

Scott Brumby → 69141

• 69146

UN Employees

THE WHITE HOUSE
WASHINGTON

Intern'l org
immunity

Act →

Exec Order

UN ~~to~~ invoke immunity of
New organization

Statutory prov - Pres can
waive this provision

State - immunity by no act -
not only source -
UN charter; other

Dom law - cd be specific -
State: - loathe to it
- not effective

NATIONAL SECURITY COUNCIL

OFFICE OF MULTILATERAL AND HUMANITARIAN AFFAIRS

FAX COVER SHEET

**NATIONAL
SECURITY
COUNCIL**

17th & Penn, N.W.
Washington, D.C.
20504

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From: Scott Busby 456-9141 (phone) / 456-9140 (fax)

To: CYNTHIA RICE FAX 456-7431
RUSS MUNK 622-1956

Date/Time: NORM THOMPSON 401-4678

No. of pages to follow: 4

RE:

PLS CLEAR. I'M ATTACHING
INCOMING FOR YOUR
CONVENIENCE AS WELL.

DRAFT

Dear Ms. Atkinson:

I write in response to your letter of September 30 regarding the efforts of the U.S. government to facilitate compliance with court orders by employees of international organizations in family law matters.

There are a number of statements in your letter that do not accurately reflect the substance of our conversations on September 26 and 29 or the Administration's position on this matter. For instance, the Administration has not "decided not to grant [the] spouses and children [of employees of international organizations] access to the courts to protect their marital property rights or assert their legal rights to child support and alimony." Let me clarify the Administration's position on this issue.

The Clinton Administration is deeply concerned by reports of employees in international organizations who refuse to comply with court orders in family law matters and of international organizations that may invoke their immunities in ways that facilitate such non-compliance. Consistent with our commitment to ensuring compliance with obligations in family law matters generally, we are working hard to bring about greater compliance with court orders in these cases.

You and others have urged the President to sign an Executive Order that would limit the immunities provided to international organizations under the International Organizations Immunities Act (IOIA). We have carefully considered this recommendation. While the IOIA clearly authorizes the President to limit the immunities provided by that statute, such authority does not extend to those immunities enjoyed by international organizations under independent agreements. These multilateral instruments are not subject to modification through unilateral action by the President. Thus, we have concluded that an Executive Order of the sort you and others have proposed would

which include
[list organizations]

2

DRAFT

not overcome the current obstacles to enforcement of these orders.

Nevertheless, we have energetically engaged international organizations in the United States with the goal of obtaining greater compliance from their employees. As you know, the Secretary of State has officially communicated with each of these organizations to express her concern about this issue and to indicate her strong view that these organizations should voluntarily comply with court orders in these matters. She has also asked the organizations to inform the U.S. Government of what they are doing and intend to do to address this issue. We have received many positive responses to the Secretary's communication and will continue to work closely with the relevant organizations to ensure that cases of non-compliance are dealt with swiftly and appropriately.

The Clinton Administration has devoted considerable attention to this important problem and will continue to do so. While we may not agree with the approach you recommend, we remain committed to finding an effective approach for ensuring that the spouses and children of employees of international organizations obtain the support to which they are legally entitled.

Sincerely,

Scott Busby
Director
Office of Multilateral
and Humanitarian Affairs

JANET E. ATKINSON

September 30, 1998

Scott Busby
Office of Multilateral Organizations and Humanitarian Affairs
National Security Council
Old Executive Office Building
The White House
Washington, D.C.

Re: International Organizations - Family Support

Dear Scott:

I write to confirm our conversations of September 26 and 29, regarding the above-referenced matter. I understand that the Clinton Administration has completed a 6-month investigation of the tragic plight international organization employees' abandoned spouses and children, and determined that:

- Spouses and children are frequently impoverished following separation or divorce, while the employee continues to enjoy a luxurious lifestyle, because international organizations use their institutional immunity to shield United States citizens and others who do not enjoy diplomatic immunity from their legal obligations to support their families;
- Long-term spouses are routinely deprived of their property interest in employee pensions without due process, in violation of the Fifth Amendment of the United States Constitution, because no international organization will give effect to a court order which purports to divide an employee's pension upon divorce. Many former spouses are penniless in old-age, while the retired employee continues to receive generous pension and medical benefits;
- It is highly inappropriate for international organizations to allow their privileges and immunities to be used by employees of the organizations to avoid meeting their just legal obligations to separated and divorced spouses and dependent children;
- The current situation is unconscionable and should not continue.

I understand that President has decided not to use his authority under the IOIA 22 USC 288 *et seq* to remove international organizations immunity in family support cases involving their employees. The Clinton administration has decided not to grant these spouses and children access to the courts to protect their marital property rights or assert their legal rights to child support and alimony. The Clinton Administration and the Department of State have decided that international organization employees' dependent spouses and children should be denied access to the protections of United States family law, because international organizations would probably retaliate against employees' former spouses and dependent children, if the President limits their immunity by executive order.

The administration does not want to appear unsympathetic to the plight of international organization spouses and children. State Department and NSC officials will continue discussions with international organization officials, although no deadline for compliance has been set. Information about international organizations immunities will be placed on the OCSE web site. An ombuds person, probably a State Department official, will

- 2 -

September 30, 1998

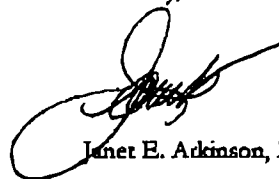
be designated to field calls from aggrieved spouses and their attorneys. This individual will have no real power, but will be expected to act as an intermediary between litigants and the organizations, since the Administration has decided that international organization families, unlike other U.S. residents, should not be permitted to seek redress in the courts. This is meaningless window dressing, which denies international organization families meaningful access to essential legal remedies.

The World Bank has taken a giant step backward, since the President decided not to issue an executive order. In April 1998 World Bank attorneys announced that the Bank had decided to provide basic salary and benefits information in family support cases, with or without the employees' consent. On September 22, 1998, David Rivero, the World Bank attorney responsible for employee benefits, told me that the bank would not provide this information, without the consent of the affected employee. The Bank continues its refusal to withhold wages in family support cases. International organizations, have been promising reforms for at least twenty years. These organizations cannot and will not change their family support policies voluntarily.

Members of my working group, including representatives of World Bank Volunteer Services, the Maryland State Bar Association, the National Child Support Enforcement Association and the American Bar Association have met with you on three occasions. We have documented numerous current cases and provided thoughtful, carefully-researched answers to each legal issue raised by your office and the Department of State. Our memos seem to have been ignored. Neither Mary Katherine Malin nor any other official has responded to our repeated requests for the legal authority upon which she bases her claim that international organizations and their employees are entitled to flaunt the law of the host country.

The Clinton administration acknowledged the desperate plight of international organization families, and deliberately condemned them to continued suffering. The Department of State and the Clinton administration have decided that spouses of international organization employees are not entitled to the same Constitutional protections, which other US residents enjoy. International organizations are permitted to deprive these spouses of marital property without due process of law. The administration refuses to protect these spouses fundamental due process rights, guaranteed by the Fifth Amendment of the United States Constitution, and will not fulfill the United State's commitments under the International Covenant on Civil and Political Rights. I foolishly believed that this was a compassionate administration, committed to protect victims of domestic abuse and dedicated to insure that all parents support their children. I was sadly mistaken.

Sincerely,



Janet E. Adkinson, Esq.

Cc: Hillary Rodham Clinton
Senator Barbara Mikulski
Senator Paul Sarbanes
Congressman Steny H. Hoyer
Senator Jesse Helms
Senator Connie Morella
Patricai E. Apy
Gary Caswell
Susan Elkins
Caryn Lennon
Jeffrey N. Greenblatt
Philip Schwartz
Professor William L. Reynolds, II

FROM

(WED) 7. 29' 98 12:31/ST. 12:27/NO. 4260060003 P 2
119 Jan Piercy

The World Bank
Washington, D.C. 20433
U.S.A.

JAMES D. WOLFENSOHN
President

FILE COPY

July 20, 1998

SSC
cc: J.P.
7/2

The Honorable
Madeleine Albright
Secretary of State
U.S. Department of State
2201 C. Street, N.W.
Washington, D.C., 20520

My dear Madeleine -

I refer to your letter and diplomatic note dated July 8, 1998. The entities that comprise the World Bank Group (the International Bank for Reconstruction and Development, the International Development Association, the International Finance Corporation, the Multilateral Investment Guarantee Agency, and the International Center for Settlement of Investment Disputes) have long considered it the duty of their staff to abide by court orders for child-support and spouse-support payments.

The Bank's longstanding practice has been to refer court orders to the Bank's Office of Professional Ethics. Under the Bank's Staff Rules, failure to comply with a valid court order constitutes misconduct, and the Ethics Office investigates allegations of staff members' failure to pay child-support or spouse-support in order to determine whether misconduct has occurred. In cases where the Ethics Office determines that a staff member has, in fact, not complied with court-ordered payments, the result can be disciplinary action against the staff member, including termination.

Most staff have been advised of the Bank's policy and practice in this area in various training programs, including those established by the Ethics Office. Spouses who contact the Bank are referred to the Ethics Office, which explains the Bank's policies to them.

In the past, this practice has led to a rather successful record of staff complying with their financial obligations while, at the same time, preserving the Bank's privileges and immunities as accorded by its Articles of Agreement, international treaties, and U.S. law. It has not, however, totally eliminated complaints that some Bank staff continue to refuse to comply with court-ordered payments. I believe that it is time to move forward towards an even more efficient resolution of these problems. Therefore, I have decided

Honorable Madeleine Albright

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July 20, 1998

that the World Bank will put into place procedures to ensure the enforcement of court ordered child-support or spouse-support payments. In addition, with respect to information relating to a staff member's salary and benefits, the World Bank's policy will soon be revised so that the Bank will voluntarily provide such information upon receipt of a valid court order or subpoena in divorce or child-support proceedings. I will immediately inform all Bank staff of this new policy.

We will take this action on a voluntary basis and without ~~waiving~~ any of our existing privileges and immunities. We will cease to take action in cases where the Bank receives competing court orders from different jurisdictions. As an international organization with Bank staff who come from all over the world and with offices in more than one hundred countries, it would be an impossible task to impose upon the Bank to sort out competing court orders from the courts of different member countries.

If you require further information about the Bank's policies in this area, please contact Ms. Donna Zalusky in the Office of Professional Ethics at (202) 473-0277.

I hope that the World Bank can once again demonstrate its leadership on these issues and move forward to protect the welfare of children and former spouses of our staff members.



Sincerely yours,



James D. Wolfensohn

cc: Ms. Jan Piercy, Executive Director

NATIONAL SECURITY COUNCIL

Nicole -

As promised.

Scott

Submitted to FLOTUS in
October 1997

ACTION NEEDED TO CURB ABUSE OF IOIA IN FAMILY SUPPORT CASES

Congress has passed strict reforms to ensure that United States citizens fulfill their obligations to support their families, yet tens of thousands of women and children living in metropolitan New York and Washington, D.C. do not receive the basic support they need to survive. The fathers are able to avoid responsibility, simply because they are employed by the U. N., the World Bank, the International Monetary Fund, or the Inter-American Development Bank. These institutions collectively employ nearly 70,000 people throughout the world; 23,000 of whom work the United States, including 14,000 in Washington, D.C. and 9,000 in New York City.

Although the employees enjoy generous salaries and lucrative pension benefits, their dependant wives and children are often penniless after divorce or separation. These institutions will not furnish the courts with salary information needed to process a petition for support. Unlike other recipients of support orders, these spouses and children cannot collect court ordered child support or alimony, because the World Bank, the IMF, the UN and the IADB refuse to garnish wages or institute wage withholding in compliance with family support orders. They will not cooperate in any way with the courts of any state or nation in family support cases.

Those divorced from retired United Nations, World Bank, IMF or Inter-American Development Bank employees have absolutely no recourse. The pensions are still completely immune from court orders, and the pension funds refuse to divulge any information regarding the value of an employee's pension benefit or payments. Long-term spouses receive absolutely nothing after divorce. Those remaining in this country often resort to public assistance.

Although the World Bank and IMF will pay a portion of the pension benefit to a spouse or former spouse, upon request of the employee, her survivor benefit is extinguished upon divorce. Any protection this policy offers a former spouse is illusory. Even after an assignment has been made, the World Bank and IMF will allow the employee to withdraw the entire lump sum without notifying the former spouse, or to transfer the pension interest to another international institution, which will not honor the prior assignment. Pension plans of each of these organizations need to be amended, to permit judicial attachment of the spousal share of employee pensions by Federal, State or local court orders upon divorce.

Victims of domestic abuse, generally women, are trapped. If they leave their abusers, these women have no health insurance and no adequate means of support. Unable to become self-supporting, many receive welfare benefits in Maryland, Virginia, Connecticut, New Jersey, New York and the District of Columbia, while their former husbands continue to enjoy luxurious life styles. Desperate, emotionally fragile, and far from home, many of these women attempt suicide. Other of these women and their children are homeless, living in shelters and on the streets in the United States or their home countries.

