

103^D CONGRESS
1ST SESSION

H. R. 1961

To improve the interstate enforcement of child support and parentage court orders, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 4, 1993

Mrs. KENNELLY (for herself, Mr. MEEHAN, Mr. BARLOW, Mr. LEWIS of Georgia, and Mr. MORAN) introduced the following bill; which was referred jointly to the Committees on Ways and Means, the Judiciary, Natural Resources, Banking, Finance and Urban Affairs, Armed Services, Foreign Affairs, Post Office and Civil Service, and House Administration

A BILL

To improve the interstate enforcement of child support and parentage court orders, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE; REFERENCE; TABLE OF CON-**
4 **TENTS.**

5 (a) **SHORT TITLE.**—This Act may be cited as the
6 “Interstate Child Support Act of 1993”.

7 (b) **REFERENCE TO SOCIAL SECURITY ACT.**—Except
8 as otherwise specifically provided, wherever in this Act an
9 amendment is expressed in terms of an amendment to or

1 repeal of a section or other provision, the reference shall
 2 be considered to be made to that section or other provision
 3 of the Social Security Act.

4 (c) TABLE OF CONTENTS.—The table of contents of
 5 this Act is as follows:

- Sec. 1. Short title; reference; table of contents.
- Sec. 2. Findings, declarations, and purposes.

TITLE I—LOCATE AND CASE TRACKING

- Sec. 101. Expansion of functions of Federal Parent Locator Service.
- Sec. 102. Expansion of data bases accessed by parent locator systems.
- Sec. 103. Expansion of access to national network for location of parents.
- Sec. 104. Private access to locate and enforcement services.
- Sec. 105. National reporting of new hires and child support information.
- Sec. 106. Access to law enforcement records systems.
- Sec. 107. Broadcasting of warrants on State networks.
- Sec. 108. Case monitoring.
- Sec. 109. Access to financial records.

TITLE II—ESTABLISHMENT

- Sec. 201. Interstate recognition of child support and parentage orders.
- Sec. 202. Service of process on Federal employees and members of the armed services in connection with proceedings relating to child support and parentage obligations.
- Sec. 203. Presumed address of obligor and obligee.
- Sec. 204. Notice to custodial parents.
- Sec. 205. Uniform State rules in parentage and child support cases.
- Sec. 206. Fair Credit Reporting Act amendment.
- Sec. 207. National Child Support Guidelines Commission.
- Sec. 208. Guideline principles.
- Sec. 209. Duration of support.
- Sec. 210. Evidence.
- Sec. 211. Telephonic appearance in interstate cases.
- Sec. 212. Uniform terms in orders.
- Sec. 213. Social security numbers on marriage licenses, divorce decrees, parentage decrees, and birth certificates.
- Sec. 214. Administrative subpoena power.
- Sec. 215. Legal assistance programs.
- Sec. 216. Indian child support.
- Sec. 217. Support orders outreach and demonstrations.

TITLE III—PARENTAGE

- Sec. 301. Parentage.

TITLE IV—ENFORCEMENT

- Sec. 401. Direct wage withholding.
- Sec. 402. Priorities in application of withheld wages.

- Sec. 403. Additional benefits subject to garnishment.
- Sec. 404. Consumer Credit Protection Act amendments.
- Sec. 405. Prohibition against use of election of remedies doctrine to prevent collection of child support.
- Sec. 406. Hold on occupational, professional, and business licenses.
- Sec. 407. Driver's licenses and vehicle registrations denied to persons failing to appear in child support cases.
- Sec. 408. Liens on certificates of vehicle title.
- Sec. 409. Attachment of bank accounts.
- Sec. 410. Seizure of lottery winnings, settlements, payouts, awards, and bequests, and sale of forfeited property, to pay child support arrearages.
- Sec. 411. Fraudulent transfer pursuit.
- Sec. 412. Full IRS collection.
- Sec. 413. Tax refund offset program expanded to cover non-AFDC post-minor children.
- Sec. 414. Attachment of public and private retirement funds.
- Sec. 415. Reporting of child support arrearages to credit bureaus.
- Sec. 416. Statutes of limitation.
- Sec. 417. Interest.
- Sec. 418. Bankruptcy.
- Sec. 419. Federal Government cooperation in enforcement of support obligations of members and former members of the armed forces.
- Sec. 420. States required to enact the Uniform Interstate Family Support Act.
- Sec. 421. IRS reconciliation process.
- Sec. 422. Denial of passports to noncustodial parents subject to State arrest warrants in cases of nonpayment of child support.
- Sec. 423. Denial of Federal benefits, loans, guarantees, and employment to certain persons with large child support arrearages.
- Sec. 424. States required to order courts to allow assignment of life insurance benefits to satisfy child support arrearages.
- Sec. 425. Interests in jointly held property subject to assignment to satisfy child support arrearages.
- Sec. 426. International child support enforcement.

TITLE V—COLLECTION AND DISTRIBUTION

- Sec. 501. Priorities in distribution of collected child support.
- Sec. 502. State claims against noncustodial parent limited to assistance provided to the child.
- Sec. 503. Fees for non-AFDC clients.
- Sec. 504. Collection and disbursement points for child support.
- Sec. 505. Sense of the Congress that States should encourage parents to use the State child support agency to collect and process child support payments.

TITLE VI—FEDERAL ROLE

- Sec. 601. Placement and role of the Office of Child Support Enforcement.
- Sec. 602. Training.
- Sec. 603. Staffing.
- Sec. 604. Demonstration projects to test alternative approaches to incentive funding for State child support programs.
- Sec. 605. Child support definition.
- Sec. 606. Audits.
- Sec. 607. Child support assurance demonstration projects.

- Sec. 608. Children's trust fund.
- Sec. 609. Study of reasons for nonpayment of child support.
- Sec. 610. Study of effectiveness of administrative processes; report.
- Sec. 611. Publication of best child support practices.
- Sec. 612. Establishment of permanent child support advisory committee.

TITLE VII—STATE ROLE

- Sec. 701. Advocation of children's economic security.
- Sec. 702. Duties of State child support agencies.
- Sec. 703. Sense of the Congress regarding quality of and accessibility to child support services.
- Sec. 704. Process for change of payee in IV-D cases.
- Sec. 705. Sense of the Congress supporting use of administrative procedures in child support cases.
- Sec. 706. Sense of the Congress supporting establishment of State child support councils.

TITLE VIII—JOBS FOR UNEMPLOYED NONCUSTODIAL PARENTS

- Sec. 801. Parents Fair Share Demonstration Projects.

TITLE IX—EFFECTIVE DATE

- Sec. 901. Effective date.

1 **SEC. 2. FINDINGS, DECLARATIONS, AND PURPOSES.**

2 (a) FINDINGS.—The Congress finds that—

3 (1) there is a large and growing number of
 4 child support and parentage cases annually involving
 5 disputes between parents or presumed parents who
 6 reside in different States;

7 (2) the laws by which the courts of the various
 8 States determine their authority to establish, en-
 9 force, or modify a child support order, or to deter-
 10 mine parentage are not uniform;

11 (3) those laws, along with the limits imposed by
 12 a Federal system, on the authority of each State to
 13 take certain actions outside its own boundaries, con-
 14 tribute to—

1 (A) the pressing problem of parties moving
2 to avoid jurisdiction;

3 (B) inequities based solely on choice of
4 domicile;

5 (C) disregard of court orders resulting in
6 massive arrearages nationwide;

7 (D) excessive relitigation of cases;

8 (E) the establishment of conflicting orders
9 by the courts of various States; and

10 (F) inter-jurisdiction travel and commu-
11 nication that is so expensive and time consum-
12 ing as to disrupt parties' occupations and com-
13 mercial activities; and

14 (4) among the results of these conditions are—

15 (A) the failure of the courts of such juris-
16 dictions to give full faith and credit to the judi-
17 cial proceedings of the other States;

18 (B) the deprivation of rights of liberty and
19 property without due process of law;

20 (C) burdens on commerce among the
21 States; and

22 (D) harm to the welfare of children and
23 their parents and other custodians.

24 (b) DECLARATION.—Based on the findings stated in
25 subsection (a), it is necessary to establish national stand-

1 ards under which the courts of each State will determine
2 their jurisdiction to establish, enforce, or modify a child
3 support order, or to determine parentage and the effect
4 to be given by each State to such determinations by the
5 courts of other States.

6 (c) PURPOSES.—The purposes of this Act are to—

7 (1) expand the forums available to establish,
8 enforce, or modify a child support order, or to deter-
9 mine parentage so that such actions may be heard
10 in the State that has the strongest interest in the
11 child's financial security;

12 (2) promote and expand the exchange of infor-
13 mation and other forms of mutual assistance be-
14 tween States that are concerned with the same child;

15 (3) facilitate the enforcement of support decrees
16 among the States;

17 (4) discourage continuing interstate controver-
18 sies over child support in the interest of greater fi-
19 nancial stability and secure family relationships for
20 the child; and

21 (5) avoid jurisdictional competition and conflict
22 between courts in matters relating to the establish-
23 ment, enforcement, and modification of child support
24 orders, and to the determination of parentage, which
25 have resulted in the movement of parties among

1 States and a low percentage of interstate cases with
2 support orders, thereby adversely affecting children’s
3 well-being.

4 (d) STATE.—For purposes of this section, the term
5 “State” means the several States, the District of Colum-
6 bia, the Commonwealth of Puerto Rico, the territories and
7 possessions of the United States, and Indian country (as
8 defined in section 1151 of title 18, United States Code).

9 **TITLE I—LOCATE AND CASE**
10 **TRACKING**

11 **SEC. 101. EXPANSION OF FUNCTIONS OF FEDERAL PARENT**
12 **LOCATOR SERVICE.**

13 (a) IN GENERAL.—Section 453 (42 U.S.C. 653) is
14 amended—

15 (1) in subsection (a), by striking “enforcing
16 support obligations against such parent” and insert-
17 ing “establishing parentage, establishing, modifying,
18 and enforcing child support obligations, and enforc-
19 ing child visitation rights and responsibilities, and
20 which shall use safeguards to prevent the disclosure
21 of information in cases that would jeopardize the
22 safety of the custodial parent or any child of the
23 custodial parent”;

24 (2) in subsection (b), by inserting after the 2nd
25 sentence the following: “Information with respect to

1 an absent parent shall not be disclosed to any person
2 if the disclosure would jeopardize the safety of the
3 custodial parent or any child of the custodial parent.
4 Information with respect to an absent parent shall
5 not be disclosed to any person (other than the custo-
6 dial parent) unless the custodial parent has been no-
7 tified in advance of the disclosure.”; and

8 (3) in subsection (d), by inserting “and such
9 reasonable fees” after “such documents”.

10 (b) SENSE OF THE CONGRESS.—It is the sense of
11 the Congress that—

12 (1) the denial of visitation rights under a child
13 support order should be treated as irrelevant in any
14 action brought to enforce the support provisions of
15 the order; and

16 (2) the failure to pay child support pursuant to
17 a child support order should be treated as irrelevant
18 in any action brought to enforce visitation rights
19 under the order.

20 **SEC. 102. EXPANSION OF DATA BASES ACCESSED BY PAR-**
21 **ENT LOCATOR SYSTEMS.**

22 (a) ADDITIONAL INFORMATION FOR FEDERAL PAR-
23 ENT LOCATOR SERVICE.—Section 453 (42 U.S.C. 653) is
24 amended—

1 (1) in subsection (b), by striking “the most re-
2 cent address and place of employment” and insert-
3 ing “the most recent residential address, employer
4 name and address, and amounts and nature of in-
5 come and assets”;

6 (2) in subsection (c)(3), by striking “the resi-
7 dent parent” and inserting “either parent”; and

8 (3) in subsection (e), by adding at the end the
9 following:

10 “(4) The Secretary of the Treasury shall enter into
11 an agreement with the Secretary to provide prompt access
12 by the Secretary (in accordance with this subsection and
13 section 6103(l)(6) of the Internal Revenue Code of 1986)
14 to the quarterly estimated Federal income tax returns
15 filed by individuals with the Internal Revenue Service.”.

16 (b) STATE INFORMATION.—Section 466(a) (42
17 U.S.C. 666(a)) is amended by inserting after paragraph
18 (10) the following:

19 “(11) Procedures under which the State child
20 support enforcement agency shall have automated
21 on-line or batch access (or, if necessary,
22 nonautomated access) to information regarding resi-
23 dential addresses, employers and employer address-
24 es, income and assets, and medical insurance bene-

1 fits with respect to absent parents that is available
2 through any data base maintained by—

3 “(A) any agency of the State or any politi-
4 cal subdivision thereof, that contains informa-
5 tion on residential addresses, or on employers
6 and employer addresses, as the State deems ap-
7 propriate;

8 “(B) any publicly regulated utility com-
9 pany located in the State;

10 “(C) any credit reporting agency located in
11 the State; and

12 “(D) any trade or labor union located in
13 the State.

14 “(12) Procedures under which the State child
15 support enforcement agency shall—

16 “(A) maintain a child support order reg-
17 istry which shall include each child support
18 order (or an abstract thereof) issued or modi-
19 fied in the State on or after the effective date
20 of this paragraph; and

21 “(B) transmit electronically to the Office
22 of Child Support Enforcement an abstract of
23 each such order, containing such information
24 and in such form as the Secretary may pre-
25 scribe pursuant to section 452(a)(11).”.

1 (c) FEDERAL REGISTRY OF ABSTRACTS OF CHILD
2 SUPPORT ORDERS.—Section 452(a) (42 U.S.C 652(a)),
3 as amended by section 212(a) of this Act, is amended—

4 (1) in paragraph (10), by striking “and” after
5 the semicolon;

6 (2) in paragraph (11), by striking the period at
7 the end of the 2nd sentence and inserting “; and”;
8 and

9 (3) by adding at the end the following:

10 “(12) maintain a registry of all child support
11 order abstracts received from States pursuant to
12 section 466(a)(12)(B).”.

13 (d) SENSE OF THE CONGRESS.—It is the sense of
14 the Congress that the Secretary of Health and Human
15 Services should investigate, pursuant to section 453(e) of
16 the Social Security Act, accessing Federal data banks that
17 are not linked to the Parent Locator Service which are
18 more than marginally useful in locating absent parents.

19 **SEC. 103. EXPANSION OF ACCESS TO NATIONAL NETWORK**
20 **FOR LOCATION OF PARENTS.**

21 (a) IN GENERAL.—Section 453 (42 U.S.C. 653) is
22 amended by adding at the end the following:

23 “(g) The Secretary shall expand the Parent Locator
24 Service to establish a national network based on the com-

1 prehensive statewide child support enforcement systems
2 developed by the States, to—

3 “(1) allow each State to—

4 “(A) locate any absent parent who owes
5 child support, for whom a child support obliga-
6 tion is being established, or for whom an order
7 for visitation is being enforced, by—

8 “(i) accessing the records of other
9 State agencies and sources of locate infor-
10 mation directly from one computer system
11 to another; and

12 “(ii) accessing Federal sources of lo-
13 cate information in the same fashion;

14 “(B) access the files of other States to de-
15 termine whether there are other child support
16 orders and obtain the details of those orders;

17 “(C) provide for both on-line and batch
18 processing of locate requests, with on-line ac-
19 cess restricted to cases in which the information
20 is needed immediately (for such reasons as
21 court appearances) and batch processing used
22 to ‘troll’ data bases to locate individuals or up-
23 date information periodically; and

24 “(D) direct locate requests to individual
25 States or Federal agencies, broadcast requests

1 to selected States, or broadcast cases to all
2 States when there is no indication of the source
3 of needed information;

4 “(2) provide for a maximum of 48-hour turn-
5 around time for information to be broadcast and re-
6 turned to a requesting State;

7 “(3) provide ready access to courts of the infor-
8 mation on the network by location of a computer
9 terminal in each court; and

10 “(4) access the registry of child support orders
11 for public and private cases maintained at the State
12 level by the State agencies as described in section
13 466(a)(12).”.

14 (b) EXPANDED STATE INTERACTION WITH NA-
15 TIONAL NETWORK.—Section 454(16) (42 U.S.C.
16 654(16)) is amended—

17 (1) by striking “and (E)” and inserting “(E)”;
18 and

19 (2) by striking “enforcement;” and inserting
20 “enforcement, and (F) to provide access to the na-
21 tional network developed pursuant to section
22 453(g);”.

23 (c) SENSE OF THE CONGRESS.—It is the sense of the
24 Congress that the national network established under sec-
25 tion 453(g) of the Social Security Act should be used to

1 access State records only through the agency that admin-
2 isters the State plan approved under part D of title IV
3 of such Act.

4 **SEC. 104. PRIVATE ACCESS TO LOCATE AND ENFORCEMENT**
5 **SERVICES.**

6 Section 466(a) (42 U.S.C. 666(a)), as amended by
7 section 102(b) of this Act, is amended by inserting after
8 paragraph (12) the following:

9 “(13)(A) Procedures under which private attor-
10 neys and pro se obligees must be given access to
11 State locate resources and through enforcement
12 techniques of the State child support enforcement
13 agency, for the purpose of establishing, modifying,
14 and enforcing child support, visitation, and parent-
15 age orders, in accordance with safeguards estab-
16 lished—

17 “(i) to provide the custodial parent ad-
18 vance notice of any release of information with
19 respect to a noncustodial parent; and

20 “(ii) to prevent release of information with
21 respect to a noncustodial parent if the release
22 may jeopardize the safety of the noncustodial
23 parent, the custodial parent, or any child of ei-
24 ther parent; and

1 “(B) The procedures described in subparagraph
2 (A) must require the State—

3 “(i) to develop and publish guidelines im-
4 plementing the safeguards described in sub-
5 paragraph (A); and

6 “(ii) if the State provides for reasonable
7 fees for the access referred to in subparagraph
8 (A), to establish such fees in accordance with
9 guidelines developed and published by the State
10 that set schedules for such fees.”.

