

111TH CONGRESS
2^D SESSION

S. 3848

To amend part D of title IV of the Social Security Act to improve the enforcement, collection, and administration of child support payments, and for other purposes.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 28, 2010

Mr. MENENDEZ (for himself and Mr. GRASSLEY) introduced the following bill;
which was read twice and referred to the Committee on Finance

A BILL

To amend part D of title IV of the Social Security Act to improve the enforcement, collection, and administration of child support payments, 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 “Strengthen and Vital-
5 ize Enforcement of Child Support (SAVE Child Support)
6 Act”.

1 **SEC. 2. AMENDMENTS TO SOCIAL SECURITY ACT; REF-**
2 **ERENCES.**

3 (a) AMENDMENTS TO SOCIAL SECURITY ACT.—Ex-
4 cept as otherwise specifically provided, wherever in this
5 Act an amendment or repeal is expressed in terms of an
6 amendment to, or repeal of, a section or other provision,
7 the amendment or repeal shall be considered to be made
8 to that section or other provision of the Social Security
9 Act.

10 (b) SECRETARY.—In this Act, the term “Secretary”
11 means the Secretary of Health and Human Services.

12 **SEC. 3. INTERSTATE AND INTERNATIONAL CHILD SUPPORT**
13 **PAYMENTS.**

14 (a) REQUIRING STATES TO ADOPT THE 2008
15 AMENDMENTS TO THE UNIFORM INTERSTATE FAMILY
16 SUPPORT ACT.—

17 (1) IN GENERAL.—Section 466(f) (42 U.S.C.
18 666(f)) is amended to read as follows:

19 “(f) UNIFORM INTERSTATE FAMILY SUPPORT
20 ACT.—In order to satisfy section 454(20)(A), on and after
21 January 1, 2013, each State must have in effect the Uni-
22 form Interstate Family Support Act, as approved by the
23 American Bar Association on February 9, 1993, and as
24 in effect on October 1, 2008, including any amendments
25 officially adopted as of such date by the National Con-
26 ference of Commissioners on Uniform State Laws.”.

1 (2) EFFECTIVE DATE.—The amendments made
2 by this subsection shall take effect on January 1,
3 2013.

4 (b) FULL FAITH AND CREDIT FOR CHILD SUPPORT
5 ORDERS.—

6 (1) IN GENERAL.—Section 1738B of title 28,
7 United States Code, is amended—

8 (A) by striking subsection (d) and insert-
9 ing the following:

10 “(d) CONTINUING, EXCLUSIVE JURISDICTION.—

11 “(1) IN GENERAL.—Except as provided under
12 paragraph (2), a court of a State that has made a
13 child support order consistently with this section has
14 continuing, exclusive jurisdiction to modify its order,
15 if—

16 “(A) the order is the controlling order; and

17 “(B) the State—

18 “(i) is the child’s State or the resi-
19 dence of any individual contestant; or

20 “(ii) the contestants consent in a
21 record or open court that the court may
22 continue to exercise jurisdiction to modify
23 its order.

24 “(2) EXCEPTION.—A court may not exercise its
25 continuing, exclusive jurisdiction to modify the order

1 if the court of another State, acting in accordance
2 with subsections (e) and (f), has made a modifica-
3 tion of the order.”;

4 (B) in subsection (e), by striking para-
5 graph (2) and inserting the following:

6 “(2)(A) the court of the other State no longer
7 has continuing, exclusive jurisdiction of the child
8 support order because that State no longer is the
9 child’s State or the residence of any individual con-
10 testant and the parties have not consented in a
11 record or open court that the court of the other
12 State may continue to exercise jurisdiction to modify
13 its order; or

14 “(B) each individual contestant has filed writ-
15 ten consent with the State of continuing, exclusive
16 jurisdiction for a court of another State with juris-
17 diction over at least 1 of the individual contestants
18 or that is located in the child’s State to modify the
19 order and assume continuing, exclusive jurisdiction
20 over the order.”; and

21 (C) in subsection (i), by inserting “, unless
22 the parties have consented in a record or open
23 court that the court of the issuing State may
24 continue to exercise jurisdiction to modify its
25 order” before the period.

