

Approved: 5/12/97
Date

MINUTES OF THE HOUSE COMMITTEE ON JUDICIARY.

The meeting was called to order by Chairperson Tim Carmody at 10:40 p.m. on April 2, 1997 in Room 313-S of the Capitol.

All members were present except: Representative Adkins (excused)
Representative Howell (excused)
Representative Kline (excused)
Representative Mays (excused)
Representative Powell (excused)
Representative Sawyer (excused)
Representative Wilk (excused)
Representative Shultz (excused)

Committee staff present: Jerry Ann Donaldson, Legislative Research Department
Mike Heim, Legislative Research Department
Jill Wolters, Revisor of Statutes
Jan Brasher, Committee Secretary

Conferees appearing before the committee: Jamie Corkhill, Attorney, SRS

Others attending: See attached list

The Chair called the meeting to order at 10:40 a.m. and opened discussion on **SB 140**.

SB 140: **Enforcement of child support, uniform interstate family support act**

The Chair referred to a memo from Jamie Corkhill, SRS, concerning the New Hires Directory. (Attachment 1)

The Chair referred to a handout prepared by Ms Corkhill relating to the various child support topics in the federal act, and a copy of the child support section of the federal act. (Attachment 2)

The Committee members discussed Section 24 through Section 35 and addressed several concerns. Ms Corkhill, SRS, answered questions on the various sections.

The Chair noted that a quorum was present to discuss and take action on **SB 292**.

SB 292: **Law enforcement authority of conservation officers and other employees of department of wildlife and parks.**

The Chair referred to balloon proposed by the Department of Wildlife & Parks. The Chair discussed changes proposed by the balloon as the reference to "other employees" and the one-year time allotment to complete the law enforcement training required by the bill. The Chair noted the insertion of the word, "Kansas" before "law enforcement officers" on page 1, line 34 and page 2, line 1 was to alleviate the concern of some Committee members that the bill would allow federal officers or officers of other states to be included under the provisions of this bill. The Chair stated that on line 35 of page 1 a period would be placed after the word, "department" and language would be deleted after the period on line 35 to line 38 after the word "secretary." This change would keep the conservation officers focused on their primary duties. The Chair stated that the balloon also calls for the secretary to establish a policy that focuses the law enforcement duties on the traditional function of wildlife and parks. The Chair noted the insertion of the reference to current law on arrest authority on page 3, line 3, and after the word, "pursuant" on line 7, page 3. The Chair referred to provisions in the bill stating that conservation officers are under KAPERS. (Attachment 3)

The Chair referred to a handout from the Department of Wildlife & Parks containing Attorney General's Opinion #82. (Attachment 4)

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON Judiciary, Room 313-S Statehouse, at 12:15 p.m. on April 2, 1997.

A motion was made by Representative Presta, second by Representative Haley to adopt the Wildlife & Parks balloon. The motion carries.

Representative Presta discussed the contents of **SB 255** concerning certain claims made by prisoners not being paid by BIDS funds.

A motion by Representative Presta, second by Representative Gilmore to amend the provisions of **SB 255** into **SB 292**.

Representative Haley addressed some concerns with the motion and stated that he would like to take a closer look at **SB 255**. Representative Garner spoke in opposition to adopting **SB 255**. Representative Carmody stated that there might be a two subject problem with the motion.

Representative Presta closed on the motion.

The motion by Representative Presta fails with a vote of 3 in favor and 7 opposing.

A motion was made by Representative Garner, second by Representative Ruff to delete lines 36 through 39 on page 2 and section 3 thereby placing conservation officers under KPIF retirements benefits. The motion carries.

A motion was made by Representative Pauls, second by Representative Presta to report **SB 292** favorably as amended. The motion carries.

The Chair adjourned the meeting at 12:30 p.m.

The next meeting is scheduled for April 3, 1997.

HOUSE JUDICIARY COMMITTEE GUEST LIST

DATE: 4-2-97

NAME	REPRESENTING
Jamie Conkhill	SPS - case
Betty McBride	DOT
Helen Stephens	KPOA/KSA
Amelia McIntyre	Wildlife + Parks

MEMO

**Child Support
Enforcement**

To: Representative Carmody
From: Jamie L. Corkhill
Subject: SB 140 - Child Support; New Hires Directory
Date: April 2, 1997

The Kansas City Regional Office of Child Support Enforcement (OCSE) e-mailed the attached question-answer information about New Hires Directories. The response to Question 2 relates to the question of whether Kansas' existing employment security reporting process, with its interface with the IV-D automated system, could qualify Kansas for the later conformity date (Oct. 1998) for reporting procedures.

Because Kansas law has not *labeled* the existing reporting system as a New Hires Directory and employment security reporting is not limited to newly hired employees, there would be a strong element of risk in asserting that our existing system is a New Hires Directory under Section 453A(a)(1)(B) of the welfare reform act. If OCSE were to determine that, in spite of our assertion, Kansas does not in fact have a New Hires Directory, federal sanctions could be imposed.

To minimize that risk of sanctions from an adverse determination, we would recommend the following modifications to SB 140. In section 1, we suggest changing the implementation deadlines to October 1, 1998, except for the transmission of data to the National New Hires Directory – which must begin October 1, 1997, in any event. We then suggest adding a new section directing SRS to obtain a determination from HHS that our existing employment reporting process (under employment security laws) qualifies as a State Directory of New Hires under Section 453A(a)(1)(B). The new section would also need to provide that, upon issuance of an adverse determination by HHS, the effective dates in section 1 would be October 1, 1997, and May 1, 1998, for the appropriate provisions.


It should be noted that any delay in implementing the reporting and data entry time frames would reduce the increased support collections SRS projected in the fiscal note for SB 140.

JLC

JLC: Letters\ CARMOD02.047

Attachment

cc: Members of the House Judiciary Committee



House Judiciary
Attach. 1
4-2-97

New Hire Provisions of the Personal Responsibility and Work Opportunity Act of 1996 (PRWORA)

I. NEW HIRE REPORTING

Question 1: When must States meet the Federal requirements for State Directories of New Hire?

Answer: Section 453A(a)(1)(A) of the Social Security Act specifies that States which did not have a new hire reporting law in existence as of August 22, 1996, must establish a State Directory of New Hires by October 1, 1997, which meets the Federal requirements of Pub. L. No. 104-193.

Section 453A(a)(1)(B) allows States which already had new hire reporting laws prior to the enactment of new Federal mandates under Pub. L. No. 104-193 additional time to conform to the requirements of §453A and to continue to operate under those State laws until October 1, 1998. However, States must meet requirements to report new hire and quarterly wage data to the National Directory of New Hires, as outlined at §453A(g)(2), by October 1, 1997. Therefore, to the extent that pre-August 22, 1996 State laws may differ from the Federally-mandated elements, States may continue to operate their directories under the prior plan, but must meet Federal requirements on and after October 1, 1998.

Note: section 395 of PRWORA provides for a grace period for States which need to enact legislation to implement the new requirements. See questions 11 and 12.

Question 2: If a State had a new hire law in place for another program, such as Unemployment Insurance, before August 22, 1996, does the State have until October 1, 1998, to meet the new Federal requirements?

Answer: Yes. The statute does not specify that a new hire reporting law in existence before August 22, 1996, must have been for child support purposes. Thus, a State with a new hire reporting law for another program (such as Unemployment Insurance)

has until October 1, 1998, to meet the new Federal requirements under Pub. L. No. 104-193. However, all States must meet requirements to report new hire and quarterly wage data to the National Directory of New Hires, as outlined at §453A(g)(2), by October 1, 1997.

Question 3: What data elements are employers required to report to the State Directory of New Hires?

Answer: Section 453A(b)(1) specifies that each employer (other than Federal government employers) shall furnish a report for each newly-hired employee which includes the following information: name, address, and social security number of the employee, and the name, address, and Federal tax identification number of the employer. The report must be sent to the State Directory of New Hires in the State in which the newly-hired employee works. In the case of Federal government employers, the report must be sent directly to the National Directory of New Hires. (See section IV of the AT for provisions regarding multistate employers.)

Question 4: May States require employers to report more extensive information about newly-hired employees than the data specified under Federal requirements?

Answer: Yes. However, any requirement that employers report information beyond the six Federally-mandated data elements must be made under authority of State law. If States choose to require additional information, it may necessitate the filing of a separate report by employers since employers are given the option of complying with the Federally-mandated requirements by submitting a W-4 form. Internal Revenue Service regulations prohibit the alteration or defacing of W-4 forms. See also question 7 of this section.

Question 5: What data elements will States be required to send to the National Directory of New Hires and when must States submit such data?