11 **SEC. 105. NATIONAL REPORTING OF NEW HIRES AND CHILD**

12 **SUPPORT INFORMATION.**

13 (a) **FEDERAL IMPLEMENTATION OF SYSTEM.—**

14 (1) **IN GENERAL.—**The Secretary of the Treas-
15 ury, in consultation with the Secretary of Labor,
16 shall establish a system of reporting of new employ-
17 ees by requiring employers to provide a copy of every
18 new employee’s W-4 form to the employment secu-
19 rity agency of the State in which the employment is
20 located.

21 (2) **EXPANDED USE OF FORM.—**The Secretary
22 of the Treasury shall modify the W-4 form to be
23 completed by a new employee to enable the employee
24 to indicate on the form—

1 (A) whether the employee owes child sup-
2 port, and if so—

3 (i) to whom the support is payable
4 and the amount of the support payable;
5 and

6 (ii) whether the support is to be paid
7 through wage withholding; and

8 (B) whether health care insurance is avail-
9 able to the new employee, and, if so, whether
10 the new employee has obtained such insurance
11 for the dependent children of the new employee.

12 (3) EMPLOYER WITHHOLDING OBLIGATION.—

13 (A) IN GENERAL.—Subtitle C of the Inter-
14 nal Revenue Code of 1986 (relating to employ-
15 ment taxes) is amended by inserting after chap-
16 ter 24 the following new chapter:

17 **“CHAPTER 24A—COLLECTION OF CHILD**
18 **SUPPORT OBLIGATIONS AT SOURCE**
19 **ON WAGES**

“Sec. 3411. Child support obligations collected at source.

20 **“SEC. 3411. CHILD SUPPORT OBLIGATIONS COLLECTED AT**
21 **SOURCE.**

22 “(a) REQUIREMENT OF WITHHOLDING.—Every em-
23 ployer making payment of wages shall deduct and with-

1 hold upon such wages a specified child support obligation
2 amount.

3 “(b) SPECIFIED CHILD SUPPORT OBLIGATION
4 AMOUNT.—For purposes of this chapter, the specified
5 child support obligation amount with respect to any em-
6 ployee shall be determined based on—

7 “(1) information provided by the employee, or
8 (if an agency of the State in which the employer is
9 located notifies the employer that such information
10 is inaccurate) information provided by the agency;
11 and

12 “(2) information contained in any wage with-
13 holding order received by the employer from any
14 State.

15 “(c) LIABILITY FOR PAYMENT.—The employer shall
16 be liable for the payment of the specified child support
17 obligation amount to the payee identified by the employee.

18 “(d) SPECIAL RULES.—For purposes of this chapter
19 (and so much of subtitle F as relates to this chapter), any
20 specified child support obligation amount shall be treated
21 as if it were a tax withheld under chapter 24 and rules
22 similar to the rules of such chapter shall apply.”

23 (B) CLERICAL AMENDMENT.—The table of
24 chapters of subtitle C of the Internal Revenue
25 Code of 1986 is amended by inserting after the

1 item relating to chapter 24 the following new
2 item:

“CHAPTER 24A. Child support obligations collected at source.”

3 (4) WITHHELD CHILD SUPPORT OBLIGATIONS
4 REPORTED ON W-2 FORMS.—Subsection (a) of sec-
5 tion 6051 of the Internal Revenue Code of 1986 (re-
6 lating to receipts for employees) is amended by
7 striking “and” at the end of paragraph (8), by strik-
8 ing the period at the end of paragraph (9) and in-
9 serting “, and”, and by inserting after paragraph
10 (9) the following new paragraph:

11 “(10) the total amount of specified child sup-
12 port obligations withheld under section 3411.”

13 (b) STATE IMPLEMENTATION OF SYSTEM.—Section
14 466(a) (42 U.S.C. 666(a)), as amended by section 104
15 of this Act, is amended by inserting after paragraph (13)
16 the following:

17 “(14) Procedures under which the State shall—

18 “(A) use the Parent Locator Service estab-
19 lished under section 453 to access information
20 in the national registry of child support orders
21 maintained pursuant to section 452(a)(12) with
22 respect to new employee, compare such infor-
23 mation with the information reported on W-4
24 forms of new employees, and identify child sup-
25 port obligations not reported on such forms;

1 “(B) if child support information from the
2 W-4 form of a new employee agrees with infor-
3 mation with respect to the new employee in the
4 national registry of child support orders main-
5 tained pursuant to section 452(a)(12), notify
6 the individual owed the support (or the individ-
7 ual’s designee) of such information;

8 “(C) notify an employer of any new em-
9 ployee who has not reported on the W-4 form
10 a child support obligation of the new employee,
11 using the wage withholding order developed
12 under section 452(a)(14);

13 “(D) impose monetary penalties on—

14 “(i) any individual who owes child
15 support and fails to report the obligation
16 to provide the support on a Federal income
17 tax W-4 form at time of employment;

18 “(ii) any employer who fails to for-
19 ward a W-4 form for a new employee to
20 the State employment security agency
21 within 10 calendar days of the date of the
22 first payroll from which the new employee
23 is paid; and

24 “(iii) any employer who fails to with-
25 hold from the pay of any new employee

1 who reports a child support obligation on
2 a W-4 form an amount equal to the sup-
3 port owed, or fails to pay to the individual
4 owed the obligation the amount so with-
5 held, within 10 calendar days of the date
6 of the payroll, using electronic funds trans-
7 fer, if possible, unless otherwise notified by
8 a State agency;

9 “(E) provide the services described in this
10 paragraph to any individual owed child support
11 who applies for assistance under the State plan;
12 and

13 “(F) on request of another State, broad-
14 cast over the Parent Locator Service to such
15 other State child support information from W-
16 4 forms that have been sent to the State em-
17 ployment security agency.”.

18 **SEC. 106. ACCESS TO LAW ENFORCEMENT RECORDS SYS-**
19 **TEMS.**

20 (a) ACCESS BY CHILD SUPPORT ENFORCEMENT
21 AGENCIES.—The head of the National Criminal Informa-
22 tion Center, the head of the National Law Enforcement
23 Telecommunications Network, and the head of any other
24 national or regional system for tracking individuals shall
25 each—

1 (1) allow Federal, State, and local child support
2 enforcement agencies access to the information of
3 the system for purposes of establishing paternity or
4 a child support obligation of an individual tracked
5 by the system, using appropriate safeguards to pre-
6 vent improper release of such information; and

7 (2) if an access code is required to gain such
8 access, provide the access code to each child support
9 enforcement agency that applies for the code.

10 (b) LOSS OF FEDERAL FUNDING.—A non-Federal
11 system for tracking individuals that fails to comply with
12 paragraphs (1) and (2) of subsection (a) shall not be eligi-
13 ble to receive Federal funding for the system.

14 **SEC. 107. BROADCASTING OF WARRANTS ON STATE NET-**
15 **WORKS.**

16 Section 466(a) (42 U.S.C. 666(a)), as amended by
17 section 105 of this Act, is amended by inserting after
18 paragraph (14) the following:

19 “(15) Procedures under which the State—

20 “(A) shall broadcast on any State or local
21 crime information system each failure-to-appear
22 warrant, *capias*, and bench warrant issued by a
23 State court in any proceeding related to child
24 support; and

1 “(B) shall, in a criminal case, remit to any
2 individual to whom the defendant owes child
3 support any security posted by or on behalf of
4 the defendant and forfeited, to the extent of
5 any arrearage in the payment of the support.”.

6 **SEC. 108. CASE MONITORING.**

7 Section 454(16)(E) (42 U.S.C. 654(16)(E)) is
8 amended by inserting “, not less frequently that once
9 every 3 years” before the semicolon.

10 **SEC. 109. ACCESS TO FINANCIAL RECORDS.**

11 Section 466(a) (42 U.S.C. 666(a)), as amended by
12 section 105 of this Act, is amended by inserting after
13 paragraph (15) the following:

14 “(16) Procedures under which the State may
15 obtain access to financial records maintained with
16 respect to any person by any financial institution
17 doing business in the State, for the purpose of estab-
18 lishing or enforcing a child support obligation of the
19 person.”.

20 **TITLE II—ESTABLISHMENT**

21 **SEC. 201. INTERSTATE RECOGNITION OF CHILD SUPPORT**
22 **AND PARENTAGE ORDERS.**

23 (a) IN GENERAL.—Chapter 115 of title 28, United
24 States Code, is amended by inserting after section 1738A
25 the following:

1 **“§ 1738B. Full faith and credit to child support and**
2 **parentage orders**

3 “(a) DEFINITIONS.—As used in this section:

4 “(1) The term ‘child’ means any individual who
5 has not attained the age of 18 years, and any indi-
6 vidual who has attained the age of 18 years for
7 whom a child support order has been issued pursu-
8 ant to the laws of a State.

9 “(2) The term ‘child support’ includes periodic
10 and lump-sum payments for current and past due
11 economic support, payments of premiums for health
12 insurance for children, payments for or provision of
13 child care, and payments for educational expenses.

14 “(3) The term ‘child support order’ means a
15 judgment, decree or order of a court requiring the
16 payment of money, whether in periodic amounts or
17 lump sum, for the support of a child and includes
18 permanent and temporary orders, initial orders and
19 modifications, ongoing support and arrearages.

20 “(4) The term ‘child’s State’ means, with re-
21 spect to a child, the State in which the child resides
22 with a parent or an individual acting as a parent.

23 “(5) The term ‘contestant’ means an individual,
24 including a parent, who claims a right to receive
25 child support or is under an order to pay child sup-

1 port, and includes States and political subdivisions
2 to which support rights have been assigned.

3 “(6) The term ‘court’ means a court, adminis-
4 trative process, or quasijudicial process of a State
5 that is authorized to—

6 “(A) adjudicate parentage;

7 “(B) establish the amount of support pay-
8 able by a contestant; or

9 “(C) modify the amount of support pay-
10 able by a contestant.

11 “(7) The term ‘home State’ means, with respect
12 to a child, the State in which, immediately preceding
13 the time involved, the child lived with his or her par-
14 ents, a parent, or an individual acting as parent, for
15 at least 6 consecutive months (including any periods
16 of temporary absence), and if the child has not at-
17 tained the age of 6 months, the State in which the
18 child lived from birth with any of such individuals.

19 “(8) The term ‘individual acting as a parent’
20 means an individual, other than a parent, who has
21 physical custody of a child and who has either been
22 awarded custody by a court or claims a right to cus-
23 tody.

24 “(9) The terms ‘modification’ and ‘modify’ refer
25 to a change in a child support order or an order ad-

1 judicating parentage that modifies, replaces, super-
2 sedes, or otherwise is made subsequent to such prior
3 order, whether or not made by the same court that
4 issued such prior order.

5 “(10) The term ‘State’ means a State of the
6 United States, the District of Columbia, the Com-
7 monwealth of Puerto Rico, a territory or possession
8 of the United States, and Indian country as defined
9 in section 1151 of title 18, United States Code.

10 “(b) FULL FAITH AND CREDIT.—The courts of each
11 State shall recognize and enforce according to its terms
12 a child support order or an order adjudicating parentage
13 against an individual over whom personal jurisdiction has
14 been exercised consistent with this section, and shall not
15 modify such an order except as provided in subsection (f).

16 “(c) BASES OF JURISDICTION.—A court of a State
17 may exercise personal jurisdiction over a nonresident con-
18 testant if there is any basis consistent with the constitu-
19 tion of the State and the Constitution of the United States
20 for the exercise.

21 “(d) CONTINUING EXCLUSIVE JURISDICTION.—A
22 court of a State which has issued a child support order
23 or an order adjudicating parentage consistent with this
24 section shall have continuing, exclusive jurisdiction of the
25 order for so long as the State remains the child’s State

1 or the residence of any contestant, unless another State,
2 acting in accordance with subsection (f), has modified the
3 order.

4 “(e) NOTICE AND HEARING.—Before a court of a
5 State makes a child support order or adjudicates parent-
6 age, reasonable notice and opportunity to be heard shall
7 be given to the contestants.

8 “(f) MODIFICATION.—A court of a State may modify
9 a child support order or an order adjudicating parentage
10 issued by a court of another State if—

11 “(1) each contestant has filed written consent
12 for the court of the State to modify the order and
13 assume continuing, exclusive jurisdiction of the
14 order; and

15 “(2) the court of the State otherwise has juris-
16 diction to issue such an order.

17 “(g) ENFORCEMENT OF PRIOR ORDERS.—A court of
18 a State which no longer has continuing, exclusive jurisdic-
19 tion of a child support order or an order adjudicating par-
20 entage may enforce the order with respect to unsatisfied
21 obligations which accrued before the date the order is
22 modified in accordance with subsection (f).

23 “(h) WITHHOLDING EXERCISE OF JURISDICTION.—
24 A court of a State shall not exercise jurisdiction in any
25 proceeding for a child support order or an adjudication

1 of parentage commenced during the pendency of a pro-
2 ceeding in a court of another State when the court of the
3 other State is exercising jurisdiction consistent with this
4 section unless—

5 “(1) the proceeding was filed in the State be-
6 fore the expiration of time allowed in the other State
7 for filing a responsive pleading challenging the exer-
8 cise of jurisdiction by the other State;

9 “(2) the contesting party timely challenges the
10 exercise of jurisdiction by the other State; and

11 “(3) if applicable, the court is in the home
12 State of the child.

13 “(i) CHOICE OF LAW.—(1) Except as provided in
14 paragraphs (2) and (3), the forum State’s law shall apply
15 in a proceeding to establish, modify, or enforce a child
16 support order or an order adjudicating parentage.

17 “(2) The courts of a State shall apply the law of the
18 State that issued a child support order or an order adju-
19 dicating parentage in interpreting such an order.

20 “(3) In an action to enforce a child support order
21 or an order adjudicating parentage, the statute of limita-
22 tions under the laws of the forum State or the issuing
23 State, whichever is longer, shall apply.”.

1 (b) CLERICAL AMENDMENT.—The chapter analysis
2 for such chapter is amended by inserting after the item
3 relating to section 1738A the following:

“1738B. Full faith and credit to child support and parentage orders.”.

4 **SEC. 202. SERVICE OF PROCESS ON FEDERAL EMPLOYEES**
5 **AND MEMBERS OF THE ARMED SERVICES IN**
6 **CONNECTION WITH PROCEEDINGS RELATING**
7 **TO CHILD SUPPORT AND PARENTAGE OBLI-**
8 **GATIONS.**

9 Part D of title IV (42 U.S.C. 651–670) is amended
10 by inserting after section 460 the following:

11 **“SEC. 460A. SERVICE OF PROCESS ON FEDERAL EMPLOY-**
12 **EES AND MEMBERS OF THE ARMED SERV-**
13 **ICES IN CONNECTION WITH PROCEEDINGS**
14 **RELATING TO CHILD SUPPORT AND PARENT-**
15 **AGE OBLIGATIONS.**

16 “(a) IN GENERAL.—The head of each Government
17 agency shall, in accordance with applicable regulations
18 under subsection (b), designate an agent for receipt of
19 service of process, for any Federal employee or member
20 of the Armed Forces serving in or under such agency, in
21 connection with an action, brought in a court of competent
22 jurisdiction within any State, territory, or possession of
23 the United States, for obtaining a child support order or
24 for establishing parentage.

1 “(b) REGULATIONS.—Regulations governing the im-
2 plementation of this section with respect to the executive,
3 legislative, or judicial branch of the Government shall be
4 promulgated by the authority or authorities responsible
5 for promulgating regulations under section 461 with re-
6 spect to the branch of Government involved.

7 “(c) INTERPRETIVE RULE.—This section shall not be
8 construed to prevent any otherwise eligible individual from
9 requesting or being granted a stay or continuance in any
10 judicial proceeding, including under the Soldiers’ and Sail-
11 ors’ Civil Relief Act of 1940.

12 “(d) GOVERNMENT AGENCY DEFINED.—For pur-
13 poses of this section, the term ‘Government agency’ means
14 each agency of the Federal Government, including—

15 “(1) an Executive agency (as defined by section
16 105 of title 5, United States Code);

17 “(2) the Department of Defense, to the extent
18 that any Federal employee serving in or under that
19 agency or any member of the armed services is in-
20 volved;

21 “(3) the United States Postal Service and the
22 Postal Rate Commission;

23 “(4) the government of the District of Colum-
24 bia;

1 “(5) an agency within the legislative or judicial
2 branch of the Government; and

3 “(6) an advisory committee to which the Fed-
4 eral Advisory Committee Act applies.”.