1 (c) ENSURING ACCESS TO CHILD SUPPORT SERVICES
2 FOR INTERNATIONAL CHILD SUPPORT CASES.—

3 (1) SECRETARY'S AUTHORITY TO ENSURE COM-
4 PLIANCE WITH MULTILATERAL CHILD SUPPORT
5 CONVENTION.—

6 (A) IN GENERAL.—Section 452 (42 U.S.C.
7 652) is amended—

8 (i) by redesignating the second sub-
9 section (l) (as added by section 7306 of
10 Public Law 109–171) as subsection (m);
11 and

12 (ii) by adding at the end the fol-
13 lowing:

14 “(n) SECRETARY'S AUTHORITY TO ENSURE COMPLI-
15 ANCE WITH MULTILATERAL CHILD SUPPORT CONVEN-
16 TION.—Consistent with the national policy of the United
17 States to fully comply with the obligations of any multilat-
18 eral child support convention to which the United States
19 is a party, the Secretary shall utilize Federal and, as ap-
20 propriate, State enforcement mechanisms in furtherance
21 of this policy and take such steps as may be necessary
22 within the Secretary's authority to ensure compliance with
23 the United States treaty obligations under such convention
24 in the event the Secretary determines that a State plan
25 does not comply with such obligations.”.

1 (B) CONFORMING AMENDMENT.—Section
2 453(k)(3) (42 U.S.C. 653(k)(3)) is amended by
3 striking “452(l)” and inserting “452(m)”.

4 (2) ACCESS TO THE FEDERAL PARENT LOCA-
5 TOR SERVICE.—Section 453(c) (42 U.S.C. 653(c)) is
6 amended—

7 (A) in paragraph (3), by striking “and” at
8 the end;

9 (B) in paragraph (4), by striking the pe-
10 riod at the end and inserting “; and”; and

11 (C) by adding at the end the following:

12 “(5) an entity designated as a Central Author-
13 ity for child support enforcement in a foreign recip-
14 rocating country or a foreign treaty country for pur-
15 poses specified in section 459A(c)(2).”.

16 (3) STATE OPTION TO REQUIRE INDIVIDUALS
17 IN FOREIGN COUNTRIES TO APPLY THROUGH THEIR
18 COUNTRY’S APPROPRIATE CENTRAL AUTHORITY.—
19 Section 454 (42 U.S.C. 654) is amended—

20 (A) in paragraph (4)(A)(ii), by inserting
21 “(except that, if the individual applying for
22 such services resides in a foreign reciprocating
23 country or foreign treaty country, the State
24 may opt to require such individual to request
25 such services through the Central Authority for

1 child support enforcement in the foreign recip-
2 rocating country or the foreign treaty country,
3 and if the individual resides in a foreign coun-
4 try that is not a foreign reciprocating country
5 or a foreign treaty country, a State may accept
6 the application)” after “the child”; and

7 (B) in paragraph (32)—

8 (i) in subparagraph (A), by inserting
9 “, a foreign treaty country,” after “foreign
10 reciprocating country”; and

11 (ii) in subparagraph (C), by striking
12 “or foreign obligee” and inserting “, a for-
13 eign treaty country, or foreign individual”
14 after “foreign reciprocating country”.

15 (4) AMENDMENTS TO INTERNATIONAL SUPPORT
16 ENFORCEMENT PROVISIONS.—Section 459A (42
17 U.S.C. 659a) is amended—

18 (A) in subsection (c)—

19 (i) in the matter preceding paragraph
20 (1), by striking “foreign countries that are
21 the subject of a declaration under this sec-
22 tion” and inserting “foreign reciprocating
23 countries or foreign treaty countries”; and

1 (ii) in paragraph (2), by inserting
2 “and foreign treaty countries” after “for-
3 eign reciprocating countries”;

4 (B) in subsection (d), by striking “the sub-
5 ject of a declaration pursuant to subsection (a)”
6 and inserting “foreign reciprocating countries
7 or foreign treaty countries”; and

8 (C) by adding at the end the following:

9 “(e) REFERENCES.—In this part:

10 “(1) FOREIGN RECIPROCATING COUNTRY.—The
11 term ‘foreign reciprocating country’ means a foreign
12 country (or political subdivision thereof) with respect
13 to which the Secretary has made a declaration pur-
14 suant to subsection (a).

