

103^D CONGRESS
2^D SESSION

S. 1977

To amend title IV of the Social Security Act to reform child support enforcement procedures, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MARCH 24 (legislative day, FEBRUARY 22), 1994

Mr. DODD (for himself, Mr. KENNEDY, and Ms. MIKULSKI) introduced the following bill; which was read twice and referred to the Committee on Finance

A BILL

To amend title IV of the Social Security Act to reform child support enforcement procedures, 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 “Child Support Reform Act of 1994”.

7 (b) REFERENCE TO SOCIAL SECURITY ACT.—Except
8 as otherwise specifically provided, whenever in this Act an
9 amendment is expressed in terms of an amendment to or
10 repeal of a section or other provision, the reference shall

1 be considered to be made to that section or other provision
2 of the Social Security Act.

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

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

TITLE I—ESTABLISHING SUPPORT ORDERS

Subtitle A—National Child Support Guideline

- Sec. 101. Process for developing recommendations for a national child support guideline for congressional approval.

Subtitle B—Improved Procedures for Establishing Support Orders

- Sec. 111. Administrative process.
- Sec. 112. Evidence.
- Sec. 113. Credit Reporting.

Subtitle C—Child Support Registries

- Sec. 121. State central registries.

TITLE II—COLLECTIONS AND ENFORCEMENT

- Sec. 201. Reporting of child support information.
- Sec. 202. Occupational, professional, and business licenses.
- Sec. 203. Driver's licenses and vehicle registrations.
- Sec. 204. Technical correction to ERISA definition of medical child support order.
- Sec. 205. UIFSA endorsement.
- Sec. 206. Reports to credit bureaus on persons delinquent in child support payments.

TITLE III—INTERSTATE CHILD SUPPORT ENFORCEMENT

- Sec. 301. Establishment of the Office of the Assistant Commissioner for Interstate Child Support Enforcement.
- Sec. 302. Division of the National Registry of Child Support Orders.
- Sec. 303. Division of Enforcement.
- Sec. 304. State plan requirements.
- Sec. 305. Definitions.

TITLE IV—FINANCING STATE CHILD SUPPORT ENFORCEMENT
ACTIVITIES

- Sec. 401. Federal financial participation.
- Sec. 402. Audit standards.

TITLE V—EFFECTIVE DATES

- Sec. 501. Effective dates.

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

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

3 (1) an increasing number of children live in sin-
4 gle-parent families, and these families are 4 times as
5 likely to be poor as 2-parent families;

6 (2) the failure of noncustodial parents to pay
7 their fair share of child support is a major contribu-
8 tor to poverty among single-parent families;

9 (3) in 1989, only 26 percent of all single moth-
10 ers received a full amount of child support, and half
11 of the mothers with child support orders received ei-
12 ther no child support or less than such mothers were
13 due;

14 (4) child support cases in which the parties live
15 in different States have the worst collection rates,
16 accounting for 3 of every 10 child support cases, but
17 only \$1 of every \$10 of child support collected;

18 (5) custodial parents in interstate cases are al-
19 most twice as likely as parents in in-State cases to
20 never receive child support payments;

21 (6) a more centralized system of child support
22 enforcement would help improve collections in all
23 cases;

24 (7) particularly strong measures are needed to
25 overcome the difficulties in reaching across State
26 lines to collect child support due in interstate cases;

1 (8) increased Federal involvement in interstate
2 cases would relieve the States of the considerable
3 burden of enforcing child support orders when one
4 of the parties lives in another jurisdiction; and

5 (9) State-by-State child support guidelines have
6 resulted in orders that vary significantly from State
7 to State, resulting in low awards and inequities for
8 children.

9 (b) PURPOSE.—It is the purpose of this Act to—

10 (1) increase the economic security of children
11 by creating national child support guidelines;

12 (2) improve the enforcement of child support
13 awards through a more centralized, efficient system
14 and enhanced tools for States to use in enforcement;
15 and

16 (3) improve the enforcement of child support
17 orders when the parties live in different States by
18 placing responsibility for enforcement in the Internal
19 Revenue Service.

1 **TITLE I—ESTABLISHING**
2 **SUPPORT ORDERS**
3 **Subtitle A—National Child Support**
4 **Guideline**

5 **SEC. 101. PROCESS FOR DEVELOPING RECOMMENDATIONS**
6 **FOR A NATIONAL CHILD SUPPORT GUIDE-**
7 **LINE FOR CONGRESSIONAL APPROVAL.**

8 (a) DEVELOPMENT OF IMPLEMENTING BILL.—

9 (1) IN GENERAL.—Not later than 12 months
10 after the date of the enactment of this Act, the sepa-
11 rate organizational unit established under section
12 452(a) of the Social Security Act (42 U.S.C. 652(a))
13 shall submit to the Congress an implementing bill
14 with respect to the national child support guideline
15 developed under subsection (b) which contains such
16 provisions necessary or appropriate to implement
17 such guideline, either repealing or amending existing
18 laws or providing new statutory authority.

19 (2) USE OF ADVISORY BOARD.—

20 (A) IN GENERAL.—To assist the separate
21 organizational unit in developing an implement-
22 ing bill with respect to a national child support
23 guideline, the Secretary of Health and Human
24 Services shall appoint a 9-member National
25 Child Support Guideline Advisory Board (here-

1 after in this paragraph referred to as the
2 “Board”). The Board shall include—

3 (i) individuals with judicial or admin-
4 istrative experience in matters involving
5 child support enforcement;

6 (ii) individuals with knowledge of the
7 cost of raising children; and

8 (iii) representatives of organizations
9 which represent custodial and noncustodial
10 parents.

