
H.R. 4980

Preventing Sex Trafficking and Strengthening Families Act of 2014

(Enrolled Bill – Passed by both House (7/23/14) and Senate (9/18/14))

Signed by the President (9/29/14)

TITLE III--IMPROVING INTERNATIONAL CHILD SUPPORT RECOVERY

SEC. 301. 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).”

(c) 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 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 to which the Secretary has made a declaration pursuant 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.

(3) 2007 FAMILY MAINTENANCE CONVENTION- The term `2007 Family Maintenance Convention' means the Hague Convention of 23 November 2007 on the International Recovery of Child Support and Other Forms of Family Maintenance.';

(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'.

(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 tribunal 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 subparagraph (C) of paragraph (2) shall take effect on the date of the enactment of this Act.

SEC. 302. CHILD SUPPORT ENFORCEMENT PROGRAMS FOR INDIAN TRIBES.

(a) Tribal Access to the Federal Parent Locator Service- Section 453(c)(1) (42 U.S.C. 653(c)(1)) is amended by inserting `or Indian tribe or tribal organization (as defined in subsections (e) and (l) of section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b)), ' after `any State'.

(b) Waiver Authority for Indian Tribes or Tribal Organizations Operating Child Support Enforcement Programs- Section 1115(b) (42 U.S.C. 1315(b)) is amended--

(1) by redesignating paragraphs (1) through (3) as subparagraphs (A) through (C), respectively, and realigning the left margin of subparagraph (C) so as to align with subparagraphs (A) and (B) (as so redesignated);

(2) by inserting '(1)' after '(b)'; and

(3) by adding at the end the following:

'(2) An Indian tribe or tribal organization operating a program under section 455(f) shall be considered a State for purposes of authority to conduct an experimental, pilot, or demonstration project under subsection (a) to assist in promoting the objectives of part D of title IV and receiving payments under the second sentence of that subsection. The Secretary may waive compliance with any requirements of section 455(f) or regulations promulgated under that section to the extent and for the period the Secretary finds necessary for an Indian tribe or tribal organization to carry out such project. Costs of the project which would not otherwise be included as expenditures of a program operating under section 455(f) and which are not included as part of the costs of projects under section 1110, shall, to the extent and for the period prescribed by the Secretary, be regarded as expenditures under a tribal plan or plans approved under such section, or for the administration of such tribal plan or plans, as may be appropriate. An Indian tribe or tribal organization applying for or receiving start-up program development funding pursuant to section 309.16 of title 45, Code of Federal Regulations, shall not be considered to be an Indian tribe or tribal organization operating a program under section 455(f) for purposes of this paragraph.'

(c) Conforming Amendments- Section 453(f) (42 U.S.C. 653(f)) is amended by inserting 'and tribal' after 'State' each place it appears.

SEC. 303. SENSE OF THE CONGRESS REGARDING OFFERING OF VOLUNTARY PARENTING TIME ARRANGEMENTS.

(a) Findings- The Congress finds as follows:

(1) The separation of a child from a parent does not end the financial or other responsibilities of the parent toward the child.

(2) Increased parental access and visitation not only improve parent-child relationships and outcomes for children, but also have been demonstrated to result in improved child support collections, which creates a double win for children--a more engaged parent and improved financial security.

(b) Sense of the Congress- It is the sense of the Congress that--

(1) establishing parenting time arrangements when obtaining child support orders is an important goal which should be accompanied by strong family violence safeguards; and

(2) States should use existing funding sources to support the establishment of parenting time arrangements, including child support incentives, Access and Visitation Grants, and Healthy Marriage Promotion and Responsible Fatherhood Grants.

SEC. 304. DATA EXCHANGE STANDARDIZATION FOR IMPROVED INTEROPERABILITY.

(a) In General- Section 452 (42 U.S.C. 652), as amended by section 301(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 established 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 required under applicable Federal law to electronically exchange with another State agency; and

`(B) Federal reporting and data exchange required under applicable Federal 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. 305. REPORT TO CONGRESS.

The Secretary of Health and Human Services shall--

(1) in conjunction with the strategic plan, review and provide recommendations for cost-effective improvements to the child support enforcement program under part D of title IV of the Social Security Act, and ensure that the plan addresses the effectiveness and performance of the program, analyzes program practices,

identifies possible new collection tools and approaches, and identifies strategies for holding parents accountable for supporting their children and for building the capacity of parents to pay child support, with specific attention given to matters including front-end services, on-going case management, collections, Tribal-State partnerships, interstate and intergovernmental interactions, program performance, data analytics, and information technology;

(2) in carrying out paragraph (1), consult with and include input from--

- (A) State, tribal, and county child support directors;
- (B) judges who preside over family courts or other State or local courts with responsibility for conducting or supervising proceedings relating to child support enforcement, child welfare, or social services for children and their families, and organizations that represent the judges;
- (C) custodial parents and organizations that represent them;
- (D) noncustodial parents and organizations that represent them; and
- (E) organizations that represent fiduciary entities that are affected by child support enforcement policies; and

(3) in developing the report required by paragraph (4), solicit public comment;

(4) not later than June 30, 2015, submit to the Congress a report that sets forth policy options for improvements in child support enforcement, which report shall include the following:

- (A) A review of the effectiveness of State child support enforcement programs, and the collection practices employed by State agencies administering programs under such part, and an analysis of the extent to which the practices result in unintended consequences or performance issues associated with the programs and practices.
- (B) Recommendations for methods to enhance the effectiveness of child support enforcement programs and collection practices.
- (C) A review of State best practices in regards to establishing and operating State and multistate lien registries.
- (D) A compilation of State recovery and distribution policies.
- (E) Options, with analysis, for methods to engage noncustodial parents in the lives of their children through consideration of parental time and visitation with children.
- (F) An analysis of the role of alternative dispute resolution in making child support determinations.
- (G) Identification of best practices for--
 - (i) determining which services and support programs available to custodial and noncustodial parents are non-duplicative, evidence-based, and produce quality outcomes, and connecting custodial and noncustodial parents to those services and support programs;
 - (ii) providing employment support, job training, and job placement for custodial and noncustodial parents; and
 - (iii) establishing services, supports, and child support payment tracking for noncustodial parents, including options for the prevention of, and intervention on, uncollectible arrearages, such as retroactive obligations.

(H) Options, with analysis, for methods for States to use to collect child support payments from individuals who owe excessive arrearages as determined under section 454(31) of such Act.

(I) A review of State practices under 454(31) of such Act used to determine which individuals are excluded from the requirements of section 452(k) of such Act, including the extent to which individuals are able to successfully contest or appeal decisions.

(J) Options, with analysis, for actions as are determined to be appropriate for improvement in child support enforcement.

SEC. 306. REQUIRED ELECTRONIC PROCESSING OF INCOME WITHHOLDING.

(a) In General- Section 454A(g)(1) (42 U.S.C. 654a(g)(1)(A)) is amended--

(1) by striking `, to the maximum extent feasible,`; and

(2) in subparagraph (A)--

(A) by striking `and' at the end of clause (i);

(B) by adding `and' at the end of clause (ii); and

(C) by adding at the end the following:

`(iii) at the option of the employer, using the electronic transmission methods prescribed by the Secretary;'

(b) Effective Date- The amendments made by subsection (a) shall take effect on October 1, 2015.