

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from North Carolina (Mr. COBLE) that the House suspend the rules and pass the bill, H.R. 3723, 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.

□ 1530

#### DEADBEAT PARENTS PUNISHMENT ACT OF 1998

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

The Clerk read as follows:

H.R. 3811

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

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Deadbeat Parents Punishment Act of 1998".

#### SEC. 2. ESTABLISHMENT OF FELONY VIOLATIONS.

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

##### "§228. Failure to pay legal child support obligations

"(a) OFFENSE.—Any person who—

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

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

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

shall be punished as provided in subsection (c).

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

"(c) PUNISHMENT.—The punishment for an offense under this section is—

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

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

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

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

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

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

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

"(f) DEFINITIONS.—As used in this section—

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

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

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

The SPEAKER pro tempore (Mr. BE-REUTER). Pursuant to the rule, the gentleman from Florida (Mr. MCCOLLUM) and the gentleman from Florida (Mr. WEXLER) each will control 20 minutes.

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

#### GENERAL LEAVE

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

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

There was no objection.

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

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

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

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

H.R. 3811 establishes two new felony offenses. The first offense is traveling

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

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

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

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

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

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

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

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

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

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

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

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

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

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

In doing so, we take a small, but important, step to support the family institution and the legal duties of parents to their children. The punishment

that we as a society direct against wrongdoing is a clear indication of what we value and of what we hold dear. This bill represents our commitment to be vigilant on behalf of our families and our children.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Mr. Speaker, I support H.R. 3811 the Deadbeat Parents Punishment Act. We must protect our children who rely on child support, and create stiffer penalties for those parents who avoid their financial obligation to their children. Deadbeat parents must understand

that this type of irresponsible behavior is unacceptable and that they can be punished for attempting to avoid child support payments by moving between states, or out of the United States.

As Chair of the Children's Congressional Caucus and a strong child advocate, I firmly believe that we must consider children our first priority. For this reason, I cosponsored H.R. 2487 the Child Support Incentive Act, legislation which reformed the child support incentive payment plan, and improved state collection performance. I am also currently opposing H.R. 3150, which would allow credit card companies to have the same priority as parents seeking child support during and after a debtor's bankruptcy.

Child support is an issue critical to the well-being of our nation's children. According to a recent study by the Department of Health and Human Services, between 1989 and 1991, 21-28% of poor children in America did not receive any child support from their non-custodial parent. In 1994, one in every four children lived in a family with only one parent present in the home. In the same year, the Child Support Enforcement system handled 12.8 million cases of non-payment. Yet, the system was only able to collect \$615 million of the \$6.8 billion due in back child support. The result is that the average amount of overdue child support payments is a shocking \$15,000 per parent.

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

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

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

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

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

I went to the gentleman from Illinois (Mr. HYDE) and said I wanted to introduce legislation to up the penalties for these serious, egregious failures to pay child support. He agreed. I introduced that legislation. I am very pleased that

the gentleman has now introduced similar legislation in the last few days, and we have this on the floor. The gentleman from Illinois (Mr. HYDE) and I have worked very closely on this.

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

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

□ 1545

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

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

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

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

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

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

that nonpayment of State-ordered child support is a viable option.

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

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

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

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

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

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

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

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

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

Mr. Speaker, children are at the heart of the need for this legislation.

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

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

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

Mr. PAUL. Mr. Speaker, today the Congress will collectively move our nation two steps closer to a national police state by further expanding a federal crime and paving the way for a deluge of federal drug prohibition legislation. Of course, it is much easier to ride the current wave of federalizing every human misdeed in the name of saving the world from some evil than to uphold a Constitutional oath which prescribes a procedural structure by which the nation is protected from what is perhaps the worst evil, totalitarianism. Who, after all, and especially in an election year, wants to be amongst those members of Congress who are portrayed as soft on drugs or deadbeat parents irrespective of the procedural transgressions and individual or civil liberties one tramples in their zealous approach.

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

The interstate commerce clause, however, was included to prevent states from engaging in protectionism and mercantilist policies as against other states. Those economists who influenced the framers did an adequate job of educating them as to the necessarily negative consequences for consumers of embracing such a policy. The clause was never intended to give the federal government carte blanche to intervene in private economic affairs anytime some special interest could concoct a "rational basis" for the enacting such legislation.

Likewise, while the general welfare provides an additional condition upon each of the enumerated powers of the U.S. Congress detailed

in Article I, Section eight, it does not, in itself, provide any latitude for Congress to legislatively take from A and give to B or ignore every other government-limiting provision of Constitution (of which there are many), each of which are intended to limit the central government's encroachment on liberty.

