

103<sup>D</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 5179

To amend title 5, United States Code, to strengthen child support enforcement orders through the garnishment of amounts payable to Federal employees, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

OCTOBER 5, 1994

Ms. NORTON introduced the following bill; which was referred jointly to the Committees on Post Office and Civil Service, Government Operations, and Foreign Affairs

OCTOBER 7, 1994

Committee on Post Office and Civil Service discharged; considered and passed

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## A BILL

To amend title 5, United States Code, to strengthen child support enforcement orders through the garnishment of amounts payable to Federal employees, 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 “Child Support Reform  
5 Amendments Act of 1994”.

1 **SEC. 2. GARNISHMENT OF PAY OF FEDERAL EMPLOYEES.**

2 Subsection (i) of section 5520a of title 5, United  
3 States Code, is amended—

4 (1) by striking out “The provisions” and insert-  
5 ing in lieu thereof “(1) Except as provided in para-  
6 graph (2), the provisions”; and

7 (2) by adding at the end thereof the following:

8 “(2)(A) Each agency, upon receipt of legal process  
9 relating to an employee’s legal obligation to provide child  
10 support that is regular on its face shall—

11 “(i) within five working days after the date pay  
12 would have been paid or credited to the employee by  
13 the agency, comply with the order, notwithstanding  
14 subsection (f);

15 “(ii) forward the amount withheld pursuant to  
16 the order to the State or custodial parent specified  
17 in the order; and

18 “(iii) keep records of the amounts so withheld.

19 “(B) In addition to service provided for under sub-  
20 section (c), such an order may be served on the agency  
21 by first-class mail.

22 “(C) Each agency shall be subject to, and comply  
23 with, any civil fine of not more than \$1,000 imposed by  
24 a State if the agency receives such an order and fails to  
25 comply with the order within 10 working days after the

1 date wages would have been paid or credited to the em-  
2 ployee by the agency.”.

3 **SEC. 3. ELIMINATION OF SECOND COURT ORDER TO**  
4 **ATTACH RETIREMENT FUNDS FOR CHILD**  
5 **SUPPORT.**

6 (a) CSRS.—Subsection (j) of section 8345 of title 5,  
7 United States Code, is amended by redesignating para-  
8 graph (3) as paragraph (4) and inserting after paragraph  
9 (2) the following new paragraph:

10 “(3) Notwithstanding paragraph (1), an individual  
11 owed a child support arrearage (determined under a court  
12 order or an order of an administrative process established  
13 under State law) may attach any interest in payments  
14 under this subchapter which would otherwise be payable  
15 to an employee, Member, or annuitant who owes the sup-  
16 port, without the requirement of a separate order, but only  
17 if the State provides procedures for notice and an expe-  
18 dited hearing if requested by such employee, Member, or  
19 annuitant. Payments attached under this paragraph shall  
20 be held in escrow pending a determination pursuant to  
21 such a hearing (if any).”.

22 (b) TSP.—Paragraph (3) of section 8437(e) of such  
23 title is amended by adding at the end the following: “An  
24 individual owed a child support arrearage (determined  
25 under a court order or an order of an administrative proc-

1 ess established under State law) may attach any interest  
2 in moneys due or payable from the Thrift Savings Fund  
3 which would otherwise be payable to an employee, Mem-  
4 ber, or annuitant who owes the support, without the re-  
5 quirement of a separate order, but only if the State pro-  
6 vides procedures for notice and an expedited hearing if  
7 requested by such employee, Member, or annuitant.  
8 Amounts due or payable which are attached under this  
9 paragraph shall be held in escrow pending a determination  
10 pursuant to such a hearing (if any).”.

11 (c) FERS.—Section 8467 of such title is amended  
12 by adding at the end the following:

13 “(c) Notwithstanding paragraph (1), an individual  
14 owed a child support arrearage (determined under a court  
15 order or an order of an administrative process established  
16 under State law) may attach any interest in payments  
17 under this subchapter which would otherwise be payable  
18 to an employee, Member, or annuitant who owes the sup-  
19 port, without the requirement of a separate order, but only  
20 if the State provides procedures for notice and an expe-  
21 dited hearing if requested by such employee, Member, or  
22 annuitant. Payments attached under this paragraph shall  
23 be held in escrow pending a determination pursuant to  
24 such a hearing (if any).”.

1 **SEC. 4. DENIAL OF FEDERAL BENEFITS AND EMPLOYMENT**  
2 **TO CERTAIN PERSONS WITH LARGE CHILD**  
3 **SUPPORT ARREARAGES.**

4 (a) BENEFITS.—Notwithstanding any other provision  
5 of law, an agency of the Federal Government may not pro-  
6 vide a Federal benefit to any person—

7 (1) who is in arrears by more than 3 months  
8 in the payment of child support, determined under  
9 a court order or an order of an administrative proc-  
10 ess established under State law; and

11 (2) who has not entered into or is not in com-  
12 pliance with a plan or an agreement to pay the ar-  
13 rearages.

14 (b) EMPLOYMENT.—

15 (1) IN GENERAL.—Notwithstanding any other  
16 provision of law, an individual who is in arrears by  
17 more than 3 months in the payment of child sup-  
18 port, determined under a court order or an order of  
19 an administrative process established under State  
20 law, must, as a condition of accepting employment  
21 in any position in an agency, enter into or be in  
22 compliance with a plan or agreement to pay the ar-  
23 rearages.

24 (2) REGULATIONS.—Regulations to carry out  
25 paragraph (1) shall—

1           (A) with respect to positions in the execu-  
2           tive branch, be prescribed by the President (or  
3           designee); and

4           (B) with respect to positions in the legisla-  
5           tive branch, be prescribed jointly by the Presi-  
6           dent pro tempore of the Senate and the Speak-  
7           er of the House of Representatives (or their  
8           designees) and in consultation with the heads of  
9           the agencies of the legislative branch.

10       (c) STUDY.—With respect to the judicial branch, the  
11       Director of the Administrative Office of the United States  
12       Courts shall assess the feasibility of denying Federal bene-  
13       fits and employment to persons with child support arrears  
14       exceeding three months.

15       (d) DEFINITIONS.—For purposes of this section—

16           (1) the term “child support” has the meaning  
17           given such term in section 462 of the Social Security  
18           Act;

19           (2) the term “Federal benefit” means a grant,  
20           loan, professional license, or commercial license pro-  
21           vided by an agency of the United States, but does  
22           not include—

23           (A) any benefit eligibility for which, or the  
24           amount of which, is based, in whole or in part,

1 on the financial means of the applicant or recip-  
2 ient;

3 (B) loans or grants made for educational  
4 purposes; or

5 (C) loans or grants for job training; and

6 (3) the term “agency” means any department,  
7 agency, or instrumentality in the executive or legisla-  
8 tive branches of the Federal Government.

9 (e) EFFECTIVE DATE.—This section shall take effect  
10 as of November 1, 1995.

11 **SEC. 5. DENIAL OF PASSPORTS TO NONCUSTODIAL PAR-**  
12 **ENTS SUBJECT TO STATE ARREST WARRANTS**  
13 **IN CASES OF NONPAYMENT OF CHILD SUP-**  
14 **PORT.**

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

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