11 (B) COMPENSATION.—

12 (i) IN GENERAL.—Members of the
13 Board shall serve as such without pay.

14 (ii) TRAVEL EXPENSES, ETC.—Mem-
15 bers of the Board shall be allowed travel
16 expenses, including a per diem allowance in
17 lieu of subsistence, in the same manner as
18 persons serving intermittently in the Gov-
19 ernment service are allowed travel expenses
20 under section 5703 of title 5 of the United
21 States Code.

22 (b) NATIONAL CHILD SUPPORT GUIDELINE.—The
23 national child support guideline developed under this sub-
24 section for recommendation to the Congress shall—

1 (1) be used by each State as a rebuttable pre-
2 sumption of the correct amount of support to be
3 awarded in all judicial or administrative proceedings
4 for the establishment or modification of child sup-
5 port;

6 (2) maximize the support for children;

7 (3) take into account—

8 (A) the definitions of “income” and “re-
9 sources” to be used in applying the guideline,

10 (B) the health care needs of the children,
11 through health insurance coverage or other
12 means, and

13 (C) the child care and educational needs of
14 the children; and

15 (4) include the criteria a State may use in eval-
16 uating a request from either parent to rebut the use
17 of the national guideline, except that issues related
18 to visitation may not be used in lowering the amount
19 of child support to be paid.

20 (c) CONGRESSIONAL CONSIDERATION OF IMPLE-
21 MENTING BILL.—

22 (1) IN GENERAL.—The implementing bill de-
23 scribed in subsection (a) shall be considered by the
24 Congress under the procedure for consideration de-
25 scribed in paragraph (2).

1 (2) PROCEDURE.—

2 (A) RULES OF HOUSE OF REPRESENTA-
3 TIVES AND SENATE.—This paragraph is en-
4 acted by Congress—

5 (i) as an exercise of the rulemaking
6 power of the House of Representatives and
7 the Senate, respectively, and as such is
8 deemed a part of the rules of each House,
9 respectively, but applicable only with re-
10 spect to the procedure to be followed in
11 that House in the case of an implementing
12 bill described in subsection (a)(1), and su-
13 persedes other rules only to the extent that
14 such rules are inconsistent therewith; and

15 (ii) with full recognition of the con-
16 stitutional right of either House to change
17 the rules (so far as relating to the proce-
18 dure of that House) at any time, in the
19 same manner and to the same extent as in
20 the case of any other rule of that House.

21 (B) INTRODUCTION AND REFERRAL.—On
22 the day on which the implementing bill de-
23 scribed in subsection (a)(1) is transmitted to
24 the House of Representatives and the Senate,
25 such bill shall be introduced (by request) in the

1 House of Representatives by the Majority Lead-
2 er of the House, for himself and the Minority
3 Leader of the House, or by Members of the
4 House designated by the Majority Leader and
5 Minority Leader of the House and shall be in-
6 troduced (by request) in the Senate by the Ma-
7 jority Leader of the Senate, for himself and the
8 Minority Leader of the Senate, or by Members
9 of the Senate designated by the Majority Lead-
10 er and Minority Leader of the Senate. If either
11 House is not in session on the day on which the
12 implementing bill is transmitted, the bill shall
13 be introduced in the House, as provided in the
14 preceding sentence, on the first day thereafter
15 on which the House is in session. The imple-
16 menting bill introduced in the House of Rep-
17 resentatives and the Senate shall be referred to
18 the appropriate committees of each House.

19 (C) AMENDMENTS PROHIBITED.—No
20 amendment to an implementing bill shall be in
21 order in either the House of Representatives or
22 the Senate and no motion to suspend the appli-
23 cation of this paragraph shall be in order in ei-
24 ther House, nor shall it be in order in either
25 House for the Presiding Officer to entertain a

1 request to suspend the application of this para-
2 graph by unanimous consent.

3 (D) PERIOD FOR COMMITTEE AND FLOOR
4 CONSIDERATION.—

5 (i) IN GENERAL.—Except as provided
6 in clause (ii), if the committee or commit-
7 tees of either House to which an imple-
8 menting bill has been referred have not re-
9 ported it at the close of the 90th day after
10 its introduction, such committee or com-
11 mittees shall be automatically discharged
12 from further consideration of the imple-
13 menting bill and it shall be placed on the
14 appropriate calendar. A vote on final pas-
15 sage of the implementing bill shall be
16 taken in each House on or before the close
17 of the 90th day after the implementing bill
18 is reported by the committees or committee
19 of that House to which it was referred, or
20 after such committee or committees have
21 been discharged from further consideration
22 of the implementing bill. If prior to the
23 passage by 1 House of an implementing
24 bill of that House, that House receives the

1 same implementing bill from the other
2 House then—

3 (I) the procedure in that House
4 shall be the same as if no implement-
5 ing bill had been received from the
6 other House; but

7 (II) the vote on final passage
8 shall be on the implementing bill of
9 the other House.

10 (ii) COMPUTATION OF DAYS.—For
11 purposes of clause (i), in computing a
12 number of days in either House, there
13 shall be excluded—

14 (I) the days on which either
15 House is not in session because of an
16 adjournment of more than 3 days to
17 a day certain, or an adjournment of
18 the Congress sine die; and

19 (II) any Saturday and Sunday
20 not excluded under subclause (I) when
21 either House is not in session.

