

113TH CONGRESS
1ST SESSION

H. R. 1896

IN THE SENATE OF THE UNITED STATES

JUNE 19, 2013

Received; read twice and referred to the Committee on Finance

AN ACT

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,*

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

4 (a) **SHORT TITLE.**—This Act may be cited as the
 5 “International Child Support Recovery Improvement Act
 6 of 2013”.

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

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

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

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

21 (A) by redesignating the second subsection
 22 (l) (as added by section 7306 of the Deficit Re-
 23 duction Act of 2005) as subsection (m); and
 24 (B) by adding at the end the following:

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

5 (2) CONFORMING AMENDMENT.—Section
 6 453(k)(3) (42 U.S.C. 653(k)(3)) is amended by
 7 striking “452(l)” and inserting “452(m)”.

8 (b) ACCESS TO THE FEDERAL PARENT LOCATOR
 9 SERVICE.—Section 453(c) (42 U.S.C. 653(c)) is amend-
 10 ed—

11 (1) by striking “and” at the end of paragraph
 12 (3);

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

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

16 “(5) an entity designated as a Central Author-
 17 ity for child support enforcement in a foreign recip-
 18 rocating country or a foreign treaty country for pur-
 19 poses specified in section 459A(c)(2).”.

20 (c) STATE OPTION TO REQUIRE INDIVIDUALS IN
 21 FOREIGN COUNTRIES TO APPLY THROUGH THEIR COUN-
 22 TRY’S APPROPRIATE CENTRAL AUTHORITY.—Section 454
 23 (42 U.S.C. 654) is amended—

24 (1) in paragraph (4)(A)(ii), by inserting before
 25 the semicolon “(except that, if the individual apply-

ing for the services resides in a foreign reciprocating country or foreign treaty country, the State may opt to require the individual to request the services through the Central Authority for child support enforcement in the foreign reciprocating country or the foreign treaty country, and if the individual resides in a foreign country that is not a foreign reciprocating country or a foreign treaty country, a State may accept or reject the application)”; and

(2) in paragraph (32)—

(A) in subparagraph (A), by inserting “, a foreign treaty country,” after “a foreign reciprocating country”; and

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

(d) AMENDMENTS TO INTERNATIONAL SUPPORT ENFORCEMENT PROVISIONS.—Section 459A (42 U.S.C. 659a) is amended—

(1) by adding at the end the following:

“(e) REFERENCES.—In this part:

“(1) FOREIGN RECIPROCATING COUNTRY.—The term ‘foreign reciprocating country’ means a foreign country (or political subdivision thereof) with respect

1 to which the Secretary has made a declaration pur-
2 suant to subsection (a).

3 “(2) FOREIGN TREATY COUNTRY.—The term
4 ‘foreign treaty country’ means a foreign country for
5 which the 2007 Family Maintenance Convention is
6 in force.

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

12 (2) in subsection (c)—

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

18 (B) in paragraph (2), by inserting “and
19 foreign treaty countries” after “foreign recipro-
20 cating countries”; and

21 (3) in subsection (d), by striking “the subject of
22 a declaration pursuant to subsection (a)” and insert-
23 ing “foreign reciprocating countries or foreign treaty
24 countries”.

1 (e) COLLECTION OF PAST-DUE SUPPORT FROM FED-
2 ERAL TAX REFUNDS.—Section 464(a)(2)(A) (42 U.S.C.
3 664(a)(2)(A)) is amended by striking “under section
4 454(4)(A)(ii)” and inserting “under paragraph (4)(A)(ii)
5 or (32) of section 454”.

6 (f) STATE LAW REQUIREMENT CONCERNING THE
7 UNIFORM INTERSTATE FAMILY SUPPORT ACT
8 (UIFSA).—

9 (1) IN GENERAL.—Section 466(f) (42 U.S.C.
10 666(f)) is amended—

11 (A) by striking “on and after January 1,
12 1998,”;

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

15 (C) by striking “adopted as of such date”
16 and inserting “adopted as of September 30,
17 2008”.

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

21 (A) in subsection (d), by striking “indi-
22 vidual contestant” and inserting “individual
23 contestant or the parties have consented in a
24 record or open court that the tribunal of the

1 State may continue to exercise jurisdiction to
2 modify its order,”;

3 (B) in subsection (e)(2)(A), by striking
4 “individual contestant” and inserting “indi-
5 vidual contestant and the parties have not con-
6 sented in a record or open court that the tri-
7 bunal of the other State may continue to exer-
8 cise jurisdiction to modify its order”; and

9 (C) in subsection (b)—

10 (i) by striking “‘child’ means” and in-
11 serting “(1) The term ‘child’ means”;

12 (ii) by striking “‘child’s State’
13 means” and inserting “(2) The term
14 ‘child’s State’ means”;

15 (iii) by striking “‘child’s home State’
16 means” and inserting “(3) The term
17 ‘child’s home State’ means”;

18 (iv) by striking “‘child support’
19 means” and inserting “(4) The term ‘child
20 support’ means”;

21 (v) by striking “‘child support
22 order’” and inserting “(5) The term ‘child
23 support order’”;

1 (vi) by striking “‘contestant’ means”
 2 and inserting “(6) The term ‘contestant’
 3 means”;

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

6 (viii) by striking “‘modification’
 7 means” and inserting “(8) The term
 8 ‘modification’ means”; and

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

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

13 (A) PARAGRAPH (1).—(i) The amendments
 14 made by paragraph (1) shall take effect with
 15 respect to a State no later than the effective
 16 date of laws enacted by the legislature of the
 17 State implementing such paragraph, but in no
 18 event later than the first day of the first cal-
 19 endar quarter beginning after the close of the
 20 first regular session of the State legislature that
 21 begins after the date of the enactment of this
 22 Act.