15 “(2) FOREIGN TREATY COUNTRY.—The term
16 ‘foreign treaty country’ means a foreign country for
17 which the 2007 Family Maintenance Convention is
18 in force.

19 “(3) 2007 FAMILY MAINTENANCE CONVEN-
20 TION.—The term ‘2007 Family Maintenance Con-
21 vention’ means the Hague Convention of 23 Novem-
22 ber 2007 on the International Recovery of Child
23 Support and Other Forms of Family Maintenance.”.

24 (5) COLLECTION OF OVERDUE SUPPORT FROM
25 FEDERAL TAX REFUNDS.—Section 464(a)(2)(A) (42

1 U.S.C. 664(a)(2)(A)) is amended by striking “under
2 section 454(4)(A)(ii)” and inserting “under para-
3 graph (4)(A)(ii) or (32) of section 454”.

4 **SEC. 4. CENTRALIZED AND ACCESSIBLE LIEN REGISTRY.**

5 (a) IN GENERAL.—Section 466(a)(4) (42 U.S.C.
6 666(a)(4)) is amended to read as follows:

7 “(4) LIENS.—Procedures under which—

8 “(A) liens arise by operation of law against
9 real and personal property for amounts of over-
10 due support owed by a noncustodial parent who
11 resides or owns property in the State;

12 “(B) all liens described in subparagraph
13 (A) are reported to a centralized lien registry
14 that is maintained in accordance with section
15 4(b) of the Strengthen and Vitalize Enforce-
16 ment of Child Support (SAVE Child Support)
17 Act;

18 “(C) the State accords full faith and credit
19 to liens described in subparagraph (A) arising
20 in another State, when the State agency, party,
21 or other entity seeking to enforce such a lien
22 registers the lien with the Registry and does
23 not require judicial notice or a hearing prior to
24 the enforcement of such liens; and

1 “(D) the State ensures that any real or
2 personal property with a lien described in sub-
3 paragraphs (A) or (C) that has been reported
4 to the centralized lien registry cannot be trans-
5 ferred, sold, or otherwise disposed of, any insur-
6 ance claim described in section 4(b)(1)(C) of
7 the Strengthen and Vitalize Enforcement of
8 Child Support (SAVE Child Support) Act can-
9 not be paid, any estate cannot be settled, and
10 any lump sum pension payment cannot be made
11 until a search of the registry has been made in
12 accordance with section 4(b) of such Act.”.

13 (b) CENTRALIZED LIEN REGISTRY.—

14 (1) IN GENERAL.—For purposes of section
15 466(a)(4) of the Social Security Act, the State shall
16 establish and maintain a centralized lien registry
17 (referred to in this subsection as a “Registry”), or
18 otherwise ensure that it has access to a Registry,
19 that satisfies the requirements of this subsection and
20 is accessible by the following individuals and entities,
21 all of whom are required to share information with
22 the Registry (subject to such requirements as the
23 Secretary determines appropriate) and search the
24 Registry prior to making any sale or distribution of
25 property or funds:

1 (A) Any individual against whom a lien
2 against real or personal property for overdue
3 support is placed.

4 (B) Any individual or entity transferring
5 real property or registered personal property.

6 (C) Any insurer, as defined in section
7 466(a)(20)(B)(i) of such Act, paying an insur-
8 ance claim consisting of a non-recurring pay-
9 ment of \$2000 or more.

10 (D) Any State or entity making a payment
11 related to unemployment compensation benefits,
12 workers' compensation, or proceeds from a
13 State lottery.

14 (E) Any State or entity issuing driver's li-
15 censes, professional and occupational licenses.

16 (F) Any individual or entity making a
17 lump sum pension payment.

18 (G) The executor of any estate.

19 (H) Any other individual or entity specified
20 by the State or the Secretary.

21 (2) OPERATIONAL DATE.—The Secretary shall
22 work in coordination with States and other appro-
23 priate stakeholders to ensure that, not later than
24 January 1, 2012, each State has established or has
25 access to a Registry.