Nevertheless, rather than abide by our constitutional limits, Congress today will likely pass H. Res. 423 and H.R. 3811 under suspension of the rules meaning, of course, they are "non-controversial." House Resolution 423 pledges the House to "pass legislation that provides the weapons and tools necessary to protect our children and our communities from the dangers of drug addiction and violence". Setting aside for the moment the practicality of federal prohibition laws, an experiment which failed miserably in the so-called "Progressive era", the threshold question must be: "under what authority do we act?" There is, after all, a reason why a Constitutional amendment was required to empower the federal government to share jurisdiction with the States in fighting a war on a different drug (alcohol)—without it, the federal government had no constitutional authority. One must also ask, "if the general welfare and commerce clause were all the justification needed, why bother with the tedious and time-consuming process of amending the Constitution?" Whether any governmental entity should be in the "business" of protecting competent individuals against themselves and their own perceived stupidity is certainly debatable—Whether the federal government is empowered to do so is not. Being stupid or brilliant to one's sole disadvantage or advantage, respectively, is exactly what liberty is all about.

Today's second legislative step towards a national police state can be found in H.R. 3811, the Deadbeat Parents Punishment Act of 1998. This bill enhances a federal criminal felony law for those who fail to meet child support obligations as imposed by the individual states. Additionally, the bills shifts some of the burden of proof from the federal government to the accused. The United States Constitution prohibits the federal government from depriving a person of life, liberty, or property without due process of law. Pursuant to this constitutional provision, a criminal defendant is presumed to be innocent of the crime charged and, pursuant to what is often called "the Winship doctrine," the prosecution is allocated the burden of persuading the fact-finder of every fact necessary to constitute the crime . . . charged." The prosecution must carry this burden because of the immense interests at stake in a criminal prosecution, namely that a conviction often results in the loss of liberty or life (in this case, a sentence of up to two years). This departure from the long held notion of "innocent until proven guilty" alone warrants opposition to this bill.

Perhaps, more dangerous is the loss of another Constitutional protection which comes with the passage of more and more federal criminal legislation. Constitutionally, there are only three federal crimes. These are treason against the United States, piracy on the high seas, and counterfeiting (and, as mentioned above, for a short period of history, the manufacture, sale, or transport of alcohol was concurrently a federal and state crime). "Concurrent" jurisdiction crimes, such as alcohol prohibition in the past and federalization of felonious child support delinquency today, erode

the right of citizens to be free of double jeopardy. The fifth amendment to the U.S. Constitution specifies that no "person be subject for the same offense to be twice put in jeopardy of life or limb . . ." In other words, no person shall be tried twice for the same offense. However, in *United States v. Lanza*, the high court in 1922 sustained a ruling that being tried by both the federal government and a state government for the same offense did not offend the doctrine of double jeopardy. One danger of unconstitutionally expanding the federal criminal justice code is that it seriously increases the danger that one will be subject to being tried twice for the same offense. Despite the various pleas for federal correction of societal wrongs, a national police force is neither prudent nor constitutional.

The argument which springs from the criticism of a federalized criminal code and a federal police force is that states may be less effective than a centralized federal government in dealing with those who leave one state jurisdiction for another. Fortunately, the Constitution provides for the procedural means for preserving the integrity of state sovereignty over those issues delegated to it via the tenth amendment. The privilege and immunities clause as well as full faith and credit clause allow states to exact judgments from those who violate their state laws. The Constitution even allows the federal government to legislatively preserve the procedural mechanisms which allow states to enforce their substantive laws without the federal government imposing its substantive edicts on the states. Article IV, Section 2, Clause 2 makes provision for the rendition of fugitives from one state to another. While not self-enacting, in 1783 Congress passed an act which did exactly this. There is, of course, a cost imposed upon states in working with one another than relying on a national, unified police force. At the same time, there is a greater cost to centralization of police power.

It is important to be reminded of the benefits of federalism as well as the costs. There are sound reasons to maintain a system of smaller, independent jurisdictions—it is called competition and, yes, governments must, for the sake of the citizenry, be allowed to compete. We have obsessed so much over the notion of "competition" in this country we harangue someone like Bill Gates when, by offering superior products to every other similarly-situated entity, he becomes the dominant provider of certain computer products. Rather than allow someone who serves to provide values as made obvious by their voluntary exchanges in the free market, we lambaste efficiency and economies of scale in the private marketplace. Yet, at the same time, we further centralize government, the ultimate monopoly and one empowered by force rather than voluntary exchange.

When small governments becomes too oppressive, citizens can vote with their feet to a "competing" jurisdiction. If, for example, I do not want to be forced to pay taxes to prevent a cancer patient from using medicinal marijuana to provide relief from pain and nausea, I can move to Arizona. If I want to bet on a football game without the threat of government intervention, I can move to Nevada. If I want my income tax at 4% instead of 10%, I can leave Washington, DC, for the surrounding state suburbs. Is it any wonder that many productive people leave DC and then commute in

on a daily basis? (For this, of course, DC will try to enact a commuter tax which will further alienate those who will then, to the extent possible, relocate their workplace elsewhere). In other words, governments pay a price (lost revenue base) for their oppression.

