

104TH CONGRESS
1ST SESSION

H. R. 11

To strengthen the rights of parents.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 4, 1995

Mrs. VUCANOVICH, Mr. THOMAS of California, and Mr. WELLER (for themselves, Mr. ROYCE, Mr. MCINTOSH, Mr. CRANE, Mr. FORBES, Mr. CUNNINGHAM, Mr. ROHRABACHER, Mr. DORNAN, Mr. HASTERT, Mr. BLUTE, Mr. WELDON of Pennsylvania, Mr. BARTLETT of Maryland, Mr. ZIMMER, Mr. LINDER, Mr. BACHUS, Mr. SMITH of Texas, Mr. COOLEY, Mr. GREENWOOD, Mr. HOKE, Mr. SAXTON, Mr. TAYLOR of North Carolina, Mr. LARGENT, Mr. KIM, Mr. BALLENGER, Mr. CALLAHAN, Mrs. ROUKEMA, Mr. CHRYSLER, Mr. HANCOCK, Mr. NUSSLE, Mr. BAKER of Louisiana, Mr. STEARNS, Mr. ROTH, Mr. STOCKMAN, Mr. SMITH of Michigan, Mr. BAKER of California, Mr. SHAW, Mr. HERGER, Mr. SENSENBRENNER, Mrs. FOWLER, Mr. EMERSON, Mr. HUTCHINSON, Mr. HEINEMAN, Mr. ENGLISH of Pennsylvania, Mr. HOSTETTLER, Mr. JONES, Mr. ENSIGN, Mr. TIAHRT, Mrs. MYRICK, Mrs. CUBIN, Mr. KINGSTON, Mr. EWING, Mr. HASTINGS of Washington, Mr. GANSKE, Mr. WELDON of Florida, Mr. COBURN, Mr. LEWIS of Kentucky, Mr. BUNNING of Kentucky, Mr. INGLIS of South Carolina, Mr. LIGHTFOOT, Mr. ISTOOK, Mr. CALVERT, Mr. CREMEANS, Mr. KNOLLENBERG, Mr. SCHAEFER, Mr. BILIRAKIS, Mr. HAYWORTH, Mr. FOX, Mr. RADANOVICH, Mr. GOODLING, Mr. WAMP, Mr. GILCHREST, Mr. SOLOMON, Mr. BLILEY, Mr. DOOLITTLE, Mr. CAMP, Mr. PACKARD, Mr. STUMP, Mr. GILMAN, Mr. MILLER of Florida, Mr. LATOURETTE, Mr. FLANAGAN, Mr. BURR, Mr. LATHAM, Ms. MOLINARI, Mr. GUNDERSON, Mr. THORNBERRY, Mr. RIGGS, Mr. ALLARD, Mr. GOODLATTE, Mr. CHRISTENSEN, Mr. HILLEARY, Mr. WICKER, Mr. BONO, Mr. FRISA, Mr. SMITH of New Jersey, Mr. TALENT, Mr. SHADEGG, Mrs. JOHNSON of Connecticut, Mr. CANADY, Mr. MCCOLLUM, Mr. SHAYS, Mr. BARTON of Texas, Mr. BARR, Mr. ARMEY, Mr. WALDHOLTZ, Mr. TATE, Ms. DUNN, Mr. MICA, Mr. MCHUGH, Mr. EVERETT, Mr. ROTH, Mr. CRAPO, Mr. PAXON, Mr. YOUNG of Florida, Mr. COBLE, Mr. EHRLICH, and Mrs. MEYERS of Kansas) introduced the following bill; which was referred as follows:

Titles I–II, referred to the Committee on Ways and Means

Title III, referred to the Committee on the Judiciary

Title IV, referred to the Committee on Government Reform and Oversight

Title V, referred to the Committee on Ways and Means, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

JANUARY 26, 1995

Additional sponsors: Mr. BURTON of Indiana, Mr. NORWOOD, Mr. WALKER, Mr. LIVINGSTON, Mr. SAM JOHNSON of Texas, Mr. COLLINS of Georgia, Mrs. SEASTRAND, Mr. SKEEN, Mr. COX, Mr. DREIER, Mr. DELAY, Mr. POMBO, Mr. PETERSON of Minnesota, and Mr. SALMON

A BILL

To strengthen the rights of parents.