22 (E) FLOOR CONSIDERATION IN THE
23 HOUSE OF REPRESENTATIVES.—

24 (i) MOTION TO PROCEED.—A motion
25 in the House of Representatives to proceed

1 to the consideration of an implementing
2 bill shall be highly privileged and not de-
3 batable. An amendment to the motion shall
4 not be in order, nor shall it be in order to
5 move to reconsider the vote by which the
6 motion is agreed to or disagreed to.

7 (ii) DEBATE.—Debate in the House of
8 Representatives on an implementing bill
9 shall be limited to not more than 20 hours,
10 which shall be divided equally between
11 those favoring and those opposing the bill.
12 A motion further to limit debate shall not
13 be debatable. It shall not be in order to
14 move to recommit an implementing bill or
15 to move to reconsider the vote by which an
16 implementing bill is agreed to or disagreed
17 to.

18 (iii) MOTION TO POSTPONE.—Motions
19 to postpone, made in the House of Rep-
20 resentatives with respect to the consider-
21 ation of an implementing bill, and motions
22 to proceed to the consideration of other
23 business, shall be decided without debate.

24 (iv) APPEALS.—All appeals from the
25 decisions of the Chair relating to the appli-

1 cation of the Rules of the House of Rep-
2 resentatives to the procedure relating to an
3 implementing bill shall be decided without
4 debate.

5 (v) GENERAL RULES APPLY.—Except
6 to the extent specifically provided in the
7 preceding provisions of this subparagraph,
8 consideration of an implementing bill shall
9 be governed by the Rules of the House of
10 Representatives applicable to other bills
11 and resolutions in similar circumstances.

12 (F) FLOOR CONSIDERATION IN THE SEN-
13 ATE.—

14 (i) MOTION TO PROCEED.—A motion in
15 the Senate to proceed to the consideration
16 of an implementing bill shall be privileged
17 and not debatable. An amendment to the
18 motion shall not be in order, nor shall it be
19 in order to move to reconsider the vote by
20 which the motion is agreed to or disagreed
21 to.

22 (ii) GENERAL DEBATE.—Debate in
23 the Senate on an implementing bill, and all
24 debatable motions and appeals in connec-
25 tion therewith, shall be limited to not more

1 than 20 hours. The time shall be equally
2 divided between, and controlled by, the
3 Majority Leader and the Minority Leader
4 or their designees.

5 (iii) DEBATE OF MOTIONS AND AP-
6 PEALS.—Debate in the Senate on any de-
7 batable motion or appeal in connection
8 with an implementing bill shall be limited
9 to not more than 1 hour, to be equally di-
10 vided between, and controlled by, the
11 mover and the manager of the implement-
12 ing bill, except that in the event the man-
13 ager of the implementing bill is in favor of
14 any such motion or appeal, the time in op-
15 position thereto, shall be controlled by the
16 Minority Leader or his designee. Such
17 leaders, or either of them, may, from time
18 under their control on the passage of an
19 implementing bill, allot additional time to
20 any Senator during the consideration of
21 any debatable motion or appeal.

22 (iv) OTHER MOTIONS.—A motion in
23 the Senate to further limit debate is not
24 debatable. A motion to recommit an imple-
25 menting bill is not in order.

1 (d) RESUBMISSIONS.—If an implementing bill sub-
2 mitted under subsection (a)(1) is not approved by the Con-
3 gress or is vetoed by the President (and such veto is not
4 overridden by the Congress), the separate organizational
5 unit shall resubmit a new implementing bill not later than
6 90 days after the Congress failed to approve such bill or
7 failed to override the President’s veto, and such new im-
8 plementing bill shall be subject to congressional consider-
9 ation as provided in subsection (c).

10 **Subtitle B—Improved Procedures**
11 **for Establishing Support Orders**

12 **SEC. 111. ADMINISTRATIVE PROCESS.**

13 Section 466(a)(2) (42 U.S.C. 666(a)(2)) is amended
14 to read as follows:

15 “(2) Procedures under which expedited admin-
16 istrative processes are used to establish paternity in
17 contested cases and to obtain and enforce support
18 orders in all cases. The Secretary may waive the
19 provisions of this paragraph with respect to one or
20 more political subdivisions within the State on the
21 basis of the effectiveness and timeliness of support
22 order issuance and enforcement or paternity estab-
23 lishment within the political subdivision (in accord-
24 ance with the general rule for exemptions under sub-
25 section (d)).”.

1 **SEC. 112. EVIDENCE.**

2 (a) NATIONAL SUBPOENA DUCES TECUM.—Section
3 452(a) (42 U.S.C. 652(a)) is amended by striking “and”
4 at the end of paragraph (9), by redesignating paragraph
5 (10) as paragraph (11), and by inserting after paragraph
6 (9) the following new paragraph:

7 “(10) draft and distribute a national subpoena
8 duces tecum for use by child support litigants to ob-
9 tain income information pertaining to all private,
10 Federal, State, and local government employees, as
11 well as any receivers of income; and”.

12 (b) STATE STANDARDS.—Section 466(a) (42 U.S.C.
13 666(a)) is amended by inserting after paragraph (11) the
14 following new paragraph:

15 “(12)(A) Procedures which require any unit of
16 government, person, or corporation doing business in
17 the State to accept and honor a subpoena duces
18 tecum developed pursuant to section 452(a)(10).