Answer: Section 453A(g)(2) requires that the State Directory of New Hires shall furnish the information regarding a newly-hired employee to the National Directory of New Hires within three business days of entering the data into the State Directory of New Hires. The "information regarding a newly-hired employee" that must be submitted consists of the 6 Federally-mandated data elements which employers are required to report pursuant to §453A(b)(1): name, address, and social security number of the employee, and the name, address, and Federal tax identification number of the employer. The National Directory of New Hires will have the capability to accept two addresses for employers in the

event the reported address is different than the payroll address needed for wage withholding purposes.

Additionally, State Directories of New Hires will have the option to report three additional data elements to the National Directory of New Hires - date of hire, State of hire, and employee's date of birth. These optional data fields will improve States' fraud detection efforts and administration of programs. The National Directory of New Hires will have the capability to receive and transmit these three optional data elements.

Question 6: May States require employers to report new hires in less than twenty days after the date of hire?

Answer: Yes. Section 453A(b)(2) governs the timing for submittal of required reports. It states that "[e]ach State may provide the time within which the report required shall be made with respect to an employee, but such report shall be made (A) not later than 20 days after the date the employer hires the employee[.]"

Because Federal law allows each State to set the reporting period for employers, subject to Federal statutory limits, States have flexibility and may impose requirements more stringent than "within 20 days of hire," such as "within 5 days of hire." Allowing employers no more than 20 days after hiring to report the required information establishes a maximum allowable amount of time for employers to comply. If a State elects to allow 20 days, employers must transmit the information about a newly-hired employee at some point between the date of hire and 20 days thereafter. Certainly, an employer could report immediately or within a few days and not utilize the full range of 20 days.

Question 7: May States require employers to submit the Federally-mandated information on a form developed by the State?

Answer: No. The reporting format for employers to use in submitting information to State Directory of New Hires is specified under Federal law. Section 453A(c) requires that reporting must "be made on a W-4 form or, at the option of the employer, an equivalent form" (emphasis added). Employers are given the choice to define an "equivalent form." Congressional intent was to provide employers maximum flexibility regarding the mechanism for submitting the new hire information. States are permitted to develop forms for employers to report Federally-mandated new hire data as long as it is clear that the use of such forms is optional.

Question 8: Is a master file of Employer Identification Numbers (EINs) available from the Internal Revenue Service (IRS) to the States for the purpose of facilitating accuracy in the new hire reporting data requirement?

Answer: The law does not appear to provide authorization for States to have access to a master file of Federal EINs from the IRS. DHHS and IRS are looking into this issue and we will notify States if it can be resolved. An alternative option for State Directories of New Hires is to utilize the capability of State Employment Security Agencies to cross-reference State EINS with Federal EINs.

Question 9: Can a State choose where to locate the State Directory of New Hires?

Answer: Yes. Section 453A does not specify that the State Directory of New Hires must be located in a specific agency. States may determine where to house the State Directory of New Hires, e.g. child support agency, State employment security administration, revenue department, private vendor under contract with the State or local child support enforcement agency.

Question 10: Will the State Directory of New Hires be required to keep new hire data for a specified time period? How long will the National Directory of New Hires keep new hire data and quarterly wage and unemployment compensation data on file?

Answer: There are no Federal time requirements in section 453A or section 453 for maintaining new hire data in the State Directory of New Hires or the National Directory of New Hires. States that currently operate new hire programs maintain data for the following time periods: Minnesota - 9 months; New York - 9 months; Iowa - 6 months. A final decision has not been made as to how long data will be maintained on file in the National Directory.

Question 11: Must a State pass a law to implement a new hire program?

Answer: No. Section 454(28), as added by section 313(a)(3) of PRWORA, requires that the State plan provide for the operation of a new hire directory, but there is no specific State law requirement under §466. The State would simply need to ensure that its procedures comply with the Federal mandate.

Each State must assess for itself whether a law is needed to implement a new hire program (for example, a law to specify the reporting frequency, establish the civil penalty, or designate the particular agency to conduct information

comparisons). Under §453A(b), employers are directly required to comply with the reporting requirements, so a State law requiring them to do so may not be necessary.

Question 12: How long will States which need to enact legislation have to implement the new hire program?

Answer: The deadline will vary depending upon each State's legislative calendar, but generally will not be beyond January 1, 1998. Under section 395 of PRWORA, States needing a legislative change are granted a grace period until the first day of the first calendar quarter beginning after the close of the first regular session of the State legislature that begins after

enactment of P.L. 104-193 (August 22, 1996). Each year of a two-year legislative session is deemed to be a separate regular session.

II. DEFINITIONS FOR NEW HIRE REPORTING

Question 1: What is the definition of "employee" for new hire reporting purposes?

Answer: Section 453A(a)(2)(A)(i) defines an "employee" as an individual who is an employee within the meaning of Chapter 24 of the Internal Revenue Code of 1986 (IRC). Thus, an individual who is an employee for purposes of federal income tax withholding from wages is also an employee for new hire reporting purposes.

Chapter 24 of the IRC and the regulations promulgated thereunder define an "employee" as every individual performing services if the relationship between the individual and the person for whom the services are performed is the legal relationship of employer and employee (see IRC section 3401(c) and 26 CFR 31.3401(c)-1). Generally, the legal relationship of employer and employee exists when the person for whom the services are performed has the right to control and direct the individual who performs the services not only as to the result to be accomplished but also as to the details and means by which that result is to be accomplished. It is not necessary that the employer actually direct or control the manner in which the services are performed; it is sufficient if he or she has the right to do so.

An individual's status as an employee or an independent contractor may be determined by filing Form SS-8, Determination of Employee Work Status for Purposes of Federal Employment Taxes and Income Tax Withholding, with the local IRS office, or by

reference to IRS Publication 15A--Employers Supplemental Tax Guide. IRS forms and publications may be obtained by calling 1-800-TAX-FORM (829-3676).

Question 2: What is the definition of "employer" for new hire reporting purposes?

Answer: Section 453A(a)(2)(B)(i) provides that the term "employer" has the same meaning as in section 3401(d) of the Internal Revenue Code (IRC) of 1986 and includes any governmental entity and any labor organization. At a minimum, in any case where an employer is required to give an employee a Form W-2 showing the amount of taxes withheld, the employer must meet the new hire reporting requirements.

Section 3401(d) defines "employer" as the person for whom an individual performs any service of whatever nature, as the employee of such person. Section 3401(d)

goes on to provide in part that "if the person for whom the individual performs or performed the service does not have control of the payment of the wages for such services, the term "employer" . . . means the person having control of the payment of such wages." Thus, every entity (including governmental entities and labor organizations) is an employer if the entity exercises or has the right to exercise control and direction over an individual who performs or has performed any service for the entity unless the entity does not have control of the payment of the employee's wages. In these cases, the entity having control of the payment of such wages is the "employer." All entities satisfying 3401(d) of the IRC must meet the new hire reporting requirements set forth in section 453A(b)(1) of the Social Security Act, as amended.

Question 3: When is an individual considered a new hire?

Answer: An individual is considered a new hire on the first day in which an individual performs services for remuneration, i.e. first day of work. This is the first day in which an employer begins to withhold amounts for income tax purposes.

Question 4: Must an employer report an employee who is being recalled from a layoff or who is returning from a leave of absence?

Answer: If the employer/employee relationship has been severed and a returning individual is required to submit a W-4 form to the employer, the employer is required to furnish a new hire report to the State Directory of New Hires.

Question 5: Do entities hiring independent contractors or subcontractors have to report new hires? Do independent contractors or subcontractors have to report new hires?

Answer: Entities do not have to report the hiring of independent contractors or subcontractors. However, entities must determine whether or not the individual is in fact an independent contractor/subcontractor or whether the individual is really an employee. Entities must use the test and factors discussed in question 1 of this section (concerning the definition of an employee) to determine if the individual is an employee whose hiring must be reported.

Although an independent contractor or subcontractor may not be an employee of the entity which hired him or her to perform a particular job or function, he or she may be his or her own "employer" and/or an "employer" of others and may be required to report new hires as an employer under section 453A. The contractor must determine whether the legal relationship of employer and employee exists to determine if he or she or others hired are employees; i.e. does the person for whom services are performed have the right to control and

direct an individual who performs the services not only as to the result to be accomplished but also as to the details and means by which the result is to be accomplished. If further information is needed regarding the definitions of independent contractors/subcontractors and employees, the IRS publication referenced in question 1 may be helpful.

Question 6: Are placement agencies or temporary employment agencies that place individuals with third parties required to report the employee as a new hire ?

