

Donna L. Geisbert  
04/14/98 01:07:09 PM

Record Type: Record

To: Cynthia A. Rice/OPD/EOP

cc:

Subject: child support enforcement information

Diana -  
For the child  
support licenses  
file - any chance  
for an announcement?  
CR

----- Forwarded by Donna L. Geisbert/OPD/EOP on 04/14/98 01:07 PM -----



JDorskind @ OSEC20.osec.doc.gov  
04/14/98 11:13:58 AM

Please respond to JDorskind@OSEC20.osec.doc.gov

Record Type: Record

To: Donna L. Geisbert/OPD/EOP

cc:

Subject: child support enforcement information

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Donna,

Thanks for forwarding this email to Cynthia

I previously provided some or all of this information orally (by voicemail),  
but I neglected to forward this email. If Cynthia needs more information,  
just let me know. Otherwise, I think I've closed the DoC loop.

Thanks again.

jd

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Jim Dorskind  
Director, Executive Secretariat  
Office of the Secretary, U.S. Department of Commerce  
Ph: 202-482-3934 Fax: 202-482-4576 jdorskind@doc.gov

Original Text

From: Kathryn Lunney@GC@OGC, on 4/14/1998 10:13 AM:  
To: James A. Dorskind@ExSec@OSEC

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From: Kathryn Lunney@GC@OGC, on 3/31/98 3:21 PM:

To: James A. Dorskind@ExSec@OSEC  
Cc: Monica Medina@GC@NOAA

I spoke with Monica. This statute, and another relating to deep sea mining which was not covered in the White House memo, are ahead of their time as the benefits of working in and around the deep sea vents are not yet known and the costs are substantial. Monica tells me that these licenses can theoretically be given to individuals but the investment to carry out the work is so great that licenses will almost always be sought by companies and institutions.

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From: Craig R. O'Connor@GC@NOAA, on 3/31/98 9:36 AM:  
To: James A. Dorskind@ExSec@OSEC, Kathryn Lunney@GC@OGC

Kit and Jim - I am re-sending the message that Craig sent out last week. Apparently you did not receive it. I hope this answers the mail. Sorry for the confusion. Monica

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From: Craig R. O'Connor@GC@NOAA, on 3/23/1998 4:31 PM:  
To: Kathryn Lunney@GC@OGC  
Cc: Monica Medina@GC@NOAA

Kit - to close the loop re child support matter. Of the licenses noted, NOAA only issues those re Ocean Thermal Energy Conversion (42 USC 9111). We have never issued such a license, however. With regard to the other statutes: 43 (actually 46) USC 7101, 46 USC 7103, 46 USC 7104, 46 USC 7112, 46 USC 7316, 46 USC 7317 and 46 USC ap1718, all of these statutes are administered by the US Coast Guard (actually, the Secretary of the department with the Coast Guard in it, i.e. the Department of Transportation).

This should finalize NOAA's input into this project.

On another note, could you please have some advise us on what criterion your office uses for promotion of attorney from GS 14 to 15. thanks.  
Craig

THE WHITE HOUSE

WASHINGTON

February 17, 1998

MEMORANDUM TO THE CHIEFS OF STAFF

FROM: Cynthia Rice  
Special Assistant to the President for Domestic Policy  
456-2846 (p) 456-7431 (f)

SUBJ: Federal Agency Welfare Hiring Update and Child Support Request

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Federal Agency Welfare Hiring Update

Attached are not-yet-released numbers from OPM showing that federal agencies have hired 2,834 welfare recipients since the President's March 8th, 1997 executive order and the April 10th Cabinet meeting where agencies made hiring commitments.

We are planning to have an event in March or April to commemorate the one year anniversary of this initiative and to publicly share our progress toward the goal of hiring 10,000 welfare recipients by the year 2000. The event may focus on federal agencies' efforts to encourage contractors to hire from the welfare rolls. Key contacts: myself or Susan Valaskovic, National Performance Review, 632-0354.

Child Support Enforcement Request

Currently, we require states to deny drivers and professional licenses to parents who owe child support, but we allow such parents to obtain federal licenses. We are considering taking action to remedy this situation. Will you please respond to the following questions by Friday February 27th (see above for my fax number):

- a) Are there licenses missing from this list?
- b) How many people currently have these licenses?
- c) Would we, through regulation, be able to deny these licenses to people who owe child support, or would a legislative change be required?
- d) Who is the agency contact with whom we should coordinate as we develop possible policy on this issue?




UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

MAR 3 1998

OFFICE OF  
THE ADMINISTRATOR

MEMORANDUM

SUBJECT: Federal Agency Welfare Hiring Update and Child Support Request

FROM: Peter Robertson   
Chief of Staff

TO: Cynthia Rice  
Special Assistant to the President for Domestic Policy

In your February 17, 1998, memorandum you discussed child support enforcement. You pointed out that states are required to deny drivers and professional licenses to parents who owe child support and that the Administration is considering taking action to deny federal licenses to such parents. You provided a preliminary list of federal licenses and asked EPA to identify any that are missing from the list and to answer several questions about those licenses.

The information you requested is attached. As you can see from the attachment, very few of the "licenses" granted by EPA go to individuals, as opposed to business entities. Accordingly, we believe that few benefits and potentially significant costs could result from any effort to amend the various environmental licensing programs to include child support enforcement provisions.

For purposes of this exercise, we considered the term "license" broadly to include licenses, permits, certifications, accreditations, and approvals that allow persons to undertake activities within EPA's jurisdiction. The following is a list of licenses, permits, certifications, accreditations, and approvals issued (hereinafter licenses) by EPA. In many cases the licenses are available both to individuals (including those acting in a business capacity as a sole proprietor) and to business entities such as partnerships and corporations. It is probable that most of them are held by businesses rather than individuals, but we have included any license that *might* be granted to an individual (including those acting in an individual business capacity or as an employee required to have a specific license to do his or her job).



MAR-83 00 10:35 FROM: DE OF ADMIN/0001A 10:20:2 200 0001

You should also note that the authority to issue most of these licenses can be, and in most cases is, delegated to states (and in some cases tribes) under EPA's various statutes. If a state or tribe has been delegated or authorized to issue the license EPA generally does not perform that function for that jurisdiction. Where the state or tribe is not delegated or authorized to perform this function, EPA would perform the function. Thus, to be complete, any approach to child support enforcement in this area would have to deny these types of licenses whether they are issued by EPA, by the states, or by tribes.

We do not have readily available information that would allow us to determine how many individuals, as opposed to business entities, have each of these kinds of licenses, but we try to indicate below relative proportions of individuals as opposed to business entities receiving each kind of license. As you will see, we believe that only a few individuals receive these kinds of licenses from EPA, or from states and tribes under EPA-delegated or authorized programs. Thus, there would not be much benefit from attempting to deny these kinds of licenses for people who have not paid child support, and doing so may add considerable burden and complexity to federal, state, and tribal administration of these programs.

Finally, we do not believe we would have the authority under current law to be able to deny these licenses to individuals because they owe child support; accordingly, legislation would be needed. Given the low potential payoff from using environmental licensing as a tool for child support enforcement, we are concerned that such legislation might become a vehicle for other, unwarranted changes in the environmental laws.

The EPA contact with whom you should coordinate as you develop possible policy on this issue is Mark Badalamente at (202)260-4724.

Attachment



JDorskind @ doc.gov  
03/06/98 06:45:00 PM

Record Type: Record

To: Cynthia A. Rice

cc:

Subject: Child Support Enforcement information

Please find below the first installment from the Department of Commerce on this issue. (It's in the form of a memo from Kit Lunney, Deputy General Counsel here, to me.)

As I advised you in my telephone message, more is due from NOAA early next week. I appreciate your patience; please feel free to call me with any questions or comments on the information. If you need it in a more formal format, I can arrange that, too.

All the best,

Jim

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#### Memo

To: James A. Dorskind  
From: Kathryn R. Lunney  
Subject: Child Support Enforcement Request  
Date: March 6, 1998

Per your request, I have canvassed OGC to obtain answers to the questions raised in the Child Support Enforcement inquiry from the White House. I provided copies of the memo to those agencies that on the face of the statutes noted appeared to be responsible for administering them, specifically ITA, NOAA, PTO and BXA. Their answers are detailed below. I also posed the questions raised at a Senior Staff meeting this week to see if any other Commerce bureaus had licenses of the type discussed. The answer from around the table was no. In addition, I spoke to my Assistant General Counsels and members of their staff to see if they were aware of any additional licenses of this type and again the answer was no.

ITA

22 USC 6503.

#### Questions Presented and Answered:

1. How many people currently have these licenses?  
The Department of Commerce does not currently issue licenses or certificates for foreign traveling salesmen. No person

currently holds such a license or certificate.

2. Would we, through regulation, be able to deny these licenses to people who owe child support, or would a legislative change be required?

.. The Department of Commerce cannot deny a license through regulation, which it currently does not issue.

