has fled from justice, or at the time of the commission of the crime was in the demanding or the other state.

SECTION 6. **Relief from the Above Provisions.** Any obligor contemplated by Section 5, who submits to the jurisdiction of the court of such other state and complies with the court's order of support, shall be relieved of extradition for desertion or non-support entered in the courts of this state during the period of such compliance.

PART III
Civil Enforcement

SECTION 7. **What Duties are Enforceable.** Duties of support enforceable under this law are those imposed or imposable under the laws of any state where the alleged obligor was present during the period for which support is sought or where the obligee was present when the failure to support commenced, at the election of the obligee.

SECTION 8. **Remedies of a State or Political Subdivision Thereof Furnishing Support.** Whenever the state or a political subdivision thereof has furnished support

to an obligee it shall have the same right to invoke the provisions hereof as the obligee to whom the support was furnished for the purpose of securing reimbursement of expenditures so made.

SECTION 9. **How Duties of Support are Enforced.** All duties of support are enforceable by action (petition) (proceeding) (complaint) irrespective of relationship between the obligor and obligee. Jurisdiction of all proceedings hereunder shall be vested in the (here insert title of court desired).

SECTION 10. **Contents of Petition (Complaint) for Support.** The petition (complaint) shall be verified and shall state the name and, so far as known to the plaintiff (petitioner) (complainant), the address and circumstances of the defendant (respondent) and his dependents for whom support is sought and all other pertinent information.

SECTION 11. **Duty of Court of This State as Initiating State.** If the court of this state acting as an initiating state finds that the petition sets forth facts from which it may be determined that the defendant (respondent) owes a duty of support and that a court of the responding state may obtain jurisdiction of the defendant or his property, he shall so certify and shall cause certified copies of the petition (complaint), the certificate and an authenticated copy of this act to be transmitted to the court of the responding state.

SECTION 12. **Duty of the Court of This State as Responding State.** When the court of this state, acting as a responding state, receives from the court of an initiating state the aforesaid copies, it shall (1) docket the cause, (2) notify the [here insert the name of the official charged with the duty of carrying on the proceedings], (3) set a time and place for a hearing, and (4) take such action as is necessary in accordance with the laws of this state to obtain jurisdiction.

SECTION 13. **Order of Support.** If the court of the responding state finds a duty of support, it may order the defendant (respondent) to furnish support or reimbursement therefor and subject the property of the defendant (respondent) to such order.

SECTION 14. **Responding State to Transmit Copies to Initiating State.** The court of this state when acting as a responding state shall cause to be transmitted to the court of the initiating state a copy of all orders of support or orders for reimbursement therefor.

SECTION 15. **Additional Powers of Court.** In addition to the foregoing powers, the court of this state when acting as the responding state has the power to subject the defendant (respondent) to such terms and conditions as the court may deem proper to assure compliance with its orders and in particular

(a) To require the defendant (respondent) to furnish recognizance in the form of a cash deposit or bond of such character and in such amount as the court may deem proper to assure payment of any amount required to be paid by the defendant (respondent).

(b) To require the defendant (respondent) to make payments at specified intervals to the clerk (probation department) (bureau) of the court or the obligee and to report personally to such clerk (probation department) (bureau) at such times as may be deemed necessary.

(c) To punish the defendant (respondent) who shall violate any order of the court to the same extent as is provided by law for contempt of the court in any other suit or proceeding cognizable by the court.

SECTION 16. **Additional Duties of the Court of This State When Acting as a Responding State.** The court of this state when acting as a responding state shall have the following duties which may be carried out through the clerk (probation department) (bureau) of the court:

(a) Upon the receipt of a payment made by the defendant (respondent) pursuant to any order of the court or otherwise, to transmit the same forthwith to the court of the initiating state, and

(b) Upon request to furnish to the court of the initiating state a certified statement of all payments made by the defendant (respondent).

SECTION 17. **Additional Duty of the Court of This State When Acting as an Initiating State.** The court of this state when acting as an initiating state shall have the duty which may be carried out through the clerk (probation department) (bureau) of the court to receive and disburse forthwith all payments made by the defendant (respondent) or transmitted by the court of the responding state.

SECTION 18. **Evidence of Husband and Wife.** Laws attaching a privilege against the disclosure of communications between husband and wife are inapplicable to proceedings under this act. Husband and wife are competent witnesses (and may be compelled) to testify to any relevant matter, including marriage and parentage.

SECTION 19. **Rules of Evidence.** In any hearing under this law, the court shall be bound by the same rules of evidence that bind the (here insert the name of some court in the state that has relaxed the requirement that the technical rules of evidence be followed, such as the Juvenile Court, the Domestic Relations Court).

SECTION 20. **Severability.** If any provision hereof or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared to be severable.

UNIFORM RECIPROCAL ENFORCEMENT OF SUPPORT ACT AS AMENDED (1952)

(Italics indicates matter added in 1952)

SECTION 1. **Purposes.** The purposes of this act are to improve and extend by reciprocal legislation the enforcement of duties of support and to make uniform the law with respect thereto.

SECTION 2. **Definitions.** As used in this act unless the context requires otherwise,

(1) "State" includes any state, territory or possession of the United States and the District of Columbia in which this or a substantially similar reciprocal law has been enacted.

(2) "Initiating state" means any state in which a proceeding pursuant to this or a substantially similar reciprocal law is commenced.

(3) "Responding state" means any state in which any proceeding pursuant to the proceeding in the initiating state is or may be commenced.

(4) "Court" means the [here insert name] court of this state and when the context requires, means the court of any other state as defined in a substantially similar reciprocal law.

(5) "Law" includes both common and statute law.

(6) "Duty of support" includes any duty of support imposed or imposable by law, or by any court order, decree or judgment, whether interlocutory or final, whether incidental to a proceeding for divorce, judicial [legal] separation, separate maintenance or otherwise.

(7) "Obligor" means any person owing a duty of support.

(8) "Obligee" means any person to whom a duty of support is owed.

SECTION 3. **Remedies Additional to Those Now Existing.** The remedies herein provided are in addition to and not in substitution for any other remedies.

SECTION 4. Extent of Duties of Support. *Duties of support arising under the law of this state, when applicable under Section 7, bind the obligor, present in this state, regardless of the presence or residence of the obligee.*

PART II
Criminal Enforcement

SECTION 5. **Interstate Rendition.** The Governor of this state (1) may demand from the Governor of any other state the surrender of any person found in such other state who is charged in this state with the crime of failing to provide for the support of any person in this state and (2) may surrender on demand by the Governor of any other state any person found in this state who is charged in such other state with the crime of failing to provide for the support of a person in such other state. The provisions for extradition of criminals not inconsistent herewith shall apply to any such demand although the person whose surrender is demanded was not in the demanding state at the time of the commission of the crime and although he had not fled therefrom. Neither the demand, the oath nor any proceedings for extradition pursuant to this section need state or show that the person whose surrender is demanded has fled from justice, or at the time of the commission of the crime was in the demanding or other state.

SECTION 6. **Relief from the Above Provisions.** Any obligor contemplated by Section 5, who submits to the jurisdiction of the court of such other state and complies with the court's order of support, shall be relieved of extradition for non-support entered in the courts of this state during the period of such compliance.

PART III
Civil Enforcement

SECTION 7. Choice of Law. *Duties of support applicable under this law [act] are those imposed or*

imposable under the laws of any state where the obligor was present during the period for which support is sought. The obligor is presumed to have been present in the responding state during the period for which support is sought until otherwise shown.

SECTION 8. **Remedies of a State or Political Subdivision Thereof Furnishing Support.** Whenever the state or a political subdivision thereof *furnishes* support to an obligee, it *has* the same right to invoke the provisions hereof as the obligee to whom the support was furnished for the purpose of securing reimbursement of expenditures so made *and of obtaining continuing support.*

SECTION 9. **How Duties of Support Are Enforced.** All duties of support are enforceable by action (petition) (proceeding) (complaint) irrespective of relationship between the obligor and obligee. Jurisdiction of all proceedings hereunder shall be vested in the (here insert title of court desired).

