

104TH CONGRESS
1ST SESSION

S. 926

To improve the interstate enforcement of child support and parentage court orders, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JUNE 15 (legislative day, JUNE 5), 1995

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

A BILL

To improve the interstate enforcement of child support and parentage court orders, 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 “Interstate Child Sup-
5 port Act of 1995”.

1 **TITLE I—CHILD SUPPORT**
2 **ENFORCEMENT**

3 **SEC. 101. HOLD ON OCCUPATIONAL, PROFESSIONAL, AND**
4 **BUSINESS LICENSES.**

5 (a) STATE HOLD BASED ON WARRANT OR SUPPORT
6 DELINQUENCY.—Section 466(a) of the Social Security
7 Act (42 U.S.C. 666(a)) is amended by inserting after
8 paragraph (11) the following:

9 “(12)(A) Procedures under which the State oc-
10 cupational licensing and regulating departments and
11 agencies may not issue or renew any occupational,
12 professional, or business license of—

13 “(i) a noncustodial parent who is the sub-
14 ject of an outstanding failure to appear war-
15 rant, capias, or bench warrant related to a child
16 support proceeding that appears on the State’s
17 crime information system, until removed from
18 the system; and

19 “(ii) an individual who is delinquent in the
20 payment of child support, until the obligee or a
21 State prosecutor responsible for child support
22 enforcement consents to, or a court that is re-
23 sponsible for the order’s enforcement orders,
24 the release of the hold on the license, or an ex-
25 pedited inquiry and review is completed while

1 the individual is granted a 60-day temporary li-
2 cense.

3 “(B) Subparagraph (A) shall not apply to an
4 individual who makes an adequate showing to the
5 State that the failure to issue or renew an occupa-
6 tional, professional, or business license will result in
7 undue hardship.”.

8 (b) FEDERAL HOLD BASED ON SUPPORT DELIN-
9 QUENCY.—A Federal agency may not issue or renew any
10 occupational, professional, or business license of an indi-
11 vidual who is delinquent in the payment of child support,
12 until the obligee, the obligee’s attorney, or a State pros-
13 ecutor responsible for child support enforcement consents
14 to, or a court that is responsible for the order’s enforce-
15 ment orders, the release of the hold on the license, or an
16 expedited inquiry and review is completed while the indi-
17 vidual is granted a 60-day temporary license. The preced-
18 ing sentence shall not apply to an individual who makes
19 an adequate showing to the Federal agency that the fail-
20 ure to issue or renew an occupational, professional, or
21 business license will result in undue hardship.

1 **SEC. 102. DENIAL OF FEDERAL BENEFITS, LOANS, GUARAN-**
2 **TEES, AND EMPLOYMENT TO CERTAIN PER-**
3 **SONS WITH LARGE CHILD SUPPORT ARREAR-**
4 **AGES.**

5 (a) BENEFITS, LOANS, AND GUARANTEES.—Not-
6 withstanding any other provision of law, each agency or
7 instrumentality of the Federal Government may not,
8 under any program that the agency or instrumentality su-
9 pervises or administers, provide a benefit to, make a loan
10 to, or provide any guarantee for the benefit of, any individ-
11 ual—

12 (1) whose child support arrearages, determined
13 under a court order or an order of an administrative
14 process established under State law, exceed \$1,000;
15 and

16 (2) who is not in compliance with a plan or an
17 agreement to repay the arrearages.

18 The preceding sentence shall not apply to an individual
19 who makes an adequate showing to such agency or instru-
20 mentality that the failure to provide a benefit, loan, or
21 guarantee will result in undue hardship.

22 (b) EMPLOYMENT.—

23 (1) IN GENERAL.—Notwithstanding any other
24 provision of law, an individual shall be considered in-
25 eligible to accept employment in a position in the
26 Federal Government if—

1 (A) such individual has child support ar-
2 rearages, determined under a court order or an
3 order of an administrative process established
4 under State law, exceeding \$1,000; and

5 (B) such individual is not in compliance
6 with a plan or agreement to repay the arrear-
7 ages.