Answer: Placement agencies or temporary employment agencies must report newly-hired employees pursuant to section 453A(b)(1) if a legal relationship of employer and employee exists within the meaning of Chapter 24 of the Internal Revenue Code of 1986. See questions 1 and 2.

Question 7: Are labor organizations required to report their members under the new hire reporting program?

Answer: Only those labor organizations which satisfy §3401(d) of the IRC are required to report individuals under the new hire reporting requirements of §453A. A labor organization is not required to report members simply as a result of their status as members. It also need not report those who are referred for employment unless the labor organization meets the definition of "employer" in relation to those individuals.

At a minimum, a labor organization is an employer under §3401(d) of the Internal Revenue Code of 1986 and must meet the reporting requirements of §453A with respect to any individuals that perform any services for wages. Additionally, the labor organization could also be brought within the definition of "employer" under §3401(d)(1), which states that in cases in which the person or entity for whom services are performed does not have control over the payment of the wages for those services, the employer is the person or entity having control over the payment of those wages. Thus, if a labor organization actually pays the individuals whom it refers (as opposed to having them paid by the person or entity to whom they have been referred), the labor organization would be considered the "employer" and subject to the reporting requirements in section 453A.

Question 8: Why are hiring halls included in the list of organizations that must report new hire information?

Answer: Hiring halls were included in the definition of employer to ensure that the employees of the hiring hall are reported to the State Directory of New Hires. Hiring halls which refer individuals for jobs with employers, or other similar entities, are required to

report for purposes of §453A if they satisfy the definition of "employer" at §3401(d) of the Internal Revenue Code of 1986. See prior question.

Question 9: What is the intent of the new hire reporting exemption for an employees of Federal or State agencies performing intelligence or counterintelligence functions?

Answer: Section 453A(a)(2)(A)(ii) provides an exemption to new hire reporting for an employee of a Federal or State agency performing intelligence or counterintelligence functions "if the head of such agency has determined that reporting [new hires] ... could endanger the safety of the employee or compromise an ongoing investigation or intelligence mission." The intent is to provide a discretionary test for the heads of Federal or State agencies engaged in intelligence or counterintelligence activities to determine if the reporting of a newly-hired employee is appropriate given the criteria stated in §453A(a)(2)(A)(ii). This exemption applies only to Federal or State employees and is not applicable to local or county employees.

III. PENALTIES

Question 1: May States choose to impose penalties on employers for noncompliance which exceed the amounts provided in the statute?

Answer: No. Section 453A(d) gives States the option to choose to impose or not impose a penalty for noncompliance. It then sets the limits on the monetary penalties that the State may impose at less than \$25.00, or less than \$500.00 if there is a conspiracy between the employer and employee. Therefore, although the State has the option to have a penalty, if it chooses to do so, maximum amounts may not exceed those in §453A.

Question 2: May States also provide for non-monetary civil penalties against an employer who fails to comply with the reporting requirements?

Answer: Yes. Although the statute provides maximum amounts for States electing to use the civil monetary penalties, it does not specifically preclude any other legal remedies available under State law for noncompliance. Thus, a State could impose a fine (civil monetary penalty), but also provide for another sanction so long as the maximum financial penalty imposed for the failure to report is less than \$25.00 (or \$500.00 in the case of a conspiracy).

Question 3: How is the penalty to be applied - per employer, per employee, per report, per reporting period?

Answer: The apparent intent of the law is that the penalty be imposed for each new employee that the employer fails to report. DHHS is recommending that a technical amendment be made to §453A(d) which would clarify that the penalty is "per failure to meet the requirements of this subsection with respect to a newly hired employee". The technical amendment would clarify that the penalty can be applied for each new employee that the employer fails to report.

IV. MULTISTATE EMPLOYERS

Question 1: What are the requirements for multistate employers to report new hires?

Answer: Section 453A(b)(1)(B) provides multistate employers with an exception from reporting that is intended to simplify the reporting of new hires (specified in §453A(b)(1)(A)). A multistate employer is defined as an employer who has employees who are employed in two or more States and who transmits reports magnetically or electronically. Multistate employers have the option to report all new hires to a single State, chosen by the employer, in which the employer has employees. To exercise this option, Federal law requires that multistate employers designate one State (in which the employer has employees) for reporting new hires and must notify the Secretary of Health and Human Services in writing as to the employer's chosen State.

Question 2: The law states that a multistate employer can designate 1 State in which the employer has employees to which the employer will transmit the report. Can a multistate employer designate more than one State in which to report? Can a company opt to report most new hires to one central location but continue to have some local offices report to individual States?

Answer: No. Section 453A(b)(1)(B) allows multistate employers the option to "designat[e] one State" for submitting new hire reports. Multistate employers may exercise the option of reporting all new hires to one designated State, or under §453A(b)(1)(A) must report new hires to the respective States in which employees are working.

Question 3: If a multistate employer exercises the option to report to one State, how should the employer notify the Secretary of Health and Human Services which State the employer designates for reporting?

Answer: The only federal requirement is that multistate employers notify the Secretary of Health and Human Services in writing as to which State the employer designates for the purpose of sending new hire reports. The Office of Child Support Enforcement is preparing an optional form which multistate employers may use for reporting their chosen State to the Secretary. The Office of Child Support Enforcement will be notifying States and employers of the address which multistate employers should use to report their designated State to the Secretary.

Question 4: How will States know where a multistate employer has chosen to report?

Answer: Section 453(i)(4) requires the Secretary of Health and Human Services to maintain within the National Directory of New Hires a list of multistate employers that are exercising the option to report to one State and the State to which the employer is reporting. OCSE is seeking input from the Expanded Federal Parent Locator Service Work Group, which includes Child Support and State Employment Security Agency representatives, regarding the best mechanisms for making the list of multistate employers available to States.

V. FUNDING

Question 1: Is enhanced FFP available for the development and operation of a State Directory of New Hires?

Answer: Enhanced FFP is available for the development of a State Directory of New Hires under certain circumstances. It is not available for the operation of the Directory.

Section 455(a)(3)(B), as added by section 344(b) of PRWORA, provides that Federal reimbursement at the 80 percent FFP rate is available for costs incurred by States for changes to their Statewide automated Child Support Enforcement (CSE) systems. If a State chooses to locate its State Directory of New Hires within the Child Support Agency as part of its automated child support enforcement system, then the State may seek reimbursement for 80% of the system development costs to establish that Directory.

Section 453A of the Social Security Act requires States to implement a State Directory of New Hires. However, Congress

gave the States flexibility in where they locate the State Directory of New Hires. There is no requirement that the State Directory of New Hires be developed as an integrated part of the

automated child support enforcement system. Therefore, the State Directory of New Hires may be a separate unit that interfaces with a State's automated child support enforcement system. When the State Directory of New Hires is developed under contract with an outside agency or organization, Federal funding at the 80 percent FFP rate is only available for costs associated with developing the necessary interface between the automated CSE system and the outside State Directory of New Hires.

States should be aware that, pursuant to section 344(b)(2)(A) of PRWORA, there is a maximum aggregate amount of \$400,000,000 available for enhanced funding for fiscal years 1996 through 2001. The Secretary of HHS is required to develop a formula for allocating this amount among the States.

Note: For more information, please see OCSE Action Transmittal 96-10, December 23, 1996, regarding, Availability of Federal Financial Participation at an Enhanced Rate Under the Provisions of the "Personal Responsibility and Work Opportunity Reconciliation Act of 1996."

Question 2: If the State Legislature chooses to locate the State New Hire Directory in a State Employment Security Agency (SESA) or another entity, will SESAs or other State agencies be reimbursed for their costs of operating the State New Hire Directory?

Answer: Section 455(a) authorizes the Secretary of the Department of Health and Human Services to pay Federal funds only to State Child Support Agencies for expenditures associated with the child support enforcement programs, including the State Directory of New Hires.

If a State opts to establish and operate the State Directory of New Hires outside of the statewide automated child support enforcement system, either at a State Employment Security Agency, other State agency, or with a private entity, then the Child Support Agency is eligible for reimbursement at the 66% rate for the costs it incurs in the development and ongoing costs for the State Directory of New Hires.

In such cases, State Child Support Agencies must establish **negotiated agreements** with SESAs, other State agencies, or other organizations to provide reimbursement for only the child support-related costs associated with the State Directory of New Hires. For example, where a State uses or also plans to use new hire data for detecting unemployment insurance fraud, it will be necessary to allocate costs in the negotiated agreement.

Question 3: How will States be reimbursed for the costs of transmitting new hire and quarterly wage and claim data to the National Directory of New Hires?

