

103^D CONGRESS
1ST SESSION

S. 1747

To provide for enforcement of State court judgments against federally forfeited assets of individuals who are delinquent in payment of child support.

IN THE SENATE OF THE UNITED STATES

NOVEMBER 20 (legislative day, NOVEMBER 2), 1993

Mr. GLENN introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To provide for enforcement of State court judgments against federally forfeited assets of individuals who are delinquent in payment of child 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. SHORT TITLE.**

4 This Act may be cited as the “Child Support Fairness
5 Act of 1993”.

6 **SEC. 2. FEDERALLY FORFEITED ASSETS SUBJECT TO**
7 **STATE COURT JUDGMENT.**

8 (a) IN GENERAL.—Assets forfeited as a result of vio-
9 lation of Federal law shall be subject to valid State court

1 judgments for the payment of delinquent child support as
2 provided in this Act.

3 (b) NOTICE OF FORFEITURE.—The Secretary of the
4 Treasury or the Attorney General shall notify the Depart-
5 ment of Health and Human Services Child Support En-
6 forcement Division of the name of any individual whose
7 assets are seized. The Secretary of Health and Human
8 Services shall then notify the appropriate State agency of
9 the name of any such individual who is delinquent in child
10 support payments and inform such agency of the seizure.
11 The State agency shall notify any party owed child sup-
12 port by the individual.

13 (c) PAYMENT FOR ARREARS IN CHILD SUPPORT.—

14 (1) Any party owed child support and having
15 secured a valid State court judgment may petition
16 the Secretary within 30 days after receiving notice
17 under subsection (b) for payment under this Act.
18 The Secretary shall schedule a hearing no later than
19 30 days following receipt of petition.

20 (2) At the discretion of the Secretary, the Sec-
21 retary may waive a hearing and disburse the assets
22 to the petitioner, if money, within 30 days of the fil-
23 ing of a petition and valid State court judgment. If
24 the assets are property other than money, the Sec-
25 retary shall sell the assets under its normal proce-

1 dures. If the value of the property is exceeded by the
2 costs of sale, the petitioner may seek to secure the
3 assets in its original form.

4 (d) TRUST ESTABLISHED.—After a determination is
5 made by the Secretary of the Treasury or the Attorney
6 General as to the appropriate disposition of the seized as-
7 sets, and after payment of all expenses of forfeiture, in-
8 cluding investigative costs, and costs of forfeiture proceed-
9 ings and all other reasonable costs, if there remains any
10 excess money or property, the remaining money or prop-
11 erty shall be—

12 (1) kept in the agency trust fund for a period
13 not to exceed 90 days from the date of final disposi-
14 tion of the case; and

15 (2) subject to claim under this Act.

16 (e) FORFEITURE FUNDS.—

17 (1) Section 9703(a)(1) of title 31, United
18 States Code, is amended by adding at the end there-
19 of the following:

20 “(I) Payments required by the Child Support
21 Fairness Act of 1993.”.

22 (2) Section 511(e) of the Controlled Substances
23 Act (21 U.S.C. 881(e)) is amended by adding at the
24 end thereof the following:

1 “(5) The disposition of forfeited property under this
2 subsection shall be subject to the provisions of the Child
3 Support Fairness Act of 1993.”.

4 (3) Section 613(a) of the Tariff Act of 1930
5 (19 U.S.C. 1613) is amended by adding at the end
6 the thereof the following:

7 “The disposition of forfeited property under this section
8 shall be subject to the provisions of the Child Support
9 Fairness Act of 1993.”.

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