Each institution claims that the limited jurisdictional immunity granted by the International Organizations Immunities Act ("IOIA), 22 USC § 288 entitles it to shield its employees, including United States citizens and other who do not enjoy diplomatic immunity, from their family support obligations. The IOIA confers on international organizations the same restrictive immunity enjoyed by foreign governments, pursuant to the Foreign Sovereign Immunities Act of 1976, 28 USC § 1602 et seq. That restrictive immunity protects foreign entities from suits arising from their governmental or sovereign political activities, but not from suits arising from private or commercial activities. It does not protect the institutions' employees from claims arising from their private acts. Congress certainly did not intend or expect that international organizations would use this limited immunity to protect highly paid "dead beat dads" from their child support obligations or to trap thousands of women and children in violent relationships.

Three examples illustrate this abuse.

Divorced from a World Bank employee after more than 20 years of mental and physical abuse, W, a naturalized U.S. citizen lives in Maryland with her youngest daughter. She is over fifty, has no health insurance and no savings. Her former husband, whose net of tax income exceeds \$100,000. per year, makes support payments if and when he chooses. W cannot collect support arrears which exceed \$40,000, because the World Bank refuses to garnish his wages. W cannot collect a penny of the \$200,000. which the court awarded her to replace the spousal share of his World Bank pension. W and her daughter survive only with help from her relatives.

S, a naturalized U.S. citizen and a resident of Maryland, was 17 years old when she came to the United States as the bride of a World Bank employee. Separated from her husband after 24 years of marriage, she is both destitute and permanently disabled as a result of her husband's abuse. She and her daughter have received food stamps and other welfare benefits. An adequate support order was never entered in her case, because neither her husband nor the World Bank would reveal his salary. She has received food stamps and other welfare benefits. S will lose her health insurance when her divorce becomes final. She is severely depressed and has attempted suicide because she is unable to work and is afraid her daughters will be burdened with her care.

R, a United States citizen and IDB employee deserted his wife of 26 years and 4 minor children in Maryland in 1992. During divorce proceedings, he claimed he did not know the amount of his salary or the value of his pension. The IDB refused to furnish this information to the court. Family support orders were entered, based upon his significant underestimate of his IDB income. The IDB refuses to garnish his salary and regularly wires his earnings to a foreign bank account. This man's support payments have often been intermittent. In 1995, when his IDB salary exceeded \$220,000, he paid no child support or alimony during a period of four months. R filed a bankruptcy petition in an attempt to discharge the monetary award, an award designed to compensate his former

wife for the spousal share of his IDB pension. He was denied a discharge on the basis of fraud. The IDB retained outside legal counsel to defeat the wife's efforts to garnish R's salary to collect accrued support arrearages and other outstanding judgment debts. She will be forced to file for bankruptcy protection.

Congress can rectify all of these family support problems by inserting appropriate "report language" in the appropriations bills for each of these institutions. Representative Lazio of New York has provided an excellent model in his amendment to H.R. 1757, 143 Cong. Rec. 75, 3430, 105th Cong. 1st Sess. (1997), attached hereto as Ex. 1.

The IOIA gives the President the power to solve the jurisdictional problem:

The President shall be authorized...by appropriate Executive order to withhold or withdraw from any such organization or its officers or employees any of the privileges, exemptions, and immunities provided for in this subchapter...or to condition or limit the enjoyment by any such organization or its officers or employees of any such privilege, exemption, or immunity. 22 USC § 288 (Attached as Ex.2).

One stroke of the President's pen, would make each of these institutions subject to the jurisdiction of any American court in family support cases. This would enable thousands of women to attach the spousal share of the pension and to collect support from highly paid "dead beat dads." It would release thousands of economically enslaved women and children from the cycle of abuse in which they are trapped. The United States Government has waived its own immunity to state court proceedings for enforcement of child support and alimony obligations. See 42 USC 659, (attached as Ex. 3). This may provide a useful model for drafting an executive order or an amendment to the IOIA, subjecting international agencies to state court jurisdiction for income withholding, garnishment, judicial attachment of pension benefits, and similar proceedings for enforcement of child support and alimony obligations.

Prepared by :
Janet E. Atkinson, Esq.
(301) 571-0159
Professor William L. Reynolds II
University of Maryland School of Law
(410) 706-7279

EXHIBIT 1

REPRESENTATIVE LAZIO'S AMENDMENT
TO
H.R. 1757

uncooperative nation, so I believe that this Congress ought to go on record as a sense of Congress resolution to say that we are tired of Syria's nonsense, we are not going to stand idly by, that if we are going to apply all sanctions upon Iran and Libya due to their terrorist and extremist policies Syria ought to be treated no differently.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from New York Mr. Engel .

The question was taken; and the Chairman pro tempore announced that the ayes appeared to have it.

Mr. ENGEL. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN pro tempore. Pursuant to House Resolution 159, further proceedings on the amendment offered by the gentleman from New York Mr. Engel will be postponed.

Are there any other amendments?

Amendment Offered by Mr. Lazio of New York

Mr. LAZIO of New York. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Lazio of New York: At the end of title XVII (relating to foreign policy provisions) insert the following:

SEC. 1717. SENSE OF CONGRESS REGARDING COMPLIANCE WITH CHILD
AND SPOUSAL SUPPORT OBLIGATIONS BY UNITED
NATIONS PERSONNEL.

(a) Sense of Congress.--It is the sense of the Congress that--

(1) all United Nations staff, including diplomats, should comply with binding United States Federal, State, and local court orders regarding child and spousal support obligations;

(2) the internal regulations of the United Nations allows--
(A) the United Nations to release staff salary information to the courts in spousal and child support cases;

(B) the Secretary General to authorize deduction of dependency related allowances from staff salary;

(C) the United Nations to cooperate with appropriate authorities to facilitate proper legal or judicial resolution of the family's claim.

(b) Congressional Statement.--The Secretary of State should

urge the United Nations to fully comply with regulations regarding compliance with child and spousal support obligations by United Nations personnel, in a timely manner and to the fullest extent possible.

(c) Limitation on Payment of Arrearages to the United Nations.--Notwithstanding any other provision of this Act, of funds appropriated for the payment of United States arrearages to the United Nations out of funds authorized to be appropriated by this Act, \$10,000,000 shall not be available until the Secretary of State certifies that--

(1) the United Nations is actively enforcing child and spousal support payments in compliance with Federal, State, and local court orders; and

(2) the United Nations is actively reforming its pension policy, making the United Nations pension fund subject to Federal, State, or local court orders of spousal or child support.

Mr. LAZIO of New York (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the Record.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

time 2200

Mr. LAZIO of New York. Mr. Chairman, we have a chance tonight to help the United Nations enforce its own rules.

We have passed strict reforms in Congress to ensure that our citizens in America fulfill their obligations to their children and their spouses, yet many children and former spouses living in New York have not received the basic support they need to survive. As a matter of fact, I should extend that to my neighboring States of Connecticut and New Jersey as well. Their spouses are not bound by our laws to provide or even to furnish the courts with the salary information needed to process their claims. They are able to avoid responsibility simply because they are employed by the United Nations.

In most family support cases, a family who fails to comply with court orders could have their wages garnished. They may even face jail time. But this is not the case, however, with U.N. staff. Until 1994, the United Nations would not release any information regarding the salary of its employees. Even with the court order of support, spouses and

children were left without payment and without recourse. In effect, the United Nations staffers living in New York had no obligations to their families. Lacking any legal remedy, their spouses and children were simply abandoned in American cities.

In 1994 the United Nations finally issued a directive encouraging employees to address their personal obligations, yet the United Nations has been dragging its feet in providing family courts with salary information and in taking action against its employees. The U.N. Family Rights Committee, a volunteer organization based in New York, is currently addressing over 40 cases of women having difficulty obtaining support. Clearly, these regulations need stronger enforcement.

While the Family Rights Committee has made some progress, people whose spouses have retired from the United Nations still have absolutely no recourse. The United Nations' pensions are still completely immune from court orders, and the United Nations Joint Staff Pension Fund refuses to divulge any information regarding pension payments. I might add, Mr. Chairman, in a recent inquiry to one of the staffers as to why that occurs, the answer was that the people over there were old and in their old ways. Totally unacceptable.

Women divorced from a retired United Nations employee legally entitled to support are left virtually stranded. We can expect no less, no less from the United Nations than we expect of our own citizens.

This amendment directs the United Nations to comply with its own internal rules regarding family support and to apply those rules to its pension policy, allowing U.S. courts and former spouses some recourse once a U.N. official has retired. Further, it limits the payment of U.S. arrearages to the United Nations until the Secretary of State can certify that the U.N. is making these reforms, bringing the standards of the U.N. in line with those of the United States. I understand that the Members of the minority had some concerns with this, so we have tried to narrow the scope of this.

Congress has tried to ensure that U.S. citizens meet their responsibilities, and we must not accept less from the staff of the United Nations. We expect the U.N. staff to be held to the highest standards of competence, efficiency, and integrity in their professional conduct. We should expect it in their personal conduct as well. In short, the United States Congress cannot support a United Nations that does not support its own family.

Mr. SMITH of New Jersey. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I want to applaud the gentleman from New York Mr. Lazio for his fine amendment. I think he helps the issue of deadbeat dads or parents and will, I think, make a very strong statement to the U.N. simply to enforce their own regulations. They

[*H3431]

ought to be a shining example rather than something other than that. So I think he does a very good service, and the linkages to arrearages could not come at a better time. So I rise in strong support of the amendment.

Mr. CAPPS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I want to commend the gentleman for the work he has put into this amendment. We all recognize that there is a strong desire in Congress for greater accountability for U.N. staff, a great need for U.N. reform. We also agree that U.N. employees should comply with and meet their family obligations. But the real question is, what is the best way to promote such policy?

I and we do not think that withholding our U.N. arrears is the most effective way to promote such actions by U.N. employees. We also suspect that there are thorny legal issues that need to be dealt with here regarding the ability of the United States courts to compel compliance by international civil servants.

So I would ask the gentleman to withdraw the amendment and urge him to bring this concern to the bipartisan bicameral United Nations Working Group under the leadership of Senator Trent Lott. Clearly, this is a serious issue that needs to be addressed, but I believe that that would be the most appropriate context and framework for addressing this issue.

Mr. LAZIO of New York. Mr. Chairman, will the gentleman yield?

Mr. CAPPS. I yield to the gentleman from New York.

Mr. LAZIO of New York. Mr. Chairman, I would just remind the gentleman from California Mr. Capps, who I have a great deal of respect for, the fact is that this is the United Nations' own rules. We are asking them to enforce their own rules.

Up until 1994, they did not even cooperate with the least amount of information that is needed to try and provide for this collection so that spouses and children could survive on the streets. It is a matter of, I think, basic ethics and morality.

I think it is absolutely the right position for America to have to expect that U.N. employees living in America should respect their own family obligations, and this is not a situation that is new; it is something that has been complained about for quite some time. As a matter of fact, there is a whole organization, a volunteer organization that has been developed in response to the United Nations policies with respect to this.

We have tried to narrow the scope of this amendment so that only \$10 million can be held back in response to some of the concerns that the gentleman has, which I understand, but without this leverage, more spouses and more children are going to be left out there holding the

bag. And that should not be acceptable to this House.

Mr. CAPPS. Mr. Chairman, reclaiming my time, I understand the gentleman's concern, but in order to proceed in proper order, since we already have a bipartisan, bicameral working group under the leadership of Senator Lott dealing with a wide variety of U.N. issues, I would prefer that this matter be placed on their agenda and dealt with in that fashion, because it is interrelated to other issues with which that committee is dealing.

The CHAIRMAN pro tempore (Mr. Dickey). The question is on the amendment offered by the gentleman from New York Mr. Lazio .

The amendment was agreed to.

Amendment Offered by Mr. PALLONE

Mr. PALLONE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Pallone: At the end of title XVII (relating to foreign policy provisions) insert the following new section:

SEC. 1717. SENSE OF CONGRESS REGARDING DEVELOPMENT OF
AZERBAIJAN'S CASPIAN SEA PETROLEUM RESERVES.

It is the sense of the Congress that--

(1) the President should seek cooperation from the governments of Armenia, Azerbaijan, and Turkey, as well as private companies with an interest in developing Azerbaijan's Caspian Sea petroleum reserves, to encourage the construction of a pipeline route from Azerbaijan through Armenia that could reach Turkey and Mediterranean sea ports; and

(2) such a route for a pipeline should in no way prejudice other trans-Caucasus pipeline routes, but would help to promote stability and economic growth in the Caucasus region, improving relations between neighboring countries and the United States.''

Mr. PALLONE. Mr. Chairman, I am submitting this amendment on behalf of myself and my colleague, the gentleman from California Mr. Radanovich .