Answer: Section 453(k)(2) authorizes the Secretary of the Department of Health and Human Services to reimburse costs incurred by the State Directory of New Hires in furnishing new

hire and quarterly wage and claim information to the National Directory of New Hires. The Department of Health and Human Services is seeking a technical amendment to Section 453(k)(2) to replace the reference to subsection (j)(3) with section 453A(g)(2). This technical amendment ensures that the Secretary is authorized to provide reimbursement for the costs of transmitting new hire and quarterly wage and claim information.

Section 453(k)(2) authorizes the Secretary to provide reimbursement for transmission costs which the Secretary determines to be reasonable (which rates shall not include payment for the costs of obtaining, verifying, maintaining, and comparing the information.) The Office of Child Support Enforcement will work directly with each State Directory of New Hires to determine the appropriate costs for furnishing the data to the National Directory of New Hires.

In addition, section 453(g) also authorizes the Secretary to provide reimbursement for data transmission costs incurred by Federal and State agencies in furnishing information requested by the Secretary. Section 453(g) ensures that transmission costs incurred by State Employment Security Agencies in reporting requested quarterly wage and unemployment compensation claim data to the Secretary will be reimbursed. Similar in language to section 453(k)(2), section 453(g) authorizes the Secretary to provide reimbursement for transmission costs which "the Secretary determines to be reasonable payment for the information exchange (which amount shall not include payment for the costs of obtaining, compiling, or maintaining the information)."

VI. TIMEFRAMES FOR ENTERING AND PROCESSING NEW HIRE DATA

Question 1: What are the exact timeframes which the State Directory of New Hires must meet for entering and processing new hire data?

Answer: Section 453A(e)-(g) lays out specific processing requirements for data in the State Directory of New Hires.

Within five business days of receiving reports from employers, the State Directory of New Hires must enter new hire reports from employers into its database.

Within two business days after the new hire data is entered into the State Directory of New Hires: (1) the State must conduct a match between the social security numbers in new hire reports and in the child support case registry; (2) the State must notify the Child Support Agency if a match occurs; and (3) if a matched employee's income is subject to wage withholding pursuant to §466(b)(3), the Child Support Agency must generate and transmit a notice of wage withholding to the employer.

Within three business days after the new hire data is entered into the State

Directory of New Hires, new hire data must be furnished to the National Directory of New Hires.

VII. ACCESS TO DATA

Question 1: Are State Employment Security Agencies authorized under the new legislation to have access to the Federal employer data in the National Directory of New Hires?

Answer: No. Access to data in the National Directory of New Hires is limited to those entities, and subject to the safeguards, listed in §453(i) and (j).

Section 453(i)(3) provides the Secretary of the Treasury with access to information in the National Directory of New Hires for the purpose of administering and enforcing tax compliance.

Section 453(j)(4) provides the Commissioner of Social Security with access to all information in the National Directory of New Hires.

Section 453(j)(5) gives the Secretary of Health and Human Services the discretion to provide researchers with access to the new hire data (reported by employers pursuant to §453A(b)) for research efforts that would contribute to the IV-A (Temporary Assistance for Needy Families) or IV-D (Child Support Enforcement) programs. Any new hire data provided to researchers would not include personal identifiers.

Section 453(j)(3) directs the Secretary, to the extent and with the frequency that she determines necessary, to conduct data comparisons among different components of the FPLS (Federal Parent Locator Service) to facilitate the administration of the Title IV-A and IV-D programs and to disclose information to IV-A and IV-D State agencies.

Question 2: The new law specifies that new hire information in the State Directory of New Hires can be shared with State Employment Security Agencies and State agencies administering

Income and Eligibility Verification System programs. Can new hire data be shared with other State agencies to assist fraud detection efforts?

Answer: Section 453A(h) specifies that the new hire reports submitted to the State Directory of New Hires by employers required under §453A(b) shall be made available to: (1) State agencies responsible for administering Income and Eligibility Verification System programs specified in §1137(b) of the Social Security Act for the purpose of verifying program eligibility and (2) State agencies operating employment security and workers' compensation

programs for the purposes of administering the programs.

Whether or not the State may share new hire reports with other State agencies depends on the location of the State Directory of New Hires and whether the operation of the State Directory of New Hires is part of the statewide automated data processing and information retrieval system required pursuant to section 454(16) of the Act. Where the State Directory of New Hires is located within the State Child Support Agency, any disclosure of information will have to be in accordance with the safeguards established under section 454(26). If the State Directory of New Hires is established or operated as part of the statewide automated data processing and information retrieval system, any disclosure of information would have to be in accordance with the safeguards established under section 454A(d). If the State Directory of New Hires is not located within the State Child Support Agency and is not established or operated as part of the statewide automated data processing and information retrieval system, Federal law would not restrict States from passing laws to expand access to new hire reports to other State agencies.

Question 3: Will a specific State agency be required to provide the quarterly wage and unemployment compensation data to the National Directory of New Hires and which agency would be held accountable if the data is not provided?

Answer: Section 453A(g)(2)(B) specifies that the State Directory of New Hires is required to furnish certain quarterly wage and unemployment compensation claim information to the National Directory of New Hires. The State Directory of New Hires must furnish the data at such time, in such format, and with the information, specified by the Secretary of Health and Human Services in regulations.

Section 313 of PRWORA also added a new IV-D State plan requirement, §454(28), which mandates that States will operate a State Directory of New Hires in accordance with §453A of the Act. Therefore, the State child support enforcement agency must ensure that the State Directory of New Hires, regardless of where the State Directory of New Hires is located, meets all Federal requirements, including quarterly wage and unemployment compensation data reporting requirements.

In addition, section 316(g) of PRWORA also contained two other amendments relating to wage and unemployment compensation reporting. The first amended section 3304(a)(16) of the Internal Revenue Code of 1986 (26 U.S.C. 3304(a)(16)) to add a new subparagraph (B) which requires the agency administering the State unemployment compensation law to provide wage and unemployment compensation information from the agency's records to the Secretary of HHS as specified in regulations. The second amended section 303(h) of the Act to require the agency administering the State unemployment compensation law to disclose quarterly to the Secretary of HHS wage and claim information from the agency's records as required by section 453(i)(1). Furthermore, pursuant to section 303(h)(3) whenever the Secretary of Labor, after reasonable notice and opportunity for

hearing, finds that there is a failure to comply substantially with the requirements of quarterly wage and claim disclosure under section 303(h)(1), the Secretary of Labor shall notify the State agency that further payments will not be made to the State until the Secretary of Labor is satisfied that there is no longer any such failure. Until the Secretary of Labor is so satisfied, the Secretary shall make no future certification to the Secretary of Treasury with respect to the State.

Key to PRWORA - Title III, Child Support Enforcement
 Personal Responsibility & Work Opportunity Reconciliation Act of 1996 (Pub. Law 104-193)

Sections in **BOLDFACE** are addressed in S.B. 140.

<i>Pg</i>	<i>Sec'n</i>	<i>Topic</i>	<i>Date Due</i> <i>If state legislation is required, end of the grace period is in parentheses</i>
1	301	Availability of IV-D services	8/22/96
3	302	Distribution (\$50 pass-through revoked*, post-assistance arrears, pre-assistance arrears, report to Congress, hold harmless clause) *State may opt to continue paying pass-thru payments (100%) AND pay Feds their share (40%) out of state funds (State cost = 140% of pass-thru); state statutory or regulatory authority required for this option.	\$50 pass-through -- FFP ends Oct 96 [KS ended pass-thru in revised State IV-A plan 10-1-96] Post-IV-A arrs - Oct 97 [This is already how KS distributes arrearages.] HHS Report - Oct 98 Pre-IV-A arrs--Oct 2000
10	303	Privacy rights - expansion of existing requirements	Oct 97
11	304	Right to notice of hearings; copies of orders [estab/modif]	Oct 97
12	311	State Case Registry: IV-D (SRS' CSE) cases IV-D automated system shall include State Case Registry; standard data elements, payment records`; maintainance of data. Functions: Link to Fed Case Registry (10-98); Fed. Parent Locate Sys.; TANF & assistance verific'ns; IV-D data exchanges State Case Registry: (NIVD orders, i.e., all other support orders in the State) - After Oct 98, state case registry includes all orders; standard data elements [does NOT include payment records, update requirements that apply only to IV-D cases].	IV-D: >Establish - Oct 96 (July 97) (practically, when Fed. regs give required data elements) >Implement - Oct 96 (July 97) (practically, ASAP in-state & as soon as Fed. Case Registry can acct data (prob'ly 10-98)) Include NIVD in case registry: Oct 98
14	312	Collection & Disbursement Unit (Centralized support payment center for State)	Oct 98, with optional extension till Oct 99 (KS likely to use extension)
18	313	State New Hires Directory - establish by Oct 97; interface with IV-D caseload by May 98.	Oct 97

