

103^D CONGRESS
2^D SESSION

H. R. 5140

IN THE SENATE OF THE UNITED STATES

OCTOBER 6 (legislative day, SEPTEMBER 12), 1994

Received

OCTOBER 8 (legislative day, SEPTEMBER 12), 1994

Read twice and referred to the Committee on Armed Services

AN ACT

To provide for improved procedures for the enforcement of child support obligations of members of the Armed Forces.

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. ENFORCEMENT OF CHILD SUPPORT OBLIGA-**
4 **TIONS OF MEMBERS OF THE ARMED FORCES.**

5 (a) AVAILABILITY OF LOCATOR INFORMATION.—

6 (1) MAINTENANCE OF ADDRESS INFORMA-
7 TION.—The Secretary of Defense shall establish a
8 centralized personnel locator service that includes
9 the address of each member of the Armed Forces
10 under the jurisdiction of the Secretary. Upon re-
11 quest of the Secretary of Transportation, addresses

1 for members of the Coast Guard shall be included in
2 the centralized personnel locator service.

3 (2) TYPE OF ADDRESS.—

4 (A) RESIDENTIAL ADDRESS.—Except as
5 provided in subparagraph (B), the address for
6 a member of the Armed Forces shown in the lo-
7 cator service shall be the residential address of
8 that member.

9 (B) DUTY ADDRESS.—The address for a
10 member of the Armed Forces shown in the loca-
11 tor service shall be the duty address of that
12 member in the case of a member—

13 (i) who is permanently assigned over-
14 seas, to a vessel, or to a routinely
15 deployable unit; or

16 (ii) with respect to whom the Sec-
17 retary concerned makes a determination
18 that the member's residential address
19 should not be disclosed due to national se-
20 curity or safety concerns.

21 (3) UPDATING OF LOCATOR INFORMATION.—

22 Within 30 days after a member listed in the locator
23 service establishes a new residential address (or a
24 new duty address, in the case of a member covered
25 by paragraph (2)(B)), the Secretary concerned shall

1 update the locator service to indicate the new ad-
2 dress of the member.

3 (4) AVAILABILITY OF INFORMATION.—The Sec-
4 retary of Defense shall make information regarding
5 the address of a member of the Armed Forces listed
6 in the locator service available, on request, to the
7 Federal Parent Locator Service.

8 (b) FACILITATING GRANTING OF LEAVE FOR AT-
9 TENDANCE AT HEARINGS.—

10 (1) REGULATIONS.—The Secretary of each
11 military department, and the Secretary of Transpor-
12 tation with respect to the Coast Guard when it is
13 not operating as a service in the Navy, shall pre-
14 scribe regulations to facilitate the granting of leave
15 to a member of the Armed Forces under the juris-
16 diction of that Secretary in a case in which—

17 (A) the leave is needed for the member to
18 attend a court hearing described in paragraph
19 (2);

20 (B) the member is not serving in or with
21 a unit deployed in a contingency operation (as
22 defined in section 101 of title 10, United States
23 Code); and

24 (C) the exigencies of military service (as
25 determined by the Secretary concerned) do not

1 otherwise require that such leave not be
2 granted.

3 (2) COVERED COURT HEARINGS.—Paragraph
4 (1) applies to a court hearing that is conducted in
5 connection with a civil action—

6 (A) to determine whether a member of the
7 Armed Forces is a natural parent of a child; or

8 (B) to determine an obligation of a mem-
9 ber of the Armed Forces to provide child sup-
10 port.

11 (3) DEFINITIONS.—For purposes of this sub-
12 section:

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

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

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

21 (1) DATE OF CERTIFICATION OF COURT
22 ORDER.—Section 1408 of title 10, United States
23 Code, is amended—

24 (A) by redesignating subsection (i) as sub-
25 section (j); and

1 (B) by inserting after subsection (h) the
2 following new subsection (i):

3 “(i) CERTIFICATION DATE.—It is not necessary that
4 the date of a certification of the authenticity or complete-
5 ness of a copy of a court order for child support received
6 by the Secretary concerned for the purposes of this section
7 be recent in relation to the date of receipt by the Sec-
8 retary.”.

9 (2) PAYMENTS CONSISTENT WITH ASSIGN-
10 MENTS OF RIGHTS TO STATES.—Subsection (d)(1)
11 of such section is amended by inserting after the
12 first sentence the following: “In the case of a spouse
13 or former spouse who, pursuant to section
14 402(a)(26) of the Social Security Act (42 U.S.C.
15 602(26)), assigns to a State the rights of the spouse
16 or former spouse to receive support, the Secretary
17 concerned may make the child support payments re-
18 ferred to in the preceding sentence to that State in
19 amounts consistent with that assignment of rights.”.

20 (3) ARREARAGES OWED BY MEMBERS OF THE
21 UNIFORMED SERVICES.—Section 1408(d) of title 10,
22 United States Code, is amended by adding at the
23 end the following new paragraph:

24 “(6) In the case of a court order for which effective
25 service is made on the Secretary concerned on or after

1 the date of the enactment of this paragraph and which
2 provides for payments from the disposable retired pay of
3 a member to satisfy the amount of child support set forth
4 in the court order, the authority provided in paragraph
5 (1) to make payments from the disposable retired pay of
6 a member to satisfy the amount of child support set forth
7 in a court order shall apply to payment of any amount
8 of child support arrearages set forth in that court order
9 as well as to amounts of child support that currently be-
10 come due.”.

Passed the House of Representatives October 5,
1994.

Attest: DONNALD K. ANDERSON,
Clerk.