

112TH CONGRESS
2D SESSION

H. R. 4282

To amend part D of title IV of the Social Security Act to ensure that the United States can comply fully with the obligations of the Hague Convention of 23 November 2007 on the International Recovery of Child Support and Other Forms of Family Maintenance, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 28, 2012

Mr. BERG (for himself, Mr. DOGGETT, Mr. DAVIS of Kentucky, Mr. LEWIS of Georgia, Mr. BOUSTANY, Mr. PRICE of Georgia, Mr. MCDERMOTT, Mr. CROWLEY, Mr. PAULSEN, Mrs. BLACK, Mr. REED, and Mr. RANGEL) introduced the following bill; which was referred to the Committee on Ways and Means, and in addition to the Committees on the Budget and 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

A BILL

To amend part D of title IV of the Social Security Act to ensure that the United States can comply fully with the obligations of the Hague Convention of 23 November 2007 on the International Recovery of Child Support and Other Forms of Family Maintenance, 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,*

1 **SECTION 1. SHORT TITLE; REFERENCES.**

2 (a) **SHORT TITLE.**—This Act may be cited as the
3 “International Child Support Recovery Improvement Act
4 of 2012”.

5 (b) **REFERENCES.**—Except as otherwise expressly
6 provided in this Act, wherever in this Act an amendment
7 is expressed in terms of an amendment to a section or
8 other provision, the amendment shall be considered to be
9 made to a section or other provision of the Social Security
10 Act.

11 **SEC. 2. AMENDMENTS TO ENSURE ACCESS TO CHILD SUP-**
12 **PORT SERVICES FOR INTERNATIONAL CHILD**
13 **SUPPORT CASES.**

14 (a) **AUTHORITY OF THE SECRETARY OF HHS TO**
15 **ENSURE COMPLIANCE WITH MULTILATERAL CHILD SUP-**
16 **PORT CONVENTIONS.**—

17 (1) **IN GENERAL.**—Section 452 (42 U.S.C. 652)
18 is amended—

19 (A) by redesignating the second subsection

20 (l) (as added by section 7306 of the Deficit Re-
21 duction Act of 2005) as subsection (m); and

22 (B) by adding at the end the following:

23 “(n) The Secretary shall use the authorities otherwise
24 provided by law to ensure the compliance of the United
25 States with any multilateral child support convention to
26 which the United States is a party.”.

1 (2) 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 (b) ACCESS TO THE FEDERAL PARENT LOCATOR
5 SERVICE.—Section 453(c) (42 U.S.C. 653(c)) is amend-
6 ed—

7 (1) by striking “and” at the end of paragraph
8 (3);

9 (2) by striking the period at the end of para-
10 graph (4) and inserting “; and”; and

11 (3) 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 roating country or a foreign treaty country for pur-
15 poses specified in section 459A(c)(2).”.

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

20 (1) in paragraph (4)(A)(ii), by inserting before
21 the semicolon “(except that, if the individual apply-
22 ing for the services resides in a foreign reciprocating
23 country or foreign treaty country, the State may opt
24 to require the individual to request the services
25 through the Central Authority for child support en-

1 forcement in the foreign reciprocating country or the
2 foreign treaty country, and if the individual resides
3 in a foreign country that is not a foreign recipro-
4 cating country or a foreign treaty country, a State
5 may accept or reject the application)”; and

6 (2) in paragraph (32)—

7 (A) in subparagraph (A), by inserting “, a
8 foreign treaty country,” after “a foreign recip-
9 rocating country”; and

10 (B) in subparagraph (C), by striking “or
11 foreign obligee” and inserting “, foreign treaty
12 country, or foreign individual”.

13 (d) AMENDMENTS TO INTERNATIONAL SUPPORT EN-
14 FORCEMENT PROVISIONS.—Section 459A (42 U.S.C.
15 659a) is amended—

16 (1) by adding at the end the following:

17 “(e) REFERENCES.—In this part:

18 “(1) FOREIGN RECIPROCATING COUNTRY.—The
19 term ‘foreign reciprocating country’ means a foreign
20 country (or political subdivision thereof) with respect
21 to which the Secretary has made a declaration pur-
22 suant to subsection (a).

