

113TH CONGRESS
1ST SESSION

H. R. 1896

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

MAY 8, 2013

Mr. REICHERT (for himself, Mr. DOGGETT, Mr. LEWIS, Mr. BOUSTANY, Mr. CROWLEY, Mr. REED, Mr. YOUNG of Indiana, Mr. KELLY of Pennsylvania, Mr. GRIFFIN of Arkansas, and Mr. RENACCI) 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 2013”.

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 EN-**
15 **SURE 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 (UIFSA).—

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

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

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

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

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

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

21 (B) in subsection (e)(2)(A), by striking
22 “individual contestant” and inserting “indi-
23 vidual contestant and the parties have not con-
24 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 in-
5 serting “(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
16 order’” and inserting “(5) The term ‘child
17 support order’”;

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 no later than the effective
8 date of laws enacted by the legislature of the
9 State implementing such paragraph, but in no
10 event later than the first day of the first cal-
11 endar quarter beginning after the close of the
12 first regular session of the State legislature that
13 begins after the date of the enactment of this
14 Act.

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

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

1 and Other Forms of Family Maintenance enters
2 into force for the United States.

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

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

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

11 “(o) DATA EXCHANGE STANDARDS FOR IMPROVED
12 INTEROPERABILITY.—

13 “(1) DESIGNATION.—The Secretary shall, in
14 consultation with an interagency work group estab-
15 lished by the Office of Management and Budget and
16 considering State government perspectives, by rule,
17 designate data exchange standards to govern, under
18 this part—

19 “(A) necessary categories of information
20 that State agencies operating programs under
21 State plans approved under this part are re-
22 quired under applicable law to electronically ex-
23 change with another State agency; and

24 “(B) Federal reporting and data exchange
25 required under applicable law.

1 “(2) REQUIREMENTS.—The data exchange
2 standards required by paragraph (1) shall, to the ex-
3 tent practicable—

4 “(A) incorporate a widely accepted, non-
5 proprietary, searchable, computer-readable for-
6 mat, such as the eXtensible Markup Language;

7 “(B) contain interoperable standards devel-
8 oped and maintained by intergovernmental
9 partnerships, such as the National Information
10 Exchange Model;

11 “(C) incorporate interoperable standards
12 developed and maintained by Federal entities
13 with authority over contracting and financial
14 assistance;

15 “(D) be consistent with and implement ap-
16 plicable accounting principles;

17 “(E) be implemented in a manner that is
18 cost-effective and improves program efficiency
19 and effectiveness; and

20 “(F) be capable of being continually up-
21 graded as necessary.

22 “(3) RULE OF CONSTRUCTION.—Nothing in
23 this subsection shall be construed to require a
24 change to existing data exchange standards found to
25 be effective and efficient.”.

1 (b) EFFECTIVE DATE.—The Secretary of Health and
2 Human Services shall issue a proposed rule within 24
3 months after the date of the enactment of this section.
4 The rule shall identify federally-required data exchanges,
5 include specification and timing of exchanges to be stand-
6 ardized, and address the factors used in determining
7 whether and when to standardize data exchanges. It
8 should also specify State implementation options and de-
9 scribe future milestones.

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

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

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

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

21 “(5) RESEARCH.—

22 “(A) IN GENERAL.—Subject to subpara-
23 graph (B) of this paragraph, the Secretary may
24 provide access to data in each component of the
25 Federal Parent Locator Service maintained

1 under this section and to information reported
2 by employers pursuant to section 453A(b),
3 for—

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

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

14 “(I) the Department of Health
15 and Human Services;

16 “(II) the Social Security Admin-
17 istration;

18 “(III) the Department of Labor;

19 “(IV) the Department of Edu-
20 cation;

21 “(V) the Department of Housing
22 and Urban Development;

23 “(VI) the Department of Justice;

24 “(VII) the Department of Vet-
25 erans Affairs;

1 “(VIII) the Bureau of the Cen-
2 sus;

3 “(IX) the Department of Agri-
4 culture; or

5 “(X) the National Science Foun-
6 dation.

7 “(B) PERSONAL IDENTIFIERS.—Data or
8 information provided under this paragraph may
9 include a personal identifier only if, in addition
10 to meeting the requirements of subsections (l)
11 and (m)—

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

20 “(ii) the agreement includes such re-
21 strictions or conditions with respect to the
22 use, safeguarding, disclosure, or redisclo-
23 sure of the data or information (including
24 by contractors or grantees) as the Sec-
25 retary deems appropriate;

1 “(iii) the data or information is used
2 exclusively for the purposes defined in the
3 agreement; and

4 “(iv) the Secretary determines that
5 the provision of data or information under
6 this paragraph is the minimum amount
7 needed to conduct the research, evaluation,
8 or statistical analysis, as applicable, and
9 will not interfere with the effective oper-
10 ation of the program under this part.

11 “(C) PENALTIES FOR UNAUTHORIZED DIS-
12 CLOSURE OF DATA.—Any individual who will-
13 fully discloses a personal identifier (such as a
14 name or social security number) provided under
15 this paragraph, in any manner to an entity not
16 entitled to receive the data or information, shall
17 be fined under title 18, United States Code, im-
18 prisoned not more than 5 years, or both.”.

19 **SEC. 5. BUDGETARY EFFECTS.**

20 The budgetary effects of this Act, for the purpose of
21 complying with the Statutory Pay-As-You-Go Act of 2010,
22 shall be determined by reference to the latest statement
23 titled “Budgetary Effects of PAYGO Legislation” for this
24 Act, submitted for printing in the Congressional Record
25 by the Chairman of the Senate Budget Committee, pro-

- 1 vided that such statement has been submitted prior to the
- 2 vote on passage.

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