5 **SEC. 203. PRESUMED ADDRESS OF OBLIGOR AND OBLIGEE.**

6 Section 466(a) (42 U.S.C. 666(a)), as amended by
7 section 107 of this Act, is amended by inserting after
8 paragraph (16) the following:

9 “(17) Procedures under which the State shall—

10 “(A) require the court or administrative
11 agency with authority to issue the final order in
12 a child support or parentage case to require
13 each party subject to the order to file with the
14 court or administrative agency, on or before the
15 date the order is issued—

16 “(i) the party’s residential address or
17 addresses;

18 “(ii) the party’s mailing address or
19 addresses;

20 “(iii) the party’s home telephone num-
21 ber or numbers;

22 “(iv) the party’s driver’s license num-
23 ber;

24 “(v) the party’s social security ac-
25 count number;

1 “(vi) the name of each employer of
2 the party;

3 “(vii) the addresses of each place of
4 employment of the party; and

5 “(viii) the party’s work telephone
6 number or numbers;

7 “(B) require the court or administrative
8 agency in any action related to child support to
9 presume, for the purpose of providing sufficient
10 notice (other than the initial notice in an action
11 to establish parentage or a child support order),
12 that the noncustodial parent resides at the last
13 residential address given by the noncustodial
14 parent to the court or agency, or a more recent
15 address provided in good faith by the parent
16 owed the support obligation; and

17 “(C) ensure that information concerning
18 the location of a custodial parent or a child of
19 the custodial parent is not released to a
20 noncustodial parent if a court order has been
21 issued against the noncustodial parent for the
22 physical protection of the custodial parent or
23 the child.”.

24 **SEC. 204. NOTICE TO CUSTODIAL PARENTS.**

25 Section 454 (42 U.S.C. 654) is amended—

1 (1) by striking “and” at the end of paragraph
2 (23);

3 (2) by striking the period at the end of para-
4 graph (24) and inserting “; and”; and

5 (3) by inserting after paragraph (24) the fol-
6 lowing:

7 “(25) provide that the agency administering the
8 plan—

9 “(A) shall make reasonable attempts to
10 provide timely notice to any individual owed
11 child support of any proceeding to establish,
12 modify, or enforce the support obligation;

13 “(B) shall not delay any such proceeding
14 solely due to the failure of the custodial parent
15 to appear; and

16 “(C) shall, within 14 days after the date
17 an order that establishes, modifies, or enforces
18 a child support obligation is issued, provide the
19 custodial parent of the child with a copy of the
20 order.”.

21 **SEC. 205. UNIFORM STATE RULES IN PARENTAGE AND**
22 **CHILD SUPPORT CASES.**

23 Section 466(a) (42 U.S.C. 666(a)), as amended by
24 section 203 of this Act, is amended by inserting after
25 paragraph (17) the following:

1 “(18) Procedures under which, in the State—

2 “(A) a party may, in a single cause of ac-
3 tion, seek judicial determination of the parent-
4 age of a child and judicial establishment of a
5 child support order with respect to the child;

6 “(B) the venue for determination of par-
7 entage of a child shall be in the county of resi-
8 dence of the child;

9 “(C) a court or agency that issues a par-
10 entage or child support order shall have con-
11 tinuing and exclusive jurisdiction over the order
12 until the court or agency transfers such juris-
13 diction to the appropriate court or agency in
14 the county of residence of the child, or the par-
15 ties consent to be bound by another court or
16 agency in the State that has subject matter ju-
17 risdiction;

18 “(D) proceedings to enforce or modify of a
19 child support order may be transferred to the
20 city, county, or district in which the child re-
21 sides without any requirement that the order be
22 filed or the defendant be served again;

23 “(E) a court or agency that hears a par-
24 entage or child support cases shall have state-
25 wide jurisdiction over the parties to the case,

1 and the parentage and child support orders is-
2 sued by the court or agency shall have state-
3 wide effect for enforcement purposes; and

4 “(F) denial of visitation rights may not be
5 used as a defense in an action to enforce an ob-
6 ligation to provide child support and the failure
7 to provide child support may not be used as a
8 defense in an action to enforce visitation
9 rights.”.

10 **SEC. 206. FAIR CREDIT REPORTING ACT AMENDMENT.**

11 Section 604 of the Consumer Credit Protection Act
12 (15 U.S.C. 1681b) is amended by adding at the end the
13 following:

14 “(4) To a State agency administering a State plan
15 under section 454 of the Social Security Act, for use to
16 establish or modify a child support award.”.

17 **SEC. 207. NATIONAL CHILD SUPPORT GUIDELINES COMMIS-**
18 **SION.**

19 (a) ESTABLISHMENT.—There is hereby established a
20 commission to be known as the “National Child Support
21 Guidelines Commission” (in this section referred to as the
22 “Commission”).

23 (b) GENERAL DUTIES.—The Commission shall con-
24 vene a conference to study the desirability of a national
25 child support guideline, and if such guideline is advisable,

1 the Commission shall develop for congressional consider-
2 ation a national child support guideline that is based on
3 the conference's study of various guideline models, the de-
4 ficiencies of such models, and any needed improvements,
5 taking into consideration differences in the cost of living
6 in different areas of the United States. In developing such
7 guideline, the Commission shall consider indexing the
8 guideline to the cost of living, specifying minimum (rather
9 than maximum) amounts, or using other methodologies to
10 reflect such differences.

11 (c) MEMBERSHIP.—

12 (1) NUMBER; APPOINTMENT.—

13 (A) IN GENERAL.—The Commission shall
14 be composed of 9 individuals appointed jointly
15 by the Secretary of Health and Human Services
16 and the Congress, not later than January 15,
17 1995.

18 (B) QUALIFICATIONS OF MEMBERS.—

19 Members of the Commission shall be appointed
20 from among those who are able to provide ex-
21 pertise and experience in the evaluation and de-
22 velopment of child support guidelines.

23 (2) TERMS OF OFFICE.—Each member shall be
24 appointed for a term of 2 years. A vacancy in the

1 Commission shall be filled in the manner in which
2 the original appointment was made.

3 (d) COMMISSION POWERS, COMPENSATION, ACCESS
4 TO INFORMATION, AND SUPERVISION.—The first sentence
5 of subparagraph (C), the first and third sentences of sub-
6 paragraph (D), subparagraph (F) (except with respect to
7 the conduct of medical studies), clauses (ii) and (iii) of
8 subparagraph (G), and subparagraph (H) of section
9 1886(e)(6) of the Social Security Act shall apply to the
10 Commission in the same manner in which such provisions
11 apply to the Prospective Payment Assessment Commis-
12 sion.

13 (e) REPORT.—Not later than 2 years after the ap-
14 pointment of members, the Commission shall submit to
15 the President, the Committee on Ways and Means of the
16 House of Representatives, and the Committee on Finance
17 of the Senate, a report on the results of the study de-
18 scribed in subsection (b) and the final assessment by the
19 Commission of issues relating to a national child support
20 guideline.

21 (f) TERMINATION.—The Commission shall terminate
22 upon the submission of the report described in subsection
23 (e).

1 **SEC. 208. GUIDELINE PRINCIPLES.**

2 Section 467 (42 U.S.C. 667) is amended by adding
3 at the end the following:

4 “(d) The guidelines established pursuant to sub-
5 section (a) shall be based on, and applied in accordance
6 with, the following principles:

7 “(1) A change in the child support amount re-
8 sulting from the application of the guidelines since
9 the entry of the last support order is sufficient rea-
10 son for modification of a child support obligation
11 without the necessity of showing any other change in
12 circumstance. The State may set a minimum time-
13 frame between reviews of modifications based on the
14 guidelines, absent other changes in circumstances.

15 “(2) Not later than 1995, each State shall es-
16 tablish automatic child support order review proce-
17 dures based on the automated calculation of the
18 amount of support to which a child is entitled, to en-
19 sure that the amount is sufficient to meet the needs
20 of the child, and takes into account any changes in
21 the income of the parents of the child.

22 “(3) The State shall advise any custodial parent
23 who is not receiving aid under a State plan approved
24 under part A of the review of a child support award
25 made with respect to a child of the custodial parent,
26 of any proposed modification in the amount of the

1 award based on the review, and of the right of the
2 custodial parent to decline to seek the modification.

3 “(e) The guidelines established pursuant to sub-
4 section (a) may consider the treatment of the following:

5 “(1) Work-related or job-training-related child
6 care expenses of either parent for the care of chil-
7 dren of either parent.

8 “(2) Health insurance and related uninsured
9 health care expenses, and school expenses incurred
10 on behalf of the child for whom the child support
11 order is sought.

12 “(3) Multiple family child raising obligations
13 other than those for the child for whom the child
14 support order is sought.

15 “(f) Each State must publish the guidelines estab-
16 lished pursuant to subsection (a).”.

17 **SEC. 209. DURATION OF SUPPORT.**

18 (a) IN GENERAL.—Section 466(a) (42 U.S.C.
19 666(a)), as amended by section 206 of this Act, is amend-
20 ed by inserting after paragraph (17) the following:

21 “(18) Procedures under which the State—

22 “(A) imposes on 1 or both parents of a
23 child an obligation to continue to provide sup-
24 port for the child until not earlier than the later
25 of the date the child attains 18 years of age or

1 the date the child is graduated from or is no
2 longer enrolled in secondary school or its equiv-
3 alent, unless the child is married or is otherwise
4 emancipated by a court of competent jurisdic-
5 tion;

6 “(B) provides that courts with jurisdiction
7 over child support cases may, in accordance
8 with criteria established by the State, order—

9 “(i) child support, payable to an adult
10 child, at least up to the age of 22 years for
11 a child enrolled in an accredited post-
12 secondary or vocational school or college
13 who is a student in good standing; and

14 “(ii) either or both parents to pay for
15 postsecondary school support based on
16 each parent’s financial ability to pay;

17 “(C) provides for child support to continue
18 beyond the child’s minority if the child is dis-
19 abled, unable to be self-supportive, and the dis-
20 ability arose during the child’s minority; and

21 “(D) provides that courts should consider
22 the effect of child support received on means-
23 tested governmental benefits and whether to
24 credit governmental benefits against a support
25 award amount.”.

1 (b) SENSE OF THE CONGRESS.—It is the sense of
2 the Congress that, if children receive child support while
3 obtaining postsecondary education, they will attain higher
4 levels of education affording them a greater chance to
5 break the welfare cycle.

6 **SEC. 210. EVIDENCE.**

7 (a) NATIONAL SUBPOENA DUCES TECUM.—Section
8 452(a) (42 U.S.C. 652(a)), as amended by sections 211(a)
9 and 102(c) of this Act, is amended—

10 (1) by striking “and” at the end of paragraph
11 (11);

12 (2) by striking the period at the end of para-
13 graph (12) and inserting a semicolon; and

14 (3) by inserting after paragraph (12) the fol-
15 lowing:

16 “(13) develop and distribute a national sub-
17 poena duces tecum, which shall be designed to be
18 used by any State or local child support agency or
19 child support litigant to reach income information on
20 the prior 12 months of income or on accumulated in-
21 come to date of any recipient of income;

22 “(14) establish a simplified certification process
23 and admissibility procedure for out-of-State docu-
24 ments in child support or parentage cases.”.

1 (b) STATE LAWS.—Section 466(a) (42 U.S.C.
2 666(a)), as amended by section 209 of this Act, is amend-
3 ed by inserting after paragraph (19) the following:

4 “(20) Procedures under which—

5 “(A) in a child support case in the State—

6 “(i) the subpoena duces tecum devel-
7 oped pursuant to section 452(a)(13) shall
8 be used, if necessary, to reach income in-
9 formation on the prior 12 months of in-
10 come or on accumulated income to date of
11 any individual;

12 “(ii) an entity that is a source of in-
13 come for the individual may comply with
14 such a subpoena by timely mailing the in-
15 formation described in the subpoena to an
16 address supplied in the subpoena;

17 “(iii) the State shall permit such a
18 subpoena to be enforced against such an
19 entity in the State, with the entity bearing
20 the burden of justifying any failure to com-
21 ply with the subpoena; and

22 “(iv) information supplied by an en-
23 tity in response to such a subpoena shall
24 be admissible to prove the truth of the in-
25 formation;

1 “(B) a certified copy of an out-of-State
2 order, decree, or judgment related to child sup-
3 port or parentage shall be admitted once of-
4 fered in the courts of the State if the order, de-
5 cree, or judgment is regular on its face;

6 “(C) electronically transmitted information
7 and documents faxed to a court or administra-
8 tive agency that contain information related to
9 the amount of a child support obligation and
10 the terms of the order imposing the obligation
11 may be offered as evidence of the amount and
12 the terms, and electronically transmitted
13 records of payment of a child support agency
14 that are regular on their face shall be admissi-
15 ble as evidence in a child support or parentage
16 proceeding to prove the truth of the matter as-
17 serted in the records;

18 “(D) out-of-State depositions, interroga-
19 tories, admissions of fact, and other discovery
20 documents may be offered and shall be admit-
21 ted in a child support or parentage proceeding
22 to prove the truth of the matters asserted in
23 the documents if regular on their face and if
24 such documents comply with the appropriate

1 discovery rule or law of the State where the dis-
2 covery was conducted; and

3 “(E) written, videotaped, or audiotaped
4 evidence related to a child support or parentage
5 proceeding may be offered and shall be admit-
6 ted to prove the truth of the matter asserted
7 therein.”.

8 **SEC. 211. TELEPHONIC APPEARANCE IN INTERSTATE**
9 **CASES.**

10 Section 466(a) (42 U.S.C. 666(a)), as amended by
11 section 212(b) of this Act, is amended by inserting after
12 paragraph (20) the following:

13 “(21) Procedures under which the parties to an
14 interstate parentage or child support administrative
15 or judicial proceeding may appear and participate by
16 telephonic means in lieu of appearing personally.”.

17 **SEC. 212. UNIFORM TERMS IN ORDERS.**

18 (a) IN GENERAL.—Section 452(a) (42 U.S.C.
19 652(a)) is amended—

20 (1) in paragraph (9), by striking “and” after
21 the semicolon;

22 (2) in paragraph (10), by striking the period at
23 the end of the 2nd sentence and inserting “; and”;
24 and

25 (3) by adding at the end the following:

1 “(11) not later than 12 months after the date
2 of the enactment of this paragraph, develop, in con-
3 junction with State executive and judicial organiza-
4 tions, a uniform abstract of a child support order,
5 for use by all State courts to record, with respect to
6 each child support order in the child support order
7 registry established under section 466(a)(12)—

8 “(A) the date support payments are to
9 begin under the order;

10 “(B) the circumstances upon which sup-
11 port payments are to end under the order;

12 “(C) the amount of child support payable
13 pursuant to the order expressed as a sum cer-
14 tain to be paid on a monthly basis, arrearages
15 expressed as a sum certain as of a certain date,
16 and any payback schedule for the arrearages;

17 “(D) whether the order awards support in
18 a lump sum (nonallocated) or per child;

19 “(E) if the award is in a lump sum, the
20 event causing a change in the support award
21 and the amount of any change;

22 “(F) other expenses covered by the order;

23 “(G) the names of the parents subject to
24 the order;

1 “(H) the social security account numbers
2 of the parents;

3 “(I) the name, date of birth, and social se-
4 curity account number (if any) of each child
5 covered by the order;

6 “(J) the identification (FIPS code, name,
7 and address) of the court that issued the order;

8 “(K) any information on health care sup-
9 port required by the order; and

10 “(L) the party to contact if additional in-
11 formation is obtained.”.

12 (b) EFFECTIVE DATE.—The amendments made by
13 subsection (a) shall take effect on the date of the enact-
14 ment of this Act.

15 **SEC. 213. SOCIAL SECURITY NUMBERS ON MARRIAGE LI-**
16 **CENSES, DIVORCE DECREES, PARENTAGE DE-**
17 **CREES, AND BIRTH CERTIFICATES.**

18 Section 466(a) (42 U.S.C. 666(a)), as amended by
19 section 212 of this Act, is amended by inserting after
20 paragraph (21) the following:

21 “(22) Procedures under which the social secu-
22 rity account number (if any) of—

23 “(A) each individual applying for a mar-
24 riage license is to be listed by the individual’s
25 name on the license;

1 “(B) each party granted a divorce decree is
2 to be listed by the party’s name on the decree,
3 if any party to the decree is pregnant or a par-
4 ent; and

5 “(C) each individual determined to be a
6 parent of a child in an action to establish par-
7 entage is to be listed by the individual’s name
8 on the decree containing the determination; and

9 “(D) each parent of a child is to be listed
10 by the parent’s name on the child’s birth certifi-
11 cate.”.

12 **SEC. 214. ADMINISTRATIVE SUBPOENA POWER.**

13 Section 466(a) (42 U.S.C. 666(a)), as amended by
14 section 214 of this Act, is amended by inserting after
15 paragraph (22) the following:

16 “(23) Procedures under which the State child
17 support enforcement agency may issue a subpoena
18 which—

19 “(A) requires the individual served to
20 produce and deliver documents to, or to appear
21 at, a court or administrative agency on a cer-
22 tain date; and

23 “(B) penalizes an individual for failing to
24 comply with the subpoena.”.

1 **SEC. 215. LEGAL ASSISTANCE PROGRAMS.**

2 (a) USE OF FUNDS FOR CHILD SUPPORT CASES.—

3 The Legal Services Corporation shall ensure that at least
4 10 percent of the funds it provides to each recipient in
5 a fiscal year be used to assist eligible clients to obtain child
6 support to which they may be entitled.

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

8 (1) the term “child support” means a payment
9 of money or provision of a benefit for the support
10 of a child, and includes periodic and lump-sum pay-
11 ments for current and past due economic support,
12 payments of premiums for health insurance for chil-
13 dren, payments for or provision of child care, and
14 payments for educational expenses; and

15 (2) the term “eligible client” has the meaning
16 given that term in section 1002(3) of the Legal
17 Services Corporation Act (42 U.S.C. 2996a(3)).