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 “Family Reinforcement
 5 Act”.

6 **TITLE I—ADOPTION ASSISTANCE**

7 **SEC. 101. REFUNDABLE CREDIT FOR ADOPTION EXPENSES.**

8 (a) IN GENERAL.—Subpart C of part IV of sub-
 9 chapter A of chapter 1 of the Internal Revenue Code of
 10 1986 (relating to refundable credits) is amended by redес-
 11 ignating section 35 as section 36 and by inserting after
 12 section 34 the following new section:

13 **“SEC. 35. ADOPTION EXPENSES.**

14 “(a) ALLOWANCE OF CREDIT.—In the case of an in-
 15 dividual, there shall be allowed as a credit against the tax
 16 imposed by this subtitle for the taxable year the amount

1 of the qualified adoption expenses paid or incurred by the
2 taxpayer during such taxable year.

3 “(b) LIMITATIONS.—

4 “(1) DOLLAR LIMITATION.—The aggregate
5 amount of qualified adoption expenses which may be
6 taken into account under subsection (a) with respect
7 to the adoption of a child shall not exceed \$5,000.

8 “(2) INCOME LIMITATION.—The amount allow-
9 able as a credit under subsection (a) for any taxable
10 year shall be reduced (but not below zero) by an
11 amount which bears the same ratio to the amount
12 so allowable (determined without regard to this
13 paragraph but with regard to paragraph (1)) as—

14 “(A) the amount (if any) by which the tax-
15 payer’s adjusted gross income exceeds \$60,000,
16 bears to

17 “(B) \$40,000.

18 “(3) DENIAL OF DOUBLE BENEFIT.—

19 “(A) IN GENERAL.—No credit shall be al-
20 lowed under subsection (a) for any expense for
21 which a deduction or credit is allowable under
22 any other provision of this chapter.

23 “(B) GRANTS.—No credit shall be allowed
24 under subsection (a) for any expense to the ex-

1 tent that funds for such expense are received
2 under any Federal, State, or local program.

3 “(c) QUALIFIED ADOPTION EXPENSES.—For pur-
4 poses of this section, the term ‘qualified adoption ex-
5 penses’ means reasonable and necessary adoption fees,
6 court costs, attorney fees, and other expenses which are
7 directly related to the legal adoption of a child by the tax-
8 payer and which are not incurred in violation of State or
9 Federal law or in carrying out any surrogate parenting
10 arrangement. The term ‘qualified adoption expenses’ shall
11 not include any expenses in connection with the adoption
12 by an individual of a child who is the child of such individ-
13 ual’s spouse.

14 “(d) MARRIED COUPLES MUST FILE JOINT RE-
15 TURNS.—Rules similar to the rules of paragraphs (2), (3),
16 and (4) of section 21(e) shall apply for purposes of this
17 section.”

18 (b) CONFORMING AMENDMENTS.—

19 (1) Paragraph (2) of section 1324(b) of title
20 31, United States Code, is amended by inserting be-
21 fore the period “, or from section 35 of such Code”.

22 (2) The table of sections for subpart C of part
23 IV of subchapter A of chapter 1 of such Code is
24 amended by striking the last item and inserting the
25 following:

“Sec. 35. Adoption expenses.

“Sec. 36. Overpayments of tax.”.

1 (c) EFFECTIVE DATE.—The amendments made by
2 this section shall apply to taxable years beginning after
3 December 31, 1995.

4 **TITLE II—ELDERCARE** 5 **ASSISTANCE**

6 **SEC. 201. REFUNDABLE CREDIT FOR CUSTODIAL CARE OF**
7 **CERTAIN DEPENDENTS IN TAXPAYER’S**
8 **HOME.**

9 (a) IN GENERAL.—Subpart C of part IV of sub-
10 chapter A of chapter 1 of the Internal Revenue Code of
11 1986 (relating to refundable credits) is amended by redес-
12 ignating section 36 as section 37 and by inserting after
13 section 35 the following new section:

14 **“SEC. 36. CREDIT FOR TAXPAYERS WITH CERTAIN PERSONS**
15 **REQUIRING CUSTODIAL CARE IN THEIR**
16 **HOUSEHOLDS.**

17 “(a) ALLOWANCE OF CREDIT.—In the case of an in-
18 dividual who maintains a household which includes as a
19 member one or more qualified persons, there shall be al-
20 lowed as a credit against the tax imposed by this subtitle
21 for the taxable year an amount equal to \$500 for each
22 such person.