1 (3) REGISTRY ACCESS.—The Secretary may
2 designate additional entities, including Federal,
3 State, and local officials, that may search and share
4 information with the Registry, subject to such condi-
5 tions and requirements as the Secretary determines
6 appropriate.

7 (4) ACCESSING THE INFORMATION CONTAINED
8 IN THE REGISTRY.—

9 (A) IN GENERAL.—The Registry shall
10 allow individuals and entities described in para-
11 graph (1) to search the Registry through a data
12 match process using an individual’s name, so-
13 cial security number, taxpayer identification
14 number, or other accurate and verifiable per-
15 sonal identification number.

16 (B) DATA MATCH.—If a search of the Reg-
17 istry results in a match that a lien against real
18 or personal property for overdue support exists
19 with respect to a debtor, the following informa-
20 tion, at a minimum, shall be made available to
21 the individual or entity initiating the search:

22 (i) The amount of the lien.

23 (ii) The contact information for the
24 State agency responsible for administering

1 the State plan under part D of title IV of
2 the Social Security Act.

3 (iii) The process for paying the under-
4 lying debt up to the amount of the lien.

5 (iv) The process for discharging the
6 lien.

7 (C) NO DATA MATCH.—If a search of the
8 Registry results in no match, the Registry shall
9 permit the individual or entity initiating the
10 search to print a certificate or letter stating
11 that, as of the time and date of the search,
12 there was no outstanding lien against real or
13 personal property for overdue support reported
14 in the Registry with respect to the individual
15 that was the subject of the search.

16 (5) DISCHARGE OF LIENS.—The State shall
17 have procedures under which—

18 (A) if a search of the Registry reveals a
19 lien against real or personal property for over-
20 due support, any proceeds from the sale, trans-
21 fer or distribution shall be applied to satisfy the
22 lien before the lien may be discharged; and

23 (B) upon satisfaction of such a lien, the
24 lien is expeditiously discharged and recorded as
25 such in the Registry in a timely manner.

1 (6) NOTICE AND CHALLENGE OF DATA IN THE
2 REGISTRY.—The State shall have procedures for
3 providing adequate notice to an individual with re-
4 spect to whom a lien against real or personal prop-
5 erty for overdue support is included in the Registry
6 and for allowing an individual to challenge the exist-
7 ence of, or amount of, any such lien reported to the
8 Registry.

9 (c) FINANCIAL INSTITUTIONS.—Section
10 466(a)(17)(A) (42 U.S.C. 666(a)(17)(A)) is amended—

11 (1) in clause (i), by striking “and” at the end;

12 (2) by redesignating clause (ii) as clause (iii);

13 and

14 (3) by inserting after clause (i) the following
15 new clause:

16 “(ii) to ensure that any information
17 provided by such financial institutions for
18 purposes of the data match system is
19 matched against the records in the central-
20 ized lien registry described in paragraph
21 (4); and”.

22 **SEC. 5. REQUIRING STATES TO COMPARE INFORMATION**
23 **MAINTAINED BY INSURERS.**

24 Subsection (m) of section 452 (42 U.S.C. 652), as
25 redesignated by section 3(c)(1)(A)(i) of this Act, is amend-

1 ed in paragraph (1), in the matter preceding subpara-
 2 graph (A), by striking “may” and inserting “shall”.

3 **SEC. 6. DATA MATCHING AND REGISTRY OF PAYMENTS**
 4 **MADE ON PROPERTY AND CASUALTY INSUR-**
 5 **ANCE CLAIMS.**

6 (a) IN GENERAL.—Section 466(a) (42 U.S.C.
 7 666(a)) is amended by inserting after paragraph (19) the
 8 following new paragraph:

9 “(20) REGISTRY OF PAYMENTS MADE ON PROP-
 10 ERTY AND CASUALTY INSURANCE CLAIMS.—

11 “(A) DATA MATCHING.—

12 “(i) IN GENERAL.—Procedures under
 13 which—

14 “(I) the State—

15 “(aa) subject to subclause
 16 (ii), enters into an agreement
 17 with or has entered an existing
 18 consortium of States and insur-
 19 ers for the purpose of matching
 20 overdue child support cases with
 21 a registry of payments made on
 22 property and casualty insurance
 23 claims;

