

## The Federal Extortion Racket

Predictably, following the defeat of Idaho SB1067 in the House Judiciary Committee, the [liberal media](#) wrote a mindless hit piece to provide a forum for the Internet trolls to viciously attack the opponents of the bill personally. Figuring prominently as the villain in the article is Rep. Lynn Luker, an attorney from Boise who sounded the alarm on the bill. The hero in the article is Rep. Luke Malek, a former deputy prosecuting attorney who is quoted as saying,

*"Representative Luker does not speak for Idaho or me. Scuttling SB1067 without debate was heavy-handed opportunistic theatrics at the expense of single-parents and children, the most vulnerable in our society," wrote Malek. "I do not support the erratic behavior that will lead to the dismantling of our child support system, nor the implication that this mockery of a legal analysis in any way represents our Republican caucus."*

Oh yes... the children. It's always "for the children".

It's not the members of the Idaho House Judiciary Committee who voted against SB1067 who are holding the children hostage. It's the Department of Health & Human Services who are holding the children hostage by extortion. I presume that Rep. Malek, as a former prosecuting attorney understands the crimes of extortion and blackmail. [18 U.S. Code § 872, 873, 875](#) and it might make the members of Idaho's legislature guilty of Section 880 for receiving the proceeds of extortion if they pass SB1067 and then receive the 66% funding from the FEDS. It's something to look into.

The following is the dialog between Senator Benjamin Cardin and HHS Commissioner Vicki Turetsky of the Office of Child Support Enforcement that is documented in the [Senate Executive Report EX 110-21](#) (pages 21-22):

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including a requirement that States pass an updated version of UIFSA. So, all States have UIFSA laws in place; this would require them to amend those laws, as they periodically do, to accommodate international enforcement.

Senator CARDIN. Is it fair to say that what the States need to do is more a technical update than substantive change?

Ms. TURETSKY. That's right.

Senator CARDIN. And the Federal requirements to have our laws comply with the technical aspects of international child support, as a practical matter, we're enforcing these orders today?

Ms. TURETSKY. Well, the law would be amended in a couple of significant ways. First—not significant in the sense of IV-D, but distinguished ways. First, the Federal law that we're proposing to the Congress would contain a IV-D requirement that States pass the UIFSA 2008 version. But, secondly, it would require my secretary, the Secretary of Health and Human Services, to use all Federal and State enforcement mechanisms to comply with the treaty and to cut off funding to States if States were not in compliance.

Senator CARDIN. The funding you're talking about is child support?

Ms. TURETSKY. I'm sorry?

Senator CARDIN. What type of funding would be cut off?

Ms. TURETSKY. The child support funding is a 66-percent matching fund.

Senator CARDIN. Right. That's the number that you're using for the States to comply with the Convention.

Ms. TURETSKY. Right, the regular funding. And that's about—

Senator CARDIN. If this were ratified by the United States Senate this year, is there a time requirement for the States to comply their laws?

There it is in black and white. If the states don't become a party to The Hague Convention by passing the Uniform Interstate Family Support Act (UIFSA), HHS will cut off the 66% federal matching funds for child support programs.

Notice in the above dialog, Senator Cardin asks, 'Is it fair to say that what the states need to do is more a technical update than a substantive change? The answer was, "That's right".

Forcing the states to become a party to an international treaty is hardly a technical update except if you look at the entire issue of SB1067 as an IT systems issue without regard for anything else.

Since that thought will seem to be coming from left field for most people, the following is from the written prepared statement Alisha Griffin (New Jersey Department of Human Services) from the Senate Executive Report 110-21 mentioned above - highlights added:

Like UIFSA, **the Hague Convention contains procedures for processing international child support cases** that are uniform, simple, efficient, accessible, and inexpensive. It is founded on the agreement of contracting countries to recognize and enforce each other's support orders. **It is based on a system of administrative cooperation among central authorities of contracting countries to facilitate the transfer of documents and case information—using electronic technology where feasible**—so that the necessary information is available for expeditious resolution of international child support matters. Similar procedures are already in place in the United States for processing interstate child support cases. Indeed, many provisions of the Convention were drawn from the US experience with UIFSA.

Another significant benefit to joining the Convention will be the ability to effectively coordinate the enforcement of international child support cases with contracting countries **through communication with central authorities designated to receive and transmit applications for services and to facilitate case processing**. In addition, **the ability to use uniform forms for transmitting information and uniform protocols for transferring child support payments in different currencies will minimize delays in enforcing orders and delivering payments**, while reducing transaction costs for both parents. The Convention effectively addresses jurisdictional barriers that have prohibited the United States from joining other child support conventions.

There are other places in the report where similar references are made that indicate that this whole issue is about a computer system – a global system of data exchange for international child support enforcement orders. And please don't consider that a minimization of the issue. Consider it just the opposite with an exclamation point at the end of it.

Even setting aside Article 1, Section 10 of the U.S. Constitution prohibiting the states from entering into any treaties, alliances or confederations, there are serious issues with SB1067 that nobody in this state has had time enough to study so we don't have any idea what the ramifications of passing this legislation would be. The attempt to ramrod it through the legislature in the waning hours of the session is evidence enough to conclude that there is more to it than mere "technical changes" to Idaho law. It needs close scrutiny by many eyes to see what they tried to slip past us.

The House Judiciary Committee members who voted to table this legislation deserve a standing ovation and the best part of all is that they did in fact, do it for the children – to preserve their right to inherit a legitimate government that operates within the bounds of the U.S. Constitution.

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The Treaty and Senate Reports can be found [HERE](#).