19 “(B) Procedures which enforce through a hear-
20 ing such a subpoena served in the State, at which
21 hearing the burden of specifying the reasons for not
22 timely honoring the subpoena rests with the non-
23 complying person or entity.

24 “(C) Procedures for the introduction in any ju-
25 dicial or administrative child support proceeding of

1 information contained in the response to such a sub-
2 poena without the need for further verification.”.

3 **SEC. 113. CREDIT REPORTING.**

4 Section 604 of the Consumer Credit Protection Act
5 (15 U.S.C. 1681b) is amended by adding at the end the
6 following new paragraph:

7 “(4) To an agency administering a State plan under
8 section 454 of the Social Security Act (42 U.S.C. 654)
9 to use the information relevant to the setting of an initial
10 or modified child support award, without the necessity of
11 a court order.”.

12 **Subtitle C—Child Support**
13 **Registries**

14 **SEC. 121. STATE CENTRAL REGISTRIES.**

15 Section 466(a) (42 U.S.C. 666(a)), as amended by
16 section 112, is amended by inserting after paragraph (12)
17 the following new paragraph:

18 “(13)(A) Procedures under which the State
19 shall maintain by not later than July 1, 1996, a
20 central child support order registry which shall in-
21 clude each child support order issued or modified in
22 the State. Except in the case of a child support
23 order being enforced under section 303 of the Child
24 Support Reform Act of 1994, the State shall,

1 through the registry, receive, record, and disburse
2 payment under each such child support order.

3 “(B) Procedures under which the State pre-
4 pares and transmits within 5 days of entry into the
5 central State child support registry, an abstract of
6 each order maintained in such registry, to the Na-
7 tional Registry of Child Support Orders established
8 under section 301 of the Child Support Reform Act
9 of 1994. The abstract shall contain such information
10 as required by the Secretary of the Treasury pursu-
11 ant to regulations issued under section 301(b) of
12 such Act.”.

13 **TITLE II—COLLECTIONS AND** 14 **ENFORCEMENT**

15 **SEC. 201. REPORTING OF CHILD SUPPORT INFORMATION.**

16 (a) W-4 REPORTING REQUIREMENT.—

17 (1) IN GENERAL.—The Secretary of the Treas-
18 ury, in consultation with the Secretary of Labor,
19 shall require—

20 (A) all employees to file a new W-4 form
21 with their employers within 5 calendar days
22 after the latest of—

23 (i) October 1, 1996,

24 (ii) the date the employee is hired, or

1 (iii) the date any information specified
2 under paragraph (2) is no longer accurate;
3 and

4 (B) all employers to provide a copy of
5 every employee's W-4 form to the National
6 Registry of Child Support Orders established
7 under section 301 of this Act.

8 (2) EXPANDED USE OF FORM.—The Secretary
9 of the Treasury shall modify the W-4 form to be
10 completed by an employee to enable the employee to
11 indicate on the form—

12 (A) whether the employee has a legal obli-
13 gation to provide child support (as defined in
14 section 462(b) of the Social Security Act (42
15 U.S.C. 662(b)) which is to be collected, in
16 whole or in part, through wage withholding pur-
17 suant to an order issued by a State court or an
18 order of an administrative process established
19 under State law; and

20 (B) if so—

21 (i) the aggregate amount of all such
22 obligations,

23 (ii) the name and address of any per-
24 son to whom the employee has such an ob-
25 ligation, and

1 (iii) whether the payment of such obli-
 2 gation has been previously remitted to the
 3 National Registry of Child Support Orders
 4 established under section 301 of this Act.

5 (b) EMPLOYER OBLIGATIONS.—

6 (1) IN GENERAL.—Subtitle C of the Internal
 7 Revenue Code of 1986 (relating to employment
 8 taxes) is amended by inserting after chapter 24 the
 9 following new chapter:

10 **“CHAPTER 24A—COLLECTION OF CHILD**
 11 **SUPPORT OBLIGATIONS AT SOURCE**
 12 **ON WAGES**

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

13 **“SEC. 3411. CHILD SUPPORT OBLIGATIONS COLLECTED AT**
 14 **SOURCE.**

15 “(a) REQUIREMENT OF WITHHOLDING.—

16 “(1) WAGE WITHHOLDING AS INDICATED BY
 17 THE EMPLOYEE.—Except as provided in paragraph
 18 (2), each employer who receives a completed W-4
 19 form from an employee pursuant to section
 20 201(a)(2) of the Child Support Reform Act of 1994
 21 which indicates that the employee has a legal obliga-
 22 tion to provide child support (as defined in section
 23 462(b) of the Social Security Act) which is payable
 24 through wage withholding shall—

1 “(A) deduct and withhold from the wages
2 of the employee the amount indicated on the
3 W-4 form as a child support obligation; and

4 “(B) send such amount to—

5 “(i) the appropriate central State
6 child support order registry established
7 under section 466(a)(13)(A) of the Social
8 Security Act, or

9 “(ii) the National Registry of Child
10 Support Orders established under section
11 301 of the Child Support Reform Act of
12 1994, if notified pursuant to the employ-
13 ee’s W-4 or section 302(4) of such Act.

14 “(2) CORRECTION OF WITHHOLDING INSTRUC-
15 TIONS.—If the central State child support order reg-
16 istry or the National Registry of Child Support Or-
17 ders notifies the employer that an employee has an
18 obligation unreported or misreported on the employ-
19 ee’s W-4, the employer shall—

20 “(A) deduct and withhold from the wages
21 of the employee the amount that such registry
22 indicates is to be deducted and withheld from
23 the wages of the employee to satisfy such obli-
24 gation; and

1 “(B) send the amount so withheld to such
2 registry.