8 The preceding sentence shall not apply to an individ-
9 ual who makes an adequate showing to the Federal
10 Government that ineligibility to accept employment
11 will result in undue hardship.

12 (2) REGULATIONS.—Regulations to carry out
13 paragraph (1) shall—

14 (A) with respect to positions in the execu-
15 tive branch, be prescribed by the President (or
16 the President’s designee);

17 (B) with respect to positions in the legisla-
18 tive branch, be prescribed jointly by the Presi-
19 dent pro tempore of the Senate and the Speak-
20 er of the House of Representatives (or their
21 designees); and

22 (C) with respect to positions in the judicial
23 branch, be prescribed by the Chief Justice of
24 the United States (or the Chief Justice’s des-
25 ignee).

1 (3) CHILD SUPPORT DEFINED.—For purposes
2 of this subsection, the term “child support” has the
3 meaning given such term in section 462(b) of the
4 Social Security Act (42 U.S.C. 662(b)).

5 **SEC. 103. DENIAL OF PASSPORTS TO NONCUSTODIAL PAR-**
6 **ENTS SUBJECT TO STATE ARREST WARRANTS**
7 **IN CASES OF NONPAYMENT OF CHILD SUP-**
8 **PORT.**

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

17 **SEC. 104. FAIR CREDIT REPORTING ACT AMENDMENT.**

18 Section 604 of the Consumer Credit Protection Act
19 (15 U.S.C. 1681b) is amended by adding at the end the
20 following:

21 “(4) To a State agency administering a State plan
22 under section 454 of the Social Security Act, for use to
23 establish or modify a child support award.”.

1 **SEC. 105. NATIONAL REPORTING OF NEW HIRES AND CHILD**
 2 **SUPPORT INFORMATION.**

3 (a) IN GENERAL.—The Secretary of the Treasury, in
 4 consultation with the Secretary of Labor, shall establish
 5 a system of reporting of new employees by requiring em-
 6 ployers to provide a copy of every new employee’s W-4
 7 form to the child support enforcement agency of the State
 8 in which the employment is located.

9 (b) EXPANDED USE OF FORM.—The Secretary of the
 10 Treasury shall modify the W-4 form completed by the new
 11 employee to include—

12 (1) whether a child support obligation is owed
 13 by the new employee, and if so, to whom such obli-
 14 gation is payable and the amount of such obligation,

15 (2) whether payment of such obligation is to be
 16 by income withholding, and

17 (3) whether the new employee has health care
 18 insurance available.

19 **SEC. 106. COOPERATION REQUIRED WITH RESPECT TO PA-**
 20 **TERNITY ESTABLISHMENT AND CHILD SUP-**
 21 **PORT ENFORCEMENT FOR ELIGIBILITY FOR**
 22 **FAMILY ASSISTANCE.**

23 Subject to the provisions of titles IV and XIX of the
 24 Social Security Act and notwithstanding any other provi-
 25 sion of law, no Federal funds may be used to provide as-
 26 sistance to, or on behalf of, a child in a family that in-

1 cludes an individual whom the agency responsible for ad-
 2 ministering such assistance determines is not cooperating
 3 in establishing the paternity of such child, or in establish-
 4 ing, modifying, or enforcing a support order with respect
 5 to such child, without good cause as determined by such
 6 agency in accordance with standards prescribed by such
 7 agency which shall take into consideration the best inter-
 8 ests of the child.

9 **SEC. 107. AUTHORITY TO COLLECT SUPPORT FROM FED-**
 10 **ERAL EMPLOYEES.**

11 (a) CONSOLIDATION AND STREAMLINING OF AU-
 12 THORITIES.—

13 (1) Section 459 of the Social Security Act (42
 14 U.S.C. 659) is amended in the caption by inserting
 15 “INCOME WITHHOLDING,” before “GARNISHMENT”.