23 “(2) FOREIGN TREATY COUNTRY.—The term
24 ‘foreign treaty country’ means a foreign country for

1 which the 2007 Family Maintenance Convention is
2 in force.

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

8 (2) in subsection (c)—

9 (A) in the matter preceding paragraph (1),
10 by striking “foreign countries that are the sub-
11 ject of a declaration under this section” and in-
12 serting “foreign reciprocating countries or for-
13 eign treaty countries”; and

14 (B) in paragraph (2), by inserting “and
15 foreign treaty countries” after “foreign recipro-
16 cating countries”; and

17 (3) in subsection (d), by striking “the subject of
18 a declaration pursuant to subsection (a)” and insert-
19 ing “foreign reciprocating countries or foreign treaty
20 countries”.

21 (e) COLLECTION OF PAST-DUE SUPPORT FROM FED-
22 ERAL TAX REFUNDS.—Section 464(a)(2)(A) (42 U.S.C.
23 664(a)(2)(A)) is amended by striking “under section
24 454(4)(A)(ii)” and inserting “under paragraph (4)(A)(ii)
25 or (32) of section 454”.

1 (f) STATE LAW REQUIREMENT CONCERNING THE
2 UNIFORM INTERSTATE FAMILY SUPPORT ACT
3 (UIFSA).—

4 (1) IN GENERAL.—Section 466(f) (42 U.S.C.
5 666(f)) is amended—

6 (A) by striking “on and after January 1,
7 1998,”;

8 (B) by striking “and as in effect on Au-
9 gust 22, 1996,”; and

10 (C) by striking “adopted as of such date”
11 and inserting “adopted as of September 30,
12 2008”.

13 (2) CONFORMING AMENDMENT TO TITLE 28,
14 UNITED STATES CODE.—Section 1738B of title 28,
15 United States Code, is amended—

16 (A) in subsection (d), by striking “indi-
17 vidual contestant” and inserting “individual
18 contestant or the parties have consented in a
19 record or open court that the tribunal of the
20 State may continue to exercise jurisdiction to
21 modify its order,”;

22 (B) in subsection (e)(2)(A), by striking
23 “individual contestant” and inserting “indi-
24 vidual contestant and the parties have not con-
25 sented in a record or open court that the tri-

1 bunal of the other State may continue to exer-
2 cise jurisdiction to modify its order”; and

3 (C) in subsection (b)—

4 (i) by striking “‘child’ means—” and
5 inserting “(1) The term ‘child’ means”;

6 (ii) by striking “‘child’s State’
7 means” and inserting “(2) The term
8 ‘child’s State’ means”;

9 (iii) by striking “‘child’s home State’
10 means” and inserting “(3) The term
11 ‘child’s home State’ means”;

12 (iv) by striking “‘child support’
13 means” and inserting “(4) The term ‘child
14 support’ means”;

15 (v) by striking “‘child support order’
16 means” and inserting “(5) The term ‘child
17 support order’ means”;

18 (vi) by striking “‘contestant’ means”
19 and inserting “(6) The term ‘contestant’
20 means”;

21 (vii) by striking “‘court’ means” and
22 inserting “(7) The term ‘court’ means”;

23 (viii) by striking “‘modification’
24 means” and inserting “(8) The term
25 ‘modification’ means”; and

1 (ix) by striking “‘State’ means” and
2 inserting “(9) The term ‘State’ means”.

3 (3) EFFECTIVE DATE; GRACE PERIOD FOR
4 STATE LAW CHANGES.—

5 (A) PARAGRAPH (1).—(i) The amendments
6 made by paragraph (1) shall take effect with
7 respect to a State on the later of—

8 (I) October 1, 2013; or

9 (II) the effective date of laws enacted
10 by the legislature of the State imple-
11 menting such paragraph, but in no event
12 later than the first day of the first cal-
13 endar quarter beginning after the close of
14 the first regular session of the State legis-
15 lature that begins after the date of the en-
16 actment of this Act.