3 “(b) LIABILITY FOR PAYMENT.—The employer shall
4 be liable for the payment of amounts deducted and with-
5 held under subsection (a) to the appropriate registry.

6 “(c) SPECIAL RULES.—For purposes of this chapter
7 (and so much of subtitle F as relates to this chapter), any
8 amount required to be deducted and withheld under this
9 section shall be treated as if it were a tax withheld under
10 chapter 24 and rules similar to the rules of chapter 24
11 shall apply.”.

12 (2) CLERICAL AMENDMENT.—The table of
13 chapters for subtitle C of such Code is amended by
14 inserting after the item relating to chapter 24 the
15 following new item:

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

16 **SEC. 202. OCCUPATIONAL, PROFESSIONAL, AND BUSINESS**
17 **LICENSES.**

18 Section 466(a) (42 U.S.C. 666(a)), as amended by
19 section 121, is amended by inserting after paragraph (13)
20 the following new paragraph:

21 “(14) Procedures under which the State occu-
22 pational licensing and regulating departments and
23 agencies may not issue or renew an occupational,
24 professional, or business license of—

1 “(A) a noncustodial parent who is the sub-
2 ject of an outstanding failure to appear war-
3 rant, capias, or bench warrant related to a child
4 support proceeding that appears on the State’s
5 crime information system or the National Reg-
6 istry of Child Support Orders established under
7 section 301 of the Child Support Reform Act of
8 1994, until removed from the system or Reg-
9 istry; and

10 “(B) a noncustodial parent who is delin-
11 quent in such parent’s child support obligation
12 in an amount at least equal to the support pay-
13 able for one month, as recorded in the central
14 State child support order registry established
15 under paragraph (13)(A) or the National Reg-
16 istry of Child Support Orders established under
17 section 301 of the Child Support Reform Act of
18 1994, until—

19 “(i) the pro se obligee, the obligee’s
20 attorney, a State prosecutor responsible for
21 child support enforcement, or the Division
22 of Enforcement established under such sec-
23 tion 301 consents to the release of the hold
24 on the license,

1 “(ii) a court or administrative agency
2 that is responsible for the order’s enforce-
3 ment orders the release of the hold on the
4 license, or

5 “(iii) an expedited inquiry and review
6 is completed while such parent is granted
7 a 30-day temporary license.”.

8 **SEC. 203. DRIVER’S LICENSES AND VEHICLE REGISTRA-**
9 **TIONS.**

10 Section 466(a) (42 U.S.C. 666(a)), as amended by
11 section 202, is amended by inserting after paragraph (14)
12 the following new paragraph:

13 “(15) Procedures under which the State motor
14 vehicle department—

15 “(A) may not issue or renew a driver’s li-
16 cense (other than a temporary license of not
17 more than 60-days duration) of any
18 noncustodial parent who is the subject of an
19 outstanding failure to appear warrant, capias,
20 or bench warrant related to a child support pro-
21 ceeding that appears on the State’s crime infor-
22 mation system or the National Registry of
23 Child Support Orders established under section
24 301 of the Child Support Reform Act of 1994,
25 until removed from the system or Registry;

1 “(B) may not issue or renew a driver’s li-
2 cense or vehicle registration (other than tem-
3 porary) of any noncustodial parent who is delin-
4 quent in such parent’s child support obligation
5 in an amount at least equal to the support pay-
6 able for one month, as recorded in the central
7 State child support order registry established
8 under paragraph (13)(A) or the National Reg-
9 istry of Child Support Orders established under
10 section 301 of the Child Support Reform Act of
11 1994, until—

12 “(i) the pro se obligee, the obligee’s
13 attorney, a State prosecutor responsible for
14 child support enforcement, or the Division
15 of Enforcement established under such sec-
16 tion 301 consents to the release of the hold
17 on the license or registration,

18 “(ii) a court or administrative agency
19 that is responsible for the order’s enforce-
20 ment orders the release of the hold on the
21 license or registration, or

22 “(iii) an expedited inquiry and review
23 is completed while such parent is granted
24 a 30-day temporary license or registration;
25 and

1 “(C) upon receiving notice that an individ-
2 ual holds a State driver’s license or vehicle reg-
3 istration who is the subject of a warrant related
4 to a child support proceeding—

5 “(i) issues a show cause order to such
6 individual asking such individual to dem-
7 onstrate why such individual’s driver’s li-
8 cense or vehicle registration ought not be
9 suspended until the warrant is removed by
10 the court responsible for issuing the war-
11 rant, and

12 “(ii) in cases in which a show cause
13 order pursuant to clause (i) has been is-
14 sued, may grant a temporary license or ve-
15 hicle registration to such individual pend-
16 ing the show cause hearing or the removal
17 of the warrant, whichever occurs first.”.

18 **SEC. 204. TECHNICAL CORRECTION TO ERISA DEFINITION**

19 **OF MEDICAL CHILD SUPPORT ORDER.**

20 (a) IN GENERAL.—Section 609(a)(2)(B) of the Em-
21 ployee Retirement Income Security Act of 1974 (29
22 U.S.C. 1169(a)(2)(B)) is amended—

23 (1) by striking “issued by a court of competent
24 jurisdiction”;

1 (2) by striking the period at the end of clause
2 (ii) and inserting a comma; and

3 (3) by adding, after and below clause (ii), the
4 following:

5 “if such judgment, decree, or order (I) is issued
6 by a court of competent jurisdiction or (II) is
7 issued by an administrative adjudicator and has
8 the force and effect of law under applicable
9 State law.”.

