

112TH CONGRESS
2D SESSION

H. R. 4282

IN THE SENATE OF THE UNITED STATES

JUNE 6, 2012

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,*

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:

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 on the earlier of—

16 (I) October 1, 2013; or

17 (II) the effective date of laws enacted
 18 by the legislature of the State imple-
 19 menting such paragraph, but in no event
 20 later than the first day of the first cal-
 21 endar quarter beginning after the close of
 22 the first regular session of the State legis-
 23 lature that begins after the date of the en-
 24 actment 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 subparagraph (C) of paragraph (2) shall take effect on the date of the enactment of this Act.

SEC. 3. DATA EXCHANGE STANDARDIZATION FOR IMPROVED 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 STANDARDIZATION FOR IMPROVED INTEROPERABILITY.—

“(1) DATA EXCHANGE STANDARDS.—

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

1 which shall be established by the Office of Man-
2 agement and Budget, and considering State
3 and tribal perspectives, shall, by rule, designate
4 a data exchange standard for any category of
5 information required to be reported under this
6 part.

7 “(B) DATA EXCHANGE STANDARDS MUST
8 BE NONPROPRIETARY AND INTEROPERABLE.—
9 The data exchange standard designated under
10 subparagraph (A) shall, to the extent prac-
11 ticable, be nonproprietary and interoperable.

12 “(C) OTHER REQUIREMENTS.—In desig-
13 nating data exchange standards under this sec-
14 tion, the Secretary shall, to the extent prac-
15 ticable, incorporate—

16 “(i) interoperable standards developed
17 and maintained by an international vol-
18 untary consensus standards body, as de-
19 fined by the Office of Management and
20 Budget, such as the International Organi-
21 zation for Standardization;

22 “(ii) interoperable standards devel-
23 oped and maintained by intergovernmental
24 partnerships, such as the National Infor-
25 mation Exchange Model; and

1 “(iii) interoperable standards devel-
2 oped and maintained by Federal entities
3 with authority over contracting and finan-
4 cial assistance, such as the Federal Acqui-
5 sition Regulatory Council.

6 “(2) DATA EXCHANGE STANDARDS FOR RE-
7 PORTING.—

8 “(A) DESIGNATION.—The Secretary, in
9 consultation with an interagency work group es-
10 tablished by the Office of Management and
11 Budget, and considering State and tribal per-
12 spectives, shall, by rule, designate data ex-
13 change standards to govern the data reporting
14 required under this part.

15 “(B) REQUIREMENTS.—The data exchange
16 standards required by subparagraph (A) shall,
17 to the extent practicable—

18 “(i) incorporate a widely-accepted,
19 nonproprietary, searchable, computer-read-
20 able format;

21 “(ii) be consistent with and implement
22 applicable accounting principles; and

23 “(iii) be capable of being continually
24 upgraded as necessary.

1 “(C) INCORPORATION OF NONPROPRI-
2 ETARY STANDARDS.—In designating reporting
3 standards under this paragraph, the Secretary
4 shall, to the extent practicable, incorporate ex-
5 isting nonproprietary standards, such as the
6 eXtensible Markup Language.”.

7 (b) EFFECTIVE DATES.—

8 (1) DATA EXCHANGE STANDARDS.—The Sec-
9 retary of Health and Human Services shall issue a
10 proposed rule under section 452(o)(1) of the Social
11 Security Act within 12 months after the date of the
12 enactment of this section, and shall issue a final rule
13 under such section 452(o)(1), after public comment,
14 within 24 months after such date of enactment.

15 (2) DATA REPORTING STANDARDS.—The re-
16 porting standards required under section 452(o)(2)
17 of such Act shall become effective with respect to re-
18 ports required in the first reporting period, after the
19 effective date of the final rule referred to in para-
20 graph (1) of this subsection, for which the authority
21 for data collection and reporting is established or re-
22 newed under the Paperwork Reduction Act.

1 **SEC. 4. EFFICIENT USE OF THE NATIONAL DIRECTORY OF**
2 **NEW HIRES DATABASE FOR FEDERALLY**
3 **SPONSORED RESEARCH ASSESSING THE EF-**
4 **FECTIVENESS OF FEDERAL POLICIES AND**
5 **PROGRAMS IN ACHIEVING POSITIVE LABOR**
6 **MARKET OUTCOMES.**

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

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

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

12 “(5) RESEARCH.—

13 “(A) IN GENERAL.—Subject to subpara-
14 graph (B) of this paragraph, the Secretary may
15 provide access to data in each component of the
16 Federal Parent Locator Service maintained
17 under this section and to information reported
18 by employers pursuant to section 453A(b),
19 for—

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

25 “(ii) an evaluation or statistical anal-
26 ysis undertaken to assess the effectiveness

1 of a Federal program in achieving positive
2 labor market outcomes (including through
3 grant or contract), by—

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

6 “(II) the Social Security Admin-
7 istration;

8 “(III) the Department of Labor;

9 “(IV) the Department of Edu-
10 cation;

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

13 “(VI) the Department of Justice;

14 “(VII) the Department of Vet-
15 erans Affairs;

16 “(VIII) the Bureau of the Cen-
17 sus;

18 “(IX) the Department of Agri-
19 culture; or

20 “(X) the National Science Foun-
21 dation.

22 “(B) PERSONAL IDENTIFIERS.—Data or
23 information provided under this paragraph may
24 include a personal identifier only if, in addition

1 to meeting the requirements of subsections (l)
2 and (m)—

3 “(i) the State or Federal agency con-
4 ducting the research described in subpara-
5 graph (A)(i), or the Federal department or
6 agency undertaking the evaluation or sta-
7 tistical analysis described in subparagraph
8 (A)(ii), as applicable, enters into an agree-
9 ment with the Secretary regarding the se-
10 curity and use of the data or information;

11 “(ii) the agreement includes such re-
12 strictions or conditions with respect to the
13 use, safeguarding, disclosure, or redisclo-
14 sure of the data or information (including
15 by contractors or grantees) as the Sec-
16 retary deems appropriate;

17 “(iii) the data or information is used
18 exclusively for the purposes defined in the
19 agreement; and

20 “(iv) the Secretary determines that
21 the provision of data or information under
22 this paragraph is the minimum amount
23 needed to conduct the research, evaluation,
24 or statistical analysis, as applicable, and

“(C) PENALTIES FOR UNAUTHORIZED DIS-
CLOSURE OF DATA.—Any individual who will-
fully 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, im-
prisoned not more than 5 years, or both.”.

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, provided that such statement has been submitted prior to the vote on passage.

Attest: KAREN L. HAAS,
Clerk.