Hanna Induray
Attach 2
4-2-97

Key to PRWORA - Title III, Child Support Enforcement
 Personal Responsibility & Work Opportunity Reconciliation Act of 1996 (Pub. Law 104-193)

Pg	Sec'n	Topic	Date Due <i>If state legislation is required, end of the grace period is in parentheses</i>
24	314	Income Withholding Amendments >Expand def'n of income to include workers compensation & pensions >7 <i>business</i> days to transmit money (change from "10 days") >rules for direct w/holding from another state (also part of Unif. Interstate Fam. Supp. Act, below) >amend penalty for employer abuses >carry out by electronic means	Oct 96 (7/97)
27	315	Access to DMV & law enforcement locate systems for all fed & state agencies conducting IV-D business	Oct 96 (7/97)
27	316	FPLS expansion, including Fed. Order Registry, Fed. New Hires Directory & list of multistate employers, visitation/custody enforcement. What Feds will pay for (data runs, incl. state new hires runs). Access to info by IV-D contractors.	Fed. Order Reg: Oct 98 Fed. New Hires: Oct 97 Vis'n/cust. enf.: Aug 96
37	317	Collection of SSN's	Aug 96 (7/97) [KS law already covers most]
38	321	UIFSA (Uniform Interstate Family Support Act) , including all official amendments through 1-1-98	Jan 98 [Only need to add amendments & to correct erroneous cross-ref. in KSA 23-4,101]
38	322	Improvements to federal Full Faith & Credit for Child Support Orders Act	Aug 96
41	323	Interstate - Administrative enforcement without formal referral to responding state	Oct 96
42	324	Interstate forms	As issued by HHS

2-2

The Key to PRWORA - Title III, Child Support Enforcement
 Personal Responsibility & Work Opportunity Reconciliation Act of 1996 (Pub. Law 104-193)

<i>Pg</i>	<i>Sec'n</i>	<i>Topic</i>	<i>Date Due</i> <i>If state legislation is required, end of the grace period is in parentheses</i>
43	325	Expedited procedures - (1) Authority for admin. actions by IV-D agency : >Genetic tests >Subpoena records, impose sanctions >Change payee >Access information >Impose income withholding >Seize assets (gov't & private) >Set AP payment plans (2) In all proceedings, require parties to provide personal info to the tribunal & State Case Registry, & to update it; tribunal MAY, after diligent efforts, allow service at LKA in registry. (3) Provide statewide jurisdiction & transfers between local jurisdictions w/out refileing or reserving respondent.	Oct 96 (July 97) [#2 - Need reporting requirement for Case Registry. But for service at last known address - current Ch. 60, Art. 3 covers req'mt; no change needed.] [#3 - Already KS law - motion to change venue is not same as new petition, which is what fed. req'mt is aimed at]

2-3

Key to PRWORA - Title III, Child Support Enforcement
 Personal Responsibility & Work Opportunity Reconciliation Act of 1996 (Pub. Law 104-193)

Pg	Sec'n	Topic	Date Due <i>If state legislation is required, end of the grace period is in parentheses</i>
48	331	<p>Paternity:</p> <ul style="list-style-type: none"> ><u>Sworn aff't re: contact</u> as prereq. to <i>mandatory</i> order for genetic tests ><u>State pay costs</u>, subject to repayment (only applies to <u>agency orders</u> for genetic tests) ><u>Disclosures</u> for in-hospital & KSA 38-1130 acknowledgements - <i>ORAL</i> disclosure of rts, including special rts of minors ><u>Birth records agency</u> (Vital Stats) must offer Vol.Ack. services just like those at Hospitals (at time of birth). >State <i>may</i> designate other agencies to provide Vol.Ack. Services, which will be subject to exactly the same requirements for materials, disclosure, training, & evaluation as hospitals. >Father's name on birth certificate only if both parents have signed ackn. OR there's court order ><u>Effect of Vol.Ack.</u> - Is legal finding of pat'y, unless rescinded w/in <i>earlier</i> of pat'y/support proceedings (if signer is a party) or 60 days. <i>After</i> 60 days, can only be contested <i>IN COURT</i> on the basis of fraud, duress, or material mistake of fact (like mom's marriage); burden on contesting person. <i>Cannot</i> abate parental responsibilities pending decision. ><u>Cannot require OR permit procedures to ratify an unchallenged Vol. Ack.</u> >Require <u>temporary support</u> pending determination if "clear & convincing" evid. of pat'y. ><u>Proof of costs</u> (pregnancy, birth, genetic testing) without foundation; prima facie evidence of facts >Filing Vol.Acks. & orders establishing paty w/Vital Statistics for match w/Case Registry 	<p>Oct 96 (July 97)</p> <p>[Items underlined need to be addressed; the rest are current law or internal procedures]</p>
54	332	Paternity outreach	Oct 96
54	333	<p>IV-A cooperation requirements:</p> <ul style="list-style-type: none"> >IV-D to determine & redetermine whether recipient is cooperating in good faith >Good cause or other exception >State option to have IV-A, IV-D, or Medicaid define & apply good cause & exceptions 	<p>Oct 96</p> <p>[Addressed in IV-A state plan; no change to current processes.]</p>

Key to PRWORA - Title III, Child Support Enforcement
 Personal Responsibility & Work Opportunity Reconciliation Act of 1996 (Pub. Law 104-193)

Pg	Sec'n	Topic	Date Due <i>If state legislation is required, end of the grace period is in parentheses</i>
55	341	IV-D incentives & penalties >Report new formula >PEP (paternity estab. percentage) can be based on IV-D caseload or statewide out-of-wedlock births. >Paternity improvement standard (if PEP between 75 & 90%) = +2%/yr >New incentive formula to take effect; <i>no hold harmless clause (from State's perspective)</i>	PEP option & 75-90% standard eff. 10/96 HHS reports new formula to Cong. 3/97 New formula eff. 10/99
58	342	Fed. Audits	Aug 96
60	343	Reporting procedures	Aug 96
60	344	Automation requirements (to be defined by HHS). Completion of (old) FSA '88 requirements by 10/97. New mandates' enhanced funding - limited fed. appropriation; maximum rate = 80% of allowed costs, HHS to establish formula for allocating \$\$ among states. Deadline for new mandates Oct. 2000.	As noted
65	345	1% funding (to OCSE) for technical assistance	Aug 96
66	346	HHS reports to Congress	Aug 96
68	351	Review & Adjustment (R&A = modification of current support obligation) >Keeps 3 yr cycle but R&A mandatory <i>only</i> if either parent or agency requests it. Best interests of child must be "taken into account." > <u>Options</u> : (1)Regular application of Guidelines (GL) if present order differs from GL amt; (2) COLA (cost of living adjustmt), based on state formula; or (3) "automated" R&A. If 2d or 3d opt'n, must give parent 30 days to request 1st option instead. By implication, State may combine options. > Bars requiring showing/proof of change of circumstances for R&A within 3 yr cycle. Requires showing "substantial" change of circs for R&A "outside" 3 yr cycle. >State must give parents notice at least once each 3 yrs of rt. to request.	Oct 96 (July 97) [KS uses option #1, not seeking options #2 & 3]

Key to PRWORA - Title III, Child Support Enforcement
 Personal Responsibility & Work Opportunity Reconciliation Act of 1996 (Pub. Law 104-193)

<i>Pg</i>	<i>Sec'n</i>	<i>Topic</i>	<i>Date Due</i> <i>If state legislation is required, end of the grace period is in parentheses</i>
70	352	Access to credit bureau reports for IV-D	Aug/Oct 96
71	353	Nonliability of "financial institutions" for disclosure to IV-D agency (This is an immediately effective federal law, not mandate to adopt a state law.)	Aug 96
73	361	IRS full collection service fees - no add'l fee for adjusting amount certified	Aug 96
73	362	Collection from federal employees	Aug 96
82	363	Enforcement against members of armed forces	Aug 96
86	364	Voiding fraudulent transfers	Oct 96 - Existing KS law meets requirement
86	365	AP's on IV-A cases - authority to get an order for minimum arrears payments or (if criteria met) request an order for such work activities as state deems appropriate.	Oct 96 - Existing authority of KS courts meets requirement
87	366	Def'n of support order (for federal purposes)	Aug/Oct 96
88	367	Reporting arrears to credit bureaus -- "delinquent" but no minimum amount or timeframe; only after <i>State</i> due process <i>including</i> notice & opportunity to contest accuracy	Oct 96
88	368	Liens: > arise by operation of law on real & personal property > full faith & credit to other states' liens. Can require perfection of foreign lien but can't require <i>JUDICIAL</i> notice or hearing before enforcement of lien.	Oct 96 (July 97)
89	369	Licenses: Authority to withhold or suspend or restrict use of drivers licenses, professional & occupational licenses, & recreational licenses. > Applies to overdue support > Applies to failing to comply with subpoenae or warrants "relating to" paty or cs proceedings.	Oct 96 (July 97) [The only changes needed are marked in boldface]