The amendment simply recognizes the importance to U.S. national interests of promoting regional cooperation between Armenia, Azerbaijan and Turkey. Encouraging the construction of an oil pipeline from Azerbaijan through Armenia to Turkish ports is a tangible way to

EXHIBIT 2

INTERNATIONAL ORGANIZATIONS IMMUNITIES ACT

22 USC § 288

UNITED STATES CODE SERVICE
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*** THIS SECTION IS CURRENT THROUGH 105-32, APPROVED 8/1/97 ***

TITLE 22. FOREIGN RELATIONS AND INTERCOURSE
CHAPTER 7. INTERNATIONAL BUREAUS, CONGRESSES, AND THE LIKE
PRIVILEGES AND IMMUNITIES OF INTERNATIONAL ORGANIZATIONS

22 USCS @ 288 (1997)

@ 288. Definition of "international organization"; authority of President

For the purposes of this title, the term "international organization" means a public international organization in which the United States participates pursuant to any treaty or under the authority of any Act of Congress authorizing such participation or making an appropriation for such participation, and which shall have been designated by the President through appropriate Executive order as being entitled to enjoy the privileges, exemptions, and immunities herein provided. The President shall be authorized, in the light of the functions performed by any such international organization, by appropriate Executive order to withhold or withdraw from any such organization or its officers or employees any of the privileges, exemptions, and immunities provided for in this title (including the amendments made by this title) or to condition or limit the enjoyment by any such organization or its officers or employees of any such privilege, exemption, or immunity. The President shall be authorized, if in his judgment such action should be justified by reason of the abuse by an international organization or its officers and employees of the privileges, exemptions, and immunities herein provided or for any other reason, at any time to revoke the designation of any international organization under this section, whereupon the international organization in question shall cease to be classed as an international organization for the purposes of this title.

HISTORY: (Dec. 29, 1945, ch 652, Title I, @ 1, 59 Stat. 669.)

HISTORY; ANCILLARY LAWS AND DIRECTIVES

References in text:

"This title", referred to in this section, is Title I of Act Dec. 29, 1945, ch 652, 59 Stat. 669, which appears generally as 22 USCS @@ 288 et seq. For full classification of suc`20tle, consult USCS Tables volumes.

Short titles:

Act Dec. 29, 1945, Title I, @ 10, 59 Stat. 673, provided: "This title [22 USCS @@ 288 et seq. generally; for full classification, consult USCS Tables volumes] may be cited as the 'International Organizations Immunities Act'."

Other provisions:

Administrative supplies for international organizations. Act Aug. 4, 1947, ch 479, 61 Stat. 752, popularly known as the "International Organizations Procurement Act of 1947", provided for the procurement and furnishing of administrative supplies by the Treasury Department to international organizations until July 1, 1948.

International organizations entitled to enjoy the privileges, exemptions,

and immunities conferred by 22 USCS @@ 288 et seq. The following international organizations have been designated as public international organizations entitled to enjoy the privileges, exemptions, and immunities conferred by 22 USCS @@ 288 et seq.:

The African Development Bank, designated by Ex. Or. No. 12403 of Feb. 8, 1983, 48 Fed. Reg. 6087.

The African Development Fund, designated by Ex. Or. No. 11977 of March 14, 1977, 42 Fed. Reg. 14671.

The Asian Development Bank, designated by Ex. Or. No. 11334 of March 7, 1967, 32 Fed. Reg. 3933.

The Caribbean Organization, designated by Ex. Or. No. 10983 of Dec. 30, 1961, 27 Fed. Reg. 32.

The Commission for the Study of Alternatives to the Panama Canal, designated by Ex. Or. No. 12567 of Oct. 2, 1986, 51 Fed. Reg. 35495.

The Customs Cooperation Council, designated by Ex. Or. No. 11596 of June 5, 1971, 36 Fed. Reg. 11079.

The European Bank for Reconstruction and Development, designated by Ex. Or. No. 12766 of June 18, 1991, 56 Fed. Reg. 28463.

The European Space Agency, designated by Ex. Or. No. 11318 of Dec. 5, 1966, 31 Fed. Reg. 15307; Ex. Or. No. 11351 of May 22, 1967, 32 Fed. Reg. 7561; Ex. Or. No. 11760 of Jan. 17, 1974, 39 Fed. Reg. 2343; Ex. Or. No. 12766 of June 18, 1991, 56 Fed. Reg. 28463.

The Food and Agriculture Organization, designated by Ex. Or. No. 9698 of Feb. 19, 1946, 11 Fed. Reg. 1809.

The Great Lakes Fishery Commission, designated by Ex. Or. No. 11059 of Oct. 23, 1962, 27 Fed. Reg. 1040

The Inter-American Defense Board, designated by Ex. Or. No. 10228 of March 26, 1951, 16 Fed. Reg. 2676.

The Inter-American Development Bank, designated by Ex. Or. No. 10873 of April 8, 1960, 25 Fed. Reg. 3097, as amended Ex. Or. No. 11019 of Apr. 30, 1962, 27 Fed. Reg. 4145.

The Inter-American Institute of Agricultural Sciences, designated by Ex. Or. No. 9751 of July 12, 1946, 11 Fed. Reg. 7713.

The Inter-American Investment Corporation, designated by Ex. Or. No. 12567 of Oct. 2, 1986, 51 Fed. Reg. 35495.

The Inter-American Statistical Institute, designated by Ex. Or. No. 9751 of July 12, 1946, 11 Fed. Reg. 7713.

The Inter-American Tropical Tuna Commission, designated by Ex. Or. No. 11059 of Oct. 23, 1962, 27 Fed. Reg. 10405.

The Intergovernmental Maritime Consultative Organization, designated by Ex. Or. No. 10795 of Dec. 16, 1958, 23 Fed. Reg. 9709.

The International Atomic Energy Agency, designated by Ex. Or. No. 10727 of Aug. 31, 1957, 22 Fed. Reg. 7099.

The International Bank for Reconstruction and Development, designated by Ex. Or. No. 9751 of July 12, 1946, 11 Fed. Reg. 7713.

The International Boundary and Water Commission, United States and Mexico, designated by Ex. Or. No. 12467 of March 2, 1984, 49 Fed. Reg. 8229.

The International Centre for Settlement of Investment Disputes, designated by Ex. Or. No. 11966 of Jan. 19, 1977, 42 Fed. Reg. 4331.

The International Civil Aviation Organization, designated by Ex. Or. No. 9863 of June 2, 1947, 12 Fed. Reg. 3559.

The International Coffee Organization, designated by Ex. Or. No. 11225 of May 22, 1965, 30 Fed. Reg. 7093.

The International Committee of the Red Cross, designated by Ex. Or. No. 12643 of June 23, 1988, 53 Fed. Reg. 24247.

The International Cotton Advisory Committee, designated by Ex. Or. No. 9911 of Dec. 22, 1947, 12 Fed. Reg. 8719.

The International Cotton Institute, designated by Ex. Or. No. 11283 of May 27, 1966, 31 Fed. Reg. 7667.

The International Criminal Police Organization (INTERPOL) (limited privileges), designated by Ex. Or. No. 12425 of June 16, 1983, 48 Fed. Reg. 28069; Ex. Or. No. 12971 of Sept. 15, 1995, 60 Fed. Reg. 48617.

The International Development Association, designated by Ex. Or. No. 11966 of Jan. 19, 1977, 42 Fed. Reg. 4331.

The International Development Law Institute, designated by Ex. Or. No. 12842 of March 29, 1993, 58 Fed. Reg. 17081.

The International Fertilizer Development Center, designated by Ex. Or. No. 11977 of March 14, 1977, 42 Fed. Reg. 14671.

The International Finance Corporation, designated by Ex. Or. No. 10680 of Oct. 4, 1956, 21 Fed. Reg. 7647.

The International Food Policy Research Institute, designated by Ex. Or. No. 12359 of April 22, 1982, 47 Fed. Reg. 17791.

The International Fund for Agricultural Development, designated by Ex. Or. No. 12732 of Oct. 31, 1990, 55 Fed. Reg. 46489.

The International Hydrographic Bureau, designated by Ex. Or. No. 10769 of May 29, 1958, 23 Fed. Reg. 3801.

The International Joint Commission--United States and Canada, designated by Ex. Or. No. 9972 of June 28, 1948, 13 Fed. Reg. 4920.

The International Labor Organization, designated by Ex. Or. No. 9698 of Feb. 19, 1946, 11 Fed. Reg. 1809.

International Maritime Satellite Organization, designated by Ex. Or. No. 12238 of Sept. 12, 1980, 45 Fed. Reg. 60877.

The International Monetary Fund,, designated by Ex. Or. No. 9751 of July 12, 1946, 11 Fed. Reg. 7713.

The International Pacific Halibut Commission, designated by Ex. Or. No. 11059 of Oct. 23, 1962, 27 Fed. Reg. 10405.

The International Secretariat for Volunteer Service, designated by Ex. Or. No. 11363 of July 20, 1967, 32 Fed. Reg. 10779.

The International Telecommunication Union, designated by Ex. Or. No. 9863 of June 2, 1947, 12 Fed. Reg. 3559.

The International Telecommunications Satellite Organization (INTELSAT), designated by Ex. Or. No. 11718 of May 14, 1973, 38 Fed. Reg. 12797; Ex. Or. No. 11966 of Jan. 19, 1977, 42 Fed. Reg. 4331.

The International Union for Conservation of Nature and Natural Resources (limited privileges), designated by Ex. Or. No. 12986 of Jan. 18, 1996, 61 Fed. Reg. 1693.

The International Wheat Advisory Committee (International Wheat Council), designated by Ex. Or. No. 9823 of Jan. 24, 1947, 12 Fed. Reg. 551.

The Korean Peninsula Energy Development Organization, designated by Ex. Or. No. 12997 of April 1, 1996, 61 Fed. Reg. 14949.

The Multilateral Investment Guarantee Agency, designated by Ex. Or. No. 12647 of Aug. 2, 1988, 53 Fed. Reg. 29323.

The Multinational Force and Observers, designated by Ex. Or. No. 12359 of Apr. 22, 1982, 47 Fed. Reg. 17791.

The Organization for European Economic Cooperation (Organization for Economic Cooperation and Development), designated by Ex. Or. No. 10133 of June 27, 1950, 15 Fed. Reg. 4159.

The Organization of African Unity (OAU), designated by Ex. Or. No. 11767 of Feb. 19, 1974, 39 Fed. Reg. 6603.

The Organization of American States (including Pan American Union),

designated by Ex. Or. No. 10533 of June 3, 1954, 19 Fed. Reg. 3289.

The Organization of Eastern Caribbean States, designated by Ex. Or. No. 12669 of Feb. 20, 1989, 54 Fed. Reg. 7753.

The Pacific Salmon Commission, designated by Ex. Or. No. 12567 of Oct. 2, 1986, 51 Fed. Reg. 35495.

The Pan American Health Organization (includes the Pan American Sanitary Bureau), designated by Ex. Or. No. 10864 of Feb. 19, 1960, 25 Fed. Reg. 1507.

The Preparatory Commission of the International Atomic Energy Agency, designated by Ex. Or. No. 10727 of Aug. 31, 1957, 22 Fed. Reg. 7099.

Provisional Intergovernmental Committee for the Movement of Migrants from Europe (Intergovernmental Committee for European Migration), designated by Ex. Or. No. 10335 of March 28, 1952, 17 Fed. Reg. 2741.

The South Pacific Commission, designated by Ex. Or. No. 10086 of Nov. 25, 1949, 14 Fed. Reg. 7147.

The United International Bureau for the Protection of Intellectual Property, designated by Ex. Or. No. 11484 of Sept. 29, 1969, 34 Fed. Reg. 15337.

The United Nations, designated by Ex. Or. No. 9698 of Feb. 19, 1946, 11 Fed. Reg. 1809.

The United Nations Educational, Scientific, and Cultural Organization, designated by Ex. Or. No. 9863 of June 2, 1947, 12 Fed. Reg. 3559.

The United Nations Industrial Development Organization, designated by Ex. Or. No. 12628 of March 8, 1988, 53 Fed. Reg. 7725.

The Universal Postal Union, designated by Ex. Or. No. 10727 of Aug. 31, 1957, 22 Fed. Reg. 7099.

The World Health Organization, designated by Ex. Or. No. 10025 of Dec. 30, 1948, 13 Fed. Reg. 9361.

The World Intellectual Property Organization (WIPO), designated by Ex. Or. No. 11866 of June 18, 1975, 40 Fed. Reg. 26015.

The World Meteorological Organization, designated by Ex. Or. No. 10676 of Sept. 4, 1956, 21 Fed. Reg. 6625.

The World Tourism Organization, designated by Ex. Or. No. 12508 of March 22, 1985, 50 Fed. Reg. 11837.

International organizations formerly entitled to enjoy the privileges, exemptions, and immunities conferred by 22 USCS @@ 288 et seq. Executive orders designating international organizations as public international organizations entitled to enjoy privileges, exemptions, and immunities conferred by 22 USCS @@ 288 et seq. were revoked as follows:

The Caribbean Commission, designated by Ex. Or. No. 10025 of Dec. 30, 1948, 13 Fed. Reg. 9361; revoked by Ex. Or. No. 10983 of Dec. 30, 1961, 27 Fed. Reg. 32.

The Coffee Study Group, designated by Ex. Or. No. 10943 of May 19, 1961, 26 Fed. Reg. 4419; revoked by Ex. Or. No. 12033 of Jan. 10, 1978, 43 Fed. Reg. 1915.

