

105TH CONGRESS
2D SESSION

S. 2411

To expand child support enforcement through means other than programs
financed at Federal expense.

IN THE SENATE OF THE UNITED STATES

JULY 31, 1998

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

A BILL

To expand child support enforcement through means other
than programs financed at Federal expense.

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. EQUAL USE OF INCOME WITHHOLDING FOR**

4 **UNEMPLOYMENT INSURANCE BENEFITS.**

5 (a) DISCLOSURE OF WAGE INFORMATION TO PER-
6 SONS OTHER THAN THE TITLE IV–D AGENCY.—Section
7 303(e)(1) of the Social Security Act (42 U.S.C. 503(e)(1))
8 is amended—

1 (1) in subparagraph (A), by inserting “, or to
 2 any other individual or person enforcing child sup-
 3 port obligations,” after “enforcement agency”; and

4 (2) in the second sentence—

5 (A) by striking “only”; and

6 (B) by inserting “and which are being en-
 7 forced by an individual or person other than the
 8 State or local child support enforcement agen-
 9 cy” before the period.

10 (b) AUTHORITY TO WITHHOLD IN THE CASE OF
 11 NON-TITLE IV–D ENFORCEMENT.—Section 303(e)(2)(A)
 12 of the Social Security Act (42 U.S.C. 503(e)(2)(A)) is
 13 amended—

14 (1) in clause (i), by inserting “and the identity
 15 and location of the agency, individual, or person en-
 16 forcing the obligations, to the extent known” before
 17 the comma;

18 (2) in clause (ii), by inserting “or the individual
 19 or person” after “agency”;

20 (3) in clause (iii)(III)—

21 (A) by striking “462(e)” and inserting
 22 “459(i)(5)”; and

23 (B) by striking “and” at the end;

1 (4) in clause (iv), by striking the period and in-
 2 serting “or individual or person disclosed under
 3 clause (i); and”; and

4 (5) in the matter following clause (iv)—

5 (A) by inserting “or to the individual or
 6 person disclosed under clause (i) through legal
 7 process (as defined in section 459(i)(5))” after
 8 “agency”; and

9 (B) by striking “his” and inserting “the
 10 individual’s”.

11 (c) FEES.—Section 303(e)(2) of the Social Security
 12 Act (42 U.S.C. 503(e)(2)) is amended by adding at the
 13 end the following:

14 “(D) The State agency charged with the administra-
 15 tion of the State law may require payment, not to exceed
 16 \$5.00 per calendar month, for the administrative costs in-
 17 curred by the agency under this paragraph for any child
 18 support obligations enforced pursuant to subparagraph
 19 (A) which are attributable to child support obligations that
 20 are enforced by an individual or person other than a State
 21 or local child support enforcement agency.”.

22 **SEC. 2. COMPREHENSIVE COORDINATION WITH OTHER EN-**
 23 **FORCEMENT EFFORTS.**

24 (a) SECRETARIAL RESPONSIBILITIES.—

1 (1) IN GENERAL.—Section 452 of the Social
2 Security Act (42 U.S.C. 652), as amended by the
3 Child Support Performance and Incentive Act of
4 1998 (Public Law 105–200) is amended by adding
5 at the end the following:

6 “(m) COORDINATION WITH OTHER ENFORCEMENT
7 ACTIVITIES.—

8 “(1) IN GENERAL.—The Secretary shall seek
9 and promote, to the extent consistent with this part,
10 the enforcement of child support obligations through
11 activities conducted by a private attorney or a public
12 entity not providing services pursuant to a State
13 plan under this part in order to ensure the fullest
14 practicable utilization of available enforcement re-
15 sources not requiring Federal financial support.

16 “(2) ACCESS TO ENFORCEMENT REMEDIES AND
17 RESOURCES.—The Secretary shall provide, to the
18 maximum extent feasible and for the sole purpose of
19 establishing paternity and establishing, modifying,
20 and enforcing support obligations, access through
21 the State agency providing child support enforce-
22 ment services under this part to the following proce-
23 dures, remedies, and information to a State or local
24 governmental enforcement agency not providing en-
25 forcement services under a plan approved under this

1 part and to any private attorney that is registered
2 with the Secretary under this section, and without
3 the requirement of an application for services pursu-
4 ant to section 454(4)(A)(ii) and subject to such rea-
5 sonable fees as the Secretary may prescribe:

6 “(A) The collection of past-due child sup-
7 port from Federal income tax refunds pursuant
8 to section 464, subject to such regulations gov-
9 erning the time, content, and form of requests
10 for such collection as are issued by the Sec-
11 retary of the Treasury, and approved by the
12 Secretary.

13 “(B) The collection of overdue child sup-
14 port from State income tax refunds pursuant to
15 section 466(a)(3).

16 “(C) The denial, revocation, or limitation
17 of passports for overdue child support pursuant
18 to section 452(k).

19 “(D) The reporting to consumer credit bu-
20 reaus of noncustodial parents who are delin-
21 quent in the payment of child support and the
22 amount of overdue support pursuant to section
23 466(a)(7).

1 “(E) Financial institution data matches
2 and the enforcement of past-due support pursu-
3 ant to section 466(a)(17).

4 “(F) In addition to all information author-
5 ized to be disclosed to an authorized person
6 under section 453(a)(2), pertinent case infor-
7 mation, including information comparisons
8 under section 453(j), maintained in components
9 of the Federal Parent Locator Service under
10 section 453 and information reported by em-
11 ployers pursuant to section 453A(b), subject to
12 section 6103 of the Internal Revenue Code of
13 1986 (relating to the confidentiality of Federal
14 income tax returns and return information) and
15 other Federal requirements applicable to the
16 confidentiality of information and the protection
17 of privacy rights.