18 **SEC. 216. INDIAN CHILD SUPPORT.**

19 (a) SENSE OF THE CONGRESS.—It is the sense of the
20 Congress that—

21 (1) children residing on Indian reservations be
22 accorded the same right of support that is currently
23 afforded off-reservation children; and

24 (2) State and tribal governments should, to the
25 greatest extent possible, ensure that jurisdictional is-
26 sues do not prevent any Indian child, on- or off-res-

1 ervation, from receiving support to which the child
2 is entitled.

3 (b) FULL FAITH AND CREDIT OF SUPPORT OR-
4 DERS.—The Indian Child Welfare Act of 1978 (25 U.S.C.
5 1901 et seq.) is amended by adding at the end the follow-
6 ing:

7 **“TITLE IV—INDIAN CHILD**
8 **SUPPORT**

9 **“SEC. 401. FULL FAITH AND CREDIT.**

10 “(a) Every Indian tribe shall give full faith and credit
11 to the public acts, records, and judicial proceedings of the
12 United States, every State, and every territory or posses-
13 sion of the United States applicable to Indian child sup-
14 port proceedings to the same extent that the Indian tribe
15 gives full faith and credit to public acts, records, and judi-
16 cial proceedings of any other entity pursuant to section
17 101(d) of this Act.

18 “(b) The United States, every State, every territory
19 or possession of the United States, and every Indian tribe
20 shall give full faith and credit to the public acts, records,
21 and judicial proceedings of any Indian tribe applicable to
22 Indian child support proceedings to the same extent that
23 such entities give full faith and credit to public acts,
24 records, and judicial proceedings of any other entity.”.

1 **SEC. 217. SUPPORT ORDERS OUTREACH AND DEMONSTRATIONS.**
2

3 (a) SENSE OF THE CONGRESS.—It is the sense of the
4 Congress that States should work with community-based
5 organizations with ties to underserved populations to de-
6 velop better methods to reach and work with such popu-
7 lations to encourage the filing of more support orders.

8 (b) STATES REQUIRED TO CONDUCT SURVEYS OF
9 UNDERSERVED POPULATIONS.—

10 (1) IN GENERAL.—Part D of title IV (42
11 U.S.C. 651–669) is amended by adding at the end
12 the following:

13 **“SEC. 470. STATE SURVEYS OF UNDERSERVED POPU-**
14 **LATIONS.**

15 “Each State, as a condition for having a State plan
16 approved under this part, must conduct surveys to identify
17 populations underserved by child support services, and de-
18 velop outreach programs to serve such populations in
19 places such as child care centers, parenting classes, pre-
20 natal classes, and unemployment offices.”.

21 (2) FEDERAL FINANCIAL PARTICIPATION.—Sec-
22 tion 455(a)(1) (42 U.S.C. 655(a)(1)) is amended—

23 (A) in subparagraph (B), by striking
24 “and” at the end;

25 (B) in subparagraph (C) by adding “and”
26 at the end; and

1 (C) by inserting after subparagraph (C)
2 the following:

3 “(D) equal to 90 percent of so much of the
4 sums expended during such quarter as are attrib-
5 utable to operating programs described in section
6 470,”.

7 (c) MATERIALS TO ASSIST PERSONS WITH LOW LIT-
8 ERACY LEVELS.—The Secretary of Health and Human
9 Services shall fund demonstration projects and technical
10 assistance grants to States to develop applications and in-
11 formational materials directed to individuals with low lit-
12 eracy levels or difficulties reading English.

13 (d) REVIEW OF WRITTEN MATERIALS.—The Sec-
14 retary of Health and Human Services shall review all writ-
15 ten materials provided to persons served by the Office of
16 Child Support Enforcement to ensure that any require-
17 ment contained in the materials is presented clearly and
18 in a manner that is easily understandable by such persons.

19 (e) DEMONSTRATION PROJECTS TO IMPROVE CO-
20 ORDINATION BETWEEN CERTAIN STATE PUBLIC ASSIST-
21 ANCE AGENCIES.—The Secretary of Health and Human
22 Services shall make grants to States to conduct dem-
23 onstration projects to test various methods for improving
24 the coordination of services and case processing between
25 the State agency referred to in section 402(a)(3) of the

1 Social Security Act and the State agency referred to in
2 section 454(3) of such Act.

3 (f) REFERRAL OF CUSTODIAL PARENTS TO COMMU-
4 NITY RESOURCES TO COMBAT DOMESTIC VIOLENCE.—
5 Section 454 (42 U.S.C. 654) is amended—

6 (1) by striking “and” at the end of paragraph
7 (24);

8 (2) by striking the period at the end of para-
9 graph (25) and inserting “; and”; and

10 (3) by inserting after paragraph (25) the fol-
11 lowing:

12 “(26) provide that the agency administering the
13 plan—

14 “(A) may represent custodial parents in
15 custody cases; and

16 “(B) must refer to appropriate community
17 resources custodial parents against whom or
18 whose children violence has been threatened as
19 a result of cooperation with a State agency in
20 establishing or enforcing a child support order,
21 in accordance with procedures developed by the
22 State to reduce the risk of violence, such as ex-
23 emption of the custodial parent from any require-
24 ment of face-to-face meetings with persons
25 other than from the agency.”.

1 **TITLE III—PARENTAGE**

2 **SEC. 301. PARENTAGE.**

3 (a) STATE PLAN.—

4 (1) IN GENERAL.—Section 454 (42 U.S.C.
5 654), as amended by section 218(f) of this Act, is
6 amended—

7 (A) by striking “and” at the end of para-
8 graph (25);

9 (B) by striking the period at the end of
10 paragraph (26) and inserting “; and”; and

11 (C) by inserting after paragraph (26) the
12 following:

13 “(27) in order to encourage voluntary paternity
14 acknowledgement, provide for—

15 “(A) the development and distribution of
16 material at schools, hospitals (not later than 2
17 years after the effective date of this paragraph),
18 agencies administering the programs under part
19 A of this title and title XIX, prenatal health-
20 care providers, WIC programs, health depart-
21 ments, clinics, and other appropriate locations
22 that describe the benefits and responsibilities of
23 paternity establishment and the process by
24 which paternity services may be obtained;

1 “(B) outreach programs at hospitals and
2 birthing facilities and programs for prenatal
3 care, child birth, and parenting, in accordance
4 with regulations which shall be prescribed by
5 the Secretary not later than 1 year after such
6 effective date; and

7 “(C) the use of consent procedures.”.

8 (2) ENHANCED FEDERAL MATCH.—Section
9 455(a)(1) (42 U.S.C. 655(a)(1)) is amended—

10 (A) by striking “and” at the end of sub-
11 paragraph (B);

12 (B) by inserting “and” at the end of sub-
13 paragraph (C); and

14 (C) by inserting after subparagraph (C)
15 the following:

16 “(D) equal to 90 percent (rather than the
17 percentage specified in subparagraph (A)) of so
18 much of the sums expended during such quar-
19 ter as are attributable to costs incurred in car-
20 rying out section 454(27);”.

21 (b) STATE LAW.—Section 466(a) (42 U.S.C. 666(a)),
22 as amended by section 215 of this Act, is amended by in-
23 serting after paragraph (23) the following:

24 “(24) Procedures under which—

1 “(A) in a parentage case, an individual
2 who signs the signature line provided for a fa-
3 ther on a State birth certificate is rebuttably
4 presumed to be a parent of the child, and a
5 birth certificate so signed is admissible as evi-
6 dence of such parentage;

7 “(B) a simple, civil consent procedure is
8 available for individuals who agree to acknowl-
9 edge parentage of a child;

10 “(C) an acknowledgment of parentage of a
11 child—

12 “(i) may be incorporated in a wit-
13 nessed, written statement which includes a
14 statement that the individual—

15 “(I) understands the con-
16 sequences of paternity acknowledg-
17 ment;

18 “(II) is signing the statement
19 voluntarily; and

20 “(III) does not object to a court
21 entering an order for parentage of the
22 child based on the acknowledgment,
23 without notice before the order is is-
24 sued and without the requirement of

1 pleadings, service, summons, testi-
2 mony, or a hearing;

3 “(ii) is registered as part of the proc-
4 ess of registering the birth certificate of
5 the child; and

6 “(iii) is admissible in court as evi-
7 dence of the individual’s parentage of the
8 child;

9 “(D) collection of information for purposes
10 of establishing a child support obligation may
11 be done during the parentage acknowledgment
12 process, to the maximum extent consistent with
13 the State constitution;

14 “(E) a civil procedure (and not a criminal
15 procedure) is used in parentage determination
16 cases;

17 “(F) parentage is determined by a prepon-
18 derance of the evidence;

19 “(G) a party may bring a parentage case
20 without joinder of the named child, and State
21 law regarding privity of the parties shall govern
22 the res judicata effect of nonjoinder;

23 “(H) the results of a parentage test are
24 rebuttably presumed to be accurate in a parent-
25 age case, if the test results are admitted as evi-

1 dence of the matter tested and are
2 uncontroverted, and the test has an accuracy
3 rate of at least 98 percent;

4 “(I) a determination of parentage may be
5 made against a noncooperative party who re-
6 fuses to submit to a court order to submit to
7 parentage testing;

8 “(J) an objection to parentage testing or
9 to the results of a parentage test must be made
10 in writing at least 21 days before trial, and if
11 no such objection is made, the test results are
12 admissible as evidence of the matter tested,
13 without any requirement for the attendance of
14 a representative of the hospital, clinic, or par-
15 entage laboratory that conducted the test;

16 “(K) prenatal and post-natal parentage-
17 testing bills are admissible as evidence of par-
18 entage, without any requirement of third-party
19 foundation testimony, and any such bill is
20 prima facie evidence of the expenses incurred
21 on behalf of the child for the procedures in-
22 cluded in the bill;

23 “(L) a default order is entered in a parent-
24 age case on a proper showing of evidence of
25 parentage and of service of process on the de-

1 fendant, without regard to the personal pres-
2 ence of the plaintiff;

3 “(M) a temporary child support order is
4 entered against an individual if—

5 “(i) the individual is presumed to be
6 the parent of the child by reason of the re-
7 sults of a parentage test;

8 “(ii) the individual has signed a state-
9 ment acknowledging parentage of the child;
10 or

11 “(iii) there is other clear and convinc-
12 ing evidence that the individual is a parent
13 of the child;

14 “(N) an individual determined by law to be
15 the parent of a child is precluded from claiming
16 nonparentage of the child as a defense in a
17 child support case;

18 “(O) a single action may be brought to de-
19 termine the parentage of a child and to estab-
20 lish a child support obligation with respect to
21 the child; and

22 “(P)(i) an action to determine the parent-
23 age of a child may be brought only in the coun-
24 ty in which the child resides; and

1 “(ii) if the child who is the subject of a
2 parentage determination action moves to an-
3 other county, the action is to be transferred to
4 the other county, on request of the custodial
5 parent of the child.”.

6 (c) SENSE OF THE CONGRESS.—It is the sense of the
7 Congress that, in a proceeding to establish paternity, once
8 paternity is alleged, the burden of proof should shift to
9 the alleged father.

10 **TITLE IV—ENFORCEMENT**

11 **SEC. 401. DIRECT WAGE WITHHOLDING.**

12 (a) STATE LAW.—Section 466(b) (42 U.S.C. 666(b))
13 is amended by adding at the end the following:

14 “(11)(A) Upon the issuance or modification by
15 a State court or administrative agency of an order
16 imposing a child support obligation on an individual,
17 the State shall transmit to any employer of the indi-
18 vidual a wage withholding order developed under
19 section 452(a)(14) directing the employer to with-
20 hold amounts from the wages of the individual pur-
21 suant to the order.

22 “(B) Any individual or entity engaged in com-
23 merce, as a condition of doing business in the State,
24 shall, on receipt of a wage withholding order devel-

1 oped under section 452(a)(14) that is regular on its
2 face and has been issued by a court of any State—

3 “(i) immediately provide a copy of the
4 order to the employee subject to the order;

5 “(ii) within 10 days after receipt of the
6 order, comply with the order;

7 “(iii) forward the amount withheld pursu-
8 ant to the order to the State or custodial parent
9 specified in the order; and

10 “(iii) keep records of the amounts so with-
11 held.

12 “(C) Such an order may be served on the in-
13 come source directly or by first-class mail.

14 “(D) An individual or entity who complies with
15 such an order may not be held liable for wrongful
16 withholding of income from the employee subject to
17 the order.

18 “(E)(i) The State shall impose a civil fine of
19 \$1,000 on any individual or entity who receives such
20 an order, and fails to comply with the order within
21 10 days after receipt.

22 “(ii) The 10-day period described in clause (i)
23 shall be extended by any period during which the in-
24 dividual or entity contests the order, until the con-
25 test is finally decided.

1 “(12) If the State transmits to an individual or
2 entity engaged in commerce in another State a wage
3 withholding order issued by the State with respect to
4 an employee of the individual or entity, and the indi-
5 vidual or entity contests or refuses to comply with
6 the order, the State shall send an informational copy
7 of the order to the registry established under sub-
8 section (a)(12) of such other State or of the State
9 from which the income of the employee is paid.

10 “(13) If an employee requests a hearing to con-
11 test wage withholding based on claim of a mistake
12 of fact, the hearing may be held in the State from
13 which the income is paid or in which the employee
14 is employed, and, within 45 days after the income
15 source receives the withholding order, the entity con-
16 ducting the hearing must adjudicate the claim. The
17 State in which the hearing is held shall provide ap-
18 propriate services in cases enforced under the State
19 plan to ensure that the interests of the individual to
20 whom the withheld income is to be paid are ade-
21 quately represented.”.

22 (b) UNIFORM WITHHOLDING ORDER.—Section
23 452(a) (42 U.S.C. 652(a)), as amended by sections
24 211(a), 102(c), and 209(a) of this Act, is amended—

1 (1) by striking “and” at the end of paragraph
2 (12);

3 (2) by striking the period at the end of para-
4 graph (13) and inserting “; and”; and

5 (3) by inserting after paragraph (13) the fol-
6 lowing:

7 “(14) develop a uniform order to be used in all
8 cases in which income is to be withheld for the pay-
9 ment of child support, which shall contain the name
10 of the individual whose income is to be withheld, the
11 number of children covered by the order, and the in-
12 dividual or State to whom the withheld income is to
13 be paid, and be generic to allow for the service of
14 the order on all sources of income.”.

15 **SEC. 402. PRIORITIES IN APPLICATION OF WITHHELD**
16 **WAGES.**

17 Section 466(b) (42 U.S.C. 666(a)), as amended by
18 section 401(a) of this Act, is amended by inserting after
19 paragraph (13) the following:

20 “(14) Procedures under which the amounts
21 withheld pursuant to a child support or wage with-
22 holding order are to be applied in the following
23 order:

24 “(A) To payments of support due during
25 the month of withholding.

1 “(B) To payments of premiums for health
2 care insurance coverage for dependent children.

3 “(C) To payments of support due before
4 the month of withholding, and of unreimbursed
5 health-care expenses.”.

6 **SEC. 403. ADDITIONAL BENEFITS SUBJECT TO GARNISH-**
7 **MENT.**

8 (a) FEDERAL DEATH BENEFITS, BLACK LUNG BEN-
9 EFITS, AND VETERANS BENEFITS.—Section 462(f)(2) (42
10 U.S.C. 662(f)(2)) is amended by striking “(not including”
11 and all that follows through “compensation)”.

12 (b) WORKERS’ COMPENSATION.—Section 462(f) (42
13 U.S.C. 662(f)) is amended—

14 (1) by striking “or” at the end of paragraph

15 (1);

16 (2) by striking the period at the end of para-
17 graph (2) and inserting “, or”; and

18 (3) by adding at the end the following:

19 “(3) workers’ compensation benefits.”.

20 **SEC. 404. CONSUMER CREDIT PROTECTION ACT AMEND-**
21 **MENTS.**

22 (a) PREEMPTION OF STATE LAWS.—Section 307 of
23 the Consumer Credit Protection Act (15 U.S.C. 1677) is
24 amended—

1 (1) by striking “This” and inserting “(a) IN
2 GENERAL.—Subject to subsection (b), this”;

3 (2) by striking “or” at the end of paragraph
4 (1);

5 (3) by striking the period at the end of para-
6 graph (2) and inserting “, or”; and

7 (4) by adding at the end the following:

8 “(3) providing a cause of action, either by the
9 State or a private individual, to enforce a Federal or
10 State law related to garnishment for the purpose of
11 securing child support.

12 “(b) EXCEPTION.—Subsection (a)(1) shall not apply
13 to the laws of any State that prohibit or restrict garnish-
14 ments for the purpose of securing support for any per-
15 son.”.

16 (b) OTHER FORMS OF INCOME.—Title III of such
17 Act (15 U.S.C. 1671 et seq.) is amended by adding at
18 the end the following:

19 **“SEC. 308. OTHER FORMS OF INCOME.**

20 “‘This title does not apply to forms of income that
21 are not earnings within the definition contained in section
22 302(a).’”.

23 (c) PRIORITY OF DEBTS.—Title III of such Act (15
24 U.S.C. 1671 et seq.), as amended by subsection (b) of this
25 section, is amended by adding at the end the following:

1 **“SEC. 309. PRIORITY OF DEBTS.**

2 “If an individual’s disposable earnings are not suffi-
3 cient to pay—

4 “(1) a garnishment intended to satisfy a Fed-
5 eral debt; and

6 “(2) a garnishment intended to satisfy a debt
7 related to the support of any child,

8 the Federal debt shall be satisfied through garnishment
9 only after the debt related to child support has first been
10 satisfied.”.