The Inter-American Coffee Board, designated by Ex. Or. No. 9751 of July 12, 1946, 11 Fed. Reg. 7713; revoked by Ex. Or. No. 10083 of Oct. 11, 1949, 14 Fed. Reg. 6161.

The Intergovernmental Committee on Refugees, designated by Ex. Or. No. 9823 of Jan. 24, 1947, 12 Fed. Reg. 551; revoked by Ex. Or. No. 10083 of Oct. 11, 1949, 14 Fed. Reg. 6161.

The Interim Communications Satellite Committee, designated by Ex. Or. No. 11227 of June 2, 1965, 30 Fed. Reg. 7369; revoked by Ex. Or. No. 11718 of May 14, 1973, 38 Fed. Reg. 12797.

The International Refugee Organization, designated by Ex. Or. No. 9887 of Aug. 22, 1947, 12 Fed. Reg. 5723; revoked by Ex. Or. No. 10832 of Aug. 18, 1959, 24 Fed. Reg. 6753.

The International Telecommunications Satellite Consortium, designated by

Ex. Or. No. 11277 of May 2, 1966, 31 Fed. Reg. 6609; revoked by Ex. Or. No. 11718 of May 14, 1973, 38 Fed. Reg. 12797.

The Lake Ontario Claims Tribunal, designated by Ex. Or. No. 11372 of Sept. 20, 1967, 32 Fed. Reg. 13251; revoked by Ex. Or. No. 11439 of Dec. 7, 1968, 33 Fed. Reg. 18257.

The Southeast Asia Treaty Organization, designated by Ex. Or. No. 10866 of Feb. 23, 1960, 25 Fed. Reg. 1584; revoked by Ex. Or. No. 12033 of Jan. 10, 1978, 43 Fed. Reg. 1915.

The United Nations Relief and Rehabilitation Administration, designated by Ex. Or. No. 9698 of Feb. 19, 1946, 11 Fed. Reg. 1809; revoked by Ex. Or. No. 10083 of Oct. 11, 1949, 14 Fed. Reg. 6161.

Revocation of Ex. Or. No. 9721 providing for transfer of personnel to public international organizations. Ex. Or. No. 9721 of May 10, 1946, 11 Fed. Reg. 5209, as amended by Ex. Or. No. 10103 of Feb. 1, 1950, 15 Fed. Reg. 597, which formerly appeared as a note to this section, and which provided for the transfer of Federal Government personnel to public international organizations, was revoked by Ex. Or. No. 10804 of Feb. 12, 1959, @ 2, 24 Fed. Reg. 1147, subject to certain savings provisions. Ex. Or. No. 10804 was subsequently revoked by Ex. Or. No. 11552 of Aug. 24, 1970, 35 Fed. Reg. 13569, and Ex. Or. No. 9721 of May 10, 1946, 11 Fed. Reg. 5209, as amended by Ex. Or. No. 10103 of Feb. 1, 1950, 15 Fed. Reg. 597, was subsequently revoked by Ex. Or. No. 12553 of Feb. 25, 1986, 51 Fed. Reg. 7237.

North Pacific Marine Science Organization. Ex Or. No. 12894 of Jan. 26, 1994, 59 Fed. Reg. 4237, provides: "By the authority vested in me as President by the Constitution and the laws of the United States of America, including section 1 of the International Organizations Immunities Act (59 Stat. 669, 22 U.S.C. 288), and having found that the North Pacific Marine Science Organization is a public international organization in which the United States participates within the meaning of the International Organizations Immunities Act [Act Dec. 29, 1945, ch 652, 59 Stat. 669, which enacted this section, among other things; for full classification, consult USCS Tables volumes], I hereby designate the North Pacific Marine Science Organization as a public international organization entitled to enjoy the privileges, exemptions, and immunities conferred by the International Organizations Immunities Act. This designation is not intended to abridge in any respect privileges, exemptions, or immunities, which such organization may have acquired or may acquire by international agreements or by congressional action."

North Pacific Anadromous Fish Commission. Ex. Or. No. 12895 of Jan. 26, 1994, 59 Fed. Reg. 4239, provides: "By the authority vested in me as President by the Constitution and the laws of the United States of America, including section 1 of the International Organizations Immunities Act (59 Stat. 669, 22 U.S.C. 288), and having found that the North Pacific Anadromous Fish Commission is a public international organization in which the United States participates within the meaning of the International Organizations Immunities Act [Act Dec. 29, 1945, ch 652, 59 Stat. 669, which enacted this section, among other things; for full classification, consult USCS Tables volumes], I hereby designate the North Pacific Anadromous Fish Commission as a public international organization entitled to enjoy the privileges, exemptions, and immunities conferred by the International Organizations Immunities Act. This designation is not intended to abridge in any respect privileges, exemptions, or immunities, which such organization may have acquired or may acquire by international agreements or by congressional action."

Commission for Environmental Cooperation, Commission for Labor Cooperation, Border Environment Cooperation Commission, and North American Development Bank. Ex. Or. No. 12904 of March 16, 1994, 59 Fed. Reg. 13179, provides: "By the

EXHIBIT 3

CONSENT BY THE UNITED STATES TO INCOME WITHHOLDING,
GARNISHMENT, AND SIMILAR PROCEEDINGS
FOR THE ENFORCEMENT OF
CHILD SUPPORT AND ALIMONY OBLIGATIONS
42 USC § 659

42 USCS @ 659 (1997) printed in FULL format.

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*** THIS SECTION IS CURRENT THROUGH 105-12, APPROVED 4/30/97 ***

TITLE 42. THE PUBLIC HEALTH AND WELFARE
CHAPTER 7. SOCIAL SECURITY ACT
TITLE IV. GRANTS TO STATES FOR AID AND SERVICES TO NEEDY FAMILIES WITH CHILDREN
AND FOR CHILD-WELFARE SERVICES
PART D. CHILD SUPPORT AND ESTABLISHMENT OF PATERNITY

42 USCS @ 659 (1997)

@ 659. Consent by the United States to income withholding, garnishment, and similar proceedings for enforcement of child support and alimony obligations

(a) Consent to support enforcement. Notwithstanding any other provision of law (including section 207 of this Act [42 USCS @ 407] and section 5301 of title 38, United States Code), effective January 1, 1975, moneys (the entitlement to which is based upon remuneration for employment) due from, or payable by, the United States or the District of Columbia (including any agency, subdivision, or instrumentality thereof) to any individual, including members of the Armed Forces of the United States, shall be subject, in like manner and to the same extent as if the United States or the District of Columbia were a private person, to withholding in accordance with State law enacted pursuant to subsections (a)(1) and (b) of section 466 [42 USCS @ 666(a)(1), (b)] and regulations of the Secretary under such subsections, and to any other legal process brought, by a State agency administering a program under a State plan approved under this part [42 USCS @@ 651 et seq.] or by an individual obligee, to enforce the legal obligation of the individual to provide child support or alimony.

(b) Consent to requirements applicable to private person. With respect to notice to withhold income pursuant to subsection (a)(1) or (b) of section 466 [42 USCS @ 666(a)(1) or (b)], or any other order or process to enforce support obligations against an individual (if the order or process contains or is accompanied by sufficient data to permit prompt identification of the individual and the moneys involved), each governmental entity specified in subsection (a) shall be subject to the same requirements as would apply if the entity were a private person, except as otherwise provided in this section.

(c) Designation of agent; response to notice or process.

(1) Designation of agent. The head of each agency subject to this section shall--

(A) designate an agent or agents to receive orders and accept service of process in matters relating to child support or alimony; and

(B) annually publish in the Federal Register the designation of the agent or agents, identified by title or position, mailing address, and telephone number.

(2) Response to notice or process. If an agent designated pursuant to paragraph (1) of this subsection receives notice pursuant to State procedures in effect pursuant to subsection (a)(1) or (b) of section 466 [42 USCS @

666(a)(1) or (b)], or is effectively served with any order, process, or interrogatory, with respect to an individual's child support or alimony payment obligations, the agent shall--

(A) as soon as possible (but not later than 15 days) thereafter, send written notice of the notice or service (together with a copy of the notice or service) to the individual at the duty station or last-known home address of the individual;

(B) within 30 days (or such longer period as may be prescribed by applicable State law) after receipt of a notice pursuant to such State procedures, comply with all applicable provisions of section 466 [42 USCS @ 666]; and

(C) within 30 days (or such longer period as may be prescribed by applicable State law) after effective service of any other such order, process, or interrogatory, respond to the order, process, or interrogatory.

(d) Priority of claims. If a governmental entity specified in subsection (a) receives notice or is served with process, as provided in this section, concerning amounts owed by an individual to more than 1 person--

(1) support collection under section 466(b) [42 USCS @ 666(b)] must be given priority over any other process, as provided in section 466(b)(7) [42 USCS @ 666(b)(7)];

(2) allocation of moneys due or payable to an individual among claimants under section 466(b) [42 USCS @ 666(b)] shall be governed by section 466(b) [42 USCS @ 666(b)] and the regulations prescribed under such section; and

(3) such moneys as remain after compliance with paragraphs (1) and (2) shall be available to satisfy any other such processes on a first-come, first-served basis, with any such process being satisfied out of such moneys as remain after the satisfaction of all such processes which have been previously served.

(e) No requirement to vary pay cycles. A governmental entity that is affected by legal process served for the enforcement of an individual's child support or alimony payment obligations shall not be required to vary its normal pay and disbursement cycle in order to comply with the legal process.

(f) Relief from liability.

(1) Neither the United States, nor the government of the District of Columbia, nor any disbursing officer shall be liable with respect to any payment made from moneys due or payable from the United States to any individual pursuant to legal process regular on its face, if the payment is made in accordance with this section and the regulations issued to carry out this section.

(2) No Federal employee whose duties include taking actions necessary to comply with the requirements of subsection (a) with regard to any individual shall be subject under any law to any disciplinary action or civil or criminal liability or penalty for, or on account of, any disclosure of information made by the employee in connection with the carrying out of such actions.

(g) Regulations. Authority to promulgate regulations for the implementation of this section shall, insofar as this section applies to moneys due from (or payable by)--

(1) the United States (other than the legislative or judicial branches of the Federal Government) or the government of the District of Columbia, be vested in the President (or the designee of the President);

(2) the legislative branch of the Federal Government, be vested jointly in the President pro tempore of the Senate and the Speaker of the House of Representatives (or their designees), and

(3) the judicial branch of the Federal Government, be vested in the Chief Justice of the United States (or the designee of the Chief Justice).

(h) Moneys subject to process.

(1) In general. Subject to paragraph (2), moneys paid or payable to an individual which are considered to be based upon remuneration for employment, for purposes of this section--

(A) consist of--

(i) compensation paid or payable for personal services of the individual, whether the compensation is denominated as wages, salary, commission, bonus, pay, allowances, or otherwise (including severance pay, sick pay, and incentive pay);

(ii) periodic benefits (including a periodic benefit as defined in section 228(h)(3) [42 USCS @ 428(h)(3)]) or other payments--

(I) under the insurance system established by title II [42 USCS @@ 401 et seq.];

(II) under any other system or fund established by the United States which provides for the payment of pensions, retirement or retired pay, annuities, dependents' or survivors' benefits, or similar amounts payable on account of personal services performed by the individual or any other individual;

(III) as compensation for death under any Federal program;

(IV) under any Federal program established to provide "black lung" benefits;
or

(V) by the Secretary of Veterans Affairs as compensation for a service-connected disability paid by the Secretary to a former member of the Armed Forces who is in receipt of retired or retainer pay if the former member has waived a portion of the retired or retainer pay in order to receive such compensation; and

(iii) worker's compensation benefits paid under Federal or State law but

(B) do not include any payment--

(i) by way of reimbursement or otherwise, to defray expenses incurred by the individual in carrying out duties associated with the employment of the individual; or

(ii) as allowances for members of the uniformed services payable pursuant to chapter 7 of title 37, United States Code [37 USCS @@ 401 et seq.], as prescribed by the Secretaries concerned (defined by section 101(5) of such title) as necessary for the efficient performance of duty.

(2) Certain amounts excluded. In determining the amount of any moneys due from, or payable by, the United States to any individual, there shall be excluded amounts which--

(A) are owed by the individual to the United States;

(B) are required by law to be, and are, deducted from the remuneration or other payment involved, including Federal employment taxes, and fines and forfeitures ordered by court-martial;

(C) are properly withheld for Federal, State, or local income tax purposes, if the withholding of the amounts is authorized or required by law and if amounts withheld are not greater than would be the case if the individual claimed all dependents to which he was entitled (the withholding of additional amounts pursuant to section 3402(i) of the Internal Revenue Code of 1986 [26 USCS @ 3402(i)] may be permitted only when the individual presents evidence of a tax obligation which supports the additional withholding);

(D) are deducted as health insurance premiums;

(E) are deducted as normal retirement contributions (not including amounts deducted for supplementary coverage); or

(F) are deducted as normal life insurance premiums from salary or other remuneration for employment (not including amounts deducted for supplementary coverage).