16 (2) Section 459(a) of such Act (42 U.S.C.
 17 659(a)) is amended—

18 (A) by striking “(a)” and inserting “(a)
 19 CONSENT TO SUPPORT ENFORCEMENT.—

20 (B) by striking “section 207” and insert-
 21 ing “section 207 of this Act and 38 U.S.C.
 22 5301”; and

23 (C) by striking all that follows “a private
 24 person,” and inserting “to withholding in ac-
 25 cordance with State law pursuant to subsections

1 (a)(1) and (b) of section 466 and regulations of
2 the Secretary thereunder, and to any other legal
3 process brought, by a State agency administer-
4 ing a program under this part or by an individ-
5 ual obligee, to enforce the legal obligation of
6 such individual to provide child support or ali-
7 mony.”.

8 (3) Section 459(b) of such Act (42 U.S.C.
9 659(b)) is amended to read as follows:

10 “(b) CONSENT TO REQUIREMENTS APPLICABLE TO
11 PRIVATE PERSON.— Except as otherwise provided herein,
12 each entity specified in subsection (a) shall be subject,
13 with respect to notice to withhold income pursuant to sub-
14 section (a)(1) or (b) of section 466, or to any other order
15 or process to enforce support obligations against an indi-
16 vidual (if such order or process contains or is accompanied
17 by sufficient data to permit prompt identification of the
18 individual and the moneys involved), to the same require-
19 ments as would apply if such entity were a private per-
20 son.”.

21 (4) Section 459(c) of such Act (42 U.S.C.
22 659(c)) is redesignated and relocated as paragraph
23 (2) of subsection (f), and is amended—

24 (A) by striking “responding to interroga-
25 tories pursuant to requirements imposed by

1 section 461(b)(3)” and inserting “taking ac-
2 tions necessary to comply with the requirements
3 of subsection (A) with regard to any individ-
4 ual”; and

5 (B) by striking “any of his duties” and all
6 that follows and inserting “such duties.”.

7 (5) Section 461 of such Act (42 U.S.C. 661) is
8 amended by striking subsection (b), and section 459
9 of such Act (42 U.S.C. 659) is amended by inserting
10 after subsection (b) (as added by paragraph (3) of
11 this subsection) the following:

12 “(c) DESIGNATION OF AGENT; RESPONSE TO NOTICE
13 OR PROCESS.—(1) The head of each agency subject to the
14 requirements of this section shall—

15 “(A) designate an agent or agents to receive or-
16 ders and accept service of process; and

17 “(B) publish (i) in the appendix of such regula-
18 tions, (ii) in each subsequent republication of such
19 regulations, and (iii) annually in the Federal Reg-
20 ister, the designation of such agent or agents, identi-
21 fied by title of position, mailing address, and tele-
22 phone number.”.

23 (6) Section 459 of such Act (42 U.S.C. 659) is
24 amended by striking subsection (d) and by inserting

1 after subsection (c)(1) (as added by paragraph (5)
2 of this subsection) the following:

3 “(2) Whenever an agent designated pursuant to para-
4 graph (1) receives notice pursuant to subsection (a)(1) or
5 (b) of section 466, or is effectively served with any order,
6 process, or interrogatories, with respect to an individual’s
7 child support or alimony payment obligations, such agent
8 shall—

9 “(A) as soon as possible (but not later than fif-
10 teen days) thereafter, send written notice of such no-
11 tice or service (together with a copy thereof) to such
12 individual at his duty station or last-known home
13 address;

14 “(B) within 30 days (or such longer period as
15 may be prescribed by applicable State law) after re-
16 ceipt of a notice pursuant to subsection (a)(1) or (b)
17 of section 466, comply with all applicable provisions
18 of such section 466; and

19 “(C) within 30 days (or such longer period as
20 may be prescribed by applicable State law) after ef-
21 fective service of any other such order, process, or
22 interrogatories, respond thereto.”.