As government becomes more and more centralized, it becomes much more difficult to vote with one's feet to escape the relatively more oppressive governments. Governmental units must remain small with ample opportunity for citizen mobility both to efficient governments and away from those which tend to be oppressive. Centralization of criminal law makes such mobility less and less practical.

For each of these reasons, among others, I must oppose the further and unconstitutional centralization of power in the national government and, accordingly, H. Res. 423 and H.R. 3811.

Mrs. ROUKEMA. Mr. Speaker, I rise today in support of the Deadbeat Parents Punishment Act of 1998. I thank Mr. HYDE for introducing this measure and for supporting the right of children to receive the support payments to which they are legally and morally entitled.

Mr. Speaker, I have spent many years working on the issue of child support enforcement. As part of that work, I had the honor of serving on the U.S. Commission on Interstate Child Support Enforcement. This commission conducted a comprehensive review of our child support system and issued a series of recommendations for reform. I am pleased to be able to say that many of those recommendations have been made part of federal law.

One of the recommendations of the commission was that willful non-payment of support should be made a criminal offense. We have already done that under federal law. Federal law currently carries a six-month jail term for deadbeats who refuse to pay. Willful failure to pay child support is a misdemeanor.

This bill today toughens the federal law by making willful non-payment of child support a felony. It maintains the six-month jail term for first-offenders and establishes a prison sentence of up to two years for second offenders. It also requires that deadbeats who are convicted and sent to jail still have to pay the support that they owe.

In addition, there is an important legal distinction in making this crime a felony. A felony conviction carries more than just a jail term. A convicted felon loses the right to vote, to be licensed in many professions, to hold public office and many other rights.

This is a good bill and it will be a good law. But we must not stop here.

This bill applies only to non-support cases that cross state lines—when the deadbeat parent and his or her child live in different states, or when the deadbeat moves to another state to avoid payment. It does not apply to deadbeats who live in the same state as their children. We must pass legislation requiring that the states make non-payment of support a criminal offense under state law as well. Only then will all the children who are not receiving support get the legal protection to which they are entitled.

The federal government has wisely adopted federal criminal penalties for those who cross interstate lines to avoid child support. But to reach everyone, states should use criminal penalties for those who choose to ignore their legal, financial and moral obligations.

Mr. Speaker, it is a national disgrace that our child support enforcement system continues to allow so many parents who can afford to pay for their children's support to shirk these obligations. The so-called "enforcement gap"—the difference between how much child support could be collected and how much child support is collected—has been estimated at \$34 billion!

Failure to pay court-ordered child support is not a "victimless crime." The children going without these payments are the first victims. But the taxpayers are the ultimate victims, when the parents who have custody are forced onto the welfare rolls for the lack of support payments being withheld by deadbeats.

Mr. Speaker, let's make deadbeats pay up or face the consequences. Let's let them know that they can run, but they can't hide.

Mr. GILMAN. Mr. Speaker, I rise today in support of H.R. 3811, which establish felon violations for parents who fail to pay child support. This legislation will help encourage non-custodial parents to pay their court ordered support payments in a timely fashion or face a substantial fine or up to \$10,000 and/or a prison sentence of up to 2 years.

The purpose of this bill is to help local law enforcement officials collect outstanding court-ordered child support payments. This will be especially helpful in situations where the parent has moved to another State in the hopes of avoiding paying child support. There are far too many cases of this occurring in our Nation each year. The children are the ones who are being hurt the most. Those "dead beat parents" who refuse to take responsibility for their children and pay child support, as ordered by the court, should be ashamed of themselves. These support payments are supposed to be used for their children's basic needs such as, clothing and schooling, and in most cases, this additional money is desperately needed in order to provide a decent life to these children.

Just one example of how this failure to pay affects families is in the quality of child care received. Because the parents are divorced and the custodial parent must work, these support payments are used to help defray the cost of child care for their children. When a parent refuses to make their child support payments, the custodial parent has to make choices and if they have to choose between buying groceries and using the best day care center in town, a parent would have to choose the former. However, the child still needs to be in day care, and they may not be able to attend the best facility available. As a result, the children are unnecessarily put in harm's way, because their parent dodged his or her responsibilities and denied his child monetary assistance.

This bill will help the States identify these parents residing in different States than that in which the order was initially issued and hold them accountable for failing to pay child support, by making it a felony under Federal law with punishments of fines and jail sentences. Additionally, the parent will still be responsible for making restitutions of all unpaid child support which is still owned at the time they are sentenced.