10 (b) EFFECTIVE DATE.—

11 (1) IN GENERAL.—The amendments made by
12 this section shall take effect on the date of the en-
13 actment of this Act.

14 (2) PLAN AMENDMENTS NOT REQUIRED UNTIL
15 JANUARY 1, 1995.—Any amendment to a plan re-
16 quired to be made by an amendment made by this
17 section shall not be required to be made before the
18 first plan year beginning on or after January 1,
19 1995, if—

20 (A) during the period after the date before
21 the date of the enactment of this Act and be-
22 fore such first plan year, the plan is operated
23 in accordance with the requirements of the
24 amendments made by this section, and

1 (B) such plan amendment applies retro-
2 actively to the period after the date before the
3 date of the enactment of this Act and before
4 such first plan year.

5 A plan shall not be treated as failing to be operated
6 in accordance with the provisions of the plan merely
7 because it operates in accordance with this para-
8 graph.

9 **SEC. 205. UIFSA ENDORSEMENT.**

10 Section 466 (42 U.S.C. 666) is amended by adding
11 at the end the following new subsection:

12 “(f) In order to satisfy section 454(20)(A), each
13 State must have in effect by January 1, 1996, laws which
14 adopt without material change the officially approved ver-
15 sion of the Uniform Interstate Family Support Act adopt-
16 ed by the National Conference of Commissioners on Uni-
17 form State Laws and approved by the American Bar Asso-
18 ciation House of Delegates on February 9, 1993.”.

19 **SEC. 206. REPORTS TO CREDIT BUREAUS ON PERSONS DE-**
20 **LINQUENT IN CHILD SUPPORT PAYMENTS.**

21 (a) IN GENERAL.—Section 466(a)(7) (42 U.S.C.
22 666(a)(7)) is amended to read as follows:

23 “(7) Procedures requiring the State to provide to
24 each consumer reporting agency (as defined in section
25 603(f) of the Fair Credit Reporting Act (15 U.S.C.

1 1681a(f)) information regarding the amount of overdue
2 support owed by any absent parent who resides in the
3 State.”.

4 (b) EFFECTIVE DATE.—The amendment made by
5 subsection (a) shall take effect on October 1, 1994.

6 **TITLE III—INTERSTATE CHILD**
7 **SUPPORT ENFORCEMENT**

8 **SEC. 301. ESTABLISHMENT OF THE OFFICE OF THE ASSIST-**
9 **ANT COMMISSIONER FOR INTERSTATE CHILD**
10 **SUPPORT ENFORCEMENT.**

11 (a) IN GENERAL.— For purposes of locating absent
12 parents and facilitating the enforcement of child support
13 obligations, the Secretary of the Treasury shall establish
14 within the Internal Revenue Service an Office of the As-
15 sistant Commissioner for Interstate Child Support En-
16 forcement which shall establish not later than July 1,
17 1996—

18 (1) a Division of the National Registry of Child
19 Support Orders for the purpose of carrying out the
20 duties described in section 302; and

21 (2) a Division of Enforcement for the purpose
22 of carrying out the duties described in section 303.

23 (b) COORDINATION.—The Secretary of the Treasury,
24 in consultation with the Secretary of Health and Human
25 Services shall issue regulations for the coordination of ac-

1 tivities among the Office of the Assistant Commissioner
2 for Interstate Child Support Enforcement, the Assistant
3 Secretary for Children and Families, and the States, to
4 facilitate the purposes of this title.

5 **SEC. 302. DIVISION OF THE NATIONAL REGISTRY OF CHILD**
6 **SUPPORT ORDERS.**

7 With respect to the Division of the National Registry
8 of Child Support Orders (hereafter in this title referred
9 to as the "Registry"), the duties described in this section
10 are as follows:

11 (1) Retain an abstract of all child support or-
12 ders issued or modified by the States, including the
13 names, social security numbers, and addresses of the
14 parties, the amount of the order, whether the order
15 is being enforced under the State plan approved
16 under part D of title IV of the Social Security Act
17 (42 U.S.C. 651 et seq.), and such other information
18 as the Secretary of Treasury, in consultation with
19 the Secretary of Health and Human Services, shall,
20 by regulation, require.

21 (2) Promptly notify the Division of Enforce-
22 ment whenever the Registry receives notice from a
23 State that an order being enforced by the Division
24 of Enforcement has been modified, specifying which
25 terms of such order are modified.

1 (3)(A) Receive from employers the reports re-
2 quired under section 201(a)(1) of this Act, match
3 such reports against the abstracts contained in the
4 Registry, confirm that support is owed, to whom
5 such support is owed, and in what amount, and re-
6 port any corrections to the employers.

7 (B) Upon receipt of such a report—

8 (i) if the employee is subject to a child
9 support order, retain the information contained
10 in such report with respect to such employee;
11 and

12 (ii) if the employee is not subject to a child
13 support order, promptly destroy such in-
14 formation.