23 (7) Section 461 of such Act (42 U.S.C. 661) is
24 amended by striking subsection (c), and section 459
25 of such Act (42 U.S.C. 659) is amended by inserting

1 after subsection (c) (as added by paragraph (5) and
2 amended by paragraph (6) of this subsection) the
3 following:

4 “(d) PRIORITY OF CLAIMS.—In the event that a gov-
5 ernmental entity receives notice or is served with process,
6 as provided in this section, concerning amounts owed by
7 an individual to more than one person—

8 “(1) support collection under section 466(b)
9 must be given priority over any other process, as
10 provided in section 466(b)(7);

11 “(2) allocation of moneys due or payable to an
12 individual among claimants under section 466(b)
13 shall be governed by the provisions of such section
14 466(b) and regulations thereunder; and

15 “(3) such moneys as remain after compliance
16 with subparagraphs (A) and (B) shall be available to
17 satisfy any other such processes on a first-come,
18 first-served basis, with any such process being satis-
19 fied out of such moneys as remain after the satisfac-
20 tion of all such processes which have been previously
21 served.”.

22 (8) Section 459(e) of such Act (42 U.S.C.
23 659(e)) is amended by striking “(e)” and inserting
24 the following:

25 “(e) NO REQUIREMENT TO VARY PAY CYCLES.—”.

1 (9) Section 459(f) of such Act (42 U.S.C.
2 659(f)) is amended by striking “(f)” and inserting
3 the following:

4 “(f) RELIEF FROM LIABILITY.—(1)”.

5 (10) Section 461(a) of such Act (42 U.S.C.
6 661(a)) is redesignated and relocated as section
7 459(g), and is amended—

8 (A) by striking “(g)” and inserting the fol-
9 lowing:

10 “(g) REGULATIONS.—”; and

11 (B) by striking “section 459” and insert-
12 ing “this section”.

13 (11) Section 462 of such Act (42 U.S.C. 662)
14 is amended by striking subsection (f), and section
15 459 of such Act (42 U.S.C. 659) is amended by in-
16 serting the following after subsection (g) (as added
17 by paragraph (10) of this subsection):

18 “(h) MONEYS SUBJECT TO PROCESS.—(1) Subject to
19 subsection (i), moneys paid or payable to an individual
20 which are considered to be based upon remuneration for
21 employment, for purposes of this section—

22 “(A) consist of—

23 “(i) compensation paid or payable for per-
24 sonal services of such individual, whether such
25 compensation is denominated as wages, salary,

1 commission, bonus, pay, allowances, or other-
2 wise (including severance pay, sick pay, and in-
3 centive pay);

4 “(ii) periodic benefits (including a periodic
5 benefit as defined in section 228(h)(3)) or other
6 payments—

7 “(I) under the insurance system es-
8 tablished by title II;

9 “(II) under any other system or fund
10 established by the United States which
11 provides for the payment of pensions, re-
12 tirement or retired pay, annuities, depend-
13 ents’ or survivors’ benefits, or similar
14 amounts payable on account of personal
15 services performed by the individual or any
16 other individual;

17 “(III) as compensation for death
18 under any Federal program;

19 “(IV) under any Federal program es-
20 tablished to provide ‘black lung’ benefits;
21 or

22 “(V) by the Secretary of Veterans Af-
23 fairs as pension, or as compensation for a
24 service-connected disability or death (ex-
25 cept any compensation paid by such Sec-

1 retary to a former member of the Armed
2 Forces who is in receipt of retired or re-
3 tainer pay if such former member has
4 waived a portion of his retired pay in order
5 to receive such compensation); and

6 “(iii) worker’s compensation benefits paid
7 under Federal or State law; but

8 “(B) do not include any payment—

9 “(i) by way of reimbursement or otherwise,
10 to defray expenses incurred by such individual
11 in carrying out duties associated with his em-
12 ployment; or

13 “(ii) as allowances for members of the uni-
14 formed services payable pursuant to chapter 7
15 of title 37, United States Code, as prescribed
16 by the Secretaries concerned (defined by section
17 101(5) of such title) as necessary for the effi-
18 cient performance of duty.”.