11 (d) **ADDITIONAL INDEBTEDNESS IN ANTI-DIS-**
12 **CHARGE SECTION.**—Section 304 of such Act (16 U.S.C.
13 1674) is amended by adding at the end the following:

14 “(c) The prohibition contained in subsection (a) shall
15 apply to any employee whose earnings are subject to gar-
16 nishment for more than one indebtedness, if the additional
17 indebtedness arises from an order for the support of a
18 child.”.

19 **SEC. 405. PROHIBITION AGAINST USE OF ELECTION OF**
20 **REMEDIES DOCTRINE TO PREVENT COLLEC-**
21 **TION OF CHILD SUPPORT.**

22 Section 466(a) (42 U.S.C. 666(a)), as amended by
23 section 301(b) of this Act, is amended by inserting after
24 paragraph (24) the following:

25 “(25) Procedures which prohibit any State
26 court from applying the doctrine of election of rem-

1 edies to prevent a custodial parent from collecting or
2 seeking to collect child support from a noncustodial
3 parent.”.

4 **SEC. 406. HOLD ON OCCUPATIONAL, PROFESSIONAL, AND**
5 **BUSINESS LICENSES.**

6 (a) STATE HOLD BASED ON WARRANT OR SUPPORT
7 DELINQUENCY.—Section 466(a) (42 U.S.C. 666(a)), as
8 amended by section 405 of this Act, is amended by insert-
9 ing after paragraph (25) the following:

10 “(26) Procedures under which the State occu-
11 pational licensing and regulating departments and
12 agencies may not issue or renew any occupational,
13 professional, or business license of—

14 “(A) a noncustodial parent who is the sub-
15 ject of an outstanding failure to appear war-
16 rant, capias, or bench warrant related to a child
17 support proceeding that appears on the State’s
18 crime information system, until removed from
19 the system; and

20 “(B) an individual who is delinquent in the
21 payment of child support, until the obligee or a
22 State prosecutor responsible for child support
23 enforcement consents to, or a court that is re-
24 sponsible for the order’s enforcement orders,
25 the release of the hold on the license, or an ex-

1 pedited inquiry and review is completed while
2 the individual is granted a 60-day temporary li-
3 cense.”.

4 (b) FEDERAL HOLD BASED ON SUPPORT DELIN-
5 QUENCY.—A Federal agency may not issue or renew any
6 occupational, professional, or business license of an indi-
7 vidual who is delinquent in the payment of child support,
8 until the obligee, the obligee’s attorney or a State prosecu-
9 tor responsible for child support enforcement consents to,
10 or a court that is responsible for the order’s enforcement
11 orders, the release of the hold on the license, or an expe-
12 dited inquiry and review is completed while the individual
13 is granted a 60-day temporary license.

14 **SEC. 407. DRIVER’S LICENSES AND VEHICLE REGISTRA-**
15 **TIONS DENIED TO PERSONS FAILING TO AP-**
16 **PEAR IN CHILD SUPPORT CASES.**

17 Section 466(a) (42 U.S.C. 666(a)), as amended by
18 section 406(a) of this Act, is amended by inserting after
19 paragraph (26) the following:

20 “(27) Procedures under which the State motor
21 vehicle department—

22 “(A) may not issue or renew the driver’s li-
23 cense or any vehicle registration (other than
24 temporary) of any noncustodial parent who is
25 the subject of an outstanding failure to appear

1 warrant, capias, or bench warrant related to a
2 child support proceeding that appears on the
3 State's crime information system, until removed
4 from the system;

5 “(B) upon receiving notice that an individ-
6 ual to whom a State driver's license or vehicle
7 registration has been issued is the subject of a
8 warrant related to a child support proceeding,
9 shall issue a show cause order to the individual
10 requesting the individual to demonstrate why
11 the individual's driver's license or vehicle reg-
12 istration should not be suspended until the war-
13 rant is removed by the State responsible for is-
14 suing the warrant; and

15 “(C) in any case in which a show cause
16 order has been issued as described in subpara-
17 graph (B), may grant a temporary license or
18 vehicle registration to the individual pending
19 the show cause hearing or the removal of the
20 warrant, whichever occurs first.”.

21 **SEC. 408. LIENS ON CERTIFICATES OF VEHICLE TITLE.**

22 Section 466(a) (42 U.S.C. 666(a)), as amended by
23 section 407 of this Act, is amended by inserting after
24 paragraph (27) the following:

1 “(28) Procedures under which the State shall
2 systematically place liens on vehicle titles for child
3 support arrearages determined under a court order
4 or an order of an administrative process established
5 under State law, using a method for updating the
6 value of the lien on a regular basis or allowing for
7 an expedited inquiry to and response from a govern-
8 mental payee for proof of the amount of arrears,
9 with an expedited method for the titleholder or the
10 individual owing the arrearage to contest the arrear-
11 age or to request a release upon fulfilling the sup-
12 port obligation, and under which such a lien has
13 precedence over all other encumbrances on a vehicle
14 title other than a purchase money security interest,
15 and that the individual owed the arrearage may exe-
16 cute on, seize, and sell the property in accordance
17 with State law.”.

18 **SEC. 409. ATTACHMENT OF BANK ACCOUNTS.**

19 Section 466(a) (42 U.S.C. 666(a)), as amended by
20 section 408 of this Act, is amended by inserting after
21 paragraph (28) the following:

22 “(29) Procedures under which—

23 “(A) amounts on deposit in a bank account
24 may be seized to satisfy child support arrear-
25 ages determined under a court order or an

1 order of an administrative process established
2 under State law, solely through an administra-
3 tive process, pending notice to and an expedited
4 opportunity to be heard from the account hold-
5 er or holders; and

6 “(B) if the account holder or holders fail
7 to successfully challenge the seizure (as deter-
8 mined under State law), the bank may be re-
9 quired to pay from the account to the entity
10 with the right to collect the arrearage the lesser
11 of—

12 “(i) the amount of the arrearage; or

13 “(ii) the amount on deposit in the ac-
14 count.”.

15 **SEC. 410. SEIZURE OF LOTTERY WINNINGS, SETTLEMENTS,**
16 **PAYOUTS, AWARDS, AND BEQUESTS, AND**
17 **SALE OF FORFEITED PROPERTY, TO PAY**
18 **CHILD SUPPORT ARREARAGES.**

19 Section 466(a) (42 U.S.C. 666(a)), as amended by
20 section 409 of this Act, is amended by inserting after
21 paragraph (29) the following:

22 “(30) Procedures, in addition to other income
23 withholding procedures, under which a lien is im-
24 posed against property with the following effect:

1 “(A) The distributor of the winnings from
2 a State lottery or State-sanctioned or tribal-
3 sanctioned gambling house or casino shall—

4 “(i) suspend payment of the winnings
5 from the person otherwise entitled to the
6 payment until an inquiry is made to and a
7 response is received from the State child
8 support enforcement agency as to whether
9 the person owes a child support arrearage;
10 and

11 “(ii) if there is such an arrearage,
12 withhold from the payment the lesser of
13 the amount of the payment or the amount
14 of the arrearage, and pay the amount with-
15 held to the agency for distribution.

16 “(B) The person required to make a pay-
17 ment under a policy of insurance or a settle-
18 ment of a claim made with respect to the policy
19 shall—

20 “(i) suspend the payment until an in-
21 quiry is made to and a response received
22 from the agency as to whether the person
23 otherwise entitled to the payment owes a
24 child support arrearage; and

1 “(ii) if there is such an arrearage,
2 withhold from the payment the lesser of
3 the amount of the payment or the amount
4 of the arrearage, and pay the amount with-
5 held to the agency for distribution.

6 “(C) The payor of any amount pursuant to
7 an award, judgment, or settlement in any ac-
8 tion brought in Federal or State court shall—

9 “(i) suspend the payment of the
10 amount until an inquiry is made to and a
11 response is received from the agency as to
12 whether the person otherwise entitled to
13 the payment owes a child support arrear-
14 age; and

15 “(ii) if there is such an arrearage,
16 withhold from the payment the lesser of
17 the amount of the payment or the amount
18 of the arrearage, and pay the amount with-
19 held to the agency for distribution.

20 “(D) If the State seizes property forfeited
21 to the State by an individual by reason of a
22 criminal conviction, the State shall—

23 “(i) hold the property until an inquiry
24 is made to and a response is received from

1 the agency as to whether the individual
2 owes a child support arrearage; and

3 “(ii) if there is such an arrearage, sell
4 the property and, after satisfying the
5 claims of all other private or public claim-
6 ants to the property and deducting from
7 the proceeds of the sale the attendant costs
8 (such as for towing, storage, and the sale),
9 pay the lesser of the remaining proceeds or
10 the amount of the arrearage directly to the
11 agency for distribution.

12 “(E) Any person required to make a pay-
13 ment in respect of a decedent shall—

14 “(i) suspend the payment until an in-
15 quiry is made to and a response received
16 from the agency as to whether the person
17 otherwise entitled to the payment owes a
18 child support arrearage; and

19 “(ii) if there is such an arrearage,
20 withhold from the payment the lesser of
21 the amount of the payment or the amount
22 of the arrearage, and pay the amount with-
23 held to the agency for distribution.”.

1 **SEC. 411. FRAUDULENT TRANSFER PURSUIT.**

2 Section 466(a) (42 U.S.C. 666(a)), as amended by
3 section 410 of this Act, is amended by inserting after
4 paragraph (30) the following:

5 “(31) Procedures requiring that, in any case re-
6 lated to child support, any transfer of property by
7 an individual who owes a child support arrearage
8 shall be presumed to be made with the intent to
9 avoid payment of the arrearage, and may be rebut-
10 ted by evidence to the contrary.”.

11 **SEC. 412. FULL IRS COLLECTION.**

12 (a) SENSE OF THE CONGRESS.—It is the sense of the
13 Congress that the Commissioner of the Internal Revenue
14 Services should instruct the field offices and agents of the
15 Internal Revenue Service to give a high priority to re-
16 quests for the use of full collection in delinquent child sup-
17 port cases, and to set uniform standards for full collection
18 to ensure its expeditious and effective implementation.

19 (b) SIMPLIFIED PROCEDURE.—The Secretary of the
20 Treasury, in consultation with the Secretary of Health and
21 Human Services, shall by regulation simplify the full col-
22 lection process under section 6305 of the Internal Revenue
23 Code of 1986 and reduce the amount of child support ar-
24 rearage needed before an individual may apply for collec-
25 tion under such section.

1 **SEC. 413. TAX REFUND OFFSET PROGRAM EXPANDED TO**
2 **COVER NON-AFDC POST-MINOR CHILDREN.**

3 Section 464(c) (42 U.S.C. 664(c)) is amended—

4 (1) by striking “(1) Except as provided in para-
5 graph (2), as” and inserting “As”;

6 (2) by inserting “(whether or not a minor)”
7 after “a child” each place such term appears; and

8 (3) by striking paragraphs (2) and (3).

9 **SEC. 414. ATTACHMENT OF PUBLIC AND PRIVATE RETIRE-**
10 **MENT FUNDS.**

11 Section 466(a) (42 U.S.C. 666(a)), as amended by
12 section 411 of this Act, is amended by inserting after
13 paragraph (31) the following:

14 “(32) Procedures under which an individual
15 owed a child support arrearage (determined under a
16 court order or an order of an administrative process
17 established under State law) may, notwithstanding
18 section 401(a)(13) of the Internal Revenue Code of
19 1986, attach any interest in any public or private re-
20 tirement plan of the individual who owes the sup-
21 port, without the requirement of a separate court
22 order, and with notice and an expedited hearing pro-
23 vided if requested by the individual who owes the
24 support.”.

1 **SEC. 415. REPORTING OF CHILD SUPPORT ARREARAGES TO**
2 **CREDIT BUREAUS.**

3 Section 466(a)(7)(A) (42 U.S.C. 666(a)(7)(A)) is
4 amended by striking “\$1,000” and inserting “the amount
5 of the monthly support obligation”.

6 **SEC. 416. STATUTES OF LIMITATION.**

7 (a) IN GENERAL.—Section 466(a) (42 U.S.C.
8 666(a)), as amended by section 414 of this Act, is amend-
9 ed by inserting after paragraph (32) the following:

10 “(33) Procedures which permit the enforcement
11 of any child support order until the child attains at
12 least 30 years of age.”.

13 (b) EFFECTIVE DATE.—The amendment made by
14 this section shall apply to orders entered before, on, and
15 after the date of the enactment of this Act.

16 **SEC. 417. INTEREST.**

17 Section 466(a) (42 U.S.C. 666(a)), as amended by
18 section 416(a) of this Act, is amended by inserting after
19 paragraph (33) the following:

20 “(34) Procedures under which the State child
21 support enforcement agency must assess and collect
22 interest on all child support judgments, at the rate
23 determined for interest on money judgments, in ad-
24 dition to any late payment fee imposed by the State
25 under section 454(21).”.

1 **SEC. 418. BANKRUPTCY.**

2 (a) DEFINITION.—Section 101 of title 11, United
3 States Code, is amended by inserting after paragraph (12)
4 the following:

5 “(12a) ‘debt for child support’ means a debt to
6 a child for maintenance for or support of the child
7 within the meaning of section 523(a)(5).”.

8 (b) EXCEPTION FROM AUTOMATIC STAY.—Section
9 362(b) of such title is amended—

10 (1) by inserting “(A)” after “(2);

11 (2) by adding “or” after the semicolon; and

12 (3) by adding at the end the following new
13 paragraph:

14 “(B) under subsection (a), of the commence-
15 ment or continuation of a civil action or administra-
16 tive proceeding against the debtor—

17 “(i) to establish parentage;

18 “(ii) to establish, review, adjust, or modify
19 a judgment or order creating a debt for child
20 support; or

21 “(iii) to enforce or collect on a judgment or
22 order issued in such an action or proceeding;”.

23 (c) TREATMENT OF DEBT FOR CHILD SUPPORT IN
24 PROCEEDINGS UNDER CHAPTERS 11, 12, AND 13.—

25 (1) CHAPTER 11.—Section 1123(a) of such title
26 is amended—

1 (A) by striking “and” at the end of para-
2 graph (6);

3 (B) by striking the period at the end of
4 paragraph (7) and inserting “; and”; and

5 (C) by adding at the end the following new
6 paragraph:

7 “(8) provide for the full payment when due of
8 debts for child support, unless the parent in custody
9 or guardian of the child agrees otherwise.”.

10 (2) CHAPTER 12.—Section 1222(a) of such title
11 is amended—

12 (A) by striking “and” at the end of para-
13 graph (2);

14 (B) by striking the period at the end of
15 paragraph (3) and inserting “; and”; and

16 (C) by adding at the end the following new
17 paragraph:

18 “(4) provide for the full payment when due of
19 debts for child support, unless the parent in custody
20 or guardian of the child agrees otherwise.”.

21 (3) CHAPTER 13.—Section 1322(a) of such title
22 is amended—

23 (A) by striking “and” at the end of para-
24 graph (2);

1 (B) by striking the period at the end of
2 paragraph (3) and inserting “; and”; and

3 (C) by adding at the end the following new
4 paragraph:

5 “(4) provide for the full payment when due of
6 debts for child support, unless the parent in custody
7 or guardian of the child agrees otherwise.”.

8 (d) ASSERTION OF CLAIM FOR CHILD SUPPORT.—

9 (1) IN GENERAL.—Subchapter I of chapter 5 of
10 such title is amended by adding at the end the fol-
11 lowing:

12 **“§ 511. Assertion of claim for child support**

13 “(a) IN GENERAL.—A claim for payment of a debt
14 for child support may be asserted by the filing of a claim
15 form that describes the debt.

16 “(b) FEE.—No fee shall be charged for the filing of
17 a claim described in subsection (a).

18 “(c) REQUIREMENTS FOR APPEARANCE.—A claim
19 described in subsection (a) may be made in any court by
20 a person appearing—

21 “(1) in proper person; or

22 “(2) through an attorney admitted to practice
23 in any district court, without the attorney’s being re-
24 quired to meet any admission requirements other

1 than those applicable in the district in which the at-
2 torney is admitted to practice.”.

3 (2) BANKRUPTCY RULES.—Pursuant to section
4 2705 of title 28, United States Code, the Bank-
5 ruptcy Rules shall be amended as necessary to im-
6 plement section 511 of title 11, United States Code,
7 as added by paragraph (1) of this subsection; until
8 the Bankruptcy Rules are so amended, any provision
9 of the Bankruptcy Rules or the rules of any court
10 that is inconsistent with that section is superseded
11 by that section.

12 (e) CLARIFICATION OF THE NONDISCHARGEABILITY
13 OF STATE PUBLIC DEBTS AND ASSIGNED CHILD SUP-
14 PORT BASED ON THE PROVISION OF EXPENDITURES
15 UNDER PARTS A AND E OF TITLE IV OF THE SOCIAL
16 SECURITY ACT.—Section 523 of title 11, United States
17 Code, is amended by adding at the end the following:

18 “(f) For the purposes of subsection (a)(5), a debt to
19 a child of the debtor for maintenance for or support of
20 the child includes State public debts and assigned child
21 support based on the provision of expenditures under
22 parts A and E of title IV of the Social Security Act (43
23 U.S.C. 401 et seq. and 470 et seq.).”.