2-6

Key to PRWORA - Title III, Child Support Enforcement
 Personal Responsibility & Work Opportunity Reconciliation Act of 1996 (Pub. Law 104-193)

Pg	Sec'n	Topic	Date Due <i>If state legislation is required, end of the grace period is in parentheses</i>
89	370	Deny/revoke/restrict/limit passports - States must have procedure to certify to HHS: if AP owes \$5000+ of child support & has been give notice & opportunity to contest.	Aug/Oct 96
90	371	International -- >Authorize US Secy of State to declare & revoke declarations >Standards for reciprocity >US Central Auth'y (HHS) as clearinghouse; prescribe forms & procedures >State must treat as IV-D request, may expand to cover (NIVD) spousal support (ie, no cs owed, etc.) >Can't require application (i.e., no fee) and can't charge "costs" except to obligor.	Aug/Oct 96
93	372	Financial institution (FI) data matches - >State SHALL enter into agreements with financial institutions doing business in state >FI to provide quarterly info on IV-D absent parents >FI must comply with notice of lien or levy >State MAY pay fee for data match, not exceeding costs >FI not liable for disclosure, holding or surrendering levied assets, or any action taken in good faith. >FI & account defined (includes usual bank accts & money mrkt mut. funds)	Oct 96 (July 97) [Should be able to meet requirement by limiting this to "on request" of financial institution]
95	373	OPTION: If IV-A case, state may enforce order for a child of minor parents against obligor's parents	When/If state elects option. [KS: Not elected]
95	374	Nondischarge in bankruptcy - clarify coverage of State arrears.	Aug/Oct 96
96	375	CSE & Indian tribes >Clarify authority to enter into coop. agreements with tribes w/reserv'n in State >Direct HHS funding of indepedent IV-D program of Indian tribe; doesn't count against "home" state.	Aug/Oct 96
98	381	Correction to ERISA (fed. law) re medical support orders	Aug/Oct 96

2-7

Key to PRWORA - Title III, Child Support Enforcement
 Personal Responsibility & Work Opportunity Reconciliation Act of 1996 (Pub. Law 104-193)

Pg	Sec'n	Topic	Date Due <i>If state legislation is required, end of the grace period is in parentheses</i>
99	382	Medical support orders >IV-D support orders MUST "include a provision" for health care coverage >Med. Supp. notice must be transferable & operate to enroll child unless contested by AP	Oct 96 [Kansas law already meets requirements]
100	391	Visitation grants - states can apply	Aug/Oct 96
101	395	Effective dates of Title III (CSE)	

JLC: Legis 97\ PRWORA28.037

2-8

1 **TITLE III—CHILD SUPPORT**

2 **SEC. 300. REFERENCE TO SOCIAL SECURITY ACT.**

3 Except as otherwise specifically provided, wherever in this
 4 title an amendment is expressed in terms of an amendment to
 5 or repeal of a section or other provision, the reference shall be
 6 considered to be made to that section or other provision of the
 7 Social Security Act.

8 **Subtitle A—Eligibility for Services;**
 9 **Distribution of Payments**

10 **SEC. 301. STATE OBLIGATION TO PROVIDE CHILD SUP-**
 11 **PORT ENFORCEMENT SERVICES.**

12 (a) **STATE PLAN REQUIREMENTS.**—Section 454 (42
 13 U.S.C. 654) is amended—

14 (1) by striking paragraph (4) and inserting the follow-
 15 ing new paragraph:

16 “(4) provide that the State will—

17 “(A) provide services relating to the establishment
 18 of paternity or the establishment, modification, or en-
 19 forcement of child support obligations, as appropriate,
 20 under the plan with respect to—

21 “(i) each child for whom (I) assistance is pro-
 22 vided under the State program funded under part
 23 A of this title, (II) benefits or services for foster
 24 care maintenance are provided under the State pro-
 25 gram funded under part E of this title, or (III)
 26 medical assistance is provided under the State plan
 27 approved under title ~~XIX~~ unless, in accordance
 28 with paragraph (29), good cause or other excep-
 29 tions exist:

30 “(ii) any other child, if an individual applies
 31 for such services with respect to the child; and

32 “(B) enforce any support obligation established
 33 with respect to—

34 “(i) a child with respect to whom the State
 35 provides services under the plan; or

1 “(ii) the custodial parent of such a child.”;

2 and

3 (2) in paragraph (6)—

4 (A) by striking “provide that” and inserting “pro-
5 vide that—”;

6 (B) by striking subparagraph (A) and inserting
7 the following new subparagraph:

8 “(A) services under the plan shall be made avail-
9 able to residents of other States on the same terms as
10 to residents of the State submitting the plan.”;

11 (C) in subparagraph (B), by inserting “on individ-
12 uals not receiving assistance under any State program
13 funded under part A” after “such services shall be im-
14 posed”;

15 (D) in each of subparagraphs (B), (C), (D), and
16 (E)—

17 (i) by indenting the subparagraph in the same
18 manner as, and aligning the left margin of the sub-
19 paragraph with the left margin of the matter in-
20 serted by subparagraph (B) of this paragraph; and

21 (ii) by striking the final comma and inserting
22 a semicolon; and

23 (E) in subparagraph (E), by indenting each of
24 clauses (i) and (ii) 2 additional ems.

25 (b) CONTINUATION OF SERVICES FOR FAMILIES CEASING
26 TO RECEIVE ASSISTANCE UNDER THE STATE PROGRAM
27 FUNDED UNDER PART A.—Section 454 (42 U.S.C. 654) is
28 amended—

29 (1) by striking “and” at the end of paragraph (23);

30 (2) by striking the period at the end of paragraph (24)
31 and inserting “; and”; and

32 (3) by adding after paragraph (24) the following new
33 paragraph:

34 “(25) provide that if a family with respect to which
35 services are provided under the plan ceases to receive as-
36 sistance under the State program funded under part A, the

1 State shall provide appropriate notice to the family and
 2 continue to provide such services, subject to the same con-
 3 ditions and on the same basis as in the case of other indi-
 4 viduals to whom services are furnished under the plan, ex-
 5 cept that an application or other request to continue serv-
 6 ices shall not be required of such a family and paragraph
 7 (6)(B) shall not apply to the family.”.

8 (c) CONFORMING AMENDMENTS.—

9 (1) Section 452(b) (42 U.S.C. 652(b)) is amended by
 10 striking “454(6)” and inserting “454(4)”.

11 (2) Section 452(g)(2)(A) (42 U.S.C. 652(g)(2)(A)) is
 12 amended by striking “454(6)” each place it appears and
 13 inserting “454(4)(A)(ii)”.

14 (3) Section 466(a)(3)(B) (42 U.S.C. 666(a)(3)(B)) is
 15 amended by striking “in the case of overdue support which
 16 a State has agreed to collect under section 454(6)” and in-
 17 serting “in any other case”.

18 (4) Section 466(e) (42 U.S.C. 666(e)) is amended by
 19 striking “paragraph (4) or (6) of section 454” and insert-
 20 ing “section 454(4)”.

21 SEC. 302. DISTRIBUTION OF CHILD SUPPORT COLLEC-
 22 TIONS.

23 (a) IN GENERAL.—Section 457 (42 U.S.C. 657) is amend-
 24 ed to read as follows:

25 “SEC. 457. DISTRIBUTION OF COLLECTED SUPPORT.

26 “(a) IN GENERAL.—Subject to subsection (e), an amount
 27 collected on behalf of a family as support by a State pursuant
 28 to a plan approved under this part shall be distributed as fol-
 29 lows:

30 “(1) FAMILIES RECEIVING ASSISTANCE.—In the case
 31 of a family receiving assistance from the State, the State
 32 shall—

33 “(A) pay to the Federal Government the Federal
 34 share of the amount so collected; and

35 “(B) retain, or distribute to the family, the State
 36 share of the amount so collected.

1 “(2) FAMILIES THAT FORMERLY RECEIVED ASSIST-
 2 ANCE.—In the case of a family that formerly received as-
 3 sistance from the State:

4 “(A) CURRENT SUPPORT PAYMENTS.—To the ex-
 5 tent that the amount so collected does not exceed the
 6 amount required to be paid to the family for the month
 7 in which collected, the State shall distribute the
 8 amount so collected to the family.