19 (12) Section 462(g) of such Act (42 U.S.C.
20 662(g)) is redesignated and relocated as section
21 459(i) of such Act (42 U.S.C. 659(i)).

22 (13)(A) Section 462 of such Act (42 U.S.C.
23 662) is amended—

1 (i) in subsection (e)(1), by redesignating
2 subparagraphs (A), (B), and (C) as clauses (i),
3 (ii), and (iii); and

4 (ii) in subsection (e), by redesignating
5 paragraphs (1) and (2) as subparagraphs (A)
6 and (B).

7 (B) Section 459 of such Act (42 U.S.C. 659)
8 is amended by adding at the end the following:

9 “(j) DEFINITIONS.—For purposes of this section—”.

10 (C) Subsections (a) through (e) of section 462
11 of such Act (42 U.S.C. 662), as amended by sub-
12 paragraph (A) of this paragraph, are relocated and
13 redesignated as paragraphs (1) through (4), respec-
14 tively of section 459(j) (as added by subparagraph
15 (B) of this paragraph, (42 U.S.C. 659(j))), and the
16 left margin of each of such paragraphs (1) through
17 (4) is indented 2 ems to the right of the left margin
18 of subsection (i) (as added by paragraph (12) of this
19 subsection).

20 (b) CONFORMING AMENDMENTS.—

21 (1) TO PART D OF TITLE IV.—Sections 461 and
22 462 of such Act (42 U.S.C. 661), as amended by
23 subsection (a) of this section, are repealed.

24 (2) TO TITLE 5, UNITED STATES CODE.—Sec-
25 tion 5520a of title 5, United States Code, is amend-

1 ed, in subsections (h)(2) and (i), by striking “sec-
2 tions 459, 461, and 462 of the Social Security Act
3 (42 U.S.C. 659, 661, and 662)” and inserting “sec-
4 tion 459 of the Social Security Act (42 U.S.C.
5 659)”.

6 (c) MILITARY RETIRED AND RETAINER PAY.—

7 (1) DEFINITION OF COURT.—Section
8 1408(a)(1) of title 10, United States Code, is
9 amended—

10 (A) by striking “and” at the end of sub-
11 paragraph (B);

12 (B) by striking the period at the end of
13 subparagraph (C) and inserting “; and”; and

14 (C) by adding after subparagraph (C) the
15 following new paragraph:

16 “(D) any administrative or judicial tribu-
17 nal of a State competent to enter orders for
18 support or maintenance (including a State
19 agency administering a State program under
20 part D of title IV of the Social Security Act).”.

21 (2) DEFINITION OF COURT ORDER.—Section
22 1408(a)(2) of such title is amended by inserting “or
23 a court order for the payment of child support not
24 included in or accompanied by such a decree or set-
25 tlement,” before “which—”.

1 (3) PUBLIC PAYEE.—Section 1408(d) of such
2 title is amended—

3 (A) in the heading, by striking “to spouse”
4 and inserting “to (or for benefit of)”; and

5 (B) in paragraph (1), in the first sentence,
6 by inserting “(or for the benefit of such spouse
7 or former spouse to a State central collections
8 unit or other public payee designated by a
9 State, in accordance with part D of title IV of
10 the Social Security Act, as directed by court
11 order, or as otherwise directed in accordance
12 with such part D)” before “in an amount suffi-
13 cient”.

14 (4) RELATIONSHIP TO PART D OF TITLE IV.—
15 Section 1408 of such title is amended by adding at
16 the end the following new subsection:

17 “(j) RELATIONSHIP TO OTHER LAWS.—In any case
18 involving a child support order against a member who has
19 never been married to the other parent of the child, the
20 provisions of this section shall not apply, and the case
21 shall be subject to the provisions of section 459 of the
22 Social Security Act.”.

23 (d) EFFECTIVE DATE.—The amendments made by
24 this section shall become effective 6 months after the date
25 of the enactment of this Act.