1 **SEC. 419. FEDERAL GOVERNMENT COOPERATION IN EN-**
2 **FORCEMENT OF SUPPORT OBLIGATIONS OF**
3 **MEMBERS AND FORMER MEMBERS OF THE**
4 **ARMED FORCES.**

5 (a) AVAILABILITY OF CURRENT LOCATOR INFORMA-
6 TION.—

7 (1) MAINTENANCE OF ADDRESS INFORMA-
8 TION.—Each worldwide personnel locator service of
9 the Armed Forces and each personnel locator service
10 of the Armed Forces maintained for a military in-
11 stallation shall include the residential address of
12 each member of the Armed Forces listed in such
13 service. Within 30 days after a change of duty sta-
14 tion or residential address of a member listed in a
15 locator service, the Secretary concerned shall update
16 the locator service to indicate the new residential ad-
17 dress of the member.

18 (2) AVAILABILITY OF INFORMATION.—The Sec-
19 retary of Defense shall prescribe regulations to make
20 information regarding the residential address of a
21 member of the Armed Forces available, on request,
22 to any authorized person for the purposes of part D
23 of title IV of the Social Security Act.

24 (3) DEFINITIONS.—For purposes of this sub-
25 section:

1 (A) The term “authorized person” has the
2 meaning given that term in section 453(c) of
3 the Social Security Act (42 U.S.C. 653(c)).

4 (B) The term “Secretary concerned” has
5 the meaning given that term in section
6 101(a)(9) of title 10, United States Code.

7 (b) FACILITATING THE GRANTING OF LEAVE FOR
8 ATTENDANCE AT HEARINGS.—

9 (1) REGULATIONS REQUIRED.—The Secretary
10 concerned shall prescribe regulations to facilitate the
11 granting of a leave of absence to a member of the
12 Armed Forces under the jurisdiction of that Sec-
13 retary when necessary for the member to attend a
14 hearing of a court that is conducted in connection
15 with a civil action—

16 (A) to determine whether the member is a
17 natural parent of a child; or

18 (B) to determine an obligation of the mem-
19 ber to provide child support.

20 (2) WAIVER AUTHORITY.—The regulations pre-
21 scribed under paragraph (1) may authorize a waiver
22 of the applicability of the regulations to a member
23 of the Armed Forces when—

24 (A) the member is serving in an area of
25 combat operations; or

1 (B) such a waiver is otherwise necessary in
2 the national security interest of the United
3 States.

4 (3) DEFINITIONS.—For purposes of this sub-
5 section:

6 (A) The term “court” has the meaning
7 given that term in section 1408(a) of title 10,
8 United States Code.

9 (B) The term “child support” has the
10 meaning given such term in section 462 of the
11 Social Security Act (42 U.S.C. 662).

12 (C) The term “Secretary concerned” has
13 the meaning given that term in section
14 101(a)(9) of title 10, United States Code.

15 (c) PAYMENT OF MILITARY RETIRED PAY IN COM-
16 PLIANCE WITH COURT ORDERS.—

17 (1) DATE OF CERTIFICATION OF COURT
18 ORDER.—Section 1408 of title 10, United States
19 Code, is amended—

20 (A) by redesignating subsection (i) as sub-
21 section (j); and

22 (B) by inserting after subsection (h) the
23 following new subsection:

24 “(i) CERTIFICATION DATE.—It is not necessary that
25 the date of a certification of the authenticity or complete-

1 ness of a copy of a court order for child support received
2 by the Secretary concerned for the purposes of this section
3 be recent in relation to the date of receipt.”.

4 (2) PAYMENTS CONSISTENT WITH ASSIGN-
5 MENTS OF RIGHTS TO STATES.—

6 (A) AUTHORITY.—Subsection (d)(1) of
7 such section is amended by inserting after the
8 first sentence the following: “In the case of a
9 spouse or former spouse who, pursuant to sec-
10 tion 402(a)(26) of the Social Security Act (42
11 U.S.C. 602(26)), assigns to a State the rights
12 of the spouse or former spouse to receive sup-
13 port, the Secretary concerned may make the
14 child support payments referred to in the pre-
15 ceding sentence to that State in amounts con-
16 sistent with the assignment of rights.”.

17 (B) RULE OF CONSTRUCTION.—Subsection
18 (c)(2) of such section is amended—

19 (i) by inserting after the first sentence
20 the following: “The second sentence of sub-
21 section (d)(1) shall not be construed to
22 create any such right, title, or interest.”;

23 (ii) by inserting “(A)” after “(2)”;
24 and

1 (iii) by designating the last sentence
2 as subparagraph (B) and conforming the
3 margins accordingly.

4 (3) ARREARAGES OWED BY MEMBERS OF THE
5 UNIFORMED SERVICES.—Part D of title IV (42
6 U.S.C. 651–669) is amended by inserting after sec-
7 tion 465 the following:

8 **“SEC. 465A. PAYMENT OF CHILD SUPPORT ARREARAGES**
9 **OWED BY MEMBERS OF THE UNIFORMED**
10 **SERVICES.**

11 “Any authority, requirement, or procedure provided
12 in this part or section 1408 of title 10, United States
13 Code, that applies to the payment of child support owed
14 by a member of the uniformed services (as defined in sec-
15 tion 101 of title 37, United States Code) shall apply to
16 the payment of child support arrearages as well as to
17 amounts of child support that are currently due.”.

18 **SEC. 420. STATES REQUIRED TO ENACT THE UNIFORM**
19 **INTERSTATE FAMILY SUPPORT ACT.**

20 (a) IN GENERAL.—Section 466 (42 U.S.C. 666) is
21 amended by adding at the end the following:

22 “(f) In order to satisfy section 454(20)(A), each
23 State must have in effect laws which—

24 “(1) adopt verbatim the officially approved ver-
25 sion of the Uniform Interstate Family Support Act

1 adopted by the National Conference of Commis-
2 sioners on Uniform State Laws in August 1992; and

3 “(2) require the courts of the State to recognize
4 according to its terms an order issued by a court of
5 any other State adjudicating parentage of an indi-
6 vidual over whom the court of such other State has
7 exercised personal jurisdiction.”.

8 (b) EFFECTIVE DATE.—The amendment made by
9 subsection (a) shall apply to payments under part D of
10 title IV of the Social Security Act for calendar quarters
11 ending 2 or more years after the date of the enactment
12 of this Act.

13 **SEC. 421. IRS RECONCILIATION PROCESS.**

14 (a) IN GENERAL.—The Comptroller General and the
15 Secretary of the Treasury shall jointly conduct a study
16 of the feasibility of a procedure under which—

17 (1) past-due child support is collected from the
18 taxpayer owing such support by increasing the tax-
19 payer’s tax liability for a taxable year by the past-
20 due child support for such taxable year, and

21 (2) the Internal Revenue Service remits the col-
22 lected past-due child support to the individual or
23 governmental agency entitled to receive it.

24 (b) FORM.—As part of the study, the Secretary of
25 the Treasury shall develop an appropriate form which

1 could be filed with a taxpayer's income tax return and
2 which shows—

3 (1) the child support required to be paid by the
4 taxpayer during the taxable year,

5 (2) the unpaid amount of such support as of
6 the time of filing the taxpayer's income tax return
7 for such taxable year, and

8 (3) the name and address of the individual or
9 governmental agency entitled to receive any payment
10 of such unpaid amount.

11 (c) REPORT.—The report of such study shall be sub-
12 mitted to Congress not later than 1 year after the date
13 of the enactment of this Act.

14 **SEC. 422. DENIAL OF PASSPORTS TO NONCUSTODIAL PAR-**
15 **ENTS SUBJECT TO STATE ARREST WARRANTS**
16 **IN CASES OF NONPAYMENT OF CHILD SUP-**
17 **PORT.**

18 The Secretary of State is authorized to refuse a pass-
19 port or revoke, restrict, or limit a passport in any case
20 in which the Secretary of State determines or is informed
21 by competent authority that the applicant or passport
22 holder is a noncustodial parent who is the subject of an
23 outstanding State warrant of arrest for nonpayment of
24 child support, where the amount in controversy is not less
25 than \$10,000.

1 **SEC. 423. DENIAL OF FEDERAL BENEFITS, LOANS, GUARAN-**
2 **TEES, AND EMPLOYMENT TO CERTAIN PER-**
3 **SONS WITH LARGE CHILD SUPPORT ARREAR-**
4 **AGES.**

5 (a) **BENEFITS, LOANS, AND GUARANTEES.**—Not-
6 withstanding any other provision of law, each agency or
7 instrumentality of the Federal Government may not,
8 under any program that the agency or instrumentality su-
9 pervises or administers, provide a benefit to, make a loan
10 to, or provide any guarantee for the benefit of, any per-
11 son—

12 (1) whose child support arrearages, determined
13 under a court order or an order of an administrative
14 process established under State law, exceed \$1,000;
15 and

16 (2) who is not in compliance with a plan or an
17 agreement to repay the arrearages.

18 (b) **EMPLOYMENT.**—

19 (1) **IN GENERAL.**—Notwithstanding any other
20 provision of law, an individual shall be considered in-
21 eligible to accept employment in a position in the
22 Federal Government if—

23 (A) such individual has child support ar-
24 rearages, determined under a court order or an
25 order of an administrative process established
26 under State law, exceeding \$1,000; and

1 (B) such individual is not in compliance
2 with a plan or agreement to repay the arrear-
3 ages.

4 (2) REGULATIONS.—Regulations to carry out
5 paragraph (1) shall—

6 (A) with respect to positions in the execu-
7 tive branch, be prescribed by the President (or
8 his designee);

9 (B) with respect to positions in the legisla-
10 tive branch, be prescribed jointly by the Presi-
11 dent pro tempore of the Senate and the Speak-
12 er of the House of Representatives (or their
13 designees); and

14 (C) with respect to positions in the judicial
15 branch, be prescribed by the Chief Justice of
16 the United States (or his designee).

17 (3) CHILD SUPPORT DEFINED.—For purposes
18 of this subsection, the term “child support” has the
19 meaning given such term in section 462 of the So-
20 cial Security Act.

1 **SEC. 424. STATES REQUIRED TO ORDER COURTS TO ALLOW**
2 **ASSIGNMENT OF LIFE INSURANCE BENEFITS**
3 **TO SATISFY CHILD SUPPORT ARREARAGES.**

4 Section 466(a) (42 U.S.C. 666(a)), as amended by
5 section 417 of this Act, is amended by inserting after
6 paragraph (34) the following:

7 “(35) Procedures allowing State courts to—

8 “(A) order the issuer of a life insurance
9 policy to change the beneficiary provisions of
10 the policy to effect an assignment of the bene-
11 fits payable to a beneficiary under the policy, in
12 whole or in part, to a child to satisfy a child
13 support arrearage, determined under a court
14 order or an order of an administrative process
15 established under State law, owed by the bene-
16 ficiary with respect to the child; and

17 “(B) prohibit the sale, assignment, or
18 pledge as collateral of the policy, in whole or in
19 part, by the beneficiary of the policy.”.

20 **SEC. 425. INTERESTS IN JOINTLY HELD PROPERTY SUB-**
21 **JECT TO ASSIGNMENT TO SATISFY CHILD**
22 **SUPPORT ARREARAGES.**

23 Section 466(a) (42 U.S.C. 666(a)), as amended by
24 section 424 of this Act, is amended by inserting after
25 paragraph (35) the following:

1 “(36) Procedures allowing State courts to order
2 the assignment of an interest in jointly held property
3 to an individual owed a child support arrearage (de-
4 termined under a court order or an order of an ad-
5 ministrative process established under State law) by
6 a holder of an interest in the property, to the extent
7 of the arrearage.”.

8 **SEC. 426. INTERNATIONAL CHILD SUPPORT ENFORCE-**
9 **MENT.**

10 (a) SENSE OF THE CONGRESS THAT THE UNITED
11 STATES SHOULD RATIFY THE UNITED NATIONS CON-
12 VENTION OF 1956.—It is the sense of the Congress that
13 the United States should ratify the United Nations Con-
14 vention of 1956.

15 (b) TREATMENT OF INTERNATIONAL CHILD SUP-
16 PORT CASES AS INTERSTATE CASES.—Section 454 (42
17 U.S.C. 654), as amended by section 301 of this Act, is
18 amended—

19 (1) by striking “and” at the end of paragraph
20 (26);

21 (2) by striking the period at the end of para-
22 graph (27) and inserting “; and”; and

23 (3) by inserting after paragraph (27) the fol-
24 lowing:

1 “(28) provide that the State must treat inter-
2 national child support cases in the same manner as
3 the State treats interstate child support cases.”.

4 **TITLE V—COLLECTION AND**
5 **DISTRIBUTION**

6 **SEC. 501. PRIORITIES IN DISTRIBUTION OF COLLECTED**
7 **CHILD SUPPORT.**

8 (a) STATE DISTRIBUTION PLAN.—Section 457 (42
9 U.S.C. 657) is amended by adding at the end the follow-
10 ing:

11 “(e) Beginning on September 1, 1994, the amounts
12 that a State collects as child support (including interest)
13 pursuant to a plan approved under this part, other than
14 amounts so collected through a tax refund offset, shall
15 (subject to subsection (d)) be paid—

16 “(1) first to the individual owed the support or
17 (if the individual assigned to the State the payment
18 of the support) to the State, to the extent necessary
19 to satisfy the current month’s support obligation;

20 “(2) then to the individual owed the support, to
21 the extent necessary to satisfy any arrearage that
22 accrued after assistance with respect to the child
23 under this title ended;

24 “(3) then, at the option of the State—

1 “(A) to the individual owed the support, to
2 the extent necessary to satisfy any arrearage
3 that accrued before assistance was provided
4 with respect to the child under this title; or

5 “(B) to the State, to the extent necessary
6 to reimburse the State for assistance provided
7 with respect to the child under this title (with-
8 out interest); and

9 “(4) then to other States, to the extent nec-
10 essary to reimburse such other States for assistance
11 provided with respect to the child under this title
12 (without interest), in the order in which such assist-
13 ance was provided.”.

14 (b) STUDY AND PILOT PROJECTS.—

15 (1) IN GENERAL.—The Comptroller General of
16 the United States shall conduct studies and pilot
17 projects of systems under which States would be re-
18 quired to pay the child support collected pursuant to
19 a State plan approved under part D of title IV of
20 the Social Security Act to the individuals to whom
21 the support is owed before making any payment to
22 reimburse any State for assistance provided with re-
23 spect to the child under part A of such title.

24 (2) REPORT TO THE CONGRESS.—Within 3
25 years after the date of the enactment of this Act, the

1 Comptroller General shall submit to the Committee
2 on Ways and Means of the House of Representatives
3 and the Committee on Finance of the Senate a re-
4 port on each study and pilot project conducted pur-
5 suant to paragraph (1), including a cost-benefit
6 analysis and an analysis of the costs that would be
7 avoided under the program of aid to families with
8 dependent children under part A of title IV of the
9 Social Security Act, the program of medical assist-
10 ance under title XIX of such Act, and the food
11 stamp program under the Food Stamp Act of 1977,
12 if the various systems studied were implemented.

13 (3) SENSE OF THE CONGRESS.—It is the sense
14 of the Congress that, if the report submitted pursu-
15 ant to paragraph (2) demonstrates that there would
16 be a net benefit to society if a system described in
17 paragraph (1) were implemented, then Federal law
18 should provide that States implement the system.

19 (c) REVISION OF FEDERAL INCOME TAX REFUND
20 OFFSET.—Section 6402 of the Internal Revenue Code of
21 1986 (relating to authority to make credits or refunds)
22 is amended—

23 (1) in subsection (c), by striking “after any
24 other reductions allowed by law (but before” and in-

1 serting “before any other reductions allowed by law
2 (and before”); and

3 (2) in subsection (d), by striking “with respect
4 to past-due support collected pursuant to an assign-
5 ment under section 402(a)(26) of the Social Security
6 Act”.

7 (d) \$50 DISREGARDED FOR ALL MEANS-TESTED
8 PROGRAMS.—Section 457(b)(1) (42 U.S.C. 657(b)(1)) is
9 amended by inserting “under this part or under any other
10 Federal program which determines eligibility for or the
11 amount of assistance based on the income or assets of the
12 applicant for or recipient of the assistance” after “during
13 such month”.

14 (e) FILL-THE-GAP POLICIES ALLOWED.—Section
15 402(a)(28) (42 U.S.C. 602(a)(28)) is amended by striking
16 the open parenthesis and all that follows through the close
17 parenthesis.

18 **SEC. 502. STATE CLAIMS AGAINST NONCUSTODIAL PARENT**
19 **LIMITED TO ASSISTANCE PROVIDED TO THE**
20 **CHILD.**

21 Section 466(a) (42 U.S.C. 666(a)), as amended by
22 section 425 of this Act, is amended by inserting after
23 paragraph (36) the following:

24 “(37)(A) Procedures under which any claims
25 the State may have against a noncustodial parent

1 for a child's portion of the assistance provided under
2 a State plan approved under part A shall not exceed
3 the amount specified as child support under a court
4 or administrative order.

5 “(B) As used in subparagraph (A), the term
6 ‘child's portion’ means the assistance that would
7 have been provided with respect to the child if the
8 needs of the caretaker relative of the child had not
9 been taken into account in making the determination
10 with respect to the child's family under section
11 402(a)(7).”.

12 **SEC. 503. FEES FOR NON-AFDC CLIENTS.**

13 (a) IN GENERAL.—Section 454(6) (42 U.S.C.
14 654(6)) is amended—

15 (1) in subparagraph (B), by striking “or recov-
16 ered” and all that follows through “program”;

17 (2) in subparagraph (C), by inserting “on the
18 parent who owes the child or spousal support obliga-
19 tion involved” after “imposed”;

20 (3) in subparagraph (D), by striking “individ-
21 ual who” and inserting “the noncustodial parent if
22 the child whose parentage is to be determined
23 through the tests”; and

24 (4) in subparagraph (E), by striking all that
25 follows “may be collected” and inserting “from the

1 parent who owes the child or spousal support obliga-
2 tion involved, but only after all current and past-due
3 support and interest charges have been collected”.