15 (C) Upon receipt of such a report—

16 (i) if both parents reside in the same State
17 and the child support order has not been pre-
18 viously referred to the Division of Enforcement,
19 report to the appropriate central State child
20 support order registry established under section
21 466(a)(13)(A) of the Social Security Act (42
22 U.S.C. 666(a)(13)(A)), the name, address, so-
23 cial security number, and date of birth of the
24 employee, the employer's name and address, the
25 employee's date of hire, and any other informa-

1 tion obtained which would be useful in enforc-
2 ing the child support order according to its
3 terms;

4 (ii) if the parents reside in different States
5 and the order has not been previously referred
6 to the Division of Enforcement, refer the order
7 for interstate enforcement to the Division of
8 Enforcement; and

9 (iii) if the order has been previously re-
10 ferred to the Division of Enforcement, refer the
11 information specified in clause (i) to the Divi-
12 sion of Enforcement.

13 (4) If an order is referred to the Division of
14 Enforcement by the Registry under paragraph
15 (3)(C)(ii) or by a State child support enforcement
16 agency under section 454(26) of the Social Security
17 Act (42 U.S.C. 654(26))—

18 (A) notify the custodial and noncustodial
19 parents of such referral; and

20 (B) notify the employer to remit all child
21 support payments to the Registry, receive all
22 child support payments made pursuant to the
23 order, record such payments, and promptly dis-
24 burse the funds—

1 (i) in cases where there is an assign-
2 ment of rights under section 402(a)(26) of
3 the Social Security Act (42 U.S.C.
4 602(a)(26)), in accordance with section
5 457(b) of such Act (42 U.S.C. 657(b)),
6 and

7 (ii) in all other cases, to the custodial
8 parent.

9 **SEC. 303. DIVISION OF ENFORCEMENT.**

10 (a) IN GENERAL.—With respect to the Division of
11 Enforcement, the duties described in this section are as
12 follows:

13 (1) Enforce all child support orders referred to
14 the Division of Enforcement—

15 (A) under section 302(3)(C)(ii);

16 (B) by a State child support enforcement
17 agency under section 454(26) of the Social Se-
18 curity Act (42 U.S.C. 654(26)); and

19 (C) under section 452(b) of the Social Se-
20 curity Act (42 U.S.C. 652(b)).

21 (2) Enforce a child support order in accordance
22 with the terms of the abstract contained in the Reg-
23 istry pursuant to section 302(1) or the modified
24 terms of such an order upon notification of such
25 modifications by the Registry under section 302(2).

1 (3) Enforce medical support provisions of any
2 child support order using any means available under
3 State or Federal law.

4 (4) Receive and process requests for Federal in-
5 come intercept made in accordance with section 464
6 of the Social Security Act (42 U.S.C. 664).

7 With respect to orders referred to the Division of Enforce-
8 ment under subparagraph (A) or (B) of paragraph (1),
9 once the referral is made, the Division of Enforcement
10 shall retain responsibility for enforcement even if the par-
11 ties resume residence in the same State.

12 (b) FAILURE TO PAY AMOUNT OWING.—With re-
13 spect to any child support order being enforced by the Di-
14 vision of Enforcement, if an individual fails to pay the full
15 amount required to be paid on or before the due date for
16 such payment, the Office of the Assistant Commissioner
17 for Interstate Child Enforcement, through the Division of
18 Enforcement, may assess and collect the unpaid amount
19 in the same manner, with the same powers, and subject
20 to the same limitations applicable to a tax imposed by sub-
21 title C of the Internal Revenue Code of 1986 the collection
22 of which would be jeopardized by delay.

23 (c) USE OF FEDERAL COURTS.—The Office of the
24 Assistant Commissioner for Interstate Child Enforcement,
25 through the Division of Enforcement, may utilize the

1 courts of the United States to enforce child support orders
2 against absent parents upon a finding that—

3 (1) the order is being enforced by the Division
4 of Enforcement; and

5 (2) utilization of such courts is a reasonable
6 method of enforcing the child support order.

7 (d) CONFORMING AMENDMENTS.—

8 (1) Section 452(a)(8) (42 U.S.C. 652(a)(8)) is
9 repealed.

10 (2) Section 452(c) (42 U.S.C. 652(c)) is re-
11 pealed.

12 **SEC. 304. STATE PLAN REQUIREMENTS.**

13 Section 454 (42 U.S.C. 654) is amended by striking
14 “and” at the end of paragraph (23), by striking the period
15 at the end of paragraph (24) and inserting a semicolon,
16 and by inserting after paragraph (24) the following new
17 paragraphs:

18 “(25) provide that the State will cooperate with
19 the Office of the Assistant Commissioner for Inter-
20 state Child Support Enforcement to facilitate the ex-
21 change of information regarding child support cases
22 and the enforcement of orders by the Commissioner;
23 and

24 “(26) provide that the State child support en-
25 forcement agency shall refer for enforcement to the

1 Division of Enforcement established under section
2 301 of the Child Support Reform Act of 1994 any
3 child support order if an amount equal to at least
4 1 month's support is in arrears and the State be-
5 lieves the parties reside in different States.”.

6 **SEC. 305. DEFINITIONS.**

7 Any term used in this title which is also used in part
8 D of title IV of the Social Security Act (42 U.S.C. 651
9 et seq.) shall have the meaning given such term by such
10 part.