(i) Definitions. For purposes of this section--

(1) United States. The term "United States" includes any department, agency, or instrumentality of the legislative, judicial, or executive branch of the Federal Government, the United States Postal Service, the Postal Rate Commission, any Federal corporation created by an Act of Congress that is wholly owned by the Federal Government, and the governments of the territories and possessions of the United States.

(2) Child support. The term "child support", when used in reference to the legal obligations of an individual to provide such support, means amounts required to be paid under a judgment, decree, or order, whether temporary, final, or subject to modification, issued by a court or an administrative agency of competent jurisdiction, for the support and maintenance of a child, including a child who has attained the age of majority under the law of the issuing State, or a child and the parent with whom the child is living, which provides for monetary support, health care, arrearages or reimbursement, and which may include other related costs and fees, interest and penalties, income withholding, attorney's fees, and other relief.

(3) Alimony.

(A) In general. The term "alimony", when used in reference to the legal obligations of an individual to provide the same, means periodic payments of funds for the support and maintenance of the spouse (or former spouse) of the individual, and (subject to and in accordance with State law) includes separate maintenance, alimony pendente lite, maintenance, and spousal support, and includes attorney's fees, interest, and court costs when and to the extent that the same are expressly made recoverable as such pursuant to a decree, order, or judgment issued in accordance with applicable State law by a court of competent jurisdiction.

(B) Exceptions. Such term does not include--

(i) any child support; or

(ii) any payment or transfer of property or its value by an individual to the spouse or a former spouse of the individual in compliance with any community property settlement, equitable distribution of property, or other division of property between spouses or former spouses.

(4) Private person. The term "private person" means a person who does not have sovereign or other special immunity or privilege which causes the person not to be subject to legal process.

(5) Legal process. The term "legal process" means any writ, order, summons, or other similar process in the nature of garnishment--

(A) which is issued by--

(i) a court or an administrative agency of competent jurisdiction in any State, territory, or possession of the United States;

(ii) a court or an administrative agency of competent jurisdiction in any foreign country with which the United States has entered into an agreement which requires the United States to honor the process; or

(iii) an authorized official pursuant to an order of such a court or an administrative agency of competent jurisdiction or pursuant to State or local law; and

(B) which is directed to, and the purpose of which is to compel, a governmental entity which holds moneys which are otherwise payable to an individual to make a payment from the moneys to another party in order to satisfy a legal obligation of the individual to provide child support or make alimony payments.

HISTORY: (Aug. 14, 1935, ch 531, Title IV, Part D, @ 459, as added Jan. 4, 1975, P.L. 93-647, Part B, @ 101(a), 88 Stat. 2357; May 23, 1977, P.L. 95-30, Title V, @ 501(a), (b), 91 Stat. 157; Apr. 20, 1983, P.L. 98-21, Title III, Part C, @ 335(b) (1), 97 Stat. 130.)

(As amended Aug. 22, 1996, P.L. 104-193, Title III, Subtitle G, @ 362(a), 110 Stat. 2242.)

HISTORY; ANCILLARY LAWS AND DIRECTIVES

EFFECTIVE DATE OF SECTION:

Act Jan. 4, 1975, P.L. 93-647, Part B, @ 101(f), 88 Stat. 2361, June 30, 1975, P.L. 94-46, @ 2, 89 Stat. 245, which appears as 42 USCS @ 451 note, provided that this section is effective Jan. 1, 1975.

AMENDMENTS:

1977. Act May 23, 1977, designated the existing material as subsec. (a) and, in such subsection as so designated, substituted "or the District of Columbia (including any agency, subdivision, or instrumentality thereof)" for "(including any agency or instrumentality thereof and any wholly owned Federal Corporation)", and inserted "or the District of Columbia"; and added subsecs. (b) -- (f).

1983. Act April 20, 1983, in subsec. (a), inserted "(including section 207)".

1996. Act Aug. 22, 1996 (effective 6 months after enactment, as provided by @ 362(d) of such Act, which appears as a note to this section, but subject to @ 395(b) and (c) of such Act, which appear as 42 USCS @ 654 note) substituted this section for one which read:

"Enforcement of individual's legal obligations to provide child support or make alimony payments

"(a) United States and District of Columbia to be subject to legal process. Notwithstanding any other provision of law (including section 207), effective January 1, 1975, moneys (the entitlement to which is based upon remuneration for employment) due from, or payable by, the United States or the District of Columbia (including any agency, subdivision, or instrumentality thereof) to any individual, including members of the armed services, shall be subject, in like manner and to the same extent as if the United States or the District of Columbia were a private person, to legal process brought for the enforcement, against such individual of his legal obligations to provide child support or make alimony payments.

"(b) Methods of service of legal process. Service of legal process brought for the enforcement of an individual's obligation to provide child support or make alimony payments shall be accomplished by certified or registered mail, return receipt requested, or by personal service, upon the appropriate agent designated for receipt of such service of process pursuant to regulations promulgated pursuant to section 461 (or, if no agent has been designated for the governmental entity having payment responsibility for the moneys involved, then upon the head of such governmental entity). Such process shall be accompanied by sufficient data to permit prompt identification of the individual and the moneys involved.

"(c) Disclosure of information in answering interrogatories; disciplinary action or civil or criminal liability or penalty prohibited. No Federal employee whose duties include responding to interrogatories pursuant to requirements imposed by section 461(b)(3) shall be subject under any law to any disciplinary action or civil or criminal liability or penalty for, or on account of, any disclosure of information made by him in connection with the carrying out of any of his duties which pertain (directly or indirectly) to the answering of any such interrogatory.

"(d) Notice. Whenever any person, who is designated by law or regulation to accept service of process to which the United States is subject under this section, is effectively served with any such process or with interrogatories relating to an individual's child support or alimony payment obligations, such person shall respond thereto within thirty days (or within such longer period as may be prescribed by applicable State law) after the date effective service

thereof is made, and shall, as soon as possible but not later than fifteen days after the date effective service is so made of any such process, send written notice that such process has been so served (together with a copy thereof) to the individual whose moneys are affected thereby at his duty station or last-known home address.

"(e) Variance in normal pay and disbursement cycles not required. Governmental entities affected by legal processes served for the enforcement of an individual's child support or alimony payment obligations shall not be required to vary their normal pay and disbursement cycles in order to comply with any such legal process.

"(f) Non-liability of United States, disbursing officers, and governmental entities with respect to payments. Neither the United States, any disbursing officer, nor governmental entity shall be liable with respect to any payment made from moneys due or payable from the United States to any individual pursuant to legal process regular on its face, if such payment is made in accordance with this section and the regulations issued to carry out this section."

OTHER PROVISIONS:

Revocation of Ex. Or. No. 11881; savings provision. Ex. Ord. No. 11881, Oct. 3, 1975, 40 F.R. 46291, which related to the delegation of authority to issue regulations for the implementation of the provisions of this section, was revoked by Ex. Ord. No. 12105, Dec. 19, 1978, 43 F.R. 59465, which appears as 42 USCS @ 661 note.

Actions required of all executive agencies to facilitate payment of child support. Ex. Or. No. 12953 of Feb. 27, 1995, 60 Fed. Reg. 11013, provides:

"Children need and deserve the emotional and financial support of both their parents.

"The Federal Government requires States and, through them, public and private employers to take actions necessary to ensure that monies in payment of child support obligations are withheld and transferred to the child's caretaker in an efficient and expeditious manner.

"The Federal Government, through its civilian employees and Uniformed Services members, is the Nation's largest single employer and as such should set an example of leadership and encouragement in ensuring that all children are properly supported.

"NOW, THEREFORE, by the authority vested in me as President by the Constitution and the laws of the United States of America, including section 301 of title 3, United States Code, it is hereby ordered as follows:

"PART I--PURPOSE

"Section 101. This executive order: (a) Establishes the executive branch of the Federal Government, through its civilian employees and Uniformed Services members, as a model employer in promoting and facilitating the establishment and enforcement of child support.

"(b) Requires all Federal agencies, including the Uniformed Services, to cooperate fully in efforts to establish paternity and child support orders and to enforce the collection of child and medical support in all situations where such actions may be required.

"(c) Requires each Federal agency, including the Uniformed Services, to provide information to its employees and members about actions that they should take and services that are available to ensure that their children are provided the support to which they are legally entitled.

"PART 2---DEFINITIONS

"For purposes of this order:

"Sec. 201. 'Federal agency' means any authority as defined at 5 U.S.C. 105, including the Uniformed Services, as defined in section 202 of this order.

"Sec. 202. 'Uniformed Services' means the Army, Navy, Marine Corps, Air Force, Coast Guard, and the Commissioned Corps of the National Oceanic and Atmospheric Administration, and the Public Health Service.

"Sec. 203. 'Child support enforcement' means any administrative or judicial action by a court or administrative entity of a State necessary to establish paternity or establish a child support order, including a medical support order, and any actions necessary to enforce a child support or medical support order. Child support actions may be brought under the civil or criminal laws of a State and are not limited to actions brought on behalf of the State or individual by State agencies providing services under title IV-D of the Social Security Act, 42 U.S.C. 651 et seq.

"Sec. 204. 'State' means any of the fifty States, the District of Columbia, the territories, the possessions, and the Commonwealths of Puerto Rico and of the Mariana Islands.

"PART 3--IMMEDIATE ACTIONS TO ENSURE CHILDREN ARE SUPPORTED BY THEIR PARENTS

"Sec. 301. Wage withholding. (a) Within 60 days from the date of this order, every Federal agency shall review its procedures for wage withholding under 42 U.S.C. 659 and implementing regulations to ensure that it is in full compliance with the requirements of that section, and shall endeavor, to the extent feasible, to process wage withholding actions consistent with the requirements of 42 U.S.C. 666(b).

"(b) Beginning no later than July 1, 1995, the Director of the Office of Personnel Management (OPM) shall publish annually in the Federal Register the list of agents (and their addresses) designated to receive service of withholding notices for Federal employees.

"Sec. 302. Service of legal process. Every Federal agency shall assist in the service of legal process in civil actions pursuant to orders of courts of States to establish paternity and establish or enforce a support obligation by making Federal employees and members of the Uniformed Services stationed outside the United States available for the service of process. Each agency shall designate an official who shall be responsible for facilitating a Federal employee's or member's availability for service of process, regardless of the location of the employee's workplace or member's duty station. The OPM shall publish a list of these officials annually in the Federal Register, beginning no later than July 1, 1995.

"Sec. 303. Federal parent locator. Every Federal agency shall cooperate with the Federal Parent Locator Service, established under 42 U.S.C. 653, by providing complete, timely and accurate information that will assist in locating noncustodial parents and their employers.

"Sec. 304. Crossmatch for delinquent obligors. (a) The master file of delinquent obligors that each State child support enforcement agency submits to the Internal Revenue Service for Federal income tax refund offset purposes shall be matched at least annually with the payroll or personnel files of Federal agencies in order to determine if there are any Federal employees with child support delinquencies. The list of matches shall be forwarded to the appropriate State child support enforcement agency to determine, in each instance, whether wage withholding or other enforcement actions should be commenced. All matches will be performed in accordance with 5 U.S.C. 552a(o)-(u).

"(b) All Federal agencies shall inform current and prospective employees that crossmatches are routinely made between Federal personnel records and State records on individuals who owe child support, and inform employees how to initiate voluntary wage withholding requests.

"Sec. 305. Availability of service. All Federal agencies shall advise current and prospective employees of services authorized under title IV-D of the Social Security Act that are available through the States. At a minimum, information shall be provided annually to current employees through the Employee Assistance Program, or similar programs, and to new employees during routine orientation.

"Sec. 306. Report on actions taken. Within 90 days of the date of this order, all Federal agencies shall report to the Director of the Office of Management and Budget (OMB) on the actions they have taken to comply with this order and any statutory, regulatory, and administrative barriers that hinder them from complying with the requirements of part 3 of this order.

"PART 4-ADDITIONAL ACTIONS

"Sec. 401. Additional review for the uniformed services. (a) In addition to the requirements outlined above, the Secretary of the Department of Defense (DOD) will chair a task force, with participation by the Department of Health and Human Services (HHS), the Department of Commerce, and the Department of Transportation, that shall conduct a full review of current policies and practices within the Uniformed Services to ensure that children of Uniformed Services personnel are provided financial and medical support in the same manner and within the same time frames as is mandated for all other children due such support. This review shall include, but not be limited to, issues related to withholding non-custodial parents' wages, service of legal process, activities to locate parents and their income and assets, release time to attend civil paternity and support proceedings, and health insurance coverage under the Civilian Health and Medical Program of the Uniformed Services (CHAMPUS). All relevant existing statutes, including the Soldiers and Sailors Civil Relief Act of 1940 [50 USCS Appx. @@ 501 et seq.], the Uniformed Services Former Spouses Protection Act [Act Sept. 8, 1982, P.L. 97-252, Title X, 96 Stat. 730; for full classification, consult USCS Tables volumes], and the Tax Equity and Fiscal Responsibility Act of 1982 [Act Jan. 6, 1983, P.L. 97-424, 96 Stat. 2097; for full classification, consult USCS Tables volumes], shall be reviewed and appropriate legislative modifications shall be identified.

