

108TH CONGRESS
1ST SESSION

H. R. 547

To expand the Federal tax refund intercept program to cover children who are not minors.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 5, 2003

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

A BILL

To expand the Federal tax refund intercept program to cover children who are not minors.

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 and Tax Refund Interception Act of 2003”.

6 **SEC. 2. FINDINGS.**

7 The Congress finds the following:

8 (1) Enforcing child support orders remains a
9 serious problem in the United States. There are ap-
10 proximately 12,000,000 active cases in which a child

1 support order requires a noncustodial parent to con-
2 tribute to the support of his or her child. Of the
3 \$22,000,000,000 owed in 1999 pursuant to such or-
4 ders, \$12,000,000,000, or 54 percent, has been col-
5 lected.

6 (2) It is an injustice for the Federal Govern-
7 ment to issue tax refunds to a deadbeat spouse while
8 a custodial parent has to work 2 or 3 jobs to com-
9 pensate for the shortfall in providing for their chil-
10 dren.

11 (3) The Internal Revenue Service (IRS) pro-
12 gram to intercept the tax refunds of parents who
13 owe child support arrears has been successful in col-
14 lecting a tenth of such arrears.

15 (4) The Congress has periodically expanded eli-
16 gibility for the IRS tax refund intercept program.
17 Initially, the program was limited to intercepting
18 Federal tax refunds owed to parents on public as-
19 sistance. In 1984, the Congress expanded the pro-
20 gram to cover parents not on public assistance. Fi-
21 nally, the Omnibus Budget Reconciliation Act of
22 1990 made the program permanent and expanded
23 the program to cover parents of adult children who
24 are disabled.

1 (5) The injustice to the custodial parent is the
2 same regardless of whether the child is disabled,
3 non-disabled, a minor, or an adult, so long as the
4 child support obligation is provided for by a court or
5 administrative order. It is common for parents to
6 help their adult children finance a college education,
7 a wedding, or a first home. Some parents cannot af-
8 ford to do that because they are recovering from
9 debt they incurred to cover expenses that would have
10 been covered if they had been paid the child support
11 owed to them in a timely manner.

12 (6) This Act would address this injustice by ex-
13 panding the program to cover parents of all adult
14 children, regardless of whether the child is disabled.

15 (7) This Act does not create a cause of action
16 for a custodial parent to seek additional child sup-
17 port. This Act merely helps the custodial parent re-
18 cover debt they are owed for a level of child support
19 that was set by a court after both sides had the op-
20 portunity to present their arguments about the prop-
21 er amount of child support.

1 **SEC. 3. USE OF TAX REFUND INTERCEPT PROGRAM TO**
2 **COLLECT PAST-DUE CHILD SUPPORT ON BE-**
3 **HALF OF CHILDREN WHO ARE NOT MINORS.**

4 Section 464 of the Social Security Act (42 U.S.C.
5 664) is amended—

6 (1) in subsection (a)(2)(A), by striking “(as
7 that term is defined for purposes of this paragraph
8 under subsection (c))”; and

9 (2) in subsection (c)—

10 (A) in paragraph (1)—

11 (i) by striking “(1) Except as pro-
12 vided in paragraph (2), as used in” and in-
13 serting “In”; and

14 (ii) by inserting “(whether or not a
15 minor)” after “a child” each place it ap-
16 pears; and

17 (B) by striking paragraphs (2) and (3).

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