11 **TITLE IV—FINANCING STATE**
12 **CHILD SUPPORT ENFORCE-**
13 **MENT ACTIVITIES**

14 **SEC. 401. FEDERAL FINANCIAL PARTICIPATION.**

15 (a) IN GENERAL.—Section 455(a) (42 U.S.C.
16 655(a)) is amended—

17 (1) at the end of paragraph (1), by adding the
18 following new sentence: “For fiscal year 1995 and
19 thereafter, no amount shall be paid to any State
20 under this section unless the amounts expended by
21 such State during such year for the operation of the
22 plan approved under this part are not less than such
23 amounts expended by such State in fiscal year
24 1994.”; and

1 (2) in paragraph (2), by striking “and” at the
2 end of subparagraph (B) and by striking subpara-
3 graph (C) and inserting the following new subpara-
4 graphs:

5 “(C) 66 percent for fiscal years 1990,
6 1991, 1992, 1993, and 1994, and

7 “(D) 85 percent for fiscal year 1995 and
8 each fiscal year thereafter.”.

9 (b) REPEAL OF INCENTIVE PAYMENTS TO STATES.—
10 Section 458 (42 U.S.C. 658) is repealed.

11 **SEC. 402. AUDIT STANDARDS.**

12 (a) ESTABLISHMENT OF COMMITTEE.—

13 (1) IN GENERAL.—The Secretary (hereafter in
14 this section referred to as the “Secretary”) shall es-
15 tablish a Child Support Audit Advisory Committee
16 (hereafter in this section referred to as the “Com-
17 mittee”).

18 (2) MEMBERSHIP.—

19 (A) NUMBER OF MEMBERS.—The Sec-
20 retary shall determine the number of members
21 on the Committee.

22 (B) APPOINTMENT.—The members of the
23 Committee shall be appointed by the Secretary
24 and shall include representatives of directors of
25 State child support enforcement programs oper-

1 ating under part D of title IV of the Social Se-
2 curity Act (42 U.S.C. 651 et seq.), recipients of
3 child support enforcement services, and inde-
4 pendent management consultants.

5 (3) DUTIES OF THE COMMITTEE.—The Com-
6 mittee shall assist the Secretary in preparing revised
7 audit criteria to be used pursuant to section
8 452(a)(4) of the Social Security Act (42 U.S.C.
9 652(a)(4)) based on—

10 (A) common data elements which are de-
11 fined, collected, and reported in a uniform man-
12 ner from each State;

13 (B) numeric measures of program out-
14 comes in locating absent parents, establishing
15 paternity, obtaining child support orders, peri-
16 odically modifying such orders, and enforcing
17 such orders (including orders for health insur-
18 ance coverage);

19 (C) numeric measures for assessing com-
20 pliance with the regulations issued by the Sec-
21 retary pursuant to subsections (h) and (i) of
22 section 452 of such Act (42 U.S.C. 652); and

23 (D) a definition of substantial compliance
24 with such criteria.

25 (4) COMPENSATION.—

1 (A) IN GENERAL.—Members of the Com-
2 mittee shall serve without compensation.

3 (B) EXPENSES, ETC., REIMBURSED.—The
4 members of the Committee may be allowed
5 travel expenses while on the business of the
6 Committee, including per diem in lieu of sub-
7 sistence, as authorized by section 5703 of title
8 5, United States Code, for persons employed
9 intermittently in Government service.

10 (5) APPLICATION OF ACT.—The provisions of
11 the Federal Advisory Committee Act shall not apply
12 with respect to the Committee.

13 (6) SUPPORT.—The Secretary shall supply such
14 necessary office facilities, office supplies, support
15 services, and related expenses as necessary to carry
16 out the functions of the Committee.

17 (7) TIMING.—The Secretary shall—

18 (A) not later than 60 days after the date
19 of the enactment of this Act establish the Com-
20 mittee; and

21 (B) not later than 180 days after such
22 date issue a notice of proposed rulemaking with
23 respect to the audit standards required by this
24 subsection, and, after allowing not less than 45
25 days for public comment, issue final regulations

1 not later than 270 days after the date of the
2 enactment of this Act, to be effective beginning
3 1 year after the date of the issuance of such
4 regulations.

5 (b) COMPLIANCE ENFORCEMENT.—

6 (1) IN GENERAL.—Section 403(h)(1) (42
7 U.S.C. 603(h)(1)) is amended—

8 (A) by striking “part D” and inserting
9 “this part”; and

10 (B) by striking “by—” and all that follows
11 and inserting “by not less than 5 percent nor
12 more than 10 percent.”.

13 (2) REDESIGNATION.—Title IV is amended—

14 (A) by redesignating subsection (h) of sec-
15 tion 403 (42 U.S.C. 603), as amended by para-
16 graph (1), as subsection (f); and

17 (B) by relocating subsection (f) (as so re-
18 designated) immediately following subsection (e)
19 of section 455 (42 U.S.C. 655).

20 **TITLE V—EFFECTIVE DATES**

21 **SEC. 501. EFFECTIVE DATES.**

22 (a) IN GENERAL.—Except as otherwise provided in
23 this Act or subsection (b), the amendments made by this
24 Act shall take effect on the date of the enactment of this
25 Act.

1 (b) SPECIAL RULE.—In the case of a State that the
2 Secretary of Health and Human Services determines re-
3 quires State legislation (other than legislation appropriat-
4 ing funds) in order to meet the additional requirements
5 imposed by the amendments made by this Act, the State
6 shall not be regarded as failing to comply with the require-
7 ments of such amendments before the first day of the first
8 calendar quarter beginning after the close of the first reg-
9 ular session of the State legislature that begins after the
10 date of enactment of this Act. For purposes of this sub-
11 section, in the case of a State that has a 2-year legislative
12 session, each year of the session shall be treated as a sepa-
13 rate regular session of the State legislature.

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