

103^D CONGRESS
2^D SESSION

H. R. 4982

To improve the enforcement of child support obligations in both intrastate and interstate cases by requiring the imposition and execution of liens against the property of persons who owe overdue support.

IN THE HOUSE OF REPRESENTATIVES

AUGUST 17, 1994

Mr. TORKILDSEN introduced the following bill; which was referred to the Committee on Ways and Means

A BILL

To improve the enforcement of child support obligations in both intrastate and interstate cases by requiring the imposition and execution of liens against the property of persons who owe overdue support.

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. IMPOSITION OF LIENS AGAINST THE PROP-**
4 **ERTY OF PERSONS OWING OVERDUE CHILD**
5 **SUPPORT.**

6 Section 466(a)(4) of the Social Security Act (42
7 U.S.C. 666(a)(4)) is amended to read as follows:

1 “(4)(A) Procedures under which a lien arises by
2 operation of law against all property owned by an in-
3 dividual who resides or owns property in the State,
4 and owes overdue support.

5 “(B)(i) Such procedures shall require the State
6 agency responsible for the administration of the
7 State plan approved under this part, after notifying
8 an individual described in subparagraph (A) that the
9 individual owes overdue support and affording the
10 individual an opportunity for administrative review,
11 to—

12 “(I) levy, or record with the appropriate
13 public or private entity a lien arising pursuant
14 to subparagraph (A), against any qualified
15 property of the individual; and

16 “(II) execute on, seize, and sell the prop-
17 erty in accordance with State law.

18 “(ii) As used in clause (i), the term ‘qualified
19 property’ means, with respect to an individual, any
20 interest of the individual in property which is—

21 “(I) registered or recorded with an agency
22 of a State or of the Federal Government; or

23 “(II) held by a party other than the indi-
24 vidual.

1 “(C)(i) Such procedures shall require that,
2 upon receipt from another State of the certification
3 required by clause (ii) of this subparagraph with re-
4 spect to an individual, the State agency referred to
5 in subparagraph (B) shall—

6 “(I) accord full faith and credit to a lien
7 arising pursuant to subparagraph (A) in such
8 other State against the property of the individ-
9 ual; and

10 “(II) execute on, seize, and sell, in accord-
11 ance with State law, any interest of the individ-
12 ual in property which is located in the State.

13 “(ii) The certification required by this clause
14 with respect to an individual is a certification—

15 “(I) of the amount of overdue support that
16 is owed by the individual; and

17 “(II) that a lien has arisen as described in
18 clause (i)(I) against the property of the individ-
19 ual, and was imposed in accordance with due
20 process.

21 “(D) Such procedures shall permit the certifi-
22 cation described in subparagraph (C) to be transmit-
23 ted to the State by electronic means, in accordance
24 with regulations prescribed by the Secretary.”.

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