SECTION 10. **Contents of Petition (Complaint) for Support.** The petition (complaint) shall be verified and shall state the name and, so far as known to the plaintiff (petitioner) (complainant), the addresses and circumstances of defendant (respondent), his dependents for whom support is sought and all other pertinent information. *The plaintiff* (petitioner) *(complainant) may include in or attach to the petition (complaint) any information which may help in locating or identifying the defendant (respondent) including, but without limitation by enumeration, a photograph of the defendant (respondent), a description of any distinguishing marks of his person, other names and aliases by which he has been or is known, the name of his employer, his finger prints, or Social Security number.*

SECTION 11. **Officials to Represent Plaintiff (Petitioner, Complainant).** *The District Attorney (prosecuting attorney, county attorney, county solicitor, county adjustor, friend of the court, or such other official as may be appropriate), upon the request of the court (a state department of welfare, a county commissioner, an overseer of the poor, or other local welfare official), shall represent the plaintiff (petitioner, complainant) in any proceeding under this act.*

SECTION 12. **Petition for a Minor.** *A petition (complaint) on behalf of a minor obligee may be brought by a person having legal custody of the minor without appointment as guardian ad litem.*

SECTION 13. **Duty of Court of This State as Initiating State.** If the court of this state acting as an initiating state finds that the petition sets forth facts from which it may be determined that the defendant (respondent) owes a duty of support and that a court of the responding state may obtain jurisdiction of the defendant or his property, *it* shall so certify and shall cause *three* copies of *(1)* the petition (complaint) *(2) its certificate and (3) this act* to be transmitted to the court in the responding state. *If the name and address of such court is unknown and the responding state has an information agency comparable to that established in the initiating state it shall cause such copies to be transmitted to the state information agency or other proper official of the responding state, with a request that it forward them to the proper court, and that the court of the responding state acknowledge their receipt to the court of the initiating state.*

SECTION 14. **Costs and Fees.** *A court of this state acting either as an initiating or responding state may in its discretion direct that any part of or all fees and costs incurred in this state, including without limitation by enumeration, fees for filing, service of process, seizure of property, and stenographic service of both plaintiff (petitioner) (complainant) and defendant (respondent), or either, shall be paid by the county (city, municipality, state or other political subdivision thereof). Where the action is brought by or through the state or an agency thereof, there shall be no filing fee.*

SECTION 15. **Jurisdiction by Arrest.** *When the court of this state, acting either as an initiating or responding state, has reason to believe that the defendant (respondent) may flee the jurisdiction it may (a) as an initiating state request in its certificate that the court of the responding state obtain the body of the defendant by appropriate process if that be permissible under the law of the responding state; or (b) as a responding state, obtain the body of the defendant by appropriate process.*

SECTION 16. **State Information Agency.** *The (Attorney General), (State Attorney), (Welfare Department), (or other information agency) is hereby designated as the State Information Agency under this act, and it shall be his (its) duty:*

(1) To compile a list of the courts and their addresses in this state having jurisdiction under this act and transmit the same to the State Information Agency of every other state which has adopted this or a substantially similar act.

(2) To maintain a register of such lists received from other states and to transmit copies thereof as soon as possible after receipt to every court in this state having jurisdiction under this act.

SECTION 17. **Duty of the Court of This State as Responding State.** When the court of this state, acting as a responding state, receives from the court of an initiating state the aforesaid copies, it shall (1) docket

the cause, (2) notify the [here insert the name of the official charged with the duty of carrying on the proceeding], (3) set a time and place for a hearing, and (4) take such action as is necessary in accordance with the laws of this state to obtain jurisdiction.

SECTION 18. **Further Duty of Responding Court.** *If a court of this state, acting as a responding state, is unable to obtain jurisdiction of the defendant (respondent) or his property due to inaccuracies or inadequacies in the petition (complaint) or otherwise, the court shall communicate this fact to the court in the initiating state, shall on its own initiative use all means at its disposal to trace the defendant (respondent) or his property, and shall hold the case pending the receipt of more accurate information or an amended petition (complaint) from the court in the initiating state.*

[SECTION 19. **Procedure.** *The court shall conduct proceedings under this act in the manner prescribed by law for an action for the enforcement of the type of duty of support claimed.]*

SECTION 20. **Order of Support.** If the court of the responding state finds a duty of support, it may order the defendant (respondent) to furnish support or reimbursement therefor and subject the property of the defendant (respondent) to such order.

SECTION 21. **Responding State to Transmit Copies to Initiating State.** The court of this state when acting as a responding state shall cause to be transmitted to the court of the initiating state a copy of all orders of support or for reimbursement therefor.

SECTION 22. **Additional Powers of Court.** In addition to the foregoing powers, the court of this state when acting as the responding state has the power to subject the defendant (respondent) to such terms and conditions as the court may deem proper to assure compliance with its orders and in particular

(a) To require the defendant (respondent) to furnish recognizance in the form of a cash deposit or bond of such character and in such amount as the court may deem proper to assure payment of any amount required to be paid by the defendant (respondent).

(b) To require the defendant (respondent) to make payments at specified intervals to the clerk (probation department) (bureau) of the court or the obligee and to report personally to such clerk (probation department) (bureau) at such times as may be deemed necessary.

(c) To punish the defendant (respondent) who shall violate any order of the court to the same extent as is provided by law for contempt of the court in any other suit or proceeding cognizable by the court.

SECTION 23. **Additional Duties of the Court of This State when Acting as a Responding State.** The court of this state when acting as a responding state shall have the following duties which may be carried out through the clerk (probation department) (bureau) of the court:

(a) Upon the receipt of a payment made by the defendant (respondent) pursuant to any order of the court or otherwise, to transmit the same forthwith to the court of the initiating state, and

(b) Upon request to furnish to the court of the initiating state a certified statement of all payments made by the defendant (respondent).

SECTION 24. **Additional Duty of the Court of This State When Acting as an Initiating State.** The courts of this state when acting as an initiating state shall have the duty which may be carried out through the clerk (probation department) (bureau) of the court to receive and disburse forthwith all payments made by the defendant (respondent) or transmitted by the court of the responding state.

SECTION 25. **Evidence of Husband and Wife.** Laws attaching a privilege against the disclosure of communications between husband and wife are inapplicable to proceedings under this act. Husband and wife are competent witnesses (and may be compelled) to testify to any relevant matter, including marriage and parentage.

[SECTION 26. **Rules of Evidence.** In any hearing under this law, the court shall be bound by the same rules of evidence that bind the (here insert the name of some court in the state that has relaxed the requirement that the technical rules of evidence must be followed, such as the Juvenile Court, the Domestic Relations Court).]

SECTION 27. **Application of Payments.** *Any order of support issued by a court of this state when acting as a responding state shall not supersede any previous order of support issued in a divorce or separate maintenance action, but the amounts for a particular period paid pursuant to either order shall be credited against amounts accruing or accrued for the same period under both.*

SECTION 28. **Effect of Participation in Proceeding.** *Participation in any proceedings under this act shall not confer upon any court jurisdiction of any of the parties thereto in any other proceeding.*

SECTION 29. **Severability.** If any provision hereof or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or appli-

cation, and to this end the provisions of this act are declared to be severable.

SECTION 30. Repealer. The following acts are hereby repealed.

(Enumeration)

SECTION 31. Time of Taking Effect. This act shall take effect on _____ .

UNIFORM RECIPROCAL ENFORCEMENT OF SUPPORT ACT AS AMENDED (1958)

(Italics indicates matter added in 1958)

PART I
General Provisions

SECTION 1. Purposes. The purposes of this act are to improve and extend by reciprocal legislation the enforcement of duties of support and to make uniform the law with respect thereto.

SECTION 2. Definitions. In this act unless the context otherwise requires:

(a) "State" includes any state, territory or possession of the United States and the District of Columbia in which this or a substantially similar reciprocal law has been enacted.