1 **SEC. 108. ENFORCEMENT OF CHILD SUPPORT OBLIGA-**
2 **TIONS OF MEMBERS OF THE ARMED FORCES.**

3 (a) AVAILABILITY OF LOCATOR INFORMATION.—

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

12 (2) TYPE OF ADDRESS.—

13 (A) RESIDENTIAL ADDRESS.—Except as
14 provided in subparagraph (B), the address for
15 a member of the Armed Forces shown in the lo-
16 cator service shall be the residential address of
17 that member.

18 (B) DUTY ADDRESS.—The address for a
19 member of the Armed Forces shown in the loca-
20 tor service shall be the duty address of that
21 member in the case of a member—

22 (i) who is permanently assigned over-
23 seas, to a vessel, or to a routinely
24 deployable unit; or

25 (ii) with respect to whom the Sec-
26 retary concerned makes a determination

1 that the member's residential address
2 should not be disclosed due to national se-
3 curity or safety concerns.

4 (3) UPDATING OF LOCATOR INFORMATION.—

5 Within 30 days after a member listed in the locator
6 service establishes a new residential address (or a
7 new duty address, in the case of a member covered
8 by paragraph (2)(B)), the Secretary concerned shall
9 update the locator service to indicate the new ad-
10 dress of the member.

11 (4) AVAILABILITY OF INFORMATION.—The Sec-

12 retary of Defense shall make information regarding
13 the address of a member of the Armed Forces listed
14 in the locator service available, on request, to the
15 Federal Parent Locator Service.

16 (b) FACILITATING GRANTING OF LEAVE FOR AT-
17 TENDANCE AT HEARINGS.—

18 (1) REGULATIONS.—The Secretary of each
19 military department, and the Secretary of Transpor-
20 tation with respect to the Coast Guard when it is
21 not operating as a service in the Navy, shall pre-
22 scribe regulations to facilitate the granting of leave
23 to a member of the Armed Forces under the juris-
24 diction of that Secretary in a case in which—

1 (A) the leave is needed for the member to
2 attend a hearing described in paragraph (2);

3 (B) the member is not serving in or with
4 a unit deployed in a contingency operation (as
5 defined in section 101 of title 10, United States
6 Code); and

7 (C) the exigencies of military service (as
8 determined by the Secretary concerned) do not
9 otherwise require that such leave not be grant-
10 ed.

11 (2) COVERED HEARINGS.—Paragraph (1) ap-
12 plies to a hearing that is conducted by a court or
13 pursuant to an administrative process established
14 under State law, in connection with a civil action—

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

17 (B) to determine an obligation of a mem-
18 ber of the Armed Forces to provide child sup-
19 port.

20 (3) DEFINITIONS.—For purposes of this sub-
21 section:

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

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

4 (c) PAYMENT OF MILITARY RETIRED PAY IN COM-
5 PLIANCE WITH CHILD SUPPORT ORDERS.—

6 (1) DATE OF CERTIFICATION OF COURT
7 ORDER.—Section 1408 of title 10, United States
8 Code, is amended—

9 (A) by redesignating subsection (i) as sub-
10 section (j); and

11 (B) by inserting after subsection (h) the
12 following new subsection (i):

13 “(i) CERTIFICATION DATE.—It is not necessary that
14 the date of a certification of the authenticity or complete-
15 ness of a copy of a court order or an order of an adminis-
16 trative process established under State law for child sup-
17 port received by the Secretary concerned for the purposes
18 of this section be recent in relation to the date of receipt
19 by the Secretary.”.

20 (2) PAYMENTS CONSISTENT WITH ASSIGN-
21 MENTS OF RIGHTS TO STATES.—Section 1408(d)(1)
22 of such title is amended by inserting after the first
23 sentence the following: “In the case of a spouse or
24 former spouse who, pursuant to section 402(a)(26)
25 of the Social Security Act (42 U.S.C. 602(26)), as-

1 signs to a State the rights of the spouse or former
2 spouse to receive support, the Secretary concerned
3 may make the child support payments referred to in
4 the preceding sentence to that State in amounts con-
5 sistent with that assignment of rights.”.