1 “(bb) participates in a pro-
2 gram established by the Sec-
3 retary for such purpose; or

4 “(cc) if, on October 1, 2010,
5 the State has not entered into an
6 agreement described in item (aa)
7 or does not participate in a pro-
8 gram described in item (bb), the
9 State, not later than January 1,
10 2012, enters into an agreement
11 with insurers doing business in
12 the State to register such pay-
13 ments with a registry established
14 and maintained by the State for
15 only such purpose; and

16 “(II) not later than January 1,
17 2013, at least 90 percent of the pay-
18 ments made on property and casualty
19 claims within the State are matched
20 against the State case registry and
21 any overdue child support orders or
22 liens recorded in the registry main-
23 tained by the State pursuant to sec-
24 tion 4 of the Strengthen and Vitalize
25 Enforcement of Child Support Act.

1 “(ii) EXISTING CONSORTIUMS.—A
2 State shall be deemed to have satisfied the
3 requirements of clause (i)(I)(aa) if, prior
4 to the date of enactment of the Strengthen
5 and Vitalize Enforcement of Child Support
6 (SAVE Child Support) Act, the State en-
7 tered into an agreement that established a
8 consortium described in such clause.

9 “(B) DEFINITIONS.—For purposes of this
10 paragraph—

11 “(i) INSURER.—The term ‘insurer’
12 means any public or private entity that is
13 the primary provider of property or cas-
14 ualty insurance, including any self-insured
15 employer or government agency.

16 “(ii) PAYMENTS MADE ON PROPERTY
17 AND CASUALTY INSURANCE CLAIMS.—The
18 term ‘payments made on property and cas-
19 ualty insurance claims’ means any pay-
20 ment greater than \$2000 that is paid by
21 an insurer on a property or casualty claim
22 under a liability insurance policy or the li-
23 ability coverage portion of a multi-peril
24 policy, excluding any payment to a health

1 care provider for any injuries related to
2 such claim.”.

3 (b) CONFORMING AMENDMENTS.—Section 454A(f)
4 (42 U.S.C. 654a(f)) is amended by adding at the end the
5 following:

6 “(6) REGISTRY OF PAYMENTS MADE ON PROP-
7 ERTY AND CASUALTY INSURANCE CLAIMS.—Ex-
8 changing information with a registry of payments
9 made on property and casualty insurance claims that
10 satisfies the requirements of section 466(a)(20) for
11 the purposes specified in that section.”.

12 **SEC. 7. STRENGTHENED PASSPORT DENIAL PROCEDURES.**

13 (a) IN GENERAL.—Section 454(31) (42 U.S.C.
14 654(31)) is amended—

15 (1) in subparagraph (A), by striking “and”
16 after the semicolon;

17 (2) in subparagraph (B), by inserting “and”
18 after the semicolon; and

19 (3) by adding at the end the following new sub-
20 paragraph:

21 “(C) in the case of an individual with re-
22 spect to whom such a certification has been fur-
23 nished, the State agency does not notify the
24 Secretary that the certification is rescinded and
25 any action taken by the Secretary under section

1 452(k)(2) on the basis of such certification may
 2 not be revoked or reversed, before all arrearages
 3 of child support owed by the individual are paid
 4 in full, or the individual owing such arrearages
 5 agrees to pay all such arrearages in full accord-
 6 ing to a payment plan approved by the State
 7 agency;”.

8 (b) **HARDSHIP EXCEPTION.**—For purposes of any ac-
 9 tion taken against an individual under section 452(k) of
 10 the Social Security Act (42 U.S.C. 652(k)), the Secretary
 11 may employ procedures available under title IV of such
 12 Act, or develop additional procedures, to ensure that such
 13 action does not result in undue harm to the ability of such
 14 individual to maintain their employment or livelihood.