23 “(b) DEFINITIONS.—For purposes of this section—

24 “(1) QUALIFIED PERSON.—The term ‘qualified
25 person’ means any individual—

1 “(A) who is—

2 “(i) a father or mother, or stepfather
3 or stepmother, of the taxpayer, his spouse,
4 or his former spouse, or

5 “(ii) a father or mother, or stepfather
6 or stepmother, of an individual described
7 in clause (i),

8 “(B) who has been certified by a physician
9 as—

10 “(i) being unable to perform (without
11 substantial assistance from another indi-
12 vidual) at least 2 activities of daily living
13 (as defined in paragraph (2)), or

14 “(ii) having a similar level of disabil-
15 ity due to cognitive impairment, and

16 “(C) who has as his principal place of
17 abode for more than half of the taxable year the
18 home of the taxpayer.

19 “(2) ACTIVITIES OF DAILY LIVING.—For pur-
20 poses of paragraph (1), each of the following is an
21 activity of daily living:

22 “(A) BATHING.—The overall complex be-
23 havior of getting water and cleansing the whole
24 body, including turning on the water for a bath,
25 shower, or sponge bath, getting to, in, and out

1 of a tub or shower, and washing and drying
2 oneself.

3 “(B) DRESSING.—The overall complex be-
4 havior of getting clothes from closets and draw-
5 ers and then getting dressed.

6 “(C) TOILETING.—The act of going to the
7 toilet room for bowel and bladder function,
8 transferring on and off the toilet, cleaning after
9 elimination, and arranging clothes.

10 “(D) TRANSFER.—The process of getting
11 in and out of bed or in and out of a chair or
12 wheelchair.

13 “(E) EATING.—The process of getting
14 food from a plate or its equivalent into the
15 mouth.

16 “(3) PHYSICIAN.—The term ‘physician’ means
17 a doctor of medicine or osteopathy legally authorized
18 to practice medicine or surgery in the jurisdiction in
19 which he makes the determination under paragraph
20 (1).

21 “(c) SPECIAL RULES.—For purposes of this section,
22 rules similar to the rules of paragraphs (1), (2), (3), and
23 (4) of section 21(e) shall apply.

1 “(d) REGULATIONS.—The Secretary shall prescribe
2 such regulations as may be necessary to carry out the pur-
3 poses of this section.”

4 (b) CONFORMING AMENDMENTS.—

5 (1) Paragraph (2) of section 1324(b) of title
6 31, United States Code, is amended by inserting “or
7 36” after “section 35”.

8 (2) The table of sections for subpart C of part
9 IV of subchapter A of chapter 1 of such Code is
10 amended by striking the item relating to section 36
11 and inserting the following:

“Sec. 36. Credit for taxpayers with certain persons requiring cus-
todial care in their households.

“Sec. 37. Overpayments of tax.”

12 (c) EFFECTIVE DATE.—The amendments made by
13 this section shall apply to taxable years beginning after
14 December 31, 1995.

15 **TITLE III—CHILD PROTECTION**

16 **SEC. 301. INCREASED PENALTIES FOR USE OF A COM- 17 PUTER IN SEXUAL CRIMES AGAINST CHIL- 18 DREN.**

19 The United States Sentencing Commission shall
20 amend the sentencing guidelines applicable to section
21 2252 of title 18, United States Code, to increase the of-
22 fense level by 2 levels if a computer was used in the trans-
23 porting or shipment of the visual depiction.

1 **SEC. 302. MANDATORY MINIMUM SENTENCE FOR PROS-**
2 **TITUTION OF CHILDREN.**

3 Section 2423 of title 18, United States Code, is
4 amended—

5 (1) in subsection (a), by striking “or impris-
6 oned not more than ten years, or both.” and insert-
7 ing “and imprisoned not less than 3 nor more than
8 10 years.”; and

9 (2) in subsection (b), by striking “, imprisoned
10 not more than 10 years, or both.” and inserting
11 “and imprisoned not less than 3 nor more than 10
12 years.”.