Accordingly, I urge my colleagues to join in supporting this measure which will help our Nation's children and make parents assume their responsibility for their children.

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

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

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

The question was taken.

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

The yeas and nays were ordered.

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

#### BULLETPROOF VEST PARTNERSHIP GRANT ACT OF 1998

Mr. MCCOLLUM. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2829) to establish a matching grant program to help state and local jurisdictions purchase armor vests for use by law enforcement departments, as amended.

The Clerk read as follows:

H.R. 2829

*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 "Bulletproof Vest Partnership Grant Act of 1998".

#### SEC. 2. FINDINGS; PURPOSE.

(a) FINDINGS.—Congress finds that—

(1) the number of law enforcement officers who are killed in the line of duty would significantly decrease if every law enforcement officer in the United States had the protection of an armor vest;

(2) according to studies, between 1985 and 1994, 709 law enforcement officers in the United States were feloniously killed in the line of duty;

(3) the Federal Bureau of Investigation estimates that the risk of fatality to law enforcement officers while not wearing an armor vest is 14 times higher than for officers wearing an armor vest;

(4) the Department of Justice estimates that approximately 150,000 State, local, and tribal law enforcement officers, nearly 25 percent, are not issued body armor;

(5) according to studies, between 1985 and 1994, bullet-resistant materials helped save the lives of more than 2,000 law enforcement officers in the United States; and

(6) the Executive Committee for Indian Country Law Enforcement Improvements reports that violent crime in Indian country has risen sharply, despite a decrease in the national crime rate, and has concluded that there is a "public safety crisis in Indian country".

(b) PURPOSE.—The purpose of this Act is to save lives of law enforcement officers by helping State, local, and tribal law enforcement agencies provide officers with armor vests.

#### SEC. 3. MATCHING GRANT PROGRAM FOR LAW ENFORCEMENT ARMOR VESTS.

(a) IN GENERAL.—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 Y as part Z;

(2) by redesignating section 2501 as section 2601; and

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

#### "PART Y—MATCHING GRANT PROGRAM FOR LAW ENFORCEMENT ARMOR VESTS "SEC. 2501. PROGRAM AUTHORIZED.

"(a) IN GENERAL.—The Director of the Bureau of Justice Assistance is authorized to make grants to States, units of local government, and Indian tribes to purchase armor vests for use by State, local, and tribal law enforcement officers.

"(b) USES OF FUNDS.—Grants awarded under this section shall be—

"(1) distributed directly to the State, unit of local government, or Indian tribe; and

"(2) used for the purchase of armor vests for law enforcement officers in the jurisdiction of the grantee.

"(c) PREFERENTIAL CONSIDERATION.—In awarding grants under this part, the Director of the Bureau of Justice Assistance may give preferential consideration, if feasible, to an application from a jurisdiction that—

"(1) has the greatest need for armor vests based on the percentage of law enforcement officers in the department who do not have access to a vest;

"(2) has, or will institute, a mandatory wear policy that requires on-duty law enforcement officers to wear armor vests whenever feasible; and

"(3) has a violent crime rate at or above the national average as determined by the Federal Bureau of Investigation; or

"(4) has not received a block grant under the Local Law Enforcement Block Grant program described under the heading 'Violent Crime Reduction Programs, State and Local Law Enforcement Assistance' of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1998 (Public Law 105-119).

"(d) MINIMUM AMOUNT.—Unless all eligible applications submitted by any State or unit of local government within such State for a grant under this section have been funded, such State, together with grantees within the State (other than Indian tribes), shall be allocated in each fiscal year under this section not less than 0.50 percent of the total amount appropriated in the fiscal year for grants pursuant to this section, except that the United States Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands shall be each be allocated 0.25 percent.

"(e) MAXIMUM AMOUNT.—A qualifying State, unit of local government, or Indian tribe may not receive more than 5 percent of the total amount appropriated in each fiscal year for grants under this section, except that a State, together with the grantees within the State may not receive more than 20 percent of the total amount appropriated in each fiscal year for grants under this section.

"(f) MATCHING FUNDS.—The portion of the costs of a program provided by a grant under subsection (a) may not exceed 50 percent. Any funds appropriated by Congress for the activities of any agency of an Indian tribal government or the Bureau of Indian Affairs performing law enforcement functions on any Indian lands may be used to provide the non-Federal share of a matching requirement funded under this subsection.

"(g) ALLOCATION OF FUNDS.—At least half of the funds available under this part shall be awarded to units of local government with fewer than 100,000 residents.

#### "SEC. 2502. APPLICATIONS.

"(a) IN GENERAL.—To request a grant under this part, the chief executive of a State, unit of local government, or Indian tribe shall submit an application to the Director of the Bureau of Justice Assistance in such form and containing such information as the Director may reasonably require.