4 (b) PUBLICATION OF FEE SCHEDULES.—Section
5 454(10) (42 U.S.C. 654(10)) is amended by inserting “,
6 and shall publish guidelines and schedules of fees which
7 may be imposed under paragraph (6), and which shall be
8 reasonable” before the semicolon.

9 **SEC. 504. COLLECTION AND DISBURSEMENT POINTS FOR**
10 **CHILD SUPPORT.**

11 Section 454 (42 U.S.C. 654), as amended by section
12 427(b) of this Act, is amended—

13 (1) by striking “and” at the end of paragraph
14 (27);

15 (2) by striking the period at the end of para-
16 graph (28) and inserting “; and”; and

17 (3) by inserting after paragraph (28) the fol-
18 lowing:

19 “(29) provide for only 1 location, or several
20 local or regional locations for the collection of, ac-
21 counting for, and disbursement of child support in
22 cases enforced under the State plan under this
23 part.”.

1 **SEC. 505. SENSE OF THE CONGRESS THAT STATES SHOULD**
2 **ENCOURAGE PARENTS TO USE THE STATE**
3 **CHILD SUPPORT AGENCY TO COLLECT AND**
4 **PROCESS CHILD SUPPORT PAYMENTS.**

5 It is the sense of the Congress that States should en-
6 courage all parents to use the state child support agency
7 to process and distribute child support payments in order
8 to establish an official record of such payments.

9 **TITLE VI—FEDERAL ROLE**

10 **SEC. 601. PLACEMENT AND ROLE OF THE OFFICE OF CHILD**
11 **SUPPORT ENFORCEMENT.**

12 Section 452(a) (42 U.S.C. 652(a)), as amended by
13 section 401(b) of this Act, is amended—

14 (1) in the matter preceding paragraph (1), by
15 striking “, under the direction” and all that follows
16 through “and who” and inserting “which shall be
17 known as the Office of Child Support Enforcement,
18 shall be under the direction of an Assistant Sec-
19 retary appointed by the President with the advice
20 and consent of the Senate, and shall have its own
21 legal counsel. The Assistant Secretary shall report
22 directly to the Secretary and”;

23 (2) in paragraph (10)—

24 (A) in subparagraph (A), by inserting
25 “using a methodology that reflects cost-avoid-

1 ance as well as cost-recovery” after “the States
2 and the Federal Government”;

3 (B) by redesignating subparagraphs (H)
4 and (I) as subparagraphs (I) and (J), respec-
5 tively; and

6 (C) by inserting after subparagraph (G)
7 the following:

8 “(H) the budgetary allocation of the \$50
9 pass through equally between part A and this
10 part;”;

11 (3) by striking “and” at the end of paragraph
12 (13);

13 (4) by striking the period at the end of para-
14 graph (14) and inserting “; and”; and

15 (5) by inserting after paragraph (14) the fol-
16 lowing:

17 “(15) initiate and actively pursue with other
18 Federal agencies, such as the Department of De-
19 fense, coordinated efforts on Federal legislation.”.

20 **SEC. 602. TRAINING.**

21 (a) FEDERAL TRAINING ASSISTANCE.—Section
22 452(a)(7) (42 U.S.C. 652(a)(7)) is amended by inserting
23 “and training” after “technical assistance”.

1 (b) STATE TRAINING PROGRAM.—Section 454 (42
2 U.S.C. 654), as amended by section 504 of this Act, is
3 amended—

4 (1) by striking “and” at the end of paragraph
5 (28);

6 (2) by striking the period at the end of para-
7 graph (29) and inserting “; and”; and

8 (3) by inserting after paragraph (29) the fol-
9 lowing:

10 “(30) provide that the State will develop and
11 implement a training program under which training
12 is to be provided not less frequently than annually
13 to all personnel performing functions under the
14 State plan.”.

15 (c) REPORT.—Section 452(a)(10) (42 U.S.C.
16 652(a)(10)), as amended by section 601(2) of this Act,
17 is amended by redesignating subparagraphs (I) and (J)
18 as subparagraphs (J) and (K), respectively, and by insert-
19 ing after subparagraph (H) the following:

20 “(I) the training activities at the Federal
21 and State levels, the training audit, and the
22 amounts expended on training;”.

23 **SEC. 603. STAFFING.**

24 (a) STUDIES.—The Secretary of Health and Human
25 Services shall conduct and, not later than 1 year after the

1 date of the enactment of this Act, complete staffing stud-
2 ies for each State child support enforcement program, in-
3 cluding each agency and court involved in the child sup-
4 port process.

5 (b) REPORT TO THE CONGRESS.—Within 90 days
6 after the end of the 1-year period described in subsection
7 (a), the Secretary shall report to the Committee on Ways
8 and Means of the House of Representatives and the Com-
9 mittee on Finance of the Senate, and to each State, the
10 results of the studies required by subsection (a).

11 (c) IMPLEMENTATION.—The Secretary of Health and
12 Human Services shall reduce by 2 percent the amount oth-
13 erwise payable to a State pursuant to section 455(a)(1)(A)
14 of the Social Security Act for any calendar quarter ending
15 2 or more years after the State receives a report transmit-
16 ted pursuant to subsection (b), if the Secretary determines
17 that, during the quarter, the State has not implemented
18 the staffing levels recommended in the report.

19 **SEC. 604. DEMONSTRATION PROJECTS TO TEST ALTER-**
20 **NATIVE APPROACHES TO INCENTIVE FUND-**
21 **ING FOR STATE CHILD SUPPORT PROGRAMS.**

22 (a) IN GENERAL.—The Secretary of Health and
23 Human Services shall authorize 3 States to carry out dem-
24 onstration projects under which—

1 (1) the State is to implement the State plan ap-
2 proved under part D of title IV of the Social Secu-
3 rity Act so as to promote quality control and provide
4 incentives for enforcement of health care support;

5 (2) in lieu of applying subsections (b) and (c)
6 of section 458 of such Act to the States, the incen-
7 tive payment to a State for a fiscal year shall be—

8 (A) not less than 65 percent of the total
9 amount expended to carry out the plan during
10 the fiscal year if the performance of the State
11 in implementing the plan meets such minimum
12 performance standards as the Secretary shall
13 prescribe by regulation; and

14 (B) not more than 90 percent of such total
15 amount if the performance significantly exceeds
16 the standards; and

17 (3) a payment to a State under this subsection
18 is deemed a payment to the State under such section
19 458.

20 (b) REPORT.—The Secretary of Health and Human
21 Services and the Comptroller General of the United States
22 shall evaluate each demonstration project carried out
23 under subsection (a) and report to the Committee on Ways
24 and Means of the House of Representatives and the Com-

1 mittee on Finance of the Senate the results and their rec-
2 ommendations.

3 (c) HEALTH CARE SUPPORT INCLUDED IN INCEN-
4 TIVE PAYMENT FORMULA.—Section 458 (42 U.S.C. 658)
5 is amended by adding at the end the following:

6 “(f) For purposes of this section, the term ‘support’
7 includes premiums paid for health insurance coverage pur-
8 suant to a support order.”.

9 (d) MINIMUM STATE FUNDING OF CHILD SUPPORT
10 ACTIVITIES.—The Secretary of Health and Human Serv-
11 ices shall reduce by 2 percent the amount otherwise pay-
12 able to a State pursuant to section 455(a)(1)(A) of the
13 Social Security Act for any of the 5 fiscal years that begin
14 after the date of the enactment of this Act (in this sub-
15 section referred to as “investment years”), if the Secretary
16 determines that, during the investment year, the State has
17 not expended on the program under the State plan ap-
18 proved under part D of title IV of such an amount equal
19 to the sum of—

20 (1) the amount the State expends on the pro-
21 gram during the fiscal year in which this Act be-
22 comes law (in this subsection referred to as the
23 “base year”); plus

1 (2)(A) in the case of the 1st investment year,
2 60 percent of the amount paid to the State under
3 section 458 of such Act for the base year;

4 (B) in the case of the 2nd investment year, 70
5 percent of the amount so paid to the State;

6 (C) in the case of the 3rd investment year, 80
7 percent of the amount so paid to the State;

8 (D) in the case of the 4th investment year, 90
9 percent of the amount so paid to the State; and

10 (E) in the case of the 5th investment year, 100
11 percent of the amount so paid to the State.

12 (e) SENSE OF THE CONGRESS.—It is the sense of the
13 Congress that States should not use amounts paid to the
14 States pursuant to part D of title IV of the Social Security
15 Act, which are reinvested in child support activities, to
16 supplant State funding of such activities.

17 **SEC. 605. CHILD SUPPORT DEFINITION.**

18 (a) IN GENERAL.—Section 452 (42 U.S.C. 652) is
19 amended by adding at the end the following:

20 “(j) For purposes of this part, the term ‘child sup-
21 port’ shall have the meaning given such term in section
22 462(b).”.

23 (b) CONFORMING AMENDMENTS.—Section 462(b)
24 (42 U.S.C. 662(b)) is amended—

1 (1) by inserting “and lump sum” after “peri-
2 odic”, and

3 (2) by inserting “child care,” after “clothing.”.

4 **SEC. 606. AUDITS.**

5 (a) STUDY.—

6 (1) CONTRACT AUTHORITY.—The Secretary of
7 Health and Human Services shall enter into a con-
8 tract for a study of the audit process of the Office
9 of Child Support Enforcement to develop criteria
10 and methodology for auditing the activities of State
11 child support enforcement agencies pursuant to part
12 D of title IV of the Social Security Act.

13 (2) DESIGN OF STUDY.—The study shall be de-
14 signed to—

15 (A) identify ways to improve the auditing
16 process, including by—

17 (i) reducing the resources required to
18 perform the audit;

19 (ii) simplifying procedures for States
20 to follow in obtaining samples;

21 (iii) studying the feasibility of sam-
22 pling cases for needed action rather than
23 requiring sampling plans for each audit
24 criterion; and

1 (iv) a more timely audit period of re-
2 view; and

3 (B) develop a penalty process which—

4 (i) focuses on improving the delivery
5 of child support services and not harming
6 families;

7 (ii) uses a penalty not tied to any re-
8 duction of funds payable to States under
9 part A of title IV of the Social Security
10 Act; and

11 (iii) should include the escrowing of
12 funds withheld as penalties for use by
13 States to improve their child support pro-
14 grams in a manner approved by the Sec-
15 retary of Health and Human Services.

16 (b) REPORT.—Not later than 90 days after comple-
17 tion of the study required by subsection (a), the Secretary
18 of Health and Human Services shall submit to the Com-
19 mittee on Ways and Means of the House of Representa-
20 tives and the Committee on Finance of the Senate a report
21 on the results of the study.

22 (c) LIMITATION ON CASES INCLUDED IN AUDITS.—
23 Section 452(a)(4) (42 U.S.C. 652(a)(4)) is amended—

24 (1) by inserting ‘(A) after ‘(4);

25 (2) by adding “and” at the end; and

1 (3) by adding after and below the end the fol-
2 lowing:

3 “(B) notwithstanding subparagraph (A), each
4 audit under subparagraph (A) shall be limited to
5 cases open on the date the audit begins and cases
6 closed within 180 days before such date, unless the
7 Secretary has determined, in accordance with regula-
8 tions, that there is a need for a longitudinal review
9 of case handling that includes cases that have been
10 closed for more than 180 days;”.

11 **SEC. 607. CHILD SUPPORT ASSURANCE DEMONSTRATION**
12 **PROJECTS.**

13 (a) SENSE OF THE CONGRESS.—It is the sense of the
14 Congress that children should have a consistent source of
15 income to meet their education and medical needs.

16 (b) SENSE OF THE CONGRESS.—It is the sense of
17 the Congress that the provision of public assistance to a
18 custodial parent for the support of a child with respect
19 to whom a noncustodial parent owes child support does
20 not absolve the noncustodial parent of the obligation to
21 provide such support.

22 (c) SENSE OF THE CONGRESS.—It is the sense of the
23 Congress that the States must continue to vigorously pur-
24 sue efforts to establish parentage, and establish and en-
25 force child support obligations.

1 (d) CHILD SUPPORT ASSURANCE DEMONSTRATION
2 PROJECTS.—

3 (1) PURPOSE.—The purpose of this subsection
4 is to test the feasibility and utility of ensuring that
5 custodial parents owed child support have a consist-
6 ent source of income for the support of their chil-
7 dren, by authorizing States to conduct projects dem-
8 onstrating various methods for doing so.

9 (2) CONSIDERATION OF APPLICATIONS.—

10 (A) IN GENERAL.—The Secretary of
11 Health and Human Services (in this section re-
12 ferred to as the “Secretary”) shall consider ap-
13 plications to conduct demonstration projects
14 under this subsection received only from eligible
15 States.

16 (B) ELIGIBLE STATE DEFINED.—For pur-
17 poses of subparagraph (A), a State is an eligi-
18 ble State if—

19 (i) the child support collection ratio
20 for the State for the most recent fiscal
21 year for which such information is avail-
22 able exceeds the child support collection
23 ratio for the United States for the fiscal
24 year; or

1 (ii) AFDC support collection ratio for
2 the State for the most recent fiscal year
3 for which such information is available ex-
4 ceeds the AFDC support collection ratio
5 for the United States for the fiscal year.

6 (C) CHILD SUPPORT COLLECTION
7 RATIO.—As used in subparagraph (B), the term
8 “child support collection ratio” means, with re-
9 spect to a fiscal year—

10 (i) for a State—

11 (I) the total amount expended by
12 the State during the fiscal year for
13 the operation of the plan approved
14 under section 454 of the Social Secu-
15 rity Act; divided by

16 (II) the total amount of support
17 collected by the State during the fiscal
18 year in all cases under part D of title
19 IV of such Act; and

20 (ii) for the United States—

21 (I) the total amount expended by
22 the States during the fiscal year for
23 the operation of the plans approved
24 under such section; divided by

1 (II) the total amount of support
2 collected by the States during the fis-
3 cal year in all cases under such part.

4 (D) AFDC SUPPORT COLLECTION
5 RATIO.—As used in subparagraph (B), the term
6 “AFDC support collection ratio” means, with
7 respect to a fiscal year—

8 (i) for a State—

9 (I) the total amount expended by
10 the State during the fiscal year for
11 the operation of the plan approved
12 under section 454 of the Social Secu-
13 rity Act; divided by

14 (II) the total amount of support
15 collected by the State under the plan
16 during the fiscal year in cases in
17 which the support obligation involved
18 is assigned to the State pursuant to
19 section 402(a)(26) or section
20 471(a)(17) of such Act; and

21 (ii) for the United States—

22 (I) the total amount expended by
23 the States during the fiscal year for
24 the operation of the plans approved
25 under such section 454; divided by

1 (II) the total amount of support
2 collected by the States under the
3 plans during the fiscal year in cases in
4 which the support obligation involved
5 is assigned to a State pursuant to sec-
6 tion 402(a)(26) or section 471(a)(17)
7 of such Act.

8 (3) APPLICATION REQUIREMENTS.—Each appli-
9 cation of a State to conduct a demonstration project
10 under this subsection must describe a demonstration
11 project that meets the following requirements:

12 (A) PROJECT BENEFICIARIES.—A child
13 support assurance benefit is payable under the
14 project to the caretaker of a child if—

15 (i) the child is an eligible child; and
16 (ii) the caretaker has applied for serv-
17 ices under the State plan approved under
18 part D of title IV of the Social Security
19 Act.

20 (B) ELIGIBLE CHILDREN.—A child is an
21 eligible child if—

22 (i) the child resides in the State;
23 (ii) the child has a living noncustodial
24 parent;

1 (iii) a good faith effort has been made
2 to seek or enforce an order for such parent
3 to provide support for the child, or there is
4 good cause for not seeking or enforcing
5 such an order; and

6 (iv) any rights to support owed the
7 child have been assigned to the State, to
8 the extent of the child support assurance
9 benefits received with respect to the child
10 under the project.

11 (C) AMOUNT OF CHILD SUPPORT ASSUR-
12 ANCE BENEFIT.—The amount of the child sup-
13 port assurance benefit payable under the
14 project to the caretaker of 1 or more eligible
15 children is the amount by which—

16 (i) the child support assurance thresh-
17 old; exceeds

18 (ii) the dollar value of the child sup-
19 port (if any) received during the month by
20 the caretaker from the noncustodial parent
21 for the support of any eligible child.

22 (D) CHILD SUPPORT ASSURANCE THRESH-
23 OLD.—The child support assurance threshold is
24 $\frac{1}{12}$ of—

- 1 (i) \$2,000 for the 1st eligible child;
2 plus
3 (ii) \$1,000 for the 2nd eligible child
4 (if any); plus
5 (iii) \$500 for each subsequent eligible
6 child (if any).

7 (4) METHODS TO BE TESTED.—In approving
8 applications to conduct demonstration projects under
9 this subsection, the Secretary shall ensure that the
10 applications approved under this subsection describe
11 projects which, in the aggregate, are designed to test
12 the following:

13 (A) ADMINISTRATIVE VERSUS OTHER
14 PROCESSING.—The feasibility of implementing
15 a statewide child support assurance benefit in a
16 State which processes child support and parent-
17 age cases administratively, as opposed to the
18 feasibility of implementing such a benefit in a
19 State which processes such cases only judicially
20 or quasi-judicially.