6 (3) ARREARAGES OWED BY MEMBERS OF THE
7 UNIFORMED SERVICES.—Section 1408(d) of such
8 title is amended by adding at the end the following
9 new paragraph:

10 “(6) In the case of a court order or an order of an
11 administrative process established under State law for
12 which effective service is made on the Secretary concerned
13 on or after the date of the enactment of this paragraph
14 and which provides for payments from the disposable re-
15 tired pay of a member to satisfy the amount of child sup-
16 port set forth in the order, the authority provided in para-
17 graph (1) to make payments from the disposable retired
18 pay of a member to satisfy the amount of child support
19 set forth in a court order or an order of an administrative
20 process established under State law shall apply to payment
21 of any amount of child support arrearages set forth in that
22 order as well as to amounts of child support that currently
23 become due.”.

1 **TITLE II—INTERSTATE CHILD**
2 **SUPPORT ENFORCEMENT**

3 **SEC. 201. INTERSTATE RECOGNITION OF CHILD SUPPORT**
4 **AND PARENTAGE ORDERS.**

5 (a) IN GENERAL.—Chapter 115 of title 28, United
6 States Code, is amended by inserting after section 1738A
7 the following:

8 **“§1738B. Full faith and credit to child support and**
9 **parentage orders**

10 “(a) As used in this section:

11 “(1) The term ‘child’ means any individual who
12 has not attained the age of 18 years, and any indi-
13 vidual who has attained the age of 18 years for
14 whom a child support order has been issued pursu-
15 ant to the laws of a State.

16 “(2) The term ‘child support’ includes periodic
17 and lump-sum payments for current and past due
18 economic support, payments of premiums for health
19 insurance for children, payments for, or provision of,
20 child care, and payments for educational expenses.

21 “(3) The term ‘child support order’ means a
22 judgment, decree, or order of a court requiring the
23 payment of money, whether in periodic amounts or
24 lump sum, for the support of a child, and includes

1 permanent and temporary orders, initial orders and
2 modifications, ongoing support, and arrearages.

3 “(4) The term ‘child’s State’ means, with re-
4 spect to a child, the State in which the child resides
5 with a parent or an individual acting as a parent.

6 “(5) The term ‘contestant’ means an individual,
7 including a parent, who claims a right to receive
8 child support or is under an order to pay child sup-
9 port, and includes States and political subdivisions
10 to which support rights have been assigned.

11 “(6) The term ‘court’ means a court, adminis-
12 trative process, or quasijudicial process of a State
13 that is authorized to—

14 “(A) adjudicate parentage;

15 “(B) establish the amount of support pay-
16 able by a contestant; or

17 “(C) modify the amount of support pay-
18 able by a contestant.

19 “(7) The term ‘home State’ means, with respect
20 to a child, the State in which, immediately preceding
21 the time involved, the child lived with his or her par-
22 ents, a parent, or an individual acting as parent, for
23 at least 6 consecutive months (including any periods
24 of temporary absence), and if the child has not at-

1 tained the age of 6 months, the State in which the
2 child lived from birth with any of such individuals.

3 “(8) The term ‘individual acting as a parent’
4 means an individual, other than a parent, who has
5 physical custody of a child and who has either been
6 awarded custody by a court or claims a right to cus-
7 tody.

8 “(9) The terms ‘modification’ and ‘modify’ refer
9 to a change in a child support order or an order ad-
10 judicating parentage that modifies, replaces, super-
11 sedes, or otherwise is made subsequent to such prior
12 order, whether or not made by the same court that
13 issued such prior order.

14 “(10) The term ‘State’ means a State of the
15 United States, the District of Columbia, the Com-
16 monwealth of Puerto Rico, a territory or possession
17 of the United States, and Indian country as defined
18 in section 1151 of title 18, United States Code.