3. Who is the agency contact with whom we should coordinate as we develop possible policy on this issue?

.. No agency contact is available because the Department of Commerce does not issue such licenses or certificates.

#### Background:

The purpose of 22 USC §503 was to enforce the provisions of certain conventions entered into with foreign governments that permit commercial travelers (foreign traveling salesmen) of Contracting Parties to operate in the United States. Enacted in 1922, this Act authorized the Department of Commerce to 1) issue licenses to manufacturers, merchants and traders domiciled in the other Contracting Party to operate as commercial travelers in the United States, and 2) issue certificates attesting that a manufacturer, merchant or trader domiciled in the United States was a commercial traveler.

This Act has apparently not been enforced in the last twenty years, if ever. A search of the Federal Register back to 1980 indicates that no regulations have been passed to implement this licensing and certification process. The Department of Commerce currently does not issue licenses or certificates for foreign traveling salesmen (commercial travelers). The State Department was contacted to determine if they administer a similar process. The State Department does not issue licenses or certificates for foreign traveling salesmen (commercial travelers).

#### PTO

35 U.S.C. § 151

b) How many people currently have these licenses?

The PTO issues over 100,000 patents per year. Most patent applications are owned by legal entities, such as corporations and universities, to whom the inventor has assigned his or her rights (usually in accordance with an employment contract).

c) Would we, through regulation, be able to deny these licenses to people who owe child support, or would a legislative change be required?

Patents issue when the PTO determines that the applicant has complied with the requirements of the Patent Act. The PTO would need statutory authority to deny a patent grant because an applicant owes child support. In addition, since most patent applications are owned by legal entities such as corporations and universities, it is not clear how this provision would be applicable.

d) Who is the agency contact with whom we should coordinate as we develop possible policy on this issue?

Albin F. Drost  
Deputy Solicitor  
Patent and Trademark Office  
Box 8  
Washington, DC 20231

Are there are licenses missing from the list? The PTO issues licenses to individuals to practice before the PTO in patent matters. 35 U.S.C. § 31. Currently, there are approximately 20,000 registered patent practitioners. However, most of these practitioners are attorneys, and therefore already subject to denial of their state license. The denial of their state license would ordinarily result in the denial of their license to practice before the PTO in patent and trademark matters.

The PTO believes that the Commissioner has authority to promulgate substantive regulations regarding patent practitioners. See 35 U.S.C. § 31 ("The Commissioner, subject to the approval of the Secretary of Commerce, may prescribe regulations governing the recognition and conduct of agents, attorneys, or other persons representing applicants or other parties before the Patent and Trademark Office . . .").

#### NOAA

NOAA is still working on an answer regarding the nine statutes listed in the memo. I hope to get an answer back from them soon. The following relates to statutes not listed in the memo.

(a) The National Marine Fisheries Service (NMFS) issues licenses and permits under a number of statutes that conserve and manage living marine resources. Some licenses are issued to vessels, others to individuals. These statutes include:

Northern Pacific Halibut Act, 16 USC 773 et seq.  
Tuna Conventions Act, 16 USC 951 et seq.  
Atlantic Tunas Convention Act, 16 USC 971 et seq.  
South Pacific Tuna Act, 16 USC 973 et seq.  
Marine Mammal Protection Act, 16 USC 1361 et seq.  
Endangered Species Act, 16 USC 1531 et seq.  
Magnuson-Stevens Fishery Conservation and Management Act, 16 USC 1801 et seq.  
Antarctic Marine Living Resources Convention Act, 16 USC 2431 et seq.  
High Seas Fishing Compliance Act, 16 USC 5501 et seq.

(b) The number of licenses and permits issued by NMFS numbers in the several thousands.

(c) None of the statutes NMFS administers explicitly authorizes NMFS to deny licenses and permits to people who owe child support. Our initial reaction is that legislative change would be required.

(d) Agency contact: Margaret F. Hayes, Assistant General Counsel for Fisheries, (301) 713-2231.

BXA



50 USC ap2403

BXA's export licenses are granted primarily to corporate entities as opposed to individuals. The Bureau grants no other licenses.