"(b) Within 180 days of the date of this order, DOD shall submit to OMB a report based on this review. The report shall recommend additional policy, regulatory and legislative changes that would improve and enhance the Federal Government's commitment to ensuring parental support for all children.

"Sec. 402. Additional Federal agency actions. (a) OPM and HHS shall jointly study and prepare recommendations concerning additional administrative, regulatory, and legislative improvements in the policies and procedures of Federal agencies affecting child support enforcement. Other agencies shall be included in the development of recommendations for specific items as appropriate. The recommendations shall address, among other things:

"(i) any changes that would be needed to ensure that Federal employees comply with child support orders that require them to provide health insurance coverage for their children;

"(ii) changes needed to ensure that more accurate and up-to-date data about civilian and uniformed personnel who are being sought in conjunction with State paternity or child support actions can be obtained from Federal agencies and their payroll and personnel records, to improve efforts to locate noncustodial parents and their income and assets;

"(iii) changes needed for selecting Federal agencies to test and evaluate new approaches to the establishment and enforcement of child support obligations;

"(iv) proposals to improve service of process for civilian employees and members of the Uniformed Services stationed outside the United States, including the possibility of serving process by certified mail in establishment and enforcement cases or of designating an agent for service of process that would have the same effect and bind employees to the same extent as actual service upon the employees;

"(v) strategies to facilitate compliance with Federal and State child support requirements by quasi-governmental agencies, advisory groups, and commissions; and

"(vi) analysis of whether compliance with support orders should be a factor used in defining suitability for Federal employment.

"(b) The recommendations are due within 180 days of the date of this order. The recommendations are to be submitted in writing to the Office of Management and Budget.

"Sec. 501. Internal management. This order is intended only to improve the internal management of the executive branch with regard to child support enforcement and shall not be interpreted to create any right or benefit, substantive or procedural, enforceable at law by a party against the United States, its officers, or any other person.

"Sec. 502. Sovereignty of the United States Government. This order is intended only to provide that the Federal Government has elected to require Federal agencies to adhere to the same standards as are applicable to all other employers in the Nation and shall not be interpreted as subjecting the Federal Government to any State law or requirement. This order should not be construed as a waiver of the sovereign immunity of the United States Government or of any existing statutory or regulatory provisions, including 42 U.S.C. 659, 662, and 665; 5 CFR Part 581; 42 CFR Part 21, Subpart C; 32 CFR Part 54; and 32 CFR Part 81.

"Sec. 503. Defense and security. This order is not intended to require any action that would compromise the defense or national security interest of the United States."

Effective date of amendments made by @ 362 of Act Aug. 22, 1996. Act Aug. 22, 1996, P.L. 104-193, Title III, Subtitle G, @ 362(d), 110 Stat. 2247, provides: "The amendments made by this section [amending 5 USCS @ 5520a(h), (i), 10 USCS @ 1408, and 42 USCS @ 659 and repealing 42 USCS @@ 661, 662] shall become effective 6 months after the date of enactment of this Act."

NOTES:

CODE OF FEDERAL REGULATIONS

Civil service regulations for processing garnishment orders for child support and/or alimony, 5 CFR Part 581.

Garnishment of benefits paid under the Railroad Retirement Act and the Railroad Unemployment Insurance Act. 20 CFR Part 350.

Railroad retirement board, garnishment of remuneration of Board personnel, 20 CFR Part 363.

Garnishment of pay of Naval military and civilian personnel for collection of child support and alimony, 32 CFR Part 734.

Add:

32 CFR Part 818.

CROSS REFERENCES

This section is referred to in 10 USCS @ 1408; 42 USCS @@ 661, 662.

RESEARCH GUIDE

FEDERAL PROCEDURE L ED:

Enforcement of Judgments, Fed Proc, L Ed, @@ 31:6, 31:32.
 Government Officers and Employees, Fed Proc, L Ed, @@ 40:624-40:628.
 Health, Education, and Welfare, Fed Proc, L Ed, @@ 42:503-42:507.

AM JUR:

6 Am Jur 2d, Atomic Energy @ 78.
 6 Am Jur 2d, Attachment @@ 17, 78, 176, 179.5, 182.
 24 Am Jur 2d, Divorce and Separation @@ 764, 766.
 30 Am Jur 2d, Executions and Enforcement of Judgments (1994) @ 658.
 32 Am Jur 2d, Federal Practice @ 60.
 70A Am Jur 2d, Social Security and Medicare @ 1145.

FORMS:

6A Federal Procedural Forms L Ed, Creditors' Provisional Remedies @@ 19:1, 2, 11, 81, 82, 91.
 1A Am Jur Legal Forms 2d, Alimony and Separation Agreements @ 17:2.
 13A Am Jur Legal Forms 2d, Parent and Child @ 191:52.

SOCIAL SECURITY LAW AND PRACTICE:

3 Soc Sec LP, Applications and Payments @@ 35:110, 112.

ANNOTATIONS:

Construction and application of 42 USCS @ 659(a) authorizing garnishment against United States or District of Columbia for enforcement of child support and alimony obligations. 44 ALR Fed 494.

Sufficiency, as to content, of notice of garnishment required to be served upon garnishee. 20 ALR5th 229.

Determination of paternity of child as within scope of proceeding under uniform reciprocal enforcement of support act. 81 ALR3d 1175.

Employee retirement pension benefits as exempt from garnishment, attachment, levy, execution, or similar proceedings. 93 ALR3d 711.

Propriety of decree in proceeding between divorced parents to determine mother's duty to pay support for children in custody of father. 98 ALR3d 1146.

INTERPRETIVE NOTES AND DECISIONS

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I. IN GENERAL

1. Generally

42 USCS @ 659 insulates United States from suit to recover sums garnished by person whose wages have been garnished under such section. *Jizmerjian v Department of Air Force* (1978, DC SC) 457 F Supp 820, affd without op (CA4 SC) 607 F2d 1001, cert den 444 US 1082, 62 L Ed 2d 766, 100 S Ct 1036, later proceeding 4 Cl Ct 355, affd without op (CA FC) 746 F2d 1489.

Under 42 USCS @ 659, United States is not liable for sums withheld from pay of Air Force Colonel whose salary was garnished to satisfy child support and alimony obligations. *United States v Morton* (1984) 81 L Ed 2d 680, 104 S Ct 2769.

42 USCS @ 659 applies so as to allow garnishment to enforce judgment for support arrearages based on judgment entered before enactment of such section. *Pellerin v Pellerin* (1976) 259 Ark 546, 534 SW2d 767.

Legislative history does not support contention that Congress intended 42 @ USCS @ 659 to prohibit evidence of receipt of Social Security disability payments from being introduced in setting alimony or contempt proceedings for enforcement of alimony; statute is intended merely to deal with particular situation where federal employees refuse to make their alimony or support payments and then hide behind cloak of sovereign immunity. *Meadows v Meadows* (1980, Okla) 619 P2d 598.

When legal process is served on government agency in accordance with 42 USCS @ 659 and its implementing regulations, agency must garnish wages of obligor. *Captain Ernest T. Foster, USAF (Retired)--Claim for Refund of Amounts Withheld from Retired Pay as Child Support* (6/14/94) Comp. Gen. Dec. No. B-257000.

2. Federal jurisdiction

42 USCS @ 659 does not confer federal courts with jurisdiction, especially in light of @ 660, which is part of same statutory scheme specifically providing for federal jurisdiction in other circumstances. *Stephens v United States Dept. of Navy* (1979, CA4) 589 F2d 783.

42 USCS @ 659 does not confer any further jurisdiction upon federal courts. *Morrison v Morrison* (1976, ND Tex) 408 F Supp 315; *Cunningham v Department of Navy* (1978, DC Conn) 455 F Supp 1370.

Since 42 USCS @ 659 merely eliminates federal government's immunity from garnishment proceedings authorized under state law, rather than creating statutory right to relief by way of garnishment, section does not provide independent jurisdictional base upon which garnishment action may be maintained in Federal district court. *Morrison v Morrison* (1976, ND Tex) 408 F Supp 315.

Statute which merely waives government's immunity from garnishment proceedings for enforcement of child support and alimony obligations of its employees does not provide basis for federal jurisdiction. *Golightly v Golightly* (1976, DC Neb) 410 F Supp 861.

42 USCS @ 659 does not confer jurisdiction on federal court to litigate claim by retired army officer who is deficient in support and alimony payments that

garnishment by state court of 100 per cent of his Army retirement benefits is improper since he is not within state court's jurisdiction; such argument should be made to state court and is not properly within federal court's jurisdiction. *Popple v United States* (1976, WD NY) 416 F Supp 1227.

42 USCS @ 659 is very limited waiver of sovereign immunity since it extends only to actions brought to enforce writs of garnishment; it does not vest subject matter jurisdiction in federal courts to hear actions seeking to enjoin enforcement of such writs. *Sarfaty v Sarfaty* (1982, ED Pa) 534 F Supp 701.

3. -Under 28 USCS @ 1346

42 USCS @ 659, whether standing alone or read in conjunction with 28 USCS @ 1346(a)(2), does not confer original subject matter jurisdiction in federal court to determine garnishment actions brought to enforce state court decrees. *Wilhelm v United States Dept. of Air Force, Accounting & Finance Center* (1976, SD Tex) 418 F Supp 162.

Language of 42 USCS @ 659, 660, leaves little room for doubt that proper determination of jurisdiction in child support and alimony garnishment cases limits access to federal courts to those instances where Secretary of HEW (now HHD) first certifies necessity pursuant to @ 652(a)(8) and in action founded on state court judgment and not on @ 659; 28 USCS @ 1346 does not vest district court with jurisdiction to hear garnishment actions. *Bolling v Howland* (1975, MD Tenn) 398 F Supp 1313.

4. -Removal under 28 USCS @ 1441, 1442

28 USCS @ 1442(a)(1) authorizes removal of action under 42 USCS @ 659(a) where state court judgment is entered against government in amount which exceeds that which government is required by its own statute to collect on behalf of creditor of federal employee, since effect of judgment is to change status of United States from stakeholder in garnishment action to debtor. *Loftin v Rush* (1985, CA11 Ga) 767 F2d 800.

Removal of state court garnishment action to federal court is improper where action does not purport to subject any federal officer to personal liability or penalty and where failure to comply with technicalities of local law result in finding that no claim against United States exists at time of removal. *West v West* (1975, ND Ga) 402 F Supp 1189.

Removal statute set forth at 28 USCS @ 1441(a)(1) cannot be construed to permit removal of actions permitted in state court under 42 USCS @ 659 since Congress had no intention of broadening federal jurisdiction in such matters. *Wilhelm v United States Dept. of Air Force, Accounting & Finance Center* (1976, SD Tex) 418 F Supp 162.

Suit against federal garnishee under 42 USCS @ 659 may be removed under 28 USCS @ 1442(a)(1); thus, action brought in state court by former wife of Coast Guard employee seeking judgment based on Coast Guard's failure to honor garnishment of her husband's wages issued because of his failure to make court-ordered child support payments may be removed to and entertained by federal court. *Young v Young* (1980, WD Tenn) 547 F Supp 1.

5. Right to action

Under 42 USCS @ 659, Congress did not consent to its fiscal officer being sued for any purpose other than enforcement of legal obligation to provide child support or alimony payments; @ 659 was never intended as peg on which to hang by bootstrap entirety of domestic relations dispute involving federal employees. *Overman v United States* (1977, CA8 Mo) 563 F2d 1287, 44 ALR Fed 485.

Purpose and effect of 42 USCS @ 659 is to waive sovereign immunity of United States for garnishment in limited class of state court actions involving

support obligations of government employees; new federal cause of action was not created nor was any further jurisdiction conferred upon federal courts by @ 659. *Diaz v Diaz* (1977, CA4 W Va) 568 F2d 1061.

42 USCS @ 659(a) was not intended to authorize payment of default judgments entered against United States pursuant to state law; Congress did not intend Federal Government to be subject to state default judgments that would render United States liable for any amount in excess of that owed to judgment debtor/employee at time of garnishment. *Loftin v Rush* (1985, CA11 Ga) 767 F2d 800.

Suit by mothers, beneficiaries under Social Security Act of child support enforcement payments from county and state enforcement services, is foreclosed by comprehensive remedial scheme provided by Congress and where corrective action program is already underway. *Carelli v Howser* (1991, CA6 Ohio) 923 F2d 1208.

Since 42 USCS @ 659 merely eliminates federal government's immunity from garnishment proceedings authorized under state law, rather than creating statutory right to relief by way of garnishment, section does not provide independent jurisdictional base upon which garnishment action may be maintained in Federal district court. *Morrison v Morrison* (1976, ND Tex) 408 F Supp 315.

42 USCS @ 659 does not establish federal right to garnishment; garnishment proceeding thus does not arise under @ 659, which merely renounces defense to such suit. *Williams v Williams* (1976, DC Md) 427 F Supp 557.

Plaintiff cannot enjoin federal officer from withholding from plaintiff's pay amounts representing child support and alimony obligations on grounds that underlying divorce decree and order for child support was issued by state court which had no personal jurisdiction over plaintiff. *Lowell v McDavid* (1980, ED Va) 532 F Supp 172.

