

103<sup>D</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. R. 2241

To provide for the establishment of a committee to assist the Secretary of Health and Human Services in developing new criteria and standards for audits of State child support programs, and to require the Secretary to promulgate regulations to modify such audits to emphasize program outcomes.

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## IN THE HOUSE OF REPRESENTATIVES

MAY 24, 1993

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

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## A BILL

To provide for the establishment of a committee to assist the Secretary of Health and Human Services in developing new criteria and standards for audits of State child support programs, and to require the Secretary to promulgate regulations to modify such audits to emphasize program outcomes.

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. CHILD SUPPORT AUDIT ADVISORY COMMITTEE.**

4 (a) ESTABLISHMENT.—Not later than 60 days after  
5 the date of the enactment of this Act, the Secretary of  
6 Health and Human Services (in this Act referred to as

1 the “Secretary”) shall establish a committee which shall  
2 be known as the Child Support Audit Advisory Committee  
3 (in this Act referred to as the “Committee”).

4 (b) DUTIES.—The Committee shall assist the Sec-  
5 retary in—

6 (1) developing revised audit criteria and stand-  
7 ards to be used pursuant to section 452(a)(4) of the  
8 Social Security Act based on—

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

12 (B) numeric measures of the outcomes of  
13 the child support enforcement program under  
14 part D of title IV of such Act; and

15 (C) numeric measures for assessing com-  
16 pliance with the regulations issued by the Sec-  
17 retary pursuant to subsections (h) and (i) of  
18 section 452 of such Act;

19 (2) formulating a definition of substantial com-  
20 pliance that is based on such revised audit criteria  
21 and standards;

22 (3) determining the period of time after interim  
23 or final Federal regulations are issued implementing  
24 such revised audit criteria and standards after which

1 a State may be audited to determine compliance  
2 with such regulations; and

3 (4) recommending to the Congress such legisla-  
4 tion as may be necessary, with respect to the financ-  
5 ing of State child support programs under part D of  
6 title IV of such Act, to enhance the effectiveness of  
7 audits required to be conducted under section  
8 452(a)(4) of such Act and the associated penalty  
9 process under section 403(h) of such Act.

10 (c) MEMBERSHIP.—The Committee shall be com-  
11 posed of not less than 6 members appointed by the Sec-  
12 retary, including—

13 (1) at least 1 director of a State child support  
14 enforcement program operating under part D of title  
15 IV of the Social Security Act;

16 (2) at least 1 commissioner of a State human  
17 services agency;

18 (3) individuals who have demonstrated expertise  
19 in the development of quantitative and qualitative  
20 measures for performance-based audits; and

21 (4) at least 2 representatives of recipients of  
22 child support enforcement services.

23 (d) PROCEDURE.—

24 (1) PARTICIPATION OF THE SECRETARY.—The  
25 Secretary (or a designee of the Secretary) shall be

1 an ex officio member of the Committee, and shall  
2 not vote on matters before the Committee.

3 (2) MEETINGS.—The Committee shall meet at  
4 the call of the Secretary or a designee of the Sec-  
5 retary.

6 (e) COMPENSATION.—

7 (1) IN GENERAL.—No member of the Commit-  
8 tee may receive compensation for service on the  
9 Committee.

10 (2) TRAVEL EXPENSES.—Each member of the  
11 Committee shall receive travel expenses, including  
12 per diem in lieu of subsistence, in accordance with  
13 sections 5702 and 5703 of title 5, United States  
14 Code.

15 (f) ADMINISTRATIVE SUPPORT.—Upon request of the  
16 Committee, the Secretary shall provide to the Committee  
17 the administrative support services necessary for the Com-  
18 mittee to carry out its duties under this Act.

19 (g) INAPPLICABILITY OF THE FEDERAL ADVISORY  
20 COMMITTEE ACT.—The Federal Advisory Committee Act  
21 shall not apply to the Committee.

22 (h) REPORT.—Within 180 days after the date of the  
23 enactment of this Act, the Committee shall submit to the  
24 Secretary a report that contains proposed criteria and  
25 standards for conducting audits under section 452(a)(4)

1 of the Social Security Act, which emphasize program out-  
2 comes.

3 **SEC. 2. NEW CHILD SUPPORT AUDIT PROCESS.**

4 (a) IN GENERAL.—After consultation with the Com-  
5 mittee, the Secretary shall—

6 (1) in accordance with subsection (b), promul-  
7 gate new criteria and standards for conducting au-  
8 dits under section 452(a)(4) of the Social Security  
9 Act, which emphasize program outcomes; and

10 (2) not later than the 1st day of the 12th cal-  
11 endar month beginning after the date of the enact-  
12 ment of this Act, recommend to the Congress such  
13 legislation as may be necessary, with respect to the  
14 financing of State child support programs under  
15 part D of title IV of the Social Security Act, to en-  
16 hance the effectiveness of such audits and the asso-  
17 ciated penalty process under section 403(h) of the  
18 Social Security Act.

19 (b) TIMING.—

20 (1) NOTICE OF PROPOSED RULEMAKING.—Not  
21 later than 270 days after the date of the enactment  
22 of this Act, the Secretary shall issue a notice of pro-  
23 posed rulemaking with respect to the audit criteria  
24 and standards required by subsection (a)(1).

1           (2) FINAL REGULATIONS.—Not later than the  
2 first day of the 12th calendar month beginning after  
3 the date of the enactment of this Act, and after al-  
4 lowing not less than 45 days for public comment on  
5 the proposed rulemaking required by paragraph (1)  
6 of this subsection, the Secretary shall issue final reg-  
7 ulations with respect to the audit criteria and stand-  
8 ards required by subsection (a)(1).

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