H. R. 11

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

Mr. Reichert introduced the following bill; which was referred to the Committee on

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,
SECTION 1. SHORT TITLE; REFERENCES.

(a) Short Title.—This Act may be cited as the “International Child Support Recovery Improvement Act of 2013”.

(b) References.—Except as otherwise expressly provided in this Act, wherever in this Act an amendment is expressed in terms of an amendment to a section or other provision, the amendment shall be considered to be made to a section or other provision of the Social Security Act.

SEC. 2. AMENDMENTS TO ENSURE ACCESS TO CHILD SUPPORT SERVICES FOR INTERNATIONAL CHILD SUPPORT CASES.

(a) Authority of the Secretary of HHS to Ensure Compliance With Multilateral Child Support Conventions.—

(1) In general.—Section 452 (42 U.S.C. 652) is amended—

(A) by redesignating the second subsection (l) (as added by section 7306 of the Deficit Reduction Act of 2005) as subsection (m); and

(B) by adding at the end the following:

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

(2) Conforming Amendment.—Section 453(k)(3) (42 U.S.C. 653(k)(3)) is amended by striking “452(l)” and inserting “452(m)”.

(b) Access to the Federal Parent Locator Service.—Section 453(c) (42 U.S.C. 653(c)) is amended—

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

(2) by striking the period at the end of paragraph (4) and inserting “; and”; and

(3) by adding at the end the following:

“(5) an entity designated as a Central Authority for child support enforcement in a foreign reciprocating country or a foreign treaty country for purposes specified in section 459A(c)(2).”.

(e) State Option to Require Individuals in Foreign Countries to Apply Through Their Country’s Appropriate Central Authority.—Section 454 (42 U.S.C. 654) is amended—

(1) in paragraph (4)(A)(ii), by inserting before the semicolon “(except that, if the individual applying 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 en-
forcement 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 EN-
FORCEMENT 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
to which the Secretary has made a declaration pur-
suant to subsection (a).

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


(2) in subsection (c)—

(A) in the matter preceding paragraph (1), by striking “foreign countries that are the subject of a declaration under this section” and inserting “foreign reciprocating countries or foreign treaty countries”; and

(B) in paragraph (2), by inserting “and foreign treaty countries” after “foreign reciprocating countries”; and

(3) in subsection (d), by striking “the subject of a declaration pursuant to subsection (a)” and inserting “foreign reciprocating countries or foreign treaty countries”.

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

May 8, 2013 (3:03 p.m.)
(f) State Law Requirement Concerning the Uniform Interstate Family Support Act (UIFSA).—

(1) In general.—Section 466(f) (42 U.S.C. 666(f)) is amended—

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

(B) by striking “and as in effect on August 22, 1996,”; and

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

(2) Conforming amendments to title 28, United States Code.—Section 1738B of title 28, United States Code, is amended—

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

(B) in subsection (e)(2)(A), by striking “individual contestant” and inserting “individual contestant and the parties have not consented in a record or open court that the tri-
bunal of the other State may continue to exercise jurisdiction to modify its order”; and

(C) in subsection (b)—

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

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

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

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

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

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

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

(viii) by striking “‘modification’ means” and inserting “(8) The term ‘modification’ means”; and
(ix) by striking “‘State’ means” and inserting “(9) The term ‘State’ means”.

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

(A) PARAGRAPH (1).—(i) The amendments made by paragraph (1) shall take effect with respect to a State no later than the effective date of laws enacted by the legislature of the State implementing such paragraph, but in no event later than the first day of the first calendar quarter beginning after the close of the first regular session of the State legislature that begins after the date of the enactment of this Act.

(ii) For purposes of clause (i), in the case of a State that has a 2-year legislative session, each year of the session shall be deemed to be a separate regular session of the State legislature.

(B) PARAGRAPH (2).—(i) The amendments made by subparagraphs (A) and (B) of paragraph (2) shall take effect on the date on which the Hague Convention of 23 November 2007 on the International Recovery of Child Support
and Other Forms of Family Maintenance enters
into force for the United States.

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

SEC. 3. DATA EXCHANGE STANDARDIZATION FOR IM-
PROVED INTEROPERABILITY.

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

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

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

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

“(B) Federal reporting and data exchange
required under applicable law.
“(2) REQUIREMENTS.—The data exchange standards required by paragraph (1) shall, to the extent practicable—

“(A) incorporate a widely accepted, non-proprietary, searchable, computer-readable format, such as the eXtensible Markup Language;

“(B) contain interoperable standards developed and maintained by intergovernmental partnerships, such as the National Information Exchange Model;

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

“(D) be consistent with and implement applicable accounting principles;

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

“(F) be capable of being continually upgraded as necessary.

“(3) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to require a change to existing data exchange standards found to be effective and efficient.”.
(b) EFFECTIVE DATE.—The Secretary of Health and Human Services shall issue a proposed rule within 24 months after the date of the enactment of this section. The rule shall identify federally-required data exchanges, include specification and timing of exchanges to be standardized, and address the factors used in determining whether and when to standardize data exchanges. It should also specify State implementation options and describe future milestones.

SEC. 4. EFFICIENT USE OF THE NATIONAL DIRECTORY OF NEW HIRES DATABASE FOR FEDERALLY SPONSORED RESEARCH ASSESSING THE EFFECTIVENESS OF FEDERAL POLICIES AND PROGRAMS IN ACHIEVING POSITIVE LABOR MARKET OUTCOMES.

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

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

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

“(5) RESEARCH.—

“(A) IN GENERAL.—Subject to subpara-

graph (B) of this paragraph, the Secretary may provide access to data in each component of the Federal Parent Locator Service maintained
under this section and to information reported
by employers pursuant to section 453A(b),
for—

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

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

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

“(II) the Social Security Admin-
istration;

“(III) the Department of Labor;

“(IV) the Department of Edu-
cation;

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

“(VI) the Department of Justice;

“(VII) the Department of Vet-
erans Affairs;
“(VIII) the Bureau of the Census;

“(IX) the Department of Agriculture; or

“(X) the National Science Foundation.

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

“(i) the State or Federal agency conducting the research described in subparagraph (A)(i), or the Federal department or agency undertaking the evaluation or statistical analysis described in subparagraph (A)(ii), as applicable, enters into an agreement with the Secretary regarding the security and use of the data or information;

“(ii) the agreement includes such restrictions or conditions with respect to the use, safeguarding, disclosure, or redisclosure of the data or information (including by contractors or grantees) as the Secretary deems appropriate;
“(iii) the data or information is used exclusively for the purposes defined in the agreement; and

“(iv) the Secretary determines that the provision of data or information under this paragraph is the minimum amount needed to conduct the research, evaluation, or statistical analysis, as applicable, and will not interfere with the effective operation of the program under this part.

“(C) Penalties for unauthorized disclosure of data.—Any individual who willfully discloses a personal identifier (such as a name or social security number) provided under this paragraph, in any manner to an entity not entitled to receive the data or information, shall be fined under title 18, United States Code, imprisoned not more than 5 years, or both.”.

SEC. 5. BUDGETARY EFFECTS.

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