6. Relation to other statutes

Argument that 42 USCS @ 659 is unconstitutional to persons subject to multistate garnishments as failing to address choice-of-law problems affords basis for 28 USCS @ 1331(a) jurisdiction as claim arising under Constitution. *Garrett v Hoffman* (1977, ED Pa) 441 F Supp 1151.

7. -Title 15 (Consumer Credit Protection)

Community property is not within definition of alimony for which Federal Government has waived its immunity to state garnishment proceedings pursuant to 42 USCS @ 659; amount of military member's or federal employee's pay or salary subject to garnishment for child support or alimony pursuant to @ 659 is limited by 15 USCS @ 1673(b). 57 Op Comp Gen 420.

8. -Title 42 (Public Welfare)

42 USCS @ 662 defines "child support" and "alimony" in manner that makes clear that @ 659 authorizes garnishment of wages payable by United States to enforce judgment for attorneys' fees awarded in connection with award of alimony and child support. *Murray v Murray* (1977, CA8 Mo) 558 F2d 1340.

In light of definition contained in 42 USCS @ 662, @ 659 does not apply to alimony in gross as defined by courts of state; intent of @ 659 is to assist collection of periodic alimony and is not vehicle to be used in enforcement of alimony in gross. *Crawley v Crawley* (1978, Ala App) 358 So 2d 456, cert den (Ala) 358 So 2d 458.

9. Relation to state laws and proceedings

State statute authorizing award of child support benefits from veteran's disability benefits is not pre-empted by provisions of Child Support

Enforcement Act, 42 USCS @ 659, which allows garnishment of certain federal funds for child support but excludes veterans' disability benefits, as provision was designed to avoid sovereign immunity problems and not to preclude contempt order against individual where individual's income happens to be comprised of veterans' disability benefits. *Rose v Rose* (1987, US) 95 L Ed 2d 599, 107 S Ct 2029.

Mere fact that under 42 USCS @ 659 United States waives immunity for enforcement of alimony obligations does not confer right to alimony on party precluded by state law from receiving it; thus, such statute does not serve as basis for contention that certain Army retirement benefits awarded as community property in divorce decree should be treated as alimony payments within meaning of @ 659. *Marin v Hatfield* (1977, CA5 Tex) 546 F2d 1230.

State court had jurisdiction, in action to garnish retirement funds of serviceman who had molested minor, to determine whether payments related to welfare and medical needs of minor were within statutory definition of "child support," where by providing that definition of child support would track state law, Congress clearly left to state courts precise determination of what constitutes child support, and where payments arguably fit within general definition of "child support," in that paying off judgment in periodic payments would generate funds that would actually be used for support and maintenance of minor. *Salazar v United States Air Force* (1988, CA5 Tex) 849 F2d 1542.

Phrase "regular on its face" in 42 USCS @ 659(f) means legal process which, facially judged, appears to evidence legitimate exercise of jurisdiction on part of issuing authority, not whether there were infirmities underlying garnishment order. *Millard v United States* (1989) 16 Cl Ct 485.

42 USCS @ 659 does not confer jurisdiction on federal court to litigate claim by retired army officer who is deficient in support and alimony payments that garnishment by state court of 100 per cent of his Army retirement benefits is improper since he is not within state court's jurisdiction; such argument should be made to state court and is not properly within federal court's jurisdiction. *Popple v United States* (1976, WD NY) 416 F Supp 1227.

Federal employee's action against government, arising out of garnishment of portion of employee's civil service annuity to satisfy alimony payments due under divorce decree issued by state court, is dismissed, where court had jurisdiction to order employee to pay alimony to former wife and where order was not improper or irregular, because under 42 USCS @ 659(f), government is immune from suit when acting in accordance with what appears to be valid order. *Hutcheson v United States* (1995, ED Tex) 900 F Supp 49.

42 USCS @ 659 does not empower Georgia trial court to garnish wages of person who was employed by U.S. Army in civilian capacity in Mississippi. *Nelson v Nelson* (1985) 173 Ga App 546, 327 SE2d 529.

Liquidated arrearages due ex-spouse may be considered alimony for purposes of 43 USCS @ 659 notwithstanding that alimony may be offensive to state policy. *Williams v Williams* (1976, Fla App D1) 338 So 2d 869.

Congress has waived sovereign immunity of United States to permit garnishment of Armed Forces pay to enforce legal obligations of child support or alimony but 42 USCS @ 659 does not create statutory right to relief by way of garnishment, but, rather, leaves implementation of its provisions to state courts; person seeking garnishment must establish that nonresident person against whom garnishment is sought has property interest within state to create proper jurisdiction. *Williamson v Williamson* (1981) 247 Ga 260, 275 SE2d 42, cert den 454 US 1097, 70 L Ed 2d 638, 102 S Ct 669.

10. What constitutes alimony and child support

42 USCS @ 662, defines "child support" and "alimony" in manner that makes

clear that @ 659 authorizes garnishment of wages payable by United States to enforce judgment for attorneys' fees awarded in connection with award of alimony and child support. *Murray v Murray* (1977, CA8 Mo) 558 F2d 1340.

Right to collect child support payments that have been assigned to state agency continues to be "child support" under federal law in order that such right may be enforced against federal disability benefits. *Knickerbocker v Norman* (1991, CA8 Iowa) 938 F2d 891, CCH Unemployment Ins Rep para. 16150A.

In light of definition contained in 42 USCS @ 662, @ 659 does not apply to alimony in gross as defined by courts of state; intent of @ 659 is to assist collection of periodic alimony and is not vehicle to be used in enforcement of alimony in gross. *Crawley v Crawley* (1978, Ala App) 358 So 2d 456, cert den (Ala) 358 So 2d 458.

Liquidated arrearages due ex-spouse may be considered alimony for purposes of 43 USCS @ 659 notwithstanding that alimony may be offensive to state policy. *Williams v Williams* (1976, Fla App D1) 338 So 2d 869.

Property settlement agreement does not give rise to alimony obligation to husband, therefore wife suing for arrearages pursuant to such agreement could not reach husband's Marine Corps retirement benefits pursuant to 42 USCS @ 659. *Butler v Butler* (1978) 219 Va 164, 247 SE2d 353.

Community property is not within definition of alimony for which Federal Government has waived its immunity to state garnishment proceedings pursuant to 42 USCS @ 659; amount of military member's or federal employee's pay or salary subject to garnishment for child support or alimony pursuant to @ 659 is limited by 15 USCS @ 1673(b). 57 Op Comp Gen 420.

11. Sovereign immunity

42 USCS @ 659 abrogates sovereign immunity to extent of lawful garnishments, whether or not government complies with its obligation to withhold, and thus government is liable for any funds it fails to withhold, plus interest. *Young v Young* (1980, WD Tenn) 547 F Supp 1.

12. -Limited waiver

United States has made itself subject to garnishment proceedings for enforcement of legal obligations to provide child support or to make alimony payments, but only when money due is for remuneration of employment; mere fact that sovereign immunity has been removed in this one limited area does not reflect broader intent to remove sovereign immunity in areas not specifically provided for. *Brockelman v Brockelman* (1979, DC Kan) 478 F Supp 141, 79-2 USTC para.594.

42 USCS @ 659 waives sovereign immunity only for "legal processes," defined by 42 USCS @ 662(e) to mean any writ, order, summons, or other similar process in nature of garnishment brought for enforcement against individual of his legal obligation to provide child support or make alimony payments; action cannot be brought to enforce legal obligation until after obligation is established by judgment, order or decree of court; thus, action to adjudicate interest of party in retirement fund brought on basis that retirement benefit may eventually be used to satisfy child support or alimony obligation is premature and barred by doctrine of sovereign immunity. *Lamerand v Lamerand* (1980, CD Cal) 499 F Supp 1109.

Limited waiver of immunity of government entities from garnishment proceedings is granted by 42 USCS @ 659(a) for purposes of enforcement against individual of legal obligation to make alimony payments. *Veterans Admin. v Kee* (1986, Tex) 706 SW2d 101.

13. -Postal Service

accumulated, unpaid retirement pay for past periods of service is subject to garnishment. *Elmwood v Elmwood* (1978) 295 NC 168, 244 SE2d 668.

17. Retirement benefits

Under 42 USCS @@ 659(a), federal military retirement pay is subject to execution for child support and alimony. *Ziegler v Ziegler* (1985, App) 107 Idaho 527, 691 P2d 773.

42 USCS @ 659 does not render military retirement pay property subject to division in proceedings for dissolution of marriage. *Ellis v Ellis* (1976) 191 Colo 317, 552 P2d 506.

Former serviceman's accrued interest in retirement allowance acquired during marriage is assignable under 42 USCS @ 659 when listing property subject to equitable distribution pursuant to divorce decree notwithstanding that until payments are actually made they are not assignable and exempt from attachment, levy or seizure (38 USCS @ 3101) since property interest exists in payments before distribution; since no proof was provided that work ability of pensioner was reduced to extent of dollar amount of military disability benefit, claim that disability benefits offsets current wages lost because of diminished earning capacity was not shown, and these benefits should be treated as assignable pursuant to @ 659 when listing property subject to equitable distribution pursuant to divorce. *Kruger v Kruger* (1977) 73 NJ 464, 375 A2d 659.

Employees or members of armed forces are not immune from support or alimony as provided in 42 USCS @ 659, and federal and military pensions are included as such payments subject to child support and alimony. *Wanamaker v Wanamaker* (1978) 93 Misc 2d 784, 401 NYS2d 702, 1 EBC 1367.

Payments retired officer received from United States on account of disability are not subject to state garnishment proceedings under 42 USCS @ 659, whereas retirement pay received by retired regular officer of military services can be subject to garnishment; anticipated retirement pay for future period of regular officer retired from military service is not subject to garnishment, but accumulated, unpaid retirement pay for past periods of service is subject to garnishment. *Elmwood v Elmwood* (1978) 295 NC 168, 244 SE2d 668.

Retirement pay is subject to garnishment to enforce collection of judgment arising from legal obligation to pay support money to ex-spouse pursuant to contract; Congressional intent was to make federal income subject to garnishment for delinquent spousal support payments, whether payments were court ordered or required only by private agreement. *Butler v Butler* (1981, Va) 277 SE2d 180.

18. -As wage

Retirement pay due former member of military forces is remuneration for employment and is subject to garnishment in same manner and under same laws as would be active duty pay. *Watson v Watson* (1976, ED NC) 424 F Supp 866.

Since retirement pay is not debt due by government, it constitutes wages for purposes of garnishment. *Elmwood v Elmwood* (1977) 34 NC App 652, 241 SE2d 693, remanded 295 NC 168, 244 SE2d 668.

19. Other subjects of garnishment

Support obligations of father, upon whose account children's disability benefits derive, cannot be satisfied pursuant to 42 USCS @ 659(a) by reaching children's benefits; to require that children's disability benefits be credited towards their father's child support arrearages would be, in effect, ordering children to pay accrued arrearages for their own support. *Hennagin v County of Yolo* (1979, ED Cal) 481 F Supp 923.,.

Since even where all income is derived from wages, taxes withheld on those

United States Postal Services is not immune from state garnishment process under 42 USCS @ 659. Standard Oil Div., American Oil Co. v Starks (1975, CA7 Ill) 528 F2d 201, 38 ALR Fed 540; Goodman's Furniture Co. v United States Postal Service (1977, CA3 NJ) 561 F2d 462; General Electric Credit Corp. v Smith (1977, CA4 Va) 565 F2d 291; May Dept. Stores Co. v Williamson (1977, CA8 Mo) 549 F2d 1147; Beneficial Finance Co. v Dallas (1978, CA2 NY) 571 F2d 125.

United States Postal Service is not provided with immunity by 42 USCS @ 659 from properly instituted state law garnishment proceedings to collect upon court judgment stemming from commercial obligation. Iowa-Des Moines Nat. Bank v United States (1976, SD Iowa) 414 F Supp 1393.

Wages of Postal Service employees are subject to garnishment and sovereign immunity does not bar such proceedings. United Virginia Bank/National v Eaves (1976, SD Va) 416 F Supp 518.

Contention that 42 USCS @ 659 impliedly removes garnishment procedures from Postal Service's "sue and be sued" authorization in 39 USCS @ 401(1) is inconsistent with Congressional intent to launch service into commercial world; therefore federal postal service is not immune from garnishment procedures against one of its employees to affect state judgment. Bank of Virginia v Tompkins (1977, ED Va) 434 F Supp 787.

14. -Other government bodies

Under 42 USCS @ 659 government is exempt from liability for wrongful garnishment if, under state law, private employer would be held liable to plaintiff if it had acted as government acted in same circumstances; thus, government is not liable if it falls within express exemption or if it would not be liable under state law. Millard v United States (1990, CA FC) 916 F2d 1, reh den, en banc (CA FC) 1990 US App LEXIS 20606.

HUD is subject to garnishment proceedings since there is no evidence to show that Congress intended 42 USCS @ 659 to limit rights of judgment creditors; rather, intent is to make certain that at least in area of child support and alimony such rights are to be extended; there is no merit to government's argument that it is protected from garnishment proceedings by sovereign immunity since acceptance of such argument would lend credence to idea that HUD employees constitute separate class of individuals who are shielded from payment of adjudicated debts while others are not and that creditors must deal with them at their peril without satisfactory recourse to state laws. Denver v Romstrom (1980, DC Colo) 496 F Supp 242.