17 (ii) For purposes of clause (i), in the case
18 of a State that has a 2-year legislative session,
19 each year of the session shall be deemed to be
20 a separate regular session of the State legisla-
21 ture.

22 (B) PARAGRAPH (2).—(i) The amendments
23 made by subparagraphs (A) and (B) of para-
24 graph (2) shall take effect on the date on which
25 the Hague Convention of 23 November 2007 on

1 the International Recovery of Child Support
2 and Other Forms of Family Maintenance enters
3 into force for the United States.

4 (ii) The amendments made by subpara-
5 graph (C) of paragraph (2) shall take effect on
6 the date of the enactment of this Act.

7 **SEC. 3. DATA EXCHANGE STANDARDIZATION FOR IM-**
8 **PROVED INTEROPERABILITY.**

9 (a) IN GENERAL.—Section 452 (42 U.S.C. 652), as
10 amended by section 2(a)(1) of this Act, is amended by
11 adding at the end the following:

12 “(o) DATA EXCHANGE STANDARDIZATION FOR IM-
13 PROVED INTEROPERABILITY.—

14 “(1) DATA EXCHANGE STANDARDS.—

15 “(A) DESIGNATION.—The Secretary, in
16 consultation with an interagency work group
17 which shall be established by the Office of Man-
18 agement and Budget, and considering State
19 and tribal perspectives, shall, by rule, designate
20 a data exchange standard for any category of
21 information required to be reported under this
22 part.

23 “(B) DATA EXCHANGE STANDARDS MUST
24 BE NONPROPRIETARY AND INTEROPERABLE.—

25 The data exchange standard designated under

1 subparagraph (A) shall, to the extent prac-
2 ticable, be nonproprietary and interoperable.

3 “(C) OTHER REQUIREMENTS.—In desig-
4 nating data exchange standards under this sec-
5 tion, the Secretary shall, to the extent prac-
6 ticable, incorporate—

7 “(i) interoperable standards developed
8 and maintained by an international vol-
9 untary consensus standards body, as de-
10 fined by the Office of Management and
11 Budget, such as the International Organi-
12 zation for Standardization;

13 “(ii) interoperable standards devel-
14 oped and maintained by intergovernmental
15 partnerships, such as the National Infor-
16 mation Exchange Model; and

17 “(iii) interoperable standards devel-
18 oped and maintained by Federal entities
19 with authority over contracting and finan-
20 cial assistance, such as the Federal Acqui-
21 sition Regulatory Council.

22 “(2) DATA EXCHANGE STANDARDS FOR RE-
23 PORTING.—

24 “(A) DESIGNATION.—The Secretary, in
25 consultation with an interagency work group es-

1 tablished by the Office of Management and
2 Budget, and considering State and tribal per-
3 spectives, shall, by rule, designate data ex-
4 change standards to govern the data reporting
5 required under this part.

6 “(B) REQUIREMENTS.—The data exchange
7 standards required by subparagraph (A) shall,
8 to the extent practicable—

9 “(i) incorporate a widely-accepted,
10 nonproprietary, searchable, computer-read-
11 able format;

12 “(ii) be consistent with and implement
13 applicable accounting principles; and

14 “(iii) be capable of being continually
15 upgraded as necessary.

16 “(C) INCORPORATION OF NONPROPRI-
17 ETARY STANDARDS.—In designating reporting
18 standards under this paragraph, the Secretary
19 shall, to the extent practicable, incorporate ex-
20 isting nonproprietary standards, such as the
21 eXtensible Markup Language.”.

22 (b) EFFECTIVE DATES.—

23 (1) DATA EXCHANGE STANDARDS.—The Sec-
24 retary of Health and Human Services shall issue a
25 proposed rule under section 452(o)(1) of the Social

1 Security Act within 12 months after the date of the
2 enactment of this section, and shall issue a final rule
3 under such section 452(o)(1), after public comment,
4 within 24 months after such date of enactment.

5 (2) DATA REPORTING STANDARDS.—The re-
6 porting standards required under section 452(o)(2)
7 of such Act shall become effective with respect to re-
8 ports required in the first reporting period, after the
9 effective date of the final rule referred to in para-
10 graph (1) of this subsection, for which the authority
11 for data collection and reporting is established or re-
12 newed under the Paperwork Reduction Act.