15 **SEC. 8. EXPEDITED PROCESS TO WITHHOLD OR SUSPEND**
 16 **LICENSES FOR NONPAYMENT.**

17 Section 466(a)(16) (42 U.S.C. 666(a)(16)) is amend-
 18 ed—

19 (1) by striking “Procedures under which” and
 20 inserting the following:

21 “(A) **IN GENERAL.**—Procedures under
 22 which”; and

23 (2) by adding at the end the following:

24 “(B) **DATA MATCHES WITH STATE LICENS-**
 25 **ING AUTHORITIES.**—Procedures under which—

1 “(i) the State agency, in coordination
2 with any State agencies that issue licenses
3 or permits described in subparagraph (A),
4 develops and operates a system, using
5 automated data exchanges to the max-
6 imum extent feasible, in which—

7 “(I) each State agency that
8 issues licenses or permits described in
9 subparagraph (A) is required to check
10 with the State agency and search the
11 centralized lien registry described in
12 paragraph (4) before issuing the per-
13 mit or license to ensure that the indi-
14 vidual applying for a license or permit
15 is not a noncustodial parent who owes
16 overdue child support or who has
17 failed, after receiving appropriate no-
18 tice, to comply with a subpoena or
19 warrant relating to paternity or child
20 support proceedings, as identified by
21 the State agency; and

22 “(II) each State agency that
23 issues licenses or permits described in
24 subparagraph (A) is required to check
25 with the State agency and search the

1 centralized lien registry described in
2 paragraph (4) at least once each cal-
3 endar quarter for the name of each
4 noncustodial parent who holds a li-
5 cense or permit from the issuing
6 agency and who owes overdue child
7 support or who has failed, after re-
8 ceiving appropriate notice, to comply
9 with a subpoena or warrant relating
10 to paternity or child support pro-
11 ceedings; and

12 “(ii) any State license or permit de-
13 scribed in subparagraph (A) that is issued
14 to an individual who has been determined
15 to owe overdue support or who has failed,
16 after receiving appropriate notice, to com-
17 ply with a subpoena or warrant relating to
18 paternity or child support proceedings is
19 revoked, withheld, or suspended until the
20 State agency certifies that the individual
21 no longer owes overdue child support or
22 has entered into a payment plan under
23 State law to satisfy the child support debt,
24 or has complied with the subpoena or war-
25 rant.

1 “(C) **HARDSHIP EXCEPTION.**—Procedures
 2 under which the State agency provides an indi-
 3 vidual described in subparagraph (A) with an
 4 opportunity to demonstrate, prior to any with-
 5 holding, suspension, restriction on the use of, or
 6 revocation of a permit or license becoming ef-
 7 fective, that such action would result in undue
 8 harm to the ability of such individual to main-
 9 tain their employment or livelihood.

10 “(D) **LIABILITY.**—The head of any State
 11 agency that issues licenses or permits shall not
 12 be liable to any individual for any action taken
 13 in good faith with respect to a license or permit
 14 that is required under this paragraph.”.

15 **SEC. 9. COORDINATION WITH CORRECTIONS AGENCIES**
 16 **AND THE UNITED STATES MARSHALS SERV-**
 17 **ICE.**

18 (a) **IN GENERAL.**—Section 466(c)(1) (42 U.S.C.
 19 666(c)(1)) is amended by inserting after subparagraph
 20 (H) the following:

21 “(I) **COORDINATION WITH CORRECTIONS**
 22 **AGENCIES.**—

23 “(i) **IN GENERAL.**—For the purpose
 24 of increasing coordination between the
 25 State agency and corrections agencies, to

1 develop and operate, in coordination with
2 corrections agencies within the State, a
3 data match system, using automated data
4 exchanges to the extent feasible, for the
5 names of any incoming or incarcerated in-
6 dividuals in corrections facilities who have
7 child support orders.

8 “(ii) ENSURING COMPLIANCE FROM
9 INCARCERATED NONCUSTODIAL PAR-
10 ENTS.—The State agency shall work with
11 corrections facilities to establish programs
12 to educate and assist incarcerated non-
13 custodial parents to manage and fulfill
14 their child support obligations.

15 “(iii) ENSURING COOPERATION WITH
16 STATE PAROLE BOARDS.—The State agen-
17 cy shall ensure that information contained
18 in the centralized lien registry described in
19 subsection (a)(4) is provided to the State
20 parole board.

21 “(iv) CORRECTIONS FACILITIES DE-
22 FINED.—For purposes of this section, the
23 term ‘corrections facility’ means any pris-
24 on, jail, or other secure facility managed
25 and operated, directly or under contract,

1 by any municipality, county, State or the
 2 Federal Government in which offenders are
 3 incarcerated. Such term includes a halfway
 4 house.”.