9 “(B) PAYMENTS OF ARREARAGES.—To the extent
 10 that the amount so collected exceeds the amount re-
 11 quired to be paid to the family for the month in which
 12 collected, the State shall distribute the amount so col-
 13 lected as follows:

14 “(i) DISTRIBUTION OF ARREARAGES THAT AC-
 15 CRUED AFTER THE FAMILY CEASED TO RECEIVE
 16 ASSISTANCE.—

17 “(I) PRE-OCTOBER 1997.—Except as pro-
 18 vided in subclause (II), the provisions of this
 19 section (other than subsection (b)(1)) as in ef-
 20 fect and applied on the day before the date of
 21 the enactment of section 302 of the Personal
 22 Responsibility and Work Opportunity Act Rec-
 23 onciliation of 1996 shall apply with respect to
 24 the distribution of support arrearages that—

25 “(aa) accrued after the family ceased
 26 to receive assistance, and
 27 “(bb) are collected before October 1,
 28 1997.

29 “(II) POST-SEPTEMBER 1997.—With re-
 30 spect to the amount so collected on or after Oc-
 31 tober 1, 1997 (or before such date, at the op-
 32 tion of the State—

33 “(aa) IN GENERAL.—The State shall
 34 first distribute the amount so collected
 35 (other than any amount described in clause
 36 (iv)) to the family to the extent necessary

1 to satisfy any support arrearages with re-
2 spect to the family that accrued after the
3 family ceased to receive assistance from the
4 State.

5 “(bb) REIMBURSEMENT OF GOVERN-
6 MENTS FOR ASSISTANCE PROVIDED TO THE
7 FAMILY.—After the application of division
8 (aa) and clause (ii)(II)(aa) with respect to
9 the amount so collected, the State shall re-
10 tain the State share of the amount so col-
11 lected, and pay to the Federal Government
12 the Federal share (as defined in subsection
13 (c)(2)) of the amount so collected, but only
14 to the extent necessary to reimburse
15 amounts paid to the family as assistance by
16 the State.

17 “(cc) DISTRIBUTION OF THE REMAIN-
18 DER TO THE FAMILY.—To the extent that
19 neither division (aa) nor division (bb) ap-
20 plies to the amount so collected, the State
21 shall distribute the amount to the family.

22 “(ii) DISTRIBUTION OF ARREARAGES THAT AC-
23 CRUED BEFORE THE FAMILY RECEIVED ASSIST-
24 ANCE.—

25 “(I) PRE-OCTOBER 2000.—Except as pro-
26 vided in subclause (II), the provisions of this
27 section (other than subsection (b)(1)) as in ef-
28 fect and applied on the day before the date of
29 the enactment of section 302 of the Personal
30 Responsibility and Work Opportunity Reconcili-
31 ation Act of 1996 shall apply with respect to
32 the distribution of support arrearages that—

33 “(aa) accrued before the family re-
34 ceived assistance, and

35 “(bb) are collected before October 1,
36 2000.

1 “(II) ~~POST-SEPTEMBER~~ 2000.—Unless
2 based on the report required by paragraph (4).
3 the Congress determines otherwise, with re-
4 spect to the amount so collected on or after Oc-
5 tober 1, 2000 (or before such date, at the op-
6 tion of the State)—

7 “(aa) ~~IN GENERAL~~—The State shall
8 first distribute the amount so collected
9 (other than any amount described in clause
10 (iv)) to the family to the extent necessary
11 to satisfy any support arrearages with re-
12 spect to the family that accrued before the
13 family received assistance from the State.

14 “(bb) ~~REIMBURSEMENT OF GOVERN-~~
15 ~~MENTS FOR ASSISTANCE PROVIDED TO THE~~
16 ~~FAMILY~~—After the application of clause
17 (i)(II)(aa) and division (aa) with respect to
18 the amount so collected, the State shall re-
19 tain the State share of the amount so col-
20 lected, and pay to the Federal Government
21 the Federal share (as defined in subsection
22 (c)(2)) of the amount so collected, but only
23 to the extent necessary to reimburse
24 amounts paid to the family as assistance by
25 the State.

26 “(cc) ~~DISTRIBUTION OF THE REMAIN-~~
27 ~~DER TO THE FAMILY~~—To the extent that
28 neither division (aa) nor division (bb) ap-
29 plies to the amount so collected, the State
30 shall distribute the amount to the family.

31 “(iii) ~~DISTRIBUTION OF ARREARAGES THAT~~
32 ~~ACCRUED WHILE THE FAMILY RECEIVED ASSIST-~~
33 ~~ANCE~~—In the case of a family described in this
34 subparagraph, the provisions of paragraph (1) shall
35 apply with respect to the distribution of support ar-

1 rearrages that accrued while the family received as-
2 sistance.

3 “(iv) AMOUNTS COLLECTED PURSUANT TO
4 SECTION 464.—Notwithstanding any other provi-
5 sion of this section, any amount of support col-
6 lected pursuant to section 464 shall be retained by
7 the State to the extent past-due support has been
8 assigned to the State as a condition of receiving as-
9 sistance from the State, up to the amount nec-
10 essary to reimburse the State for amounts paid to
11 the family as assistance by the State. The State
12 shall pay to the Federal Government the Federal
13 share of the amounts so retained. To the extent the
14 amount collected pursuant to section 464 exceeds
15 the amount so retained, the State shall distribute
16 the excess to the family.

17 “(v) ORDERING RULES FOR DISTRIBUTIONS.—
18 For purposes of this subparagraph, unless an ear-
19 lier effective date is required by this section, effec-
20 tive October 1, 2000, the State shall treat any sup-
21 port arrearages collected, except for amounts col-
22 lected pursuant to section 464, as accruing in the
23 following order:

24 “(I) To the period after the family ceased
25 to receive assistance.

26 “(II) To the period before the family re-
27 ceived assistance.

28 “(III) To the period while the family was
29 receiving assistance.

30 “(3) FAMILIES THAT NEVER RECEIVED ASSISTANCE.—
31 In the case of any other family, the State shall distribute
32 the amount so collected to the family.

33 “(4) FAMILIES UNDER CERTAIN AGREEMENTS.—In
34 the case of a family receiving assistance from an Indian
35 tribe, distribute the amount so collected pursuant to an

1 agreement entered into pursuant to a State plan under sec-
2 L 454(33).

3 "(5) STUDY AND REPORT.—Not later than October 1,
4 1998, the Secretary shall report to the Congress the Sec-
5 retary's findings with respect to—

6 "(A) whether the distribution of post-assistance
7 arrearages to families has been effective in moving peo-
8 ple off of welfare and keeping them off of welfare;

9 "(B) whether early implementation of a pre-assist-
10 ance arrearage program by some States has been effec-
11 tive in moving people off of welfare and keeping them
12 off of welfare;

13 "(C) what the overall impact has been of the
14 amendments made by the Personal Responsibility and
15 Work Opportunity Act of 1996 with respect to child
16 support enforcement in moving people off of welfare
17 and keeping them off of welfare; and

18 "(D) based on the information and data the Sec-
19 retary has obtained, what changes, if any, should be
20 made in the policies related to the distribution of child
21 support arrearages.

22 "(b) CONTINUATION OF ASSIGNMENTS.—Any rights to
23 support obligations, which were assigned to a State as a condi-
24 tion of receiving assistance from the State under part A and
25 which were in effect on the day before the date of the enact-
26 ment of the Personal Responsibility and Work Opportunity Act
27 of 1996, shall remain assigned after such date.

28 "(c) DEFINITIONS.—As used in subsection (a):

29 "(1) ASSISTANCE.—The term 'assistance from the
30 State' means—

31 "(A) assistance under the State program funded
32 under part A or under the State plan approved under
33 part A of this title (as in effect on the day before the
34 date of the enactment of the Personal Responsibility
35 and Work Opportunity Act of 1996); and

1 “(B) foster care maintenance payments under the
2 State plan approved under part E of this title.

3 “(2) FEDERAL SHARE.—The term ‘Federal share’
4 means that portion of the amount collected resulting from
5 the application of the Federal medical assistance percent-
6 age in effect for the fiscal year in which the amount is col-
7 lected.

8 “(3) FEDERAL MEDICAL ASSISTANCE PERCENTAGE.—
9 The term ‘Federal medical assistance percentage’ means—

10 “(A) the Federal medical assistance percentage (as
11 defined in section 1118), in the case of Puerto Rico,
12 the Virgin Islands, Guam, and American Samoa; or

13 “(B) the Federal medical assistance percentage
14 (as defined in section 1905(b), as in effect on Septem-
15 ber 30, 1996) in the case of any other State.