Judgment against Environmental Protection Agency for negligently failing to withhold amounts from employee's salary pursuant to writ of garnishment is proper where state law permits such judgment against employer-garnishee under those circumstances; 42 USCS @ 659 mandates that United States and its agencies be treated as if they were private persons with regard to garnishment for child support and alimony and employing agency may be found liable where, under same circumstances, private employer would be liable. 56 Op Comp Gen 592.

Congress has waived sovereign immunity to permit garnishment of Armed Forces pay to enforce legal obligations of child support or alimony. Williamson v Williamson (1981) 247 Ga 260, 275 SE2d 42, cert den 454 US 1097, 70 L Ed 2d 638, 102 S Ct 669.

15. Miscellaneous

Ex-wife seeking back child support is awarded judgment for \$ 8,596 against garnishee Social Security Administration, where state court that ordered child support entered order of garnishment against Administration, order was properly served and apparently sent to proper office--although government claims it was never received there--and order was never responded to as past due disability

benefits were paid to deadbeat father, because government is liable for funds that should have been garnished under 42 USCS @ 659(a) and state law. DeTienne v DeTienne (1993, DC Kan) 815 F Supp 394, 40 Soc Sec Rep Serv 428, motion den (DC Kan) 1993 US Dist LEXIS 4520.

Service of United States Attorney for district in which garnishment proceeding was commenced is sufficient to confer jurisdiction over person and res of garnishee where member of military service was object of garnishment. Cloyd v Cloyd (1978, Mo App) 564 SW2d 337.

Allotment agreement providing garnishment for child support would be dropped is not proper basis for ordering garnishment for child support from funds designated in 42 USCS @ 659. United States v Wakefield (1978, Tex Civ App Fort Worth) 572 SW2d 569, writ dism.

If notice to employer appears regular on its face, employing agency is required to begin withholding money from obligor's pay in accordance with such notice. Captain Ernest T. Foster, USAF (Retired)--Claim for Refund of Amounts Withheld from Retired Pay as Child Support (6/14/94) Comp. Gen. Dec. No. B-257000.

II. SUBJECT OF GARNISHMENT

16. Disability benefits

State statute authorizing award of child support benefits from veteran's disability benefits is not pre-empted by provisions of Child Support Enforcement Act, 42 USCS @ 659, which allows garnishment of certain federal funds for child support but excludes veterans' disability benefits, as provision was designed to avoid sovereign immunity problems and not to preclude contempt order against individual where individual's income happens to be comprised of veterans' disability benefits. Rose v Rose (1987, US) 95 L Ed 2d 599, 107 S Ct 2029.

42 USCS @ 659(a) does not authorize garnishment of Veterans Administration disability benefits being paid to veteran who waived all right to military retirement pay. Sanchez Dieppa v Rodriguez Pereira (1984, DC Puerto Rico) 580 F Supp 735.

Social security disability benefits received by former husband are available for payment of past-due child support payments. Re Marriage of Schonts (1983, Iowa App) 345 NW2d 145.

Court order to make maintenance payments is not unenforceable because income of party ordered to pay is derived totally from federal disability benefits. Barbour v Barbour (1982, Ky App) 642 SW2d 904.

Former serviceman's accrued interest in retirement allowance acquired during marriage is assignable under 42 USCS @ 659 when listing property subject to equitable distribution pursuant to divorce decree notwithstanding that until payments are actually made they are not assignable and exempt from attachment, levy or seizure (38 USCS @ 3101) since property interest exists in payments before distribution; since no proof was provided that work ability of pensioner was reduced to extent of dollar amount of military disability benefit, claim that disability benefits offsets current wages lost because of diminished earning capacity was not shown, and these benefits should be treated as assignable pursuant to @ 659 when listing property subject to equitable distribution pursuant to divorce. Kruger v Kruger (1977) 73 NJ 464, 375 A2d 659.

Payments retired officer receives from United States on account of disability are not subject to state garnishment proceedings under 42 USCS @ 659, whereas retirement pay received by retired regular officer of military services can be subject to garnishment; anticipated retirement pay for future period of regular officer retired from military service is not subject to garnishment, but

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accumulated, unpaid retirement pay for past periods of service is subject to garnishment. *Elmwood v Elmwood* (1978) 295 NC 168, 244 SE2d 668.

17. Retirement benefits

Under 42 USCS @@ 659(a), federal military retirement pay is subject to execution for child support and alimony. *Ziegler v Ziegler* (1985, App) 107 Idaho 527, 691 P2d 773.

42 USCS @ 659 does not render military retirement pay property subject to division in proceedings for dissolution of marriage. *Ellis v Ellis* (1976) 191 Colo 317, 552 P2d 506.

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Employees or members of armed forces are not immune from support or alimony as provided in 42 USCS @ 659, and federal and military pensions are included as such payments subject to child support and alimony. *Wanamaker v Wanamaker* (1978) 93 Misc 2d 784, 401 NYS2d 702, 1 EBC 1367.

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Retirement pay is subject to garnishment to enforce collection of judgment arising from legal obligation to pay support money to ex-spouse pursuant to contract; Congressional intent was to make federal income subject to garnishment for delinquent spousal support payments, whether payments were court ordered or required only by private agreement. *Butler v Butler* (1981, Va) 277 SE2d 180.

18. -As wage

Retirement pay due former member of military forces is remuneration for employment and is subject to garnishment in same manner and under same laws as would be active duty pay. *Watson v Watson* (1976, ED NC) 424 F Supp 866.

Since retirement pay is not debt due by government, it constitutes wages for purposes of garnishment. *Elmwood v Elmwood* (1977) 34 NC App 652, 241 SE2d 693, remanded 295 NC 168, 244 SE2d 668.

19. Other subjects of garnishment

Support obligations of father, upon whose account children's disability benefits derive, cannot be satisfied pursuant to 42 USCS @ 659(a) by reaching children's benefits; to require that children's disability benefits be credited towards their father's child support arrearages would be, in effect, ordering children to pay accrued arrearages for their own support. *Hennagin v County of Yolo* (1979, ED Cal) 481 F Supp 923.,.

Since even where all income is derived from wages, taxes withheld on those

CONSTANCE A. MORELLA
8TH DISTRICT, MARYLAND

COMMITTEE ON SCIENCE
SUBCOMMITTEE ON BASIC RESEARCH
CHAIR,
SUBCOMMITTEE ON TECHNOLOGY

COMMITTEE ON GOVERNMENT
REFORM AND OVERSIGHT
SUBCOMMITTEE ON CIVIL SERVICE
VICE CHAIR,
SUBCOMMITTEE ON THE DISTRICT OF COLUMBIA



Congress of the United States
House of Representatives

November 21, 1997

2228 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515
(202) 225-5341
FAX: (202) 225-1389

EMAIL: rep.morella@mail.house.gov

51 MONROE STREET
SUITE 507
ROCKVILLE, MD 20850
(301) 424-3501
FAX: (301) 424-5992

The Honorable Bill Clinton
The White House
1600 Pennsylvania Avenue
Washington, D.C. 20500

Dear President Clinton:

DEC 1 4 47

I write to call your attention to a great miscarriage of justice. I know how interested you are in promoting the welfare of America's children, and I appreciate your support of strict reforms passed by Congress to ensure that United States citizens fulfill their obligations to support their families.

Unfortunately, this family support legislation does not protect thousands of unfortunate women and children living in the United States who do not receive the basic support they need to survive. The fathers are able to avoid responsibility, simply because they are employed by international organizations chartered in the United States, which refuse to cooperate in any way with American courts in family support cases. These institutions employ more than 70,000 people throughout the world, including at least 25,000 in the United States.

Although the employees enjoy generous salaries and lucrative pension benefits, their dependent wives and children are often penniless after divorce or separation. These organizations will not furnish the courts with salary information needed to process a petition for support. Unlike other recipients of support orders, these spouses and children cannot collect court ordered child support or alimony, because the institutions refuse to garnish wages or institute wage withholding in compliance with family support orders. This lack of cooperation has had devastating consequences.

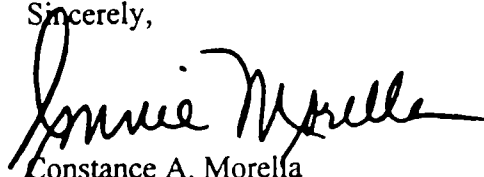
Those divorced from retired United Nations, World Bank, IMF or Inter-American Development Bank employees have absolutely no recourse. The pensions are still completely immune from court orders, and the pension funds refuse to divulge any information regarding the value of an employee's pension benefit or payments. Long-term spouses receive absolutely nothing after divorce. Even worse, victims of domestic abuse, usually women, are trapped. If they leave their abusers, they have no health insurance and no means of support.

Each institution claims that the limited jurisdictional immunity granted by the International Organizations Immunities Act, 22 USC § 288, entitles it to shield its employees, including United States citizens and others who do not enjoy diplomatic immunity from their

family support obligations. This is wrong. Neither Congress nor the administration intended that international organizations would use this limited immunity to protect highly paid "deadbeat dads" from their child support obligations.

It has been conceded by counsel for the Inter-American Development Bank, in court, that this can be rectified by executive order. I urge you to sign an executive order withdrawing the immunity of these organizations to state court jurisdiction in family support cases. You have the power to enable thousands of women to collect the spousal share of the pension and to collect millions of dollars of support from highly paid "deadbeat dads." I urge you to use it.

Sincerely,

A handwritten signature in black ink, appearing to read "Constance A. Morella". The signature is fluid and cursive, with a large initial "C" and "M".

Constance A. Morella
Member of Congress

CAM:csp

BARBARA A. MIKULSKI
MARYLAND

COMMITTEES:
APPROPRIATIONS
LABOR AND HUMAN RESOURCES

United States Senate
WASHINGTON, DC 20510-2003

SUITE 709
HART SENATE OFFICE BUILDING
WASHINGTON, DC 20510-2003
(202) 224-4654
TTY: (202) 224-5223

January 12, 1998

0433

The President
The White House
1600 Pennsylvania Avenue NW
Washington, D.C. 20500

JAN 16 11:25 AM

Dear Mr. President:

Knowing of your strong support for enforcing child support, I wanted to alert you to a situation which enables some parents to evade their responsibility to provide support for their children.

International organizations chartered in the United States, such as the World Bank, the International Monetary Fund and the Inter-American Development Bank, refuse to cooperate with American courts in family support cases. These organizations will not provide the courts with the information needed to process a petition for support. They refuse to garnish wages in compliance with court orders.

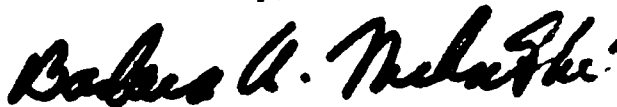
Because these international institutions refuse to cooperate, spouses cannot collect court ordered child support or alimony. In many cases, children are left penniless. Maryland residents have told me of cases in which an American employee of the Inter-American Development Bank receives a salary of over one hundred thousand dollars -- yet provides nothing for his young children, who live in poverty. This situation affects both American citizens and foreign nationals.

This situation is absolutely unacceptable. These international organizations are supported in part by US taxpayers. They must not be a haven for deadbeat parents who want to avoid their responsibilities to their own children.

I understand that this problem could be solved by Executive Order. I urge you to do this. As a member of the Senate Appropriations Subcommittees that fund these organizations, I will also seek ways to require them to assist in the collection of court ordered child support payments.

If you need more information on this matter, please have your staff contact Julia Frifield of my staff at 224-4654.

Sincerely,



Barbara A. Mikulski
United States Senator

BAM:jf

THE WHITE HOUSE

WASHINGTON

March 18, 1998

Dear Barbara:

Thank you for your letter regarding enforcement of child and spousal support orders against employees of several international organizations headquartered in the United States.

I understand that most of these organizations have in recent years adopted measures to encourage their employees to comply with obligations under U.S. law, including child and spousal support payment orders. Although I applaud these efforts, I share your concern that there may still be too many instances of non-compliance.

So that we can determine how to best address this issue, I have asked the Department of State to conduct a careful review of cases where employees of international organizations are not complying with applicable court orders. We would appreciate your sharing any information you may have about such cases with the Office of the Legal Advisor at the Department of State. The review will include an examination of the feasibility of an Executive order of the type you describe in your letter. We will let you know what conclusions we reach.

Thank you for bringing this important matter to my attention.

Sincerely,

A handwritten signature in black ink, appearing to read "Bill", written in a cursive style.

The Honorable Barbara A. Mikulski
United States Senate
Washington, D.C. 20510

THE WHITE HOUSE

WASHINGTON

March 18, 1998

Dear Representative Morella:

Thank you for your letter regarding enforcement of child and spousal support orders against employees of several international organizations headquartered in the United States.

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Thank you for bringing this important matter to my attention.

Sincerely,

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The Honorable Constance A. Morella
House of Representatives
Washington, D.C. 20515