(b) "Initiating state" means any state in which a proceeding pursuant to this or a substantially similar reciprocal law is commenced.

(c) "Responding state" means any state in which any proceeding pursuant to the proceeding in the initiating state is or may be commenced.

(d) "Court" means the [here insert name] court of this state and when the context requires, means the court of any other state as defined in a substantially similar reciprocal law.

(e) "Law" includes both common and statute law.

(f) "Duty of support" includes any duty of support imposed or imposable by law, or by any court order, decree or judgment, whether interlocutory or final, whether incidental to a proceeding for divorce, judicial [legal] separation, separate maintenance or otherwise.

(g) "Obligor" means any person owing a duty of support.

(h) "Obligee" means any person to whom a duty of support is owed and *a state or political subdivision thereof.*

(i) "Governor" includes any person performing the functions of Governor or the executive authority of any territory covered by the provisions of this act.

(j) "Support order" means any judgment, decree or order of support whether temporary or final, whether subject to modification, revocation or remission regardless of the kind of action in which it is entered.

(k) "Rendering state" means any state in which a support order is originally entered.

(l) "Registering court" means any court of this state in which the support order of the rendering state is registered.

(m) "Register" means to [record] [file] in the Registry of Foreign Support Orders as required by the court.

(n) "Certification" shall be in accordance with the laws of the certifying state.

SECTION 3. Remedies Additional to Those Now Existing. The remedies herein provided are in addition to and not in substitution for any other remedies.

SECTION 4. Extent of Duties of Support. Duties of support arising under the law of this state, when applicable under Section 7, bind the obligor, present in this state, regardless of the presence or residence of the obligee.

PART II
Criminal Enforcement

SECTION 5. Interstate Rendition. The Governor of this state (1) may demand from the Governor of any other state the surrender of any person found in such other state who is charged in this state with the crime of failing to provide for the support of any person in this state and (2) may surrender on demand by the Governor of any other state any person found in this state who is charged in such other state with the crime of failing to provide for the support of any person in such other state. The provisions for extradition of crim-

inals not inconsistent herewith shall apply to any such demand although the person whose surrender is demanded was not in the demanding state at the time of the commission of the crime and although he had not fled therefrom. Neither the demand, the oath nor any proceedings for extradition pursuant to this section need state or show that the person whose surrender is demanded has fled from justice, or at the time of the commission of the crime was in the demanding or other state.

SECTION 6. Conditions of Interstate Rendition. *(a) Before making the demand on the Governor of any other state for the surrender of a person charged in this state with the crime of failing to provide for the support of any person, the Governor of this state may require any [prosecuting attorney]*[1] *of this state to satisfy him that at least [sixty] days prior thereto the obligee brought an action for the support under this act, or that the bringing of an action would be of no avail.*

(b) When under this or a substantially similar act, a demand is made upon the Governor of this state by the Governor of another state for the surrender of a person charged in the other state with the crime of failing to provide support, the Governor may call upon any [prosecuting attorney] to investigate or assist in investigating the demand, and to report to him whether any action for support has been brought under this act or would be effective.

(c) If an action for the support would be effective and no action has been brought, the Governor may delay honoring the demand for a reasonable time to permit prosecution of an action for support.

(d) If an action for support has been brought and the person demanded has prevailed in that action, the Governor may decline to honor the demand.

(e) If an action for support has been brought and pursuant thereto the person demanded is subject to a support order, the Governor may decline to honor the demand so long as the person demanded is complying with the support order.

PART III
Civil Enforcement

SECTION 7. Choice of Law. Duties of support applicable under this law [act] are those imposed or imposable under the laws of any state where the obligor was present during the period for which support is sought. The obligor is presumed to have been present in the responding state during the period for which support is sought until otherwise shown.

SECTION 8. Remedies of a State or Political Subdivision Thereof Furnishing Support. Whenever the state or a political subdivision thereof furnishes support to an obligee, it has the same right to invoke the provisions hereof as the obligee to whom the support was furnished for the purpose of securing reimbursement of expenditures so made and of obtaining continuing support.

SECTION 9. How Duties of Support are Enforced. All duties of support, *including arrearages*, are enforceable by action irrespective of the relationship between the obligor and the obligee.

SECTION 10. Jurisdiction. *Jurisdiction of all proceedings hereunder is vested in the [here insert title of court desired].*

SECTION 11. Contents of [Complaint] for Support. The [complaint][2] shall be verified and shall state the name and, so far as known to the [complainant][2] the address and circumstances of the [respondent][2] and his dependents for whom support is sought and all other pertinent information.

The [complainant] may include in or attach to the [complaint] any information which may help in locating or identifying the [respondent] *such as* a photograph of the [respondent], a description of any distinguishing marks of his person, other names and aliases by which he has been or is known, the name of his employer, his finger prints, or Social Security number.

SECTION 12. Officials to Represent [Complainant]. The [prosecuting attorney], upon the request of the court [a state department of welfare, a county commissioner, an overseer of the poor, or other local welfare official] shall represent the [complainant] in any proceeding under this act.

SECTION 13. Complaint for a Minor. A [complaint] on behalf of a minor obligee may be brought by a person having legal custody of the minor without appointment as guardian ad litem.

SECTION 14. Duty of Court of This State as Initiating State. If the court of this state acting as an initiating state finds that the petition sets forth facts from which it may be determined that the [respondent] owes a duty of support and that a court of the responding state may obtain jurisdiction of the defendant or his property, it

[1]Where Prosecuting attorney is set out in brackets it is contemplated that the enacting state will insert the name of the proper officer.

[2]Where complainant and respondent are set out in brackets, it is contemplated that the proper description of the parties and the pleadings under local practice be inserted.

shall so certify and shall cause three copies of (1) the [complaint], (2) its certificate and (3) this act to be transmitted to the court in the responding state. If the name and address of such court is unknown and the responding state has an information agency comparable to that established in the initiating state it shall cause such copies to be transmitted to the state information agency or other proper official of the responding state, with a request that it forward them to the proper court, and that the court of the responding state acknowledge their receipt to the court of the initiating state.

SECTION 15. **Costs and Fees.** *There shall be no filing fee or other costs taxable to the obligee but* a court of this state acting either as an initiating or responding state may in its discretion direct that any part of or all fees and costs incurred in this state, including without limitation by enumeration, fees for filing. service of process, seizure of property, and stenographic service of both [complainant] and [respondent] or either, be paid by the obligor or the [county, city, municipality, state or other political subdivision thereof].

SECTION 16. **Jurisdiction by Arrest.** When the court of this state, acting either as an initiating or responding state, has reason to believe that the [respondent] may flee the jurisdiction it may

(1) as an initiating state request in its certificate that the court of the responding state obtain the body of the defendant by appropriate process if that be permissible under the law of the responding state, or

(2) as a responding state, obtain the body of the [respondent] by appropriate process.

SECTION 17. **State Information Agency.** The [Attorney General],[3] is hereby designated as the State Information Agency under this act, and he shall

(1) compile a list of the courts and their addresses in this state having jurisdiction under this act and transmit the same to the State Information Agency of every other state which has adopted this or a substantially similar act, *and*

(2) maintain a register of such lists received from other states and transmit copies thereof as soon as possible after receipt to every court in this state having jurisdiction under this act.

SECTION 18. **Duty of the Court and Officials of This State as Responding State.**

(a) After the court of this state acting as a responding state has received from the court of the initiating state the aforesaid copies the clerk of the court shall docket the cause and notify the [prosecuting attorney] of his action.

(b) It shall be the duty of the [prosecuting attorney] diligently to prosecute the case. He shall take all action necessary in accordance with the laws of this state to give the court jurisdiction of the [respondent] or his property and shall request the court [clerk of the court] to set a time and place for a hearing.