16 “(4) STATE SHARE.—The term ‘State share’ means
17 100 percent minus the Federal share.

18 “(d) HOLD HARMLESS PROVISION.—If the amounts col-
19 lected which could be retained by the State in the fiscal year
20 (to the extent necessary to reimburse the State for amounts
21 paid to families as assistance by the State) are less than the
22 State share of the amounts collected in fiscal year 1995 (deter-
23 mined in accordance with section 457 as in effect on the day
24 before the date of the enactment of the Personal Responsibility
25 and Work Opportunity Act of 1996), the State share for the
26 fiscal year shall be an amount equal to the State share in fiscal
27 year 1995.

28 “(e) GAP PAYMENTS NOT SUBJECT TO DISTRIBUTION
29 UNDER THIS SECTION.—At State option, this section shall not
30 apply to any amount collected on behalf of a family as support
31 by the State (and paid to the family in addition to the amount
32 of assistance otherwise payable to the family) pursuant to a
33 plan approved under this part if such amount would have been
34 paid to the family by the State under section 402(a)(28), as
35 in effect and applied on the day before the date of the enact-
36 ment of section 302 of the Personal Responsibility and Work

1 Opportunity Reconciliation Act of 1996. For purposes of sub-
 2 section (d), the State share of such amount paid to the family
 3 shall be considered amounts which could be retained by the
 4 State if such payments were reported by the State as part of
 5 the State share of amounts collected in fiscal year 1995.”

6 (b) CONFORMING AMENDMENTS.—

7 (1) Section 464(a)(1) (42 U.S.C. 664(a)(1)) is amend-
 8 ed by striking “section 457(b)(4) or (d)(3)” and inserting
 9 “section 457”.

10 (2) Section 454 (42 U.S.C. 654) is amended—

11 (A) in paragraph (11)—

12 (i) by striking “(11)” and inserting “(11)(A)”;

13 and

14 (ii) by inserting after the semicolon “and”;

15 and

16 (B) by redesignating paragraph (12) as subpara-
 17 graph (B) of paragraph (11).

18 (c) EFFECTIVE DATES.—

19 (1) IN GENERAL.—Except as provided in paragraph
 20 (2), the amendments made by this section shall be effective
 21 on October 1, 1996, or earlier at the State’s option.

22 (2) CONFORMING AMENDMENTS.—The amendments
 23 made by subsection (b)(2) shall become effective on the
 24 date of the enactment of this Act.

25 SEC. 303. PRIVACY SAFEGUARDS.

26 (a) STATE PLAN REQUIREMENT.—Section 454 (42 U.S.C.
 27 654), as amended by section 301(b) of this Act, is amended—

28 (1) by striking “and” at the end of paragraph (24);

29 (2) by striking the period at the end of paragraph (25)
 30 and inserting “; and”; and

31 (3) by adding after paragraph (25) the following new
 32 paragraph:

33 “(26) will have in effect safeguards, applicable to all
 34 confidential information handled by the State agency, that
 35 are designed to protect the privacy rights of the parties, in-
 36 cluding—

1 “(A) safeguards against unauthorized use or dis-
2 closure of information relating to proceedings or ac-
3 tions to establish paternity, or to establish or enforce
4 support;

5 “(B) prohibitions against the release of informa-
6 tion on the whereabouts of 1 party to another party
7 against whom a protective order with respect to the
8 former party has been entered; and

9 “(C) prohibitions against the release of informa-
10 tion on the whereabouts of 1 party to another party if
11 the State has reason to believe that the release of the
12 information may result in physical or emotional harm
13 to the former party.”.

14 (b) EFFECTIVE DATE.—The amendment made by sub-
15 section (a) shall become effective on October 1, 1997.

16 SEC. 304. RIGHTS TO NOTIFICATION OF HEARINGS.

17 (a) IN GENERAL.—Section 454 (42 U.S.C. 654), as
18 amended by section 302(b)(2) of this Act, is amended by in-
19 serting after paragraph (11) the following new paragraph:

20 “(12) provide for the establishment of procedures to
21 require the State to provide individuals who are applying
22 for or receiving services under the State plan, or who are
23 parties to cases in which services are being provided under
24 the State plan—

25 “(A) with notice of all proceedings in which sup-
26 port obligations might be established or modified; and

27 “(B) with a copy of any order establishing or
28 modifying a child support obligation, or (in the case of
29 a petition for modification) a notice of determination
30 that there should be no change in the amount of the
31 child support award, within 14 days after issuance of
32 such order or determination.”.

33 (b) EFFECTIVE DATE.—The amendment made by sub-
34 section (a) shall become effective on October 1, 1997.

1 **Subtitle B—Locate and Case**
2 **Tracking**

3 **SEC. 311. STATE CASE REGISTRY.**

4 Section 454A as added by section 344(a)(2) of this Act.
5 is amended by adding at the end the following new subsections:

6 “(e) STATE CASE REGISTRY.—

7 “(1) CONTENTS.—The automated system required by
8 this section shall include a registry (which shall be known
9 as the ‘State case registry’) that contains records with re-
10 spect to—

11 “(A) each case in which services are being pro-
12 vided by the State agency under the State plan ap-
13 proved under this part; and

14 “(B) each support order established or modified in
15 the State on or after October 1, 1998.

16 “(2) LINKING OF LOCAL REGISTRIES.—The State case
17 registry may be established by linking local case registries
18 of support orders through an automated information net-
19 work, subject to this section.

20 “(3) USE OF STANDARDIZED DATA ELEMENTS.—Such
21 records shall use standardized data elements for both par-
22 ents (such as names, social security numbers and other
23 uniform identification numbers, dates of birth, and case
24 identification numbers), and contain such other information
25 (such as on case status) as the Secretary may require.

26 “(4) PAYMENT RECORDS.—Each case record in the
27 State case registry with respect to which services are being
28 provided under the State plan approved under this part
29 and with respect to which a support order has been estab-
30 lished shall include a record of—

31 “(A) the amount of monthly (or other periodic)
32 support owed under the order, and other amounts (in-
33 cluding arrearages, interest or late payment penalties,
34 and fees) due or overdue under the order;

35 “(B) any amount described in subparagraph (A)
36 that has been collected:

- 1 “(C) the distribution of such collected amounts;
2 “(D) the birth date of any child for whom the
3 order requires the provision of support; and
4 “(E) the amount of any lien imposed with respect
5 to the order pursuant to section 466(a)(4).

6 “(5) UPDATING AND MONITORING.—The State agency
7 operating the automated system required by this section
8 shall promptly establish and update, maintain, and regu-
9 larly monitor, case records in the State case registry with
10 respect to which services are being provided under the
11 State plan approved under this part, on the basis of—

12 “(A) information on administrative actions and
13 administrative and judicial proceedings and orders re-
14 lating to paternity and support;

15 “(B) information obtained from comparison with
16 Federal, State, or local sources of information;

17 “(C) information on support collections and dis-
18 tributions; and

19 “(D) any other relevant information.

20 “(f) INFORMATION COMPARISONS AND OTHER DISCLO-
21 SURES OF INFORMATION.—The State shall use the automated
22 system required by this section to extract information from (at
23 such times, and in such standardized format or formats, as
24 may be required by the Secretary), to share and compare infor-
25 mation with, and to receive information from, other data bases
26 and information comparison services, in order to obtain (or pro-
27 vide) information necessary to enable the State agency (or the
28 Secretary or other State or Federal agencies) to carry out this
29 part, subject to section 6103 of the Internal Revenue Code of
30 1986. Such information comparison activities shall include the
31 following:

32 “(1) FEDERAL CASE REGISTRY OF CHILD SUPPORT
33 ORDERS.—Furnishing to the Federal Case Registry of
34 Child Support Orders established under section 453(h)
35 (and update as necessary, with information including notice
36 of expiration of orders) the minimum amount of informa-

1 tion on child support cases recorded in the State case reg-
2 istry that is necessary to operate the registry (as specified
3 by the Secretary in regulations).

4 “(2) FEDERAL PARENT LOCATOR SERVICE.—Exchang-
5 ing information with the Federal Parent Locator Service
6 for the purposes specified in section 453.

7 “(3) TEMPORARY FAMILY ASSISTANCE AND MEDICAID
8 AGENCIES.—Exchanging information with State agencies
9 (of the State and of other States) administering programs
10 funded under part A, programs operated under a State
11 plan approved under title XIX, and other programs des-
12 ignated by the Secretary, as necessary to perform State
13 agency responsibilities under this part and under such pro-
14 grams.

15 “(4) INTRASTATE AND INTERSTATE INFORMATION
16 COMPARISONS.—Exchanging