5 (b) UNITED STATES MARSHALS SERVICE.—

6 (1) IN GENERAL.—The Attorney General may
 7 use the resources of the Federal law enforcement
 8 agencies of the Department of Justice, including the
 9 United States Marshals Service, to locate and appre-
 10 hend persons who violate any State law or local ordi-
 11 nance regarding enforcement of child support orders.

12 (2) FUNDING.—There are authorized to be ap-
 13 propriated such sums as may be necessary to carry
 14 out this subsection.

15 **SEC. 10. PREVENTING DECEPTIVE AND HARASSING PRACTICES OF PRIVATE CHILD SUPPORT COLLECTION AGENCIES.**

16 Section 803 of the Consumer Credit Protection Act
 17 (15 U.S.C. 1692a) is amended—

18 (1) in paragraph (5)—

19 (A) by inserting “either” after “arising”;

20 and

21 (B) by inserting “, or arising from a child
 22 support order” after “reduced to judgment”;

23 and

1 (2) in paragraph (6)—

2 (A) in subparagraph (E), by striking
3 “and” after the semicolon;

4 (B) in subparagraph (F), by striking the
5 period at the end and inserting “; and”; and

6 (C) by inserting at the end the following
7 new subparagraph:

8 “(G) any private collection agency or firm
9 that is licensed by a State to collect support ob-
10 ligations under the State plan for child and
11 spousal support under section 454 of the Social
12 Security Act.”.

13 **SEC. 11. NONCUSTODIAL PARENTS’ ACCESS TO AND VISITA-**
14 **TION OF THEIR CHILDREN.**

15 Section 454(15) (42 U.S.C. 654(15)) is amended—

16 (1) in subparagraph (A), by striking “and”
17 after the semicolon;

18 (2) in subparagraph (B), by adding “and” after
19 the semicolon; and

20 (3) by adding at the end the following:

21 “(C) a process for including in the annual
22 reviews and reports required under subpara-
23 graph (A) information, in such form and man-
24 ner as the Secretary shall require, regarding the
25 policies and practices implemented by the State

1 or which the State plans to implement to facili-
2 tate access to and visitation of children by non-
3 custodial parents;”.

4 **SEC. 12. REPORT ON FEDERAL PROSECUTION FOR FAIL-**
5 **URE TO PAY CHILD SUPPORT OBLIGATIONS.**

6 Not later than January 1, 2012, and annually there-
7 after, the Attorney General shall prepare and submit a
8 report to Congress that provides information regarding
9 the number of individuals prosecuted for violating section
10 228 of title 18, United States Code.

11 **SEC. 13. CHILD SUPPORT FEES.**

12 Section 454(6)(B) (42 U.S.C. 654(6)(B)) is amend-
13 ed—

14 (1) in clause (i), by striking “paid by the indi-
15 vidual applying for such services, or recovered from
16 the absent parent, or” and inserting “recovered from
17 the absent parent or”; and

18 (2) in clause (ii), by striking “paid by the indi-
19 vidual applying for the services,”.

20 **SEC. 14. EFFECTIVE DATE.**

21 (a) IN GENERAL.—Except as otherwise provided in
22 this Act, and subject to subsection (b), the amendments
23 made by this Act take effect on January 1, 2012.

24 (b) DELAY PERMITTED IF STATE LEGISLATION RE-
25 QUIRED.—In the case of a State plan approved under sec-

1 tion 454 of the Social Security Act which requires State
2 legislation (other than legislation appropriating funds) in
3 order for the plan to meet the additional requirements im-
4 posed by the amendments made by this Act, the State plan
5 shall not be regarded as failing to comply with the addi-
6 tional requirements solely on the basis of the failure of
7 the plan to meet the additional requirements before the
8 first day of the first calendar quarter beginning after the
9 close of the first regular session of the State legislature
10 that begins after the date of enactment of this Act. For
11 purposes of the previous sentence, in the case of a State
12 that has a 2-year legislative session, each year of such ses-
13 sion shall be deemed to be a separate regular session of
14 the State legislature.

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