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Jim Dorskind  
Director, Executive Secretariat  
Office of the Secretary, U.S. Department of Commerce  
Ph: 202-482-3934 Fax: 202-482-4576 [jdorskind@doc.gov](mailto:jdorskind@doc.gov)



Cynthia A. Rice

02/12/98 03:03:17 PM

Record Type: Record

To: dross @ acf.dhhs.gov @ INET @ LNGTWY  
cc:  
bcc: Records Management  
Subject: Re: Re: Federal Licenses

Thank you, Judge. Can you get me something in writing re: what Virginia has done and what results they have had -- or give me a name and number to call? I want to know, can we credible say this has "worked" in Virginia?  
dross @ acf.dhhs.gov



dross @ acf.dhhs.gov  
02/11/98 06:19:00 PM

Record Type: Record

To: Cynthia A. Rice  
cc:  
Subject: Re: Re: Federal Licenses

We have talked about it and decided that, absent legislation - similar to what we have in the law regarding state license revocation, booting cannot be mandated by regulation. As you may know, the State of Virginia has begun a very aggressive program of booting and the State Director there tells me that it has been very successful. I have asked the editor of our Child Support Report that goes to employees across the nation, to feature the Virginia project in an article. We also do a best practices manual. If the results continue to be beneficial, we will include it in a future edition. It might be worthwhile, however, for the President to mention it in some future child support radio address. Hope this helps. David Ross.



Cynthia A. Rice

02/12/98 03:00:54 PM

Record Type: Record

To: Bruce N. Reed/OPD/EOP  
cc:  
bcc: Records Management  
Subject: Re: child support/booting cars

Yes -- we require states to have the authority to suspend licenses, but they decide when to apply it, which is what I think we should do for booting cars. Generally, as you know, states report that they get funds by threatening to revoke licenses -- they rarely actually have to follow through and actually suspend them -- but requiring the state to have the procedure gives the child support agency a new tool to collect overdue funds.

Let me get more information on Virginia's car booting program to make sure we can credibly say "this works."

Current law re: licenses reads as follows: states must have "procedures under which the State has (and uses in appropriate cases) authority to withhold or suspend, or to restrict the use of driver's licenses, professional and occupational licenses, and recreational licenses of individuals owing overdue support or failing, after receiving appropriate notice, to comply with subpoenas or warrants relating to paternity or child support proceedings"

Bruce N. Reed



Bruce N. Reed  
02/12/98 01:30:10 PM

Record Type: Record

To: Cynthia A. Rice/OPD/EOP  
cc:  
Subject: Re: child support/booting cars

On drivers licenses, we mandate that they have legislation to give themselves the option to do it, right? Is that what we'd do here?



**dross @ acf.dhhs.gov**

**02/10/98 03:23:00 PM**

Record Type: Record

To: Cynthia A. Rice

cc:

Subject: Re: Can you tell me the name and number of who put together the

Sure. He is a lawyer named Stephen Grant. He is our International Officer and his telephone number is 202 260 5943.

PS - I am working on the other two issues.



Cynthia A. Rice

02/08/98 02:24:07 PM

Record Type: Record

To: dross @ acf.dhhs.gov @ INET @ LNGTWY  
cc:  
bcc:  
Subject: Re: Federal Licenses

Also, I have been asked whether it be possible for the federal government, through regulation, to require states to "boot" the cars of owners who owe child support, the way state and local governments boot cars of people who owe traffic tickets? I wonder if there's a way to interpret section 368 of PL 104-193 regarding liens or section 369 regarding licenses to do this? This was suggested at a high level meeting, and we will be expected to report back.

dross @ acf.dhhs.gov



dross @ acf.dhhs.gov  
02/06/98 10:45:00 AM

Record Type: Record

To: cynthia a. rice  
cc:  
Subject: Federal Licenses

As you requested, attached is a list of federal licenses that might be subject to either suspension or denial. Much more work needs to be done by the legal staff of the various agencies and departments before we could actually ask the President to promulgate an executive order.

The listing is a result of searches of the U.S. Code, Code of Federal Regulations, and other resources. While many of the ninety-two licenses listed are archaic and unlikely to prove effective as enforcement tools, this is at least an appropriate starting point for discussions with other federal agencies to identify federal powers which might be used to encourage compliance with child support orders.

Thank you. David Gray Ross. 202 401 9369.

February 8, 1998

NOTE TO BEN CURRIE:

FROM: CYNTHIA RICE

SUBJ: CHILD SUPPORT ENFORCEMENT

Here is more information about what I'd like you to get from the law library:

- 1) Attached is a list of licenses granted by the federal government to individuals.
  - a) Are there licenses missing from this list?
  - b) How many people have these licenses?
  - c) Would we, through regulation, be able to deny these licenses to people who owe child support, or would a legislative change be required?
- 2) Would it be possible for the federal government, through regulation, to require states to "boot" cars of owners who owe child support, perhaps through an interpretation of section 368 of PL 104-193 regarding liens or section 369 regarding licenses? (See attached for statutory language.)