21 (B) ALLOWANCE OF GOOD CAUSE EXCEP-
22 TIONS.—The effects of prohibiting the provision
23 of a child support assurance benefit with re-
24 spect to a child unless an order for the support
25 of the child has been established and the care-

1 taker of the child has made a good faith effort
2 to enforce the order, as opposed to allowing
3 good cause exceptions to the prohibition.

4 (C) TIMING OF BENEFITS.—The effects of
5 providing child support assurance benefits im-
6 mediately upon the establishment of a child
7 support order, as opposed to providing such
8 benefits only after a period (determined by the
9 Secretary) of nonreceipt of child support. The
10 Secretary may select 1 or more such periods to
11 be tested in different demonstration projects.

12 (D) RELATIONSHIP OF BENEFITS TO
13 OTHER INCOME AND BENEFITS.—The effects of
14 reducing the amount payable with respect to a
15 child under the State plan approved under part
16 A of title IV of the Social Security Act by a
17 portion (determined by the Secretary) of the
18 child support assurance benefit provided by the
19 State with respect to the child, as opposed to
20 reducing the child support assurance benefit
21 provided by the State with respect to the child
22 by a portion (determined by the Secretary) of
23 the earned income of the family of the child.
24 The Secretary may select 1 or more such por-

1 tions of benefits or of earned income to be test-
2 ed in different demonstration projects.

3 (5) PRIORITY TO BE GIVEN TO PROJECTS THAT
4 INCLUDE WORK INCENTIVES.—In approving applica-
5 tions to conduct demonstration projects under this
6 subsection, the Secretary shall give priority among
7 otherwise equivalent applications to applications that
8 describe projects that include work incentives for
9 participants.

10 (6) APPROVAL OF CERTAIN APPLICATIONS.—
11 The Secretary shall approve not more than 5 appli-
12 cations to conduct demonstration projects under this
13 subsection which appear likely to contribute signifi-
14 cantly to the achievement of the purpose of this sub-
15 section.

16 (7) OTHER REQUIREMENTS.—Each State whose
17 application to conduct a demonstration project under
18 this subsection has been approved by the Secretary
19 shall conduct the project in accordance with such
20 regulations as the Secretary may prescribe.

21 (8) FUNDING.—From the sums appropriated to
22 carry out this subsection, the Secretary shall pay to
23 each State whose application to conduct a dem-
24 onstration project under this subsection has been ap-

1 proved by the Secretary, for each month, an amount
2 equal to—

3 (A) 90 percent of the aggregate amount of
4 the child support assurance benefits paid by the
5 State during the month if, during the month,
6 the project has met such performance goals as
7 the Secretary has established for the project; or

8 (B) 80 percent of such aggregate amount,
9 otherwise.

10 (9) MODIFIED PRIORITY OF DISTRIBUTION OF
11 CHILD SUPPORT COLLECTED FOR CHILDREN WITH
12 RESPECT TO WHOM CHILD SUPPORT ASSURANCE
13 BENEFIT IS PAID.—In lieu of paragraph (1) of sec-
14 tion 457(e) of the Social Security Act, child support
15 collected from a noncustodial parent of a child with
16 respect to whom a child support assurance benefit is
17 paid under a demonstration project conducted under
18 this subsection shall (subject to section 457(d) of
19 such Act) be paid—

20 (A) first to the State, to the extent nec-
21 essary to reimburse the State for the portion of
22 the benefit not paid from funds provided under
23 paragraph (8) of this subsection; and

24 (B) then to the Federal Government, to
25 the extent necessary to reimburse the Federal

1 Government for the portion of the benefit paid
2 from funds provided under paragraph (8) of
3 this subsection.

4 (10) DURATION OF PROJECTS.—

5 (A) IN GENERAL.—Each State whose ap-
6 plication to conduct a demonstration project
7 under this subsection has been approved by the
8 Secretary shall conduct the project for not less
9 than 3 years and not more than 5 years.

10 (B) AUTHORITY TO TERMINATE
11 PROJECTS.—The Secretary may terminate a
12 demonstration project conducted under this
13 subsection if the Secretary determines that the
14 project is not being conducted consistent with
15 or satisfactorily under this subsection.

16 (11) EVALUATIONS.—Each State which con-
17 ducts a demonstration project under this subsection
18 shall prepare and submit to the Secretary an interim
19 and a final evaluation of the project with respect to
20 the impact of the project on—

21 (A) the economic and noneconomic well-
22 being of the participants in the project and of
23 the work force generally; and

24 (B) participation in and expenditures
25 under the program of the State under the State

1 plan approved under part A of title IV of the
2 Social Security Act.

3 (12) REPORT TO THE CONGRESS.—Within 1
4 year after the completion of all demonstration
5 projects conducted under this subsection, the Sec-
6 retary shall submit to the Committee on Ways and
7 Means of the House of Representatives and the
8 Committee on Finance of the Senate a report that
9 contains a consolidated evaluation of the projects.

10 **SEC. 608. CHILDREN'S TRUST FUND.**

11 (a) DESIGNATION OF CONTRIBUTIONS.—

12 (1) IN GENERAL.—Subchapter A of chapter 61
13 of the Internal Revenue Code of 1986 (relating to
14 returns and records) is amended by adding at the
15 end thereof the following new part:

16 **“PART IX—CONTRIBUTIONS TO CHILDREN'S**
17 **TRUST FUND**

“Sec. 6097. Amounts for Children's Trust Fund.

18 **“SEC. 6097. AMOUNTS FOR CHILDREN'S TRUST FUND.**

19 “Each taxpayer may include with such taxpayer's re-
20 turn of tax imposed by chapter 1 for any taxable year a
21 contribution by the taxpayer to the Children's Trust
22 Fund.”.

23 (2) CLERICAL AMENDMENT.—The table of
24 parts for subchapter A of chapter 61 of the Internal

1 Revenue Code of 1986 is amended by adding at the
2 end thereof the following new item:

“Part IX—Contributions for Children’s Trust Fund.”.

3 (3) EFFECTIVE DATE.—The amendments made
4 by this subsection shall apply to taxable years begin-
5 ning after December 31, 1992.

6 (b) ESTABLISHMENT OF CHILDREN’S TRUST
7 FUND.—

8 (1) IN GENERAL.—Subchapter A of chapter 98
9 of the Internal Revenue Code of 1986 (relating to
10 the trust fund code) is amended by adding at the
11 end thereof the following new section:

12 **“SEC. 9512. CHILDREN’S TRUST FUND.**

13 “(a) CREATION OF TRUST FUND.—There is estab-
14 lished in the Treasury of the United States a trust fund
15 to be known as the ‘Children’s Trust Fund’, consisting
16 of such amounts as may be appropriated or credited to
17 the Trust Fund as provided in this section or section
18 9602(b).

19 “(b) TRANSFER TO CHILDREN’S TRUST FUND OF
20 AMOUNTS DESIGNATED.—There is hereby appropriated to
21 the Children’s Trust Fund amounts equivalent to the
22 amounts contributed to such Trust Fund under section
23 6097.

24 “(c) EXPENDITURES FROM TRUST FUND.—

1 “(1) IN GENERAL.—Amounts in the Children’s
2 Trust Fund shall be available as provided by appro-
3 priation Acts for making expenditures for programs
4 regarding child support and the specific mandates
5 described in part D of title IV of the Social Security
6 Act, especially such mandates established by the
7 amendments made by the Interstate Child Support
8 Act of 1993.

9 “(2) ADMINISTRATIVE EXPENSES.—Amounts in
10 the Children’s Trust Fund shall be available to pay
11 the administrative expenses of the Department of
12 the Treasury directly allocable to—

13 “(A) modifying the individual income tax
14 return forms to carry out section 6097,

15 “(B) carrying out this chapter with respect
16 to such Trust Fund, and

17 “(C) processing amounts received under
18 section 6097 and transferring such amounts to
19 such Trust Fund.”.

20 (2) CLERICAL AMENDMENT.—The table of sec-
21 tions for subchapter A of chapter 98 of the Internal
22 Revenue Code of 1986 is amended by adding at the
23 end thereof the following new item:

“Sec. 9512. Children’s Trust Fund.”.

1 **SEC. 609. STUDY OF REASONS FOR NONPAYMENT OF CHILD**
2 **SUPPORT; REPORT.**

3 (a) STUDY.—The Comptroller General of the United
4 States shall—

5 (1) conduct a study of the causes of delin-
6 quency in the payment of child support, including
7 the nonpayment of child support by noncustodial
8 parents and failure of custodial parents to cooperate
9 in the collection of child support; and

10 (2) if a sufficient number of studies of this
11 matter are available, review the studies.

12 (b) REPORT TO THE CONGRESS.—Within 1 year after
13 the date of the enactment of this Act, the Comptroller
14 General shall submit to the Committee on Ways and
15 Means of the House of Representatives and the Committee
16 on Finance of the Senate, and to the Office of Child Sup-
17 port Enforcement, a report that contains the results of
18 the study required by subsection (a), and a consolidated
19 summary of the studies described in subsection (a)(2).

20 **SEC. 610. STUDY OF EFFECTIVENESS OF ADMINISTRATIVE**
21 **PROCESSES; REPORT.**

22 (a) STUDY.—The Comptroller General of the United
23 States shall conduct a study of the effectiveness of the
24 processing of child support and parentage cases in States
25 that use administrative processes as compared with States
26 that use judicial or quasi-judicial processes.

1 (b) REPORT TO THE CONGRESS.—Within 1 year after
2 the date of the enactment of this Act, the Comptroller
3 General shall submit to the Committee on Ways and
4 Means of the House of Representatives and the Committee
5 on Finance of the Senate a report that contains the results
6 of the study required by subsection (a).

7 **SEC. 611. PUBLICATION OF BEST CHILD SUPPORT PRAC-**
8 **TICES.**

9 (a) SENSE OF THE CONGRESS.—It is the sense of the
10 Congress that the Office of Child Support Enforcement
11 should develop a mechanism to publicize the best practices
12 of States in the area of child support.

13 (b) COMPENDIUM OF STATE CHILD SUPPORT STAT-
14 UTES.—The Office of Child Support Enforcement shall
15 produce and update the compendium entitled “A Guide
16 To State Child Support And Paternity Laws”, published
17 by the National Conference of State Legislatures.

18 **SEC. 612. ESTABLISHMENT OF PERMANENT CHILD SUP-**
19 **PORT ADVISORY COMMITTEE.**

20 (a) IN GENERAL.—The Office of Child Support En-
21 forcement shall establish an advisory committee on child
22 support matters composed of Federal and State legisla-
23 tors, State child support officials, and representatives of
24 custodial and noncustodial parents.

1 (b) FUNCTIONS.—The advisory committee estab-
2 lished pursuant to subsection (a) shall—

3 (1) provide oversight of the implementation of
4 Federal laws and regulations affecting child support,
5 and the operation of Federal, State, and local child
6 support programs; and

7 (2) provide a forum through which child sup-
8 port problems experienced by parents, State agen-
9 cies, the courts, and the private bar may be identi-
10 fied, and from which recommendations on how to
11 solve such problems may be reported to the Sec-
12 retary of Health and Human Services and to the
13 Congress.

14 (c) PERMANENCY.—Section 14 of the Federal Advi-
15 sory Committee Act (5 U.S.C. App.) shall not apply to
16 the advisory committee established pursuant to subsection
17 (a) of this section.

18 **TITLE VII—STATE ROLE**

19 **SEC. 701. ADVOCATION OF CHILDREN'S ECONOMIC SECU-** 20 **RITY.**

21 Section 454 (42 U.S.C. 654), as amended by section
22 602 of this Act, is amended—

23 (1) by striking “and” at the end of paragraph
24 (29);

1 (2) by striking the period at the end of para-
2 graph (30) and inserting “; and”; and

3 (3) by inserting after paragraph (30) the fol-
4 lowing:

5 “(31) provide that the agency administering the
6 plan shall advocate to promote the greatest economic
7 security possible for children, consistent with the
8 ability of any individual who owes child support with
9 respect to the child to provide the support.”.

10 **SEC. 702. DUTIES OF STATE CHILD SUPPORT AGENCIES.**

11 Section 454 (42 U.S.C. 654), as amended by section
12 701 of this Act, is amended—

13 (1) by striking “and” at the end of paragraph
14 (30);

15 (2) by striking the period at the end of para-
16 graph (31) and inserting “; and”; and

17 (3) by inserting after paragraph (31) the fol-
18 lowing:

19 “(32) provide that the agency administering the
20 plan shall provide to each custodial parent—

21 “(A) a written description of the services
22 available under the plan, and a statement de-
23 scribing the priorities applied in distributing
24 collected child support and the rules governing

1 confidentiality of information in child support
2 matters;

3 “(B) a statement that at least 30 days be-
4 fore the agency consents to the dismissal of a
5 child support case with prejudice or a reduction
6 of arrearages, the agency must provide notice to
7 the custodial parent at the last known address
8 of the custodial parent;

9 “(C) written quarterly reports on the sta-
10 tus of any case involving the custodial parent;

11 “(D) a statement that the State is re-
12 quired to provide services under the plan to any
13 custodial parent who is eligible for aid under
14 the State plan approved under part A; and

15 “(E) a statement that any custodial parent
16 who applies for services under the plan is eligi-
17 ble for such services, and that any application
18 fee for such services is deferred pending deter-
19 mination of the eligibility of the custodial par-
20 ent for aid under the State plan approved under
21 part A.”.

22 **SEC. 703. SENSE OF THE CONGRESS REGARDING QUALITY**
23 **OF AND ACCESSIBILITY TO CHILD SUPPORT**
24 **SERVICES.**

25 It is the sense of the Congress that—

1 (1) States should work closely with parents to
2 improve the quality of child support services; and

3 (2) State and local child support enforcement
4 agencies should have—

5 (A) offices in easily accessible locations
6 near public transportation;

7 (B) office hours that allow parents to meet
8 with attorneys and caseworkers without having
9 to take time off from work; and

10 (C) office environments conducive to pri-
11 vate discussion of legal and personal matters,
12 such as in individual interview rooms and child
13 care facilities.

14 **SEC. 704. ADMINISTRATIVE PROCESS FOR CHANGE OF**
15 **PAYEE IN IV-D CASES.**

16 Section 466(a) (42 U.S.C. 666(a)), as amended by
17 section 502 of this Act, is amended by inserting after
18 paragraph (37) the following:

19 “(38) Procedures under which only administra-
20 tive procedures are required to change the payee
21 under a child support order in a case under this
22 part, if a statement by an official of the State child
23 support enforcement agency is included in the court
24 or administrative file documenting the change.”.

1 **SEC. 705. SENSE OF THE CONGRESS SUPPORTING USE OF**
 2 **ADMINISTRATIVE PROCEDURES IN CHILD**
 3 **SUPPORT CASES.**

4 It is the sense of the Congress that each State should
 5 establish administrative procedures to process child sup-
 6 port cases.

7 **SEC. 706. SENSE OF THE CONGRESS SUPPORTING ESTAB-**
 8 **LISHMENT OF STATE CHILD SUPPORT COUN-**
 9 **CILS.**

10 It is the sense of the Congress that each State should
 11 establish a child support council, composed of members
 12 from all over the State, to—

13 (1) review State laws on child support and pa-
 14 ternity;

15 (2) recommend improvements in child support
 16 and paternity programs and in such laws; and

17 (3) serve as a public forum for custodial and
 18 noncustodial parents on matters related to child sup-
 19 port and paternity.

20 **TITLE VIII—JOBS FOR UNEM-**
 21 **EMPLOYED NONCUSTODIAL PAR-**
 22 **ENTS**

23 **SEC. 801. PARENTS FAIR SHARE DEMONSTRATION**
 24 **PROJECTS.**

25 (a) SENSE OF THE CONGRESS.—It is the sense of the
 26 Congress that any program established by the Federal

1 Government to provide jobs for noncustodial parents
2 should be administered so as not to adversely affect any
3 Federal program for custodial parents, either directly or
4 through competition for available funds.

5 (b) EVALUATION OF PROJECTS; REPORT TO THE
6 CONGRESS; CONDITIONAL AUTHORITY TO CONDUCT AD-
7 DITIONAL AND MORE EXTENSIVE PROJECTS.—Upon re-
8 ceiving the evaluations required to be provided pursuant
9 to section 482(d)(3) of the Social Security Act, the Sec-
10 retary of Health and Human Services shall transmit the
11 evaluations to the Secretary of Labor who shall—

12 (1) study the evaluations;

13 (2) within 12 months after receipt of the eval-
14 uations, submit to the Committee on Ways and
15 Means of the House of Representatives and the
16 Committee on Finance of the Senate a consolidated
17 report on the activities evaluated; and

18 (3)(A) if the evaluations are sufficient to permit
19 the Secretary to make recommendations with respect
20 to the activities evaluated, include such rec-
21 ommendations in the report required by paragraph
22 (2) of this subsection; or

23 (B) if the evaluations are inconclusive, author-
24 ize States to provide services, under programs estab-
25 lished under section 402(a)(19) and part F of title

1 IV of such Act, on a voluntary or mandatory basis,
 2 to noncustodial parents who are unemployed and un-
 3 able to meet their child support obligations, of great-
 4 er scope and for a greater duration than the services
 5 provided under section 482(d)(3) of such Act, in ac-
 6 cordance with regulations prescribed by the Sec-
 7 retary of Labor.

8 **TITLE IX—EFFECTIVE DATE**

9 **SEC. 901. EFFECTIVE DATE.**

10 Except as otherwise provided in this Act, this Act and
 11 the amendments made by this Act shall take effect on Jan-
 12 uary 1, 1995.

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