SECTION 19. **Further Duties of Court and Officials in the Responding State.**

(a) The [prosecuting attorney] shall, on his own initiative, use all means at his disposal to trace the [respondent] or his property and if due to inaccuracies of the [complaint] or otherwise, the court cannot obtain jurisdiction, the [prosecuting attorney] shall inform the court of what he has done and request the court to continue the case pending receipt of more accurate information or an amended [complaint] from the court in the initiating state.

(b) If the [respondent] or his property is not found in the county [judicial district] and the [prosecuting attorney] discovers by any means that the [respondent] or his property may be found in another county [judicial district] of this state or in another state he shall so inform the court and thereupon the clerk of the court shall forward the documents received from the court in the initiating state to a court in the other county [judicial district] or to a court in the other state or to the information agency or other proper official of the other state with a request that it forward the documents to the proper court. Thereupon both the court of the other county and any court of this state receiving the documents and the [prosecuting attorney] have the same powers and duties under this act as if the documents had been originally addressed to them. When the clerk of a court of this state retransmits documents to another court, he shall notify forthwith the court from which the documents came.

(c) If the [prosecuting attorney] has no information as to the whereabouts of the obligor or his property he shall so inform the initiating court.

[SECTION 20. **Procedure.** The court shall conduct proceedings under this act in the manner prescribed by law for an action for enforcement of the type of duty of support claimed.]

SECTION 21. **Hearing and Determination.** *If the [complainant] is absent from the responding state and the [respondent], presents evidence which constitutes a defense, the court shall continue the case for further hearing and the submission of evidence by both parties.*

SECTION 22. **Evidence of Husband and Wife.** Laws attaching a privilege against the disclosure of commu-

[3]The name of any appropriate official or agency may be inserted in place of the Attorney General.

nications between husband and wife are inapplicable to proceedings under this act. Husband and wife are competent witnesses [and may be compelled] to testify to any relevant matter, including marriage and parentage.

[SECTION 23. **Rules of Evidence.** In any hearing under this law, the court shall be bound by the same rules of evidence that bind the [here insert the name of some court in the state that has relaxed the requirement that the technical rules of evidence must be followed, such as the Juvenile Court, the Domestic Relations Court].]

SECTION 24. **Order of Support.** If the court of the responding state finds a duty of support, it may order the [respondent] to furnish support or reimbursement therefor and subject the property of the [respondent] to such order. *[The court and [prosecutinq attorney] of any county where the obligor is present or has property have the same powers and duties to enforce the order as have those of the county where it was first issued. If enforcement is impossible or cannot be completed in the county where the order was issued, the [prosecuting attorney], shall transmit a certified copy of the order to the [prosecutinq attorney] of any county where it appears that procedures to enforce payment of the amount due would be effective. The [prosecuting attorney] to whom the certified copy of the order is forwarded shall proceed with enforcement and report the results of the proceedings to the court first issuing the order.]*

SECTION 25. **Responding State to Transmit Copies to Initiating State.** The court of this state when acting as a responding state shall cause to be transmitted to the court of the initiating state a copy of all orders of support or for reimbursement therefor.

SECTION 26. **Additional Powers of Court.** In addition to the foregoing powers, the court of this state when acting as the responding state has the power to subject the [respondent] to such terms and conditions as the court may deem proper to assure compliance with its orders and in particular

(a) To require the [respondent] to furnish recognizance in the form of a cash deposit or bond of such character and in such amount as the court may deem proper to assure payment of any amount required to be paid by the [respondent].

(b) To require the [respondent] to make payments at specified intervals to the clerk [probation department] [bureau] of the court and to report personally to such clerk [probation department] [bureau] at such times as may be deemed necessary.

(c) To punish the [respondent] who shall violate any order of the court to the same extent as is provided by law for contempt of court in any other suit or proceeding cognizable by the court.

SECTION 27. **Additional Duties of the Court of This State When Acting as a Responding State.** The court of this state when acting as a responding state shall have the following duties which may be carried out through the clerk [probation department] [bureau] of the court:

(a) Upon the receipt of a payment made by the [respondent] pursuant to any order of the court or otherwise, to transmit the same forthwith to the court of the initiating state, and

(b) Upon request, to furnish to the court of the initiating state a certified statement of all payments made by the [respondent].

SECTION 28. **Additional Duty of the Court of This State When Acting as an Initiating State.** The courts of this state when acting as an initiating state shall have the duty which may be carried out through the clerk [probation department] [bureau] of the court to receive and disburse forthwith all payments made by the (respondent] or transmitted by the court of the responding state..

SECTION 29. **Proceedings Not to Be Stayed.** *No proceeding under this act shall be stayed because of the existence of a pending [action]*[4] *for divorce, separation, annulment, dissolution, habeas corpus or custody proceeding.*

SECTION 30. **Application of payments.** *No* order of support issued by a court of this state when acting as a responding state shall supersede any *other* order of support but the amounts for a particular period paid pursuant to either order shall be credited against amounts accruing or accrued for the same period under both.

[SECTION 31. **Effect of Participation in Proceeding.** Participation in any proceeding under this act shall not confer upon any court jurisdiction of any of the parties thereto in any other proceeding.]

[SECTION 32. **Inter-County Application.** *(This act is applicable when both the [complainant] and the [respondent] are in this state but in different counties. If the court of the county in which this petition is filed finds that the petition sets forth facts from which it may be determined that the [respondent] owes a duty of support and finds that a court of another county in this state may obtain jurisdiction of the [respondent] or his property, the clerk of the court shall send three copies of the [complaint] and a certification of the findings to*

[4]Where action is used it is contemplated that the appropriate word, such as suit or libel, will be used.

the court of the county in which the [respondent] or his property is found. The clerk of the court of the county receiving these copies shall notify the [prosecuting attorney] of their receipt. The [prosecuting attorney] and the court in the county to which the copies are forwarded shall then have duties corresponding to those imposed upon them when acting for the state as a responding state.]

PART IV
Registration of Foreign Support Orders

SECTION 33. Additional Remedies. *If the duty of support is based on a foreign support order, the obligee has the additional remedies provided in the following sections.*

SECTION 34. Registration. *The obligee may register the foreign support order in a court of this state in the manner, with the effect and for the purposes herein provided.*

SECTION 35. Registry of Foreign Support Orders. *The clerk of the court shall maintain a Registry of Foreign Support Orders in which he shall record [file] foreign support orders.*

SECTION 36. Petition for Registration. *The petition for registration shall be verified and shall set forth the amount remaining unpaid and a list of any other states in which the support order is registered and shall have attached to it a certified copy of the support order with all modifications thereof. The foreign support order is registered upon the filing of the [complaint] subject only to subsequent order of confirmation.*

SECTION 37. Jurisdiction and Procedure. *The procedure to obtain jurisdiction of the person or property of the obligor shall be as provided in civil cases. The obligor may assert any defense available to a defendant in an action on a foreign judgment. If the obligor defaults, the court shall enter an order confirming the registered support order and determining the amounts remaining unpaid. If the obligor appears and a hearing is held, the court shall adjudicate the issues including the amounts remaining unpaid.*

SECTION 38. Effect and Enforcement. *The support order as confirmed shall have the same effect and may be enforced as if originally entered in the court of this state. The procedures for the enforcement thereof shall be as in civil cases, including the power to punish the [respondent] for contempt as in the case of other orders for payment of alimony, maintenance or support entered in this state.*

SECTION 39. Severability. If any provision of this act or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of this act which can be given effect without the invalid provision or application, and to this end the provisions of this act are severable.

SECTION 40. Repealer. The following acts are hereby repealed:

(Enumeration)

SECTION 41. Uniformity of Interpretation. *This act shall be so construed as to effectuate its general purpose to make uniform the law of those states which enact it.*

SECTION 42. Short Title. *This act may be cited as the Uniform Reciprocal Enforcement of Support Act.*

SECTION 43. Time of Taking Effect. This act shall take effect on _____ .

REVISED UNIFORM RECIPROCAL ENFORCEMENT OF SUPPORT ACT (1968)

(Italics indicates matter added in 1968)

PART I
General Provisions

SECTION 1. Purposes. The purposes of this Act are to improve and extend by reciprocal legislation the enforcement of duties of support.