13 **SEC. 4. EFFICIENT USE OF THE NATIONAL DIRECTORY OF**
14 **NEW HIRES DATABASE FOR FEDERALLY**
15 **SPONSORED RESEARCH ASSESSING THE EF-**
16 **ECTIVENESS OF FEDERAL POLICIES AND**
17 **PROGRAMS IN ACHIEVING POSITIVE LABOR**
18 **MARKET OUTCOMES.**

19 Section 453 (42 U.S.C. 653) is amended—

20 (1) in subsection (i)(2)(A), by striking “24”
21 and inserting “48”; and

22 (2) in subsection (j), by striking paragraph (5)
23 and inserting the following:

24 “(5) RESEARCH.—

1 “(A) IN GENERAL.—Subject to subpara-
2 graph (B) of this paragraph, the Secretary may
3 provide access to data in each component of the
4 Federal Parent Locator Service maintained
5 under this section and to information reported
6 by employers pursuant to section 453A(b),
7 for—

8 “(i) research undertaken by a State or
9 Federal agency (including through grant or
10 contract) for purposes found by the Sec-
11 retary to be likely to contribute to achiev-
12 ing the purposes of part A or this part; or

13 “(ii) an evaluation or statistical anal-
14 ysis undertaken to assess the effectiveness
15 of a Federal program in achieving positive
16 labor market outcomes (including through
17 grant or contract), by—

18 “(I) the Department of Health
19 and Human Services;

20 “(II) the Social Security Admin-
21 istration;

22 “(III) the Department of Labor;

23 “(IV) the Department of Edu-
24 cation;

1 “(V) the Department of Housing
2 and Urban Development;

3 “(VI) the Department of Justice;

4 “(VII) the Department of Vet-
5 erans Affairs;

6 “(VIII) the Bureau of the Cen-
7 sus;

8 “(IX) the Department of Agri-
9 culture; or

10 “(X) the National Science Foun-
11 dation.

12 “(B) PERSONAL IDENTIFIERS.—Data or
13 information provided under this paragraph may
14 include a personal identifier only if, in addition
15 to meeting the requirements of subsections (l)
16 and (m)—

17 “(i) the State or Federal agency con-
18 ducting the research described in subpara-
19 graph (A)(i), or the Federal department or
20 agency undertaking the evaluation or sta-
21 tistical analysis described in subparagraph
22 (A)(ii), as applicable, enters into an agree-
23 ment with the Secretary regarding the se-
24 curity and use of the data or information;

1 “(ii) the agreement includes such re-
2 strictions or conditions with respect to the
3 use, safeguarding, disclosure, or redisclo-
4 sure of the data or information (including
5 by contractors or grantees) as the Sec-
6 retary deems appropriate;

7 “(iii) the data or information is used
8 exclusively for the purposes defined in the
9 agreement; and

10 “(iv) the Secretary determines that
11 the provision of data or information under
12 this paragraph is the minimum amount
13 needed to conduct the research, evaluation,
14 or statistical analysis, as applicable, and
15 will not interfere with the effective oper-
16 ation of the program under this part.

17 “(C) PENALTIES FOR UNAUTHORIZED DIS-
18 CLOSURE OF DATA.—Any individual who will-
19 fully discloses a personal identifier (such as a
20 name or social security number) provided under
21 this paragraph, in any manner to an entity not
22 entitled to receive the data or information, shall
23 be guilty of a class E felony under title 18,
24 United States Code. Any penalty imposed under

1 the preceding sentence shall be in addition to
2 any applicable penalty under subsection (1).”.

3 **SEC. 5. BUDGETARY EFFECTS.**

4 The budgetary effects of this Act, for the purpose of
5 complying with the Statutory Pay-As-You-Go Act of 2010,
6 shall be determined by reference to the latest statement
7 titled “Budgetary Effects of PAYGO Legislation” for this
8 Act, submitted for printing in the Congressional Record
9 by the Chairman of the Senate Budget Committee, pro-
10 vided that such statement has been submitted prior to the
11 vote on passage.

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