13 **SEC. 303. SENTENCING GUIDELINES RELATING TO PROS-**
14 **TITUTION OF CHILDREN.**

15 The United States Sentencing Commission shall
16 amend the sentencing guidelines applicable to section
17 2423 of title 18, United States Code, to assure that an
18 increase in the age of the child who is the victim of the
19 offense does not result in a lighter punishment.

20 **SEC. 304. INCREASE IN PENALTY FOR SEXUAL ABUSE OF A**
21 **MINOR.**

22 Section 2243(a) of title 18, United States Code, is
23 amended by inserting “less than 3 nor” after “imprisoned
24 not”.

1 **SEC. 305. INCREASE IN PENALTY FOR SEXUAL ABUSE OF A**
2 **WARD.**

3 Section 2243(b) of title 18, United States Code, is
4 amended by striking “more than one year” and inserting
5 “less than 3 nor more than 15 years”.

6 **TITLE IV—FAMILY PRIVACY**
7 **PROTECTION**

8 **SEC. 401. FAMILY PRIVACY PROTECTION.**

9 (a) Notwithstanding any other provision of law, no
10 program or activity funded in whole in or part by any Fed-
11 eral department or agency shall require a minor to submit
12 to a survey, analysis, or evaluation that reveals informa-
13 tion concerning:

14 (1) parental political affiliations;

15 (2) mental or psychological problems potentially
16 embarrassing to the minor or his family;

17 (3) sexual behavior or attitudes;

18 (4) illegal, anti-social, self-incriminating, or de-
19 meaning behavior;

20 (5) appraisals of other individuals with whom
21 the minor has a familial relationship;

22 (6) relationships that are legally recognized as
23 privileged, such as those with lawyers, physicians,
24 and members of the clergy;

25 (7) the minor’s household income, other than
26 information required by law to determine eligibility

1 for participation in a program or for receiving finan-
2 cial assistance from a program; or

3 (8) religious beliefs,

4 without the written consent of at least one of the minor's
5 parents or guardians or, in the case of an emancipated
6 minor, the prior consent of the minor himself.

7 (b) Subsection (a) shall not apply to tests intended
8 to measure academic performance except to the extent
9 that such tests would require a minor to reveal informa-
10 tion listed in paragraphs (1) through (6) of subsection (a).

11 **SEC. 402. NOTIFICATION PROCEDURES.**

12 A department or agency which, in whole or in part,
13 supports a program or activity involving any survey, anal-
14 ysis, or evaluation of minors shall establish procedures by
15 which the department or agency, or its grantees, shall no-
16 tify minors and their parents of their rights under this
17 title.

18 **SEC. 403. EFFECTIVE DATE.**

19 This title shall take effect 30 days after the date of
20 the enactment of this Act.

21 **TITLE V—CHILD SUPPORT**
22 **ENFORCEMENT**

23 **SEC. 501. ENFORCEMENT OF CHILD SUPPORT ORDERS.**

24 (a) IN GENERAL.—Section 1738A of title 28, United
25 States Code, is amended—

1 (1) in subsection (a) by inserting “or child sup-
2 port order” after “child custody determination”;

3 (2) in subsection (b)—

4 (A) by redesignating paragraphs (2)
5 through (8) as paragraphs (3) through (9), re-
6 spectively; and

7 (B) by inserting after paragraph (1) the
8 following new paragraph:

9 “(2) ‘child support order’ means a judgment,
10 decree, or order of a court requiring the payment of
11 money, whether in periodic amounts or lump sum,
12 for the support of a child and includes permanent
13 and temporary orders, initial orders and modifica-
14 tions, on-going support and arrearages;”;

15 (3) in subsection (c)—

16 (A) in the first sentence by inserting “or
17 child support order” after “child custody deter-
18 mination”; and

19 (B) in paragraph (2)(D)(i) by inserting
20 “or support” after “determine the custody”;

21 (4) in subsection (d), by striking out “the re-
22 quirement of subsection (c)(1) of this section contin-
23 ues to be met and”; and

1 (5) in subsection (f)(2), by inserting “as de-
2 scribed under subsection (d) of this section,” after
3 “no longer has jurisdiction,”.