SECTION 2. Definitions.

(a) "Court" means the [here insert name] court of this State and when the context requires means the court of any other State as defined in a substantially similar reciprocal law.

(b) "Duty of support" means a duty of support whether imposed or imposable by law or by order, decree, or judgment of any court, whether interlocutory or final or whether incidental to an action for divorce, separation, separate maintenance, or otherwise *and includes the duty to pay arrearages of support past due and unpaid.*

(c) "Governor" includes any person performing the functions of Governor or the executive authority of any *State* covered by this Act.

(d) "Initiating State" means a State in which a proceeding pursuant to this or a substantially similar reciprocal law is commenced. *"Initiating court" means the court in which a proceeding is commenced.*

(e) "Law" includes both common and statutory law.

(f) "Obligee" means *a* person *including a State or political subdivision* to whom a duty of support is owed *or a person including a State or political subdivision that has commenced a proceeding for enforcement of an alleged duty of support or for registration of a support order. It is immaterial if the person to whom a duty of support is owed is a recipient of public assistance.*

(g) "Obligor" means any person owing a duty of support *or against whom a proceeding for the enforcement of a duty of support or registration of a support order is commenced.*

(h) "Prosecuting attorney" means the public official in the apppropriate place who has the duty to enforce criminal laws relating to the failure to provide for the support of any person.

(i) *"Register" means to [record] [file] in the Registry of Foreign Support Orders.*

(j) "Registering court" means any court of this State in which a support order of a rendering State is registered.

(k) "Rendering State" means a State *in which the court has issued a support order for which registration is sought or granted in the court of another State.*

(l) "Responding State" means a State in which any *responsive* proceeding pursuant to the proceeding in the initiating State is commenced. *"Responding court" means the court in which the responsive proceeding is commenced.*

(m) "State" includes a State, territory, or possession of the United States, the District of Columbia, *the Commonwealth of Puerto Rico, and any foreign jurisdiction* in which this or a substantially similar reciprocal law is in effect.

(n) "Support order" means any judgment, decree, or order of support *in favor of an obligee* whether temporary or final, or subject to modification, revocation, or remission, regardless of the kind of action *or proceeding* in which it is entered.

SECTION 3. Remedies Additional to Those Now Existing. The remedies herein provided are in addition to and not in substitution for any other remedies.

SECTION 4. Extent of Duties of Support. Duties of support arising under the law of this State, when applicable under Section 7, bind the obligor present in this State regardless of the presence or residence of the obligee.

PART II
Criminal Enforcement

SECTION 5. Interstate Rendition. The Governor of this State may

(1) demand of the Governor of another State the surrender of a person found in *that* State who is charged criminally in this State with failing, to provide for the support of any person; *or*

(2) surrender on demand by the Governor of *another* State a person found in this State who is charged *crim-*

inally in *that* State with failing to provide for the support of any person. Provisions for extradition of criminals not inconsistent *with this Act* apply to the demand even if the person whose surrender is demanded was not in the demanding State at the time of the commission of the crime and has not fled therefrom. The demand, the oath, and any proceedings for extradition pursuant to this Section need not state or show that the person whose surrender is demanded has fled from justice or at the time of the commission of the crime was in the demanding State.

SECTION 6. Conditions of Interstate Rendition.

(a) Before making the demand upon the Governor of *another* State for the surrender of a person charged criminally in this State with failing to provide for the support of a person, the Governor of this State may require any prosecuting attorney of this State to satisfy him that at least; [60] days prior thereto the obligee *initiated proceedings* for support under this Act or that *any proceeding* would be of no avail.

(b) *If*, under a substantially similar Act, the Governor of another State makes a demand upon the Governor of this State for the surrender of a person charged *criminally* in *that* State with failure to provide for the support *of a person*, the Governor may *require* any prosecuting attorney to investigate the demand and to report to him whether *proceedings* for support have been *initiated* or would be effective. If it appears to the Governor that aproceeding would be effective but has not been initiated he may delay honoring the demand for a reasonable time to permit *the initiation of a proceeding*.

(c) If *proceedings have been initiated* and the person demanded has prevailed *therein* the Governor may decline to honor the demand. *If the obligee prevailed and* the person demanded is subject to a support order, the Governor may decline to honor the demand *if* the person demanded is complying with the support order.

PART III
Civil Enforcement

SECTION 7. Choice of Law. Duties of support applicable under this Act are those imposed under the laws of any State where the obligor was present for the period during which support is sought. The obligor is presumed to have been present in the responding State during the period for which support is sought until otherwise shown.

SECTION 8. Remedies of State or Political Subdivision Furnishing Support. *If* a State or a political subdivision furnishes support to an individual obligee it has the same right to *initiate a proceeding under this Act* as the *individual* obligee for the purpose of securing reimbursement *for support furnished* and of obtaining continuing support.

SECTION 9. How Duties of Support Enforced. All duties of support, including *the duty to pay* arrearages, are enforceable by *a proceeding under this Act including a proceeding for civil contempt. The defense that the parties are immune to suit because of their relationship as husband and wife or parent and child is not available to the obligor.*

SECTION 10. Jurisdiction. Jurisdiction of *any* proceeding *under this Act* is vested in the [here insert title of court desired].

SECTION 11. Contents and Filing of [Petition] for Support; *Venue*.

(a) The [petition] shall be verified and shall state the name and, so far as known to the *obligee*, the address and circumstances of the *obligor* and the *persons* for whom support is sought and all other pertinent information. The *obligee* may include in or attach to the [petition] any information which may help in locating or identifying the *obligor including* a photograph of the obligor, a description of any distinguishing marks on his person, other names and aliases by which he has been or is known, the name of his employer, his fingerprints. and his Social Security number.

(b) The [petition] may be filed in the appropriate court of any State in which the obligee resides. The court shall not decline or refuse to accept and forward the [petition] on the ground that it should be filed with some other court of this or any other State where there is pending another action for divorce, separation, annulment, dissolution, habeas corpus, adoption, or custody between the same parties or where another court has already issued a support order in some other proceeding and has retained jurisdiction for its enforcement.

SECTION 12. Officials to Represent Obligee. *If this State is acting as an initiating State* the prosecuting attorney upon the request of the court [a state department of welfare, a county commissioner, an overseer of the poor, or other local welfare officer] shall represent the obligee in any proceeding under this Act. *[If the prosecuting attorney neglects or refuses to represent the obligee the [Attorney General] may order him to comply with the request of the court or may undertake the representation.] [If the prosecuting attorney neglects or refuses to represent the obligee, the [Attorney General] [State Director of Public Welfare] may undertake the representation.]*

SECTION 13. **Petition for a Minor.** A [petition] on behalf of a minor obligee may be *executed and filed* by a person having legal custody of the minor without appointment as guardian ad litem.

SECTION 14. **Duty of Initiating Court.** If the *initiating court* finds that the [petition] sets forth facts from which it may be determined that the *obligor* owes a duty of support and that a court of the responding State may obtain jurisdiction of the obligor or his property it shall so certify and cause 3 copies of the [petition] and its certificate and *one copy of* this Act to be *sent* to the responding *court. Certification shall be in accordance with the requirements of the initiating State.* If the name and address of the responding court is unknown and the *responding* State has an information agency comparable to that established in the initiating State it shall cause the copies to be *sent* to the State information agency or other proper official of the responding State, with a request that *the agency or official* forward them to the proper court and that the court of the responding State acknowledge their receipt to the initiating *court.*

SECTION 15. **Costs and Fees.** *An initiating court shall not require payment of either* a filing fee or other costs *from* the obligee but *may request the responding court to collect fees and costs from the obligor. A responding court shall not require payment of a filing fee or other costs from the obligee but it* may direct that all fees and costs *requested by the initiating court and* incurred in this State *when acting as a responding State,* including fees for filing of *pleadings,* service of process, seizure of property, stenographic *or duplication* service, or *other service supplied to the obligor,* be paid *in whole or in part* by the obligor or by the [State or political subdivision thereof]. *These costs or fees do not have priority over amounts due to the obligee.*

SECTION 16. **Jurisdiction by Arrest.** *If* the court of this State believes that the *obligor* may flee it may

(1) as an initiating *court,* request in its certificate that the responding court obtain the body of the *obligor* by appropriate process; or

(2) as a responding court, obtain the body of the *obligor* by appropriate process. *Thereupon it may release him upon his own recognizance or upon his giving a bond in an amount set by the court to assure his appearance at the hearing.*

SECTION 17. **State Information Agency.**

(a) The [Attorney General's Office, State Attorney's Office, Welfare Department or other Information Agency] is designated as the State information agency under this Act. *It* shall

(1) compile a list of the courts and their addresses in this State having jurisdiction under this Act and transmit it to the State Information Agency of every other State which has adopted this or a substantially similar Act.