23 (ii) For purposes of clause (i), in the case
 24 of a State that has a 2-year legislative session,
 25 each year of the session shall be deemed to be

1 a separate regular session of the State legisla-
 2 ture.

3 (B) PARAGRAPH (2).—(i) The amendments
 4 made by subparagraphs (A) and (B) of para-
 5 graph (2) shall take effect on the date on which
 6 the Hague Convention of 23 November 2007 on
 7 the International Recovery of Child Support
 8 and Other Forms of Family Maintenance enters
 9 into force for the United States.

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

13 **SEC. 3. DATA EXCHANGE STANDARDIZATION FOR IM-**
 14 **PROVED INTEROPERABILITY.**

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

18 “(o) DATA EXCHANGE STANDARDS FOR IMPROVED
 19 INTEROPERABILITY.—

20 “(1) DESIGNATION.—The Secretary shall, in
 21 consultation with an interagency work group estab-
 22 lished by the Office of Management and Budget and
 23 considering State government perspectives, by rule,
 24 designate data exchange standards to govern, under
 25 this part—

1 “(A) necessary categories of information
2 that State agencies operating programs under
3 State plans approved under this part are re-
4 quired under applicable law to electronically ex-
5 change with another State agency; and

6 “(B) Federal reporting and data exchange
7 required under applicable law.

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

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

14 “(B) contain interoperable standards devel-
15 oped and maintained by intergovernmental
16 partnerships, such as the National Information
17 Exchange Model;

18 “(C) incorporate interoperable standards
19 developed and maintained by Federal entities
20 with authority over contracting and financial
21 assistance;

22 “(D) be consistent with and implement ap-
23 plicable accounting principles;

1 “(E) be implemented in a manner that is
2 cost-effective and improves program efficiency
3 and effectiveness; and

4 “(F) be capable of being continually up-
5 graded as necessary.

6 “(3) RULE OF CONSTRUCTION.—Nothing in
7 this subsection shall be construed to require a
8 change to existing data exchange standards found to
9 be effective and efficient.”.

10 (b) EFFECTIVE DATE.—The Secretary of Health and
11 Human Services shall issue a proposed rule within 24
12 months after the date of the enactment of this section.
13 The rule shall identify federally-required data exchanges,
14 include specification and timing of exchanges to be stand-
15 ardized, and address the factors used in determining
16 whether and when to standardize data exchanges. It
17 should also specify State implementation options and de-
18 scribe future milestones.

19 **SEC. 4. EFFICIENT USE OF THE NATIONAL DIRECTORY OF**
20 **NEW HIRES DATABASE FOR FEDERALLY**
21 **SPONSORED RESEARCH ASSESSING THE EF-**
22 **ECTIVENESS OF FEDERAL POLICIES AND**
23 **PROGRAMS IN ACHIEVING POSITIVE LABOR**
24 **MARKET OUTCOMES.**

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

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

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

5 “(5) RESEARCH.—

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

13 “(i) research undertaken by a State or
14 Federal agency (including through grant or
15 contract) for purposes found by the Sec-
16 retary to be likely to contribute to achiev-
17 ing the purposes of part A or this part; or

18 “(ii) an evaluation or statistical anal-
19 ysis undertaken to assess the effectiveness
20 of a Federal program in achieving positive
21 labor market outcomes (including through
22 grant or contract), by—

23 “(I) the Department of Health
24 and Human Services;

1 “(II) the Social Security Admin-
2 istration;

3 “(III) the Department of Labor;

4 “(IV) the Department of Edu-
5 cation;

6 “(V) the Department of Housing
7 and Urban Development;

8 “(VI) the Department of Justice;

9 “(VII) the Department of Vet-
10 erans Affairs;

11 “(VIII) the Bureau of the Cen-
12 sus;

13 “(IX) the Department of Agri-
14 culture; or

15 “(X) the National Science Foun-
16 dation.

17 “(B) PERSONAL IDENTIFIERS.—Data or
18 information provided under this paragraph may
19 include a personal identifier only if, in addition
20 to meeting the requirements of subsections (l)
21 and (m)—

22 “(i) the State or Federal agency con-
23 ducting the research described in subpara-
24 graph (A)(i), or the Federal department or
25 agency undertaking the evaluation or sta-

1 tistical analysis described in subparagraph
2 (A)(ii), as applicable, enters into an agree-
3 ment with the Secretary regarding the se-
4 curity and use of the data or information;

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

11 “(iii) the data or information is used
12 exclusively for the purposes defined in the
13 agreement; and

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

21 “(C) PENALTIES FOR UNAUTHORIZED DIS-
22 CLOSURE OF DATA.—Any individual who will-
23 fully discloses a personal identifier (such as a
24 name or social security number) provided under
25 this paragraph, in any manner to an entity not

1 entitled to receive the data or information, shall
2 be fined under title 18, United States Code, im-
3 prisoned not more than 5 years, or both.”.

4 **SEC. 5. BUDGETARY EFFECTS.**

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

 Passed the House of Representatives June 18, 2013.

Attest:

KAREN L. HAAS,

Clerk.