

103^D CONGRESS
2^D SESSION

H. R. 5179

IN THE SENATE OF THE UNITED STATES

OCTOBER 7 (legislative day, SEPTEMBER 12), 1994

Received

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Read twice and referred to the Committee on Governmental Affairs

AN ACT

To amend title 5, United States Code, to strengthen child support enforcement orders through the garnishment of amounts payable to Federal employees, 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.**

4 This Act may be cited as the “Child Support Reform
5 Amendments Act of 1994”.

6 **SEC. 2. GARNISHMENT OF PAY OF FEDERAL EMPLOYEES.**

7 Subsection (i) of section 5520a of title 5, United
8 States Code, is amended—

1 (1) by striking out “The provisions” and insert-
2 ing in lieu thereof “(1) Except as provided in para-
3 graph (2), the provisions”; and

4 (2) by adding at the end thereof the following:

5 “(2)(A) Each agency, upon receipt of legal process
6 relating to an employee’s legal obligation to provide child
7 support that is regular on its face shall—

8 “(i) within five working days after the date pay
9 would have been paid or credited to the employee by
10 the agency, comply with the order, notwithstanding
11 subsection (f);

12 “(ii) forward the amount withheld pursuant to
13 the order to the State or custodial parent specified
14 in the order; and

15 “(iii) keep records of the amounts so withheld.

16 “(B) In addition to service provided for under sub-
17 section (c), such an order may be served on the agency
18 by first-class mail.

19 “(C) Each agency shall be subject to, and comply
20 with, any civil fine of not more than \$1,000 imposed by
21 a State if the agency receives such an order and fails to
22 comply with the order within 10 working days after the
23 date wages would have been paid or credited to the em-
24 ployee by the agency.”.

1 **SEC. 3. ELIMINATION OF SECOND COURT ORDER TO**
2 **ATTACH RETIREMENT FUNDS FOR CHILD**
3 **SUPPORT.**

4 (a) CSRS.—Subsection (j) of section 8345 of title 5,
5 United States Code, is amended by redesignating para-
6 graph (3) as paragraph (4) and inserting after paragraph
7 (2) the following new paragraph:

8 “(3) Notwithstanding paragraph (1), an individual
9 owed a child support arrearage (determined under a court
10 order or an order of an administrative process established
11 under State law) may attach any interest in payments
12 under this subchapter which would otherwise be payable
13 to an employee, Member, or annuitant who owes the sup-
14 port, without the requirement of a separate order, but only
15 if the State provides procedures for notice and an expe-
16 dited hearing if requested by such employee, Member, or
17 annuitant. Payments attached under this paragraph shall
18 be held in escrow pending a determination pursuant to
19 such a hearing (if any).”.

20 (b) TSP.—Paragraph (3) of section 8437(e) of such
21 title is amended by adding at the end the following: “An
22 individual owed a child support arrearage (determined
23 under a court order or an order of an administrative proc-
24 ess established under State law) may attach any interest
25 in moneys due or payable from the Thrift Savings Fund
26 which would otherwise be payable to an employee, Mem-

1 ber, or annuitant who owes the support, without the re-
2 quirement of a separate order, but only if the State pro-
3 vides procedures for notice and an expedited hearing if
4 requested by such employee, Member, or annuitant.
5 Amounts due or payable which are attached under this
6 paragraph shall be held in escrow pending a determination
7 pursuant to such a hearing (if any).”.

8 (c) FERS.—Section 8467 of such title is amended
9 by adding at the end the following:

10 “(c) Notwithstanding paragraph (1), an individual
11 owed a child support arrearage (determined under a court
12 order or an order of an administrative process established
13 under State law) may attach any interest in payments
14 under this subchapter which would otherwise be payable
15 to an employee, Member, or annuitant who owes the sup-
16 port, without the requirement of a separate order, but only
17 if the State provides procedures for notice and an expe-
18 dited hearing if requested by such employee, Member, or
19 annuitant. Payments attached under this paragraph shall
20 be held in escrow pending a determination pursuant to
21 such a hearing (if any).”.

1 **SEC. 4. DENIAL OF FEDERAL BENEFITS AND EMPLOYMENT**
2 **TO CERTAIN PERSONS WITH LARGE CHILD**
3 **SUPPORT ARREARAGES.**

4 (a) BENEFITS.—Notwithstanding any other provision
5 of law, an agency of the Federal Government may not pro-
6 vide a Federal benefit to any person—

7 (1) who is in arrears by more than 3 months
8 in the payment of child support, determined under
9 a court order or an order of an administrative proc-
10 ess established under State law; and

11 (2) who has not entered into or is not in com-
12 pliance with a plan or an agreement to pay the ar-
13 rearages.

14 (b) EMPLOYMENT.—

15 (1) IN GENERAL.—Notwithstanding any other
16 provision of law, an individual who is in arrears by
17 more than 3 months in the payment of child sup-
18 port, determined under a court order or an order of
19 an administrative process established under State
20 law, must, as a condition of accepting employment
21 in any position in an agency, enter into or be in
22 compliance with a plan or agreement to pay the ar-
23 rearages.

24 (2) REGULATIONS.—Regulations to carry out
25 paragraph (1) shall—

1 (A) with respect to positions in the execu-
2 tive branch, be prescribed by the President (or
3 designee); and

4 (B) with respect to positions in the legisla-
5 tive branch, be prescribed jointly by the Presi-
6 dent pro tempore of the Senate and the Speak-
7 er of the House of Representatives (or their
8 designees) and in consultation with the heads of
9 the agencies of the legislative branch.

10 (c) STUDY.—With respect to the judicial branch, the
11 Director of the Administrative Office of the United States
12 Courts shall assess the feasibility of denying Federal bene-
13 fits and employment to persons with child support arrears
14 exceeding three months.

15 (d) DEFINITIONS.—For purposes of this section—

16 (1) the term “child support” has the meaning
17 given such term in section 462 of the Social Security
18 Act;

19 (2) the term “Federal benefit” means a grant,
20 loan, professional license, or commercial license pro-
21 vided by an agency of the United States, but does
22 not include—

23 (A) any benefit eligibility for which, or the
24 amount of which, is based, in whole or in part,

1 on the financial means of the applicant or recip-
2 ient;

3 (B) loans or grants made for educational
4 purposes; or

5 (C) loans or grants for job training; and

6 (3) the term “agency” means any department,
7 agency, or instrumentality in the executive or legisla-
8 tive branches of the Federal Government.

9 (e) EFFECTIVE DATE.—This section shall take effect
10 as of November 1, 1995.

11 **SEC. 5. DENIAL OF PASSPORTS TO NONCUSTODIAL PAR-**
12 **ENTS SUBJECT TO STATE ARREST WARRANTS**
13 **IN CASES OF NONPAYMENT OF CHILD SUP-**
14 **PORT.**

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

Passed the House of Representatives October 4,
1994.

Attest: DONNALD K. ANDERSON,
Clerk.