(2) maintain a register of lists *of courts* received from other States and transmit copies thereof *promptly* to every court in this State having jurisdiction under this Act; *and*

(3) forward to the court in this State which has jurisdiction over the obligor or his property petitions, certificates and copies of the Act it receives from courts or information agencies of other States.

(b) If the State information agency does not know the location of the obligor or his property in the State and no State location service is available it shall use all means at its disposal to obtain this information including the examination of official records in the State and other sources such as telephone directories, real property records, vital statistics records, police records, requests for the name and address from employers who are able or willing to cooperate, records of motor vehicle license offices, requests made to the tax offices both State and Federal where such offices are able to cooperate, and requests made to the Social Security Administration as permitted by the Social Security Act as amended.

(c) After the deposit of 3 copies of the [petition] and certificate and one copy of the Act of the initiating State with the clerk of the appropriate court, if the State information agency knows or believes that the prosecuting attorney is not prosecuting the case diligently it shall inform the [Attorney General [State Director of Public Welfare]], who may undertake the representation.

SECTION 18. **Duty of the Court and Officials of This State as Responding State.**

(a) After the responding *court* receives copies *of the [petition], certificate and Act from the initiating court* the clerk of the court shall docket the case and notify the prosecuting attorney of his action.

(b) The prosecuting attorney shall prosecute the case diligently. He shall take all action necessary in accordance with the laws of this State to *enable the court to obtain* jurisdiction over the obligor or his property and shall request the court [clerk of the court] to set a time and place for a hearing *and give notice thereof to the obligor in accordance with law.*

(c) [If the prosecuting attorney neglects or refuses to represent the obligee the [Attorney General] may order him to comply with the request of the court or may undertake the representation.] [If the prosecuting attorney neglects or refuses to represent the obligee,

the [Attorney General] [State Director of Public Welfare] may undertake the representation.]

SECTION 19. **Further Duties of Court and Officials in the Responding State.**

(a) The prosecuting attorney on his own initiative shall use all means at his disposal to *locate* the *obligor* or his property. and if *because of* inaccuracies in the [petition] or otherwise the court cannot obtain jurisdiction the prosecuting attorney shall inform the court of what he has done and request the court to continue the case pending receipt of more accurate information or an amended [petition] from the initiating *court*.

(b) If the *obligor* or his property is not found in the [county], and the prosecuting attorney discovers that the *obligor* or his property may be found in another [county] of this State or in another State he shall so inform the court. Thereupon the clerk of the court shall forward the documents received from the court in the initiating State to a court in the other [county] or to a court in the other State or to the information agency or other proper official of the other State with a request that the documents be forwarded to the proper court. *All powers and duties provided by this Act apply to the recipient of the documents so forwarded.* If the clerk of a court of this State *forwards* documents to another court he shall forthwith notify *the initiating court*.

(c) If the prosecuting attorney has no information as to the *location* of the obligor or his property he shall so inform the initiating court.

SECTION 20. **Hearing and Continuance.** If the *obligee* is *not present at the hearing* and the *obligor denies owing the duty of support alleged in the petition or offers evidence* constituting a defense the court, *upon request of either party, shall continue the hearing to permit evidence relative to the duty to be adduced by either party by deposition or by appearing in person before the court. The court may designate the judge of the initiating court as a person before whom a deposition may be taken.*

SECTION 21. **Immunity from Criminal Prosecution.** *If at the hearing the obligor is called for examination as an adverse party and he declines to answer upon the ground that his testimony may tend to incriminate him, the court may require him to answer, in which event he is immune from criminal prosecution with respect to matters revealed by his testimony, except for perjury committed in this testimony.*

SECTION 22. **Evidence of Husband and Wife.** Laws attaching a privilege against the disclosure of communications between husband and wife are inapplicable to proceedings under this Act. Husband and wife are competent witnesses [and may be compelled] to testify to any relevant matter, including marriage and parentage.

SECTION 23. **Rules of Evidence.** In any hearing *for the civil enforcement of this Act* the court is *governed* by the rules of evidence *applicable in a civil court action in the Court. If the action is based on a support order issued by another court a certified copy of the order shall be received as evidence of the duty of support, subject only to any defenses available to an obligor with respect to paternity (Section 27) or to a defendant in an action or a proceeding to enforce a foreign money judgment. The determination or enforcement of a duty of support owed to one obligee is unaffected by any interference by another obligee with rights of custody or visitation granted by a court.*

SECTION 24. **Order of Support.** If the responding court finds a duty of support it may order the *obligor* to furnish support or reimbursement therefore and subject the property of the *obligor* to the order. *Support orders made pursuant to this Act shall require that payments be made to the [clerk] [bureau] [probation department] of the court of the responding State.* [The court and prosecuting attorney of any [county] in which the obligor is present or has property have the same powers and duties to enforce the order as have those of the [county] in which it was first issued. If enforcement is impossible or cannot be completed in the [county] in which the order was issued, the prosecuting attorney shall *send* a certified copy of the order to the prosecuting attorney of any [county] in which it appears that *proceedings* to enforce the order would be effective. The prosecuting attorney to whom the certified copy of the order is forwarded shall proceed with enforcement and report the results of the proceedings to the court first issuing the order.]

SECTION 25. **Responding Court to Transmit Copies to Initiating Court.** The responding court shall cause a copy of all support orders to be *sent* to the initiating court.

SECTION 26. **Additional Powers of Responding Court.** In addition to the foregoing powers a responding court *may* subject *the obligor* to any terms and conditions proper to assure compliance with its orders and in particular to:

(1) require the *obligor* to furnish a cash deposit or a bond of a character and amount to assure payment of any amount *due*;

(2) require the *obligor* to *report personally and* to make payments at specified intervals to the [clerk] [bureau] [probation department] of the court; and

(3) punish *under the power of contempt the obligor* who violates any order of the court.

SECTION 27. **Paternity.** *If the obligor asserts as a defense that he is not the father of the child for whom support is sought and it appears to the court that the defense is not frivolous, and if both of the parties are present at the hearing or the proof required in the case indicates that the presence of either or both of the parties is not necessary, the court may adjudicate the paternity issue. Otherwise the court may adjourn the hearing until the paternity issue has been adjudicated.*

SECTION 28. **Additional Duties of Responding Court.** A responding court has the following duties which may be carried out through the [clerk] [bureau] [probation department] of the court:

(1) to transmit to the initiating court any payment made by the *obligor* pursuant to any order of the court or otherwise; and

(2) to furnish to the initiating court upon request a certified statement of all payments made by the *obligor*.

SECTION 29. **Additional Duty of Initiating Court.** An initiating court shall receive and disburse forthwith all payments made by the *obligor* or *sent* by the responding court. This duty may be carried out through the [clerk] [bureau] [probation department] of the court.