19 “(b) A court of a State shall recognize and enforce
20 according to its terms a child support order or an order
21 adjudicating parentage against an individual over whom
22 personal jurisdiction has been exercised consistent with
23 this section, and shall not modify such an order except
24 as provided in subsection (f).

1 “(c) A court of a State may exercise personal jurisdic-
2 tion over a nonresident contestant if there is any basis
3 consistent with the constitution of the State and the Con-
4 stitution of the United States for the exercise.

5 “(d) A court of a State which has issued a child sup-
6 port order or an order adjudicating parentage consistent
7 with this section shall have continuing, exclusive jurisdic-
8 tion of the order for so long as the State remains the
9 child’s State or the residence of any contestant, unless an-
10 other State, acting in accordance with subsection (f), has
11 modified the order.

12 “(e) Before a court of a State makes a child support
13 order or adjudicates parentage, reasonable notice and op-
14 portunity to be heard shall be given to the contestants.

15 “(f) A court of a State may modify a child support
16 order or an order adjudicating parentage issued by a court
17 of another State if—

18 “(1) each contestant has filed written consent
19 for the court of the State to modify the order and
20 assume continuing, exclusive jurisdiction of the
21 order; and

22 “(2) the court of the State otherwise has juris-
23 diction to issue such an order.

24 “(g) A court of a State which no longer has continu-
25 ing, exclusive jurisdiction of a child support order or an

1 order adjudicating parentage may enforce the order with
2 respect to unsatisfied obligations which accrued before the
3 date the order is modified in accordance with subsection
4 (f).

5 “(h) A court of a State shall not exercise jurisdiction
6 in any proceeding for a child support order or an adjudica-
7 tion of parentage commenced during the pendency of a
8 proceeding in a court of another State when the court of
9 the other State is exercising jurisdiction consistent with
10 this section unless—

11 “(1) the proceeding was filed in the State be-
12 fore the expiration of time allowed in the other State
13 for filing a responsive pleading challenging the exer-
14 cise of jurisdiction by the other State;

15 “(2) the contesting party timely challenges the
16 exercise of jurisdiction by the other State; and

17 “(3) if applicable, the court is in the home
18 State of the child.

19 “(i)(1) Except as provided in paragraphs (2) and (3),
20 the forum State’s law shall apply in a proceeding to estab-
21 lish, modify, or enforce a child support order or an order
22 adjudicating parentage.

23 “(2) A court of a State shall apply the law of the
24 State that issued a child support order or an order adju-
25 dicating parentage in interpreting such an order.

1 “(3) In an action to enforce a child support order
2 or an order adjudicating parentage, the statute of limita-
3 tions under the laws of the forum State or the issuing
4 State, whichever is longer, shall apply.”.

5 (b) CLERICAL AMENDMENT.—The chapter analysis
6 for such chapter is amended by inserting after the item
7 relating to section 1738A the following:

“1738B. Full faith and credit to child support and parentage orders.”.

8 **TITLE III—HIDING ASSETS**

9 **SEC. 301. FRAUDULENT TRANSFER PURSUIT.**

10 Section 466(a) of the Social Security Act (42 U.S.C.
11 666(a)), as amended by section 101, is amended by insert-
12 ing after paragraph (12) the following:

13 “(13) Procedures requiring that, in any case re-
14 lated to child support, any transfer of property by
15 an individual who owes a child support arrearage
16 shall be presumed to be made with the intent to
17 avoid payment of the arrearage, and may be rebut-
18 ted by evidence to the contrary.

19 “(14) Procedures that allow the State to void
20 fraudulent conveyances of property that are made in
21 an attempt to avoid child support obligations.”.

22 **TITLE IV—EFFECTIVE DATE**

23 **SEC. 401. EFFECTIVE DATE.**

24 (a) IN GENERAL.—Except as provided in section 107
25 and subsection (b), the provisions of, and the amendments

1 made by, this Act shall be effective with respect to cal-
2 endar quarters beginning on or after October 1, 1995.

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

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