

110TH CONGRESS  
2D SESSION

# S. 3706

To amend part D of title IV of the Social Security Act to prohibit States from charging child support recipients for the collection of child support.

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IN THE SENATE OF THE UNITED STATES

NOVEMBER 19, 2008

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

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## A BILL

To amend part D of title IV of the Social Security Act to prohibit States from charging child support recipients for the collection of child support.

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 “Elimination of the Sin-  
5       gle Parent Tax Act of 2008”.

6       **SEC. 2. PROHIBITION ON STATES FROM CHARGING CHILD**  
7                       **SUPPORT RECIPIENTS FOR THE COLLECTION**  
8                       **OF CHILD SUPPORT.**

9       Section 454(6)(B)(ii) of the Social Security Act (42  
10       U.S.C. 654(6)(B)(ii)) is amended—

1           (1) by striking “retained by the State from sup-  
2           port collected on behalf of the individual (but not  
3           from the first \$500 so collected), paid by the indi-  
4           vidual applying for the services,”; and

5           (2) by striking the comma after “absent par-  
6           ent”.

7 **SEC. 3. CONFORMING AMENDMENTS.**

8           Section 457(a)(4) of the Social Security Act (42  
9 U.S.C. 657(a)(4)), as amended by section 7301 of the  
10 Deficit Reduction Act of 2005, is amended—

11           (1) by striking “the portion of”; and

12           (2) by striking “that remains after withholding  
13           any fee pursuant to section 454(6)(B)(ii)”.

14 **SEC. 4. EFFECTIVE DATE.**

15           (a) IN GENERAL.—Except as otherwise provided in  
16 subsection (b), each amendment made by this Act to part  
17 D of title IV of the Social Security Act shall take effect  
18 on October 1, 2009, and shall apply to payments under  
19 such part for quarters beginning on or after such date.

20           (b) DELAY PERMITTED IF STATE LEGISLATION RE-  
21 QUIRED.—

22           (1) IN GENERAL.—Until the date described in  
23 paragraph (2), a qualified State plan shall not be re-  
24 garded as failing to comply with part D of title IV  
25 of the Social Security Act, solely by reason of the

1 plan failing to comply with the additional require-  
2 ments imposed by reason of this Act.

3 (2) DATE DESCRIBED.—

4 (A) IN GENERAL.—The date described in  
5 this paragraph is the first day of the first cal-  
6 endar quarter that begins after the close of the  
7 first regular session of the State legislature that  
8 ends after the effective date of this Act.

9 (B) SPECIAL RULE.—For purposes of sub-  
10 paragraph (A), in the case of a State that has  
11 a 2-year legislative session, each year of the ses-  
12 sion if deemed to be a separate regular session  
13 of the State legislature.

14 (3) QUALIFIED STATE PLAN.—In paragraph  
15 (1), the term “qualified State plan” means a State  
16 plan, approved under part D of title IV of the Social  
17 Security Act, which the Secretary of Health and  
18 Human Services determines will require State legis-  
19 lature (other than legislation appropriating funds) in  
20 order for the plan to meet the additional require-  
21 ments imposed by reason of this Act.

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