SECTION 30. **Proceedings Not to Be Stayed.** *A responding court shall not* stay *the proceeding or refuse a hearing* under this Act because of any pending *or prior* action *or proceeding* for divorce, separation, annulment, dissolution, habeas corpus, adoption, or custody *in this or any other State. The court shall hold a hearing and may issue a support order pendente lite. In aid thereof it may require the obligor to give a bond for the prompt prosecution of the pending proceeding. If the other action or proceeding is concluded before the hearing in the instant proceeding and the judgment therein provides for the support demanded in the [petition] being heard the court must conform its support order to the amount allowed in the other action or proceeding. Thereafter the court shall not stay enforcement of its support order because of the retention of jurisdiction for enforcement purposes by the court in the other action or proceeding.*

SECTION 31. **Application of Payments.** *A* support order made by a court of this State *pursuant to this Act does not nullify and is not nullified* by a *support* order *made by a court of this State pursuant to any other law or by a support order made by a court of any other State pursuant to a substantially similar Act or any other law, regardless of priority of issuance, unless otherwise specifically provided by the court.* Amounts paid for a particular period pursuant to *any* support order *made by the court of another State* shall be credited against the amounts accruing or accrued for the same period under *any support order made by the court of this State.*

[SECTION 32. **Effect of Participation in Proceeding.** Participation in any proceeding under this Act *does* not confer jurisdiction upon any court over any of the parties thereto in any other proceeding.]

[SECTION 33. **Intrastate Application.** This Act applies *if* both the *obligee* and the *obligor* are in this State but in different [counties]. If the court of the [county] in which the [petition] is filed finds that the [petition] sets forth facts from which it may be determined that the *obligor* owes a duty of support and finds that a court of another [county] in this State may obtain jurisdiction over the *obligor* or his property, the clerk of the court shall send *the* [petition] and a certification of the findings to the court of the [county] in which the *obligor* or his property is found. The clerk of the court [county] receiving these *documents* shall notify the prosecuting attorney of their receipt. The prosecuting attorney and the court in the [county] to which the copies are forwarded then shall have duties corresponding to those imposed upon them when acting for this State as a responding State.]

SECTION 34. **Appeals.** *If the [Attorney General] [State Director of Public Welfare] is of the opinion that a support order is erroneous and presents a question of law warranting an appeal in the public interest, he may*

(a) perfect an appeal to the proper appellate court if the support order was issued by a court of this State, or

(b) if the support order was issued in another State, cause the appeal to be taken in the other State. In either case expenses of appeal may be paid on his order from funds appropriated for his office.

PART IV
Registration of Foreign Support Orders

SECTION 35. **Additional Remedies.** If the duty of support is based on a foreign support order, the obligee has the additional remedies provided in the following Sections.

SECTION 36. **Registration.** The obligee may register the foreign support order in a court of this State in the manner, with the effect, and for the purposes herein provided.

SECTION 37. **Registry of Foreign Support Orders.** The clerk of the court shall maintain a Registry of Foreign Support Orders in which he shall [file] foreign support orders.

SECTION 38. Official to Represent Obligee. *If this State is acting either as a rendering or a registering State the prosecuting attorney upon the request of the court [a State department of welfare, a county commissioner, an overseer of the poor, or other local welfare official] shall represent the obligee in proceedings under this Part.*

[If the prosecuting attorney neglects or refuses to represent the obligee, the [Attorney General] may order him to comply with the request of the court or may undertake the representation.] [If the prosecuting attorney neglects or refuses to represent the obligee, the [Attorney General] [State Director of Public Welfare] may undertake the representation.]

SECTION 39. Registration Procedure; Notice. *(a) An obligee seeking to register a foreign support order in a court of this State shall transmit to the clerk of the court (1) three certified copies of the order with all modifications thereof, (2) one copy of the reciprocal enforcement of support act of the State in which the order was made, and (3) a statement verified and signed by the obligee, showing the post office address of the obligee, the last known place of residence and post office address of the obligor, the amount of support remaining unpaid, a description and the location of any property of the obligor available upon execution, and a list of the States in which the order is registered. Upon receipt of these documents the clerk of the court, without payment of a filing fee or other cost to the obligee, shall file them in the Registry of Foreign Support Orders. The filing constitutes registration under this Act.*

(b) Promptly upon registration the clerk of the court shall send by certified or registered mail to the obligor at the address given a notice of the registration with a copy of the registered support order and the post office address of the obligee. He shall also docket the case and notify the prosecuting attorney of his action. The prosecuting attorney shall proceed diligently to enforce the order.

SECTION 40. Effect of Registration; Enforcement Procedure.

(a) Upon registration the registered foreign support order shall be treated in the same manner as a support order issued by a court of this State. It has the same effect and is subject to the same procedures, defenses, and proceedings for reopening, vacating, or staying, as a support order of this State and may be enforced and satisfied in like manner.

(b) The obligor has [20] days after the mailing of notice of the registration in which to petition the court to vacate the registration or for other relief. If he does not so petition the registered support order is confirmed.

(c) At the hearing to enforce the registered support order the obligor may present only matters that would be available to him as defenses in an action to enforce a foreign money judgment. If he shows to the court that an appeal from the order is pending or will be taken or that a stay of execution has been granted, the court shall stay enforcement of the order until the appeal is concluded, the time for appeal has expired, or the order is vacated, upon satisfactory proof that the obligor has furnished security for payment of the support order as required by the rendering State. If he shows to the court any ground upon which enforcement of a support order of this State may be stayed the court shall stay enforcement of the order for an appropriate period if the obligor furnishes the same security for payment of the support ordered that is required for a support order of this State.

SECTION 41. Uniformity of Interpretation. This Act shall be so construed as to effectuate its general purpose to make uniform the law of those States which enact it.

SECTION 42. Short Title. This Act may be cited as the *Revised* Uniform Reciprocal Enforcement of Support Act *(1968)*.

SECTION 43. Severability. If any provision of this Act or the application thereof to any person or circumstance is held invalid, the invalidity *does* not affect other provisions or applications of the Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are severable.

Appendix IV-2

Matrix of Current (R) URESA Provisions

Sec	AL	AK	AZ	AR	CA	CO	CT	DE	FL	GA	HI	ID	IL	IN	IA	KS
1	U			R	RL	R		U	R	U		R	R	U		R
2	UO	UL	RL	R	RL	RL	UL	UO	RL	UL	UO	RL	R	UL	RO	RL
3	U	U	R	R	R	R	U	U	R	U	U	R	R	U	UL	R
4	U	U	R	R	R	R	U	U	R	U	U	R	R	U		R
5	U	U	R	R	R	R		U	R	UL	U	R	R	U		R
6	US	US	R	R	RL	R		US	R		US	R	RO	U		R
7	U	U	R	R	R	R	U	U	R	U	U	R	R	U		R
8	U	U	R	R	R	R	U	U	R	US	U	R	R	U	SA	R
9	U	US	R	R	R	R	U	UO	R	U	UL	RS	R	U		R
10	UA	UA	R	RS	R	R	UA	UA	R	UA	UA	RL	R	U		R
11	UO	U	R	R	RL	R	U	U	R	UL	R	R	R	U		R
12	UA	UO	RO	RO	R	RO	US		RO	US	US	RL	R	US	AS	RL
13	UA	U	R	R	R	R	U	U	R	UL	U	R	R	U		R
14	U	U	R	R	RL	R	U	U	RL	US	U	R	R	U		R
15	UA	RL	R	R	R	R	U		R	UL	US	R	R	U	US	R
16	UA	R	RL	R	R	R	U	U	R	U	U	R	R	U	U	R
17	UL	UL	R	R	RO	RL	US	U	RO	US	U	RL	RL	U	U	R
18	U	UL	RO	RO	RL	RO	U	UL	RO	U	UL	RL	R		AS	RL
19	UA	UO	R	R	R	R	UL	UL	RO	UL	UO	RL	R	U		
20		R	R	R	RL	R	US		R	UL	U	R	R	U		R
21		UL	R	R		R						R	R	U		
22	UO	U	RO	R	R	R	UO	U	R	U	U	R	R	U		RO
23		RL	R	R	RO	RL		UL	RL	U	R	RO	RL	U		R
24	UO	UO	R	R	R	RL	UO	US	R	UO	UO	RS	RS	U		R
25	U	U	R	R	RL	R	U	U	RL	U	U	R	R	U		R
26	U	UL	R	R	R	R	UL	U	R	U	U	R	R	U		R
27	U	U	RL	R	R	RL	U	U	R	U	U	R	R	U		R
28	U	U	R	R	R	R		U	RL	U	U	R	R	U		R
29		US	R	R	R	R	U		RL		UL	R	RS	U		R
30	UA	U	R	R	R	R	UL	UL	R	UL	UL	R	R	U		R
31	UA	U	R	R	R	R	U	U	R	U	U	R	R	U		R
32		RL	R	R	R	R			R			R	R	U		R
33			R	R	R	R			RL	U	UA	RL	R	U		R
34		UL	R	R	R	R	RS	U	RL	U	U	R	R	U		
35		U	R	R	RL	R		U	R	U	UA		R	U	R	R
36		R	R	R	RL	R	RA		R				R	U	R	R
37		R	R	R	R	R	RA		R				R	U	RA	R
38		RO	RO	RO	RL	RL	RA		RO		RA		R	U		RL
39		R	R	R	RL	R	R	RL	RL	RL	R		R		RL	R
40		R	R	R	RL	R	R	R	RL	RL	R		R		RL	R
41		U	R	R	R	R	U		R	U		R	R	U	A	R
42		U	R	R	R	R			R	U		R	R	U		R
43					R								R			R