18 “(3) REGISTRATION WITH THE SECRETARY OF
19 A PUBLIC ENFORCEMENT AGENCY OR A PRIVATE AT-
20 TORNEY.—

21 “(A) IN GENERAL.—For the purposes of
22 this subsection, the Secretary shall develop a
23 form and procedures, including the charging of
24 a reasonable fee, for the registration of a public
25 child support enforcement agency not providing

1 services under this part or of a private attorney.
2 The form established under this subparagraph
3 shall require—

4 “(i) the disclosure of the legal name
5 and address of the public agency or of the
6 law offices of the attorney or other entity
7 for which the attorney provides legal serv-
8 ices, that provides enforcement of child
9 support obligations;

10 “(ii) the length of time the public
11 agency or the attorney or the entity for
12 which the attorney provides legal services
13 in the enforcement of child support, has
14 provided such enforcement services;

15 “(iii) the nature of the child support
16 enforcement services provided by the public
17 agency or by the attorney or entity for
18 which the attorney provides legal services
19 in the enforcement of child support;

20 “(iv) the amount of fees and other
21 costs charged a client for such services;
22 and

23 “(v) evidence of any bond or other as-
24 surance of client funds security.

1 “(B) REGISTRATION NUMBERS.—Upon re-
2 ceiving a completed and sworn registration form
3 under this paragraph, the Secretary shall assign
4 a registration number to the registering agency
5 or attorney. The Secretary shall provide reg-
6 istration information, including the assigned
7 registration number for a public agency or pri-
8 vate attorney, to each State agency operating
9 an enforcement program under an approved
10 plan under this part and, upon request and
11 payment of a reasonable fee, to any other entity
12 or individual.

13 “(4) PENALTIES.—In addition to any other
14 penalties provided under Federal or State law, with
15 respect to any public agency or private attorney reg-
16 istered with the Secretary under this subsection that
17 knowingly and intentionally uses for purposes other
18 than establishing paternity, or establishing, modify-
19 ing, or enforcing child support obligations any infor-
20 mation made available under this subsection to such
21 agency or attorney, the Secretary may impose either
22 or both of the following penalties:

23 “(A) An administrative fine not to exceed
24 \$1,000.

“(B) The revocation of the agency’s or the attorney’s registration under this subsection, with appropriate notice to State enforcement agencies providing services under this part and to disciplinary bodies of the State in which the attorney is licensed to practice law.”.

(b) CONFORMING AMENDMENTS.—

(1) Section 453(c)(1) of the Social Security Act (42 U.S.C. 653(c)(1)) is amended by inserting “and any agent or attorney of any public child support enforcement agency not providing services under a plan approved under this part or of a private attorney registered with the Secretary pursuant to section 452(l)” before the semicolon.

(2) Section 453(j) of such Act (42 U.S.C. 653(j)) is amended by adding at the end the following:

“(6) RELEASE OF INFORMATION.—The Secretary shall share pertinent information maintained in each component of the Federal Parent Locator Service under this section and information reported by employers pursuant to section 453A(b) on any case or order with a public enforcement agency not providing services under this part or with a private attorney that is registered with the Secretary under

1 section 452(l) and that has submitted a request for
 2 such information through a State agency providing
 3 services under this part in a manner prescribed by
 4 the Secretary, subject to section 6103 of the Inter-
 5 nal Revenue Code of 1986 (relating to the confiden-
 6 tiality of Federal income tax returns and return in-
 7 formation) and other Federal requirements applica-
 8 ble to the confidentiality of information and the pro-
 9 tection of privacy rights.”.

10 (3) Section 453A(h)(1) of the Social Security
 11 Act (42 U.S.C. 653(h)(1)) is amended by inserting
 12 “or, upon payment of a reasonable fee not to exceed
 13 actual administrative costs, to any person or entity
 14 authorized to receive such information under section
 15 452(l)(2)(F)” before the period.

16 **SEC. 3. EXPEDITIOUS PAYMENT OF SUPPORT COLLEC-**
 17 **TIONS.**

18 (a) STATE PLAN REQUIREMENTS.—Section 454(11)
 19 of the Social Security Act (42 U.S.C. 654(11)) is amended
 20 in subparagraph (B) by inserting “at the address (includ-
 21 ing a financial institution for electronic transfer or direct
 22 deposit of funds) and in care of the individual or entity
 23 last specified for receipt of such payment by any individual
 24 legally able to so specify” before the semicolon.

1 (b) STATE LAW REQUIREMENTS.—Section 466(a) of
2 the Social Security Act (42 U.S.C. 666(a)) is amended
3 by inserting after paragraph (19) the following:

4 “(20) PAYMENT OF SUPPORT COLLECTIONS.—
5 Procedures under which any payment of child sup-
6 port due a family which is received by an instrumen-
7 tality of or a political subdivision of the State, or by
8 an entity acting under authority of such an instru-
9 mentality or political subdivision, shall be paid on
10 behalf of the individual entitled to such support at
11 the address (including a financial institution for
12 electronic transfer or direct deposit of funds) and in
13 care of the individual or entity last specified for re-
14 ceipt of such payment by any individual legally able
15 to so specify, without regard to whether the child
16 support obligation is being enforced under a State
17 plan approved under this part.”.

18 (c) CONFORMING AMENDMENT.—Section 454B of
19 the Social Security Act (42 U.S.C. 654B) is amended by
20 adding the following:

21 “(e) REDIRECTION OF DISBURSEMENTS.—The State
22 disbursement unit shall redirect and forward any portion
23 due a family of a support payment to any address (includ-
24 ing a financial institution for the electronic transfer or di-
25 rect deposit of funds) and in care of any person or entity

- 1 last specified for receipt of such payment by any individual
- 2 legally able to so specify on behalf of the person entitled
- 3 to such support.”.