4 (b) TECHNICAL AND CONFORMING AMENDMENTS.—

5 (1) The heading for section 1738A of title 28, United
6 States Code, is amended to read as follows:

7 **“SEC. 1738A. FULL FAITH AND CREDIT GIVEN TO CHILD**
8 **CUSTODY DETERMINATIONS AND CHILD SUP-**
9 **PORT ORDERS.”.**

10 (2) The table of sections for chapter 115 of title 28,
11 United States Code, is amended by striking out the item
12 relating to section 1738A and inserting in lieu thereof:

“1738A. Full faith and credit given to child custody determinations and child
support orders.”.

13 (c) EFFECTIVE DATE.—The amendments made by
14 this section shall be effective on and after the date of the
15 enactment of this Act.

16 **SEC. 502. UNIFORM TERMS IN ORDERS.**

17 (a) IN GENERAL.—Section 452(a) of the Social Secu-
18 rity Act (42 U.S.C. 652(a)) is amended—

19 (1) in paragraph (9), by striking “and” after
20 the semicolon;

21 (2) in paragraph (10), by striking the period at
22 the end of the 2nd sentence and inserting “; and”;
23 and

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

1 “(11) develop, in conjunction with State execu-
2 tive and judicial organizations, a uniform abstract of
3 a child support order, for use by all State courts to
4 record in each child support order—

5 “(A) the date support payments are to
6 begin under the order;

7 “(B) the circumstances upon which sup-
8 port payments are to end under the order;

9 “(C) the amount of child support payable
10 pursuant to the order expressed as a sum cer-
11 tain to be paid on a monthly basis, arrearages
12 expressed as a sum certain as of a certain date,
13 and any payback schedule for the arrearages;

14 “(D) whether the order awards support in
15 a lump sum (nonallocated) or per child;

16 “(E) if the award is in a lump sum, the
17 event causing a change in the support award
18 and the amount of any change;

19 “(F) other expenses covered by the order;

20 “(G) the names of the parents subject to
21 the order;

22 “(H) the social security account numbers
23 of the parents;

1 “(I) the name, date of birth, and social se-
2 curity account number (if any) of each child
3 covered by the order;

4 “(J) the identification (FIPS code, name,
5 and address) of the court that issued the order;

6 “(K) any information on health care sup-
7 port required by the order; and

8 “(L) the party to contact if additional in-
9 formation is obtained.”.

10 **SEC. 503. WORK REQUIREMENT FOR NONCUSTODIAL PAR-**
11 **ENTS WITH CHILD SUPPORT ARREARAGES.**

12 Section 466(a) of the Social Security Act (42 U.S.C.
13 666(a)) is amended by inserting after paragraph (11) the
14 following:

15 “(12) Procedures requiring that—

16 “(A) upon a determination by the State
17 agency referred to in section 402(a)(3) that the
18 noncustodial parent of any child who is apply-
19 ing for or receiving aid under the State plan ap-
20 proved under part A owes child support (as de-
21 fined in section 462(b)) with respect to the
22 child, is in arrears in the payment of such sup-
23 port in an amount that is not less than twice
24 the amount of the monthly child support obliga-
25 tion, is not incapacitated, and is not subject to

1 a court-approved plan for payment of such ar-
2 rearage, the State agency referred to in section
3 402(a)(3) send to the noncustodial parent a let-
4 ter notifying the noncustodial parent that the
5 noncustodial parent—

6 “(i) is required to pay child support
7 with respect to the child; and

8 “(ii) is subject to fines and other pen-
9 alties for failure to pay the full amount of
10 such support in a timely manner; and

11 “(B) if, by the end of the 30-day period
12 that begins with the date the letter is sent pur-
13 suant to subparagraph (A), the amount of the
14 arrearage has not decreased by at least a per-
15 centage amount specified by the State agency,
16 the State seek a court order requiring the
17 noncustodial parent—

18 “(i) to participate in a job search pro-
19 gram established by the State, for not less
20 than 2 weeks and not more than 4 weeks;
21 and

22 “(ii) if, by the end of the 30-day pe-
23 riod beginning on the date the order is en-
24 tered, the amount of the arrearage has not
25 decreased by at least a percentage amount

1 specified by the State agency, to partici-
2 pate in a work program established by the
3 State, for not less than 35 hours per week
4 (or, if the program also requires job
5 search, for not less than 30 hours per
6 week).”.

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