Legend

U - Act adopted with 1958 amendments. R - Act adopted with 1968 revised amendments.

S - Section included but with substantive changes or additions. L - Section included but language changed or added; intent similar.

O - Section included but with some omission; intent similar. A - Wording of section included within part of another section.

Blank - section omitted.

Sec	KY	LA	ME	MD	MA	MI	MN	MO	MS	MT	NB	NV	NH
1	U	R	RL	UL		U	R	U	UL	R	R	R	U
2	RL	RL	RL	UL	U	UO	R	UL	UO	R	R	R	R
3	R	R	R	U	U	U	R	U	U	R	R	R	R
4	R	R	R	U	U	UL	R	U	UL	R	R	R	R
5	U	R	R	U	U	U	R	U	U	R	R	R	U
6	R	R	R	U			R	U	US	R	R	R	U
7	U	R	R	U		U	R	U	US	R	R	R	U
8	U	R	R	U	UL	U	R	UL	U	R	R	RL	U
9	R	R	R	U			R	R	US	R	R	R	R
10	RA	R	RA	U	US	UL	R	US	UR	R	R	RL	U
11	R	R	RL	U	U	UL	R	U	U	R	R	R	R
12	RL	RO	RL	US		UL	RL	U	U	R	R	R	R
13	R	RO	R	U		UL	R	U	U	R	R	R	R
14	R	R	RL	UL	U	US	R	U	U	R	R	RS	R
15	R	R	R	UL		UL	R	R	UL	R	R	RS	R
16	U	R	R	U		U	R	R	U	R	R	R	R
17	RL	RO	RO	UL		US		U	U	R	R	R	R
18	RL	RO	RO	US	US	UL	RO		UL	RO	R	RL	R
19	RO	R	R	UL	US	UL	R		UO	R	R	R	U
20	R	R	R			U	R			R	R	RL	R
21	R	R	R	U			R	US		R	R	R	R
22	RO	R	R	U		UO	R	U	UL	R	R	R	R
23	R	R	R	U			R		U	R	R	RL	R
24	RO	R	RS	UO	US	UO	RL	UO	UO	R	R	R	R
25	U	R	R	U	U	U	R	U		R	R	R	U
26	U	R	RL	U	US	US	RL	U	UL	R	R	RS	U
27	RS	R	RS	RL		U	R	U	U	R	R	R	R
28	U	R	RL	U	US	U	R	U	U	R	R	R	RL
29		R	R	U			R	US		R	R	R	RL
30	R	R		U		UL	R	U	U	R	R	RL	R
31	RL	R	R	U		U	R		U	R	R	RS	R
32	R	R	R				R			R	R	RL	R
33	R	R		U			R	U		R	R	RS	RL
34	R	R	R	U			R	U		R	R	RL	R
35	R	R	R	U				U		R	R	R	R
36	R	R	R	U			RL	U		R	R	R	R
37	R	R	R	U				U		R	R	R	R
38	RL	R	R	U			RL	UO		R	R	R	R
39	RO	R	R				R			R	R	R	R
40	RO	R	R				R			R	R	R	R
41		R	R	U			R	U		R	R	R	R
42	UA	R	R	U		U	R	U	U	R	R	R	U
43					UL						R	R	R

Legend

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Blank - section omitted.

Sec	NJ	NM	NY	NC	ND	OH	OK	OR	PA	RI	SD	SC	TN	TX
1	R	R	US	U	R	R	U	R	R	R		R	U	R
2	RO	R	US	RL	R	R	RL	RO	R	R	R	R	UL	RS
3	R	R		R	R	R	R	R	R	R	R	RL	U	RL
4	R	R	UA	R	R	R	R	R	R	R	R	R	U	RL
5	R	R		U	R	R	R	R	R	R	R	R	U	R
6	R	R		RL	R	R	R	R	R	R	R	R	U	R
7	R	R		RS	R	R	R	R	R	R	R	R	U	RS
8	R	R	U	RS	R	R	R	R	R	R	R	R	U	R
9	R	R		U	R	R	R	R	R	R	R	R	U	R
10	R	R		RA	R	RA	RA	RA	R	R	R	RA	UA	R
11	R	R	US	UL	R	R	RL	R	R	R	R	R	U	RL
12	RO	RO		RS	R	R	RO		R	RO	R	RO	UL	RO
13	R	R	U	RL	R	R	R	R	R	R	R	RL	U	R
14	R	R	A	RL	R	R	R	R	R	R	R	R	U	R
15		R		RL	R	R	RL	R	R	R	R	R	UL	R
16	R	R		R	R	R	RL	R	RS	R	R	R	U	R
17	RO	R		RS	R	R	RL	RO	R	R	R	RO	U	RO
18	RO	R	US	RL	R	R	RL	R	R	RO	R	RO	US	RO
19	R	R	US	R	R	R	R	R	R	R	R	R	U	R
20	R	R	RA	R	R	R	R		R	R	R	R		R
21		R			R	R	R		R	R	R	R		R
22	R	R		RO	RL	R	R	R	R	RO	RO	R	U	RS
23	R	R		RS	R	RS	R		R	R	R	RL		RS
24	RL	R	US	RO	RS	RS	R	RO	R	R	R	R	U	RL
25	RL	R	US	R	R	RL	U	R	R	R	R	R	U	R
26	R	R	RL	U	R	R	U	R	R	R	R	R	UO	RS
27	R	R	RA	RS	R	R	RL		R	R	R	R	U	R
28	R	R		RL	R	R	R	R	R	R	R	R	U	RL
29	R	R		RL	R	R	R	R	R	R	R	R	UO	R
30	R	R		RL	R	R	R	R	RL	R	R	R	UL	R
31	R	R		R	RL	R	R	R	R	R	R	R	U	R
32	R	R		R	R	R	R	R	R	R	R	R		R
33		R		RL	R	R	RL		R	RO	R	R	UA	R
34	R	R			R	R	R		RS	R	R		U	R
35	R	R	RA	R	R	R	R	R	R	R	R	R	U	R
36	R	R	RA	R	R	R	R	R	R	R	R	R	U	R
37	R	R	RA	R	R	R	R		R	R	R	R	U	R
38	R	RO	RA	RL	R	R	RL		R	RO	R	RO	U	RO
39	R	R	RL	RO	R	R	R	RL	RL	R	R	R		R
40	R	R	RA	R	R	R	RL	R	R	R	R	RL		R
41	R	R		R	R	R		R		R	R	R		RL
42	R	R	US	U	R		UL	R	R		R	RL		R
43			UL	R	R	R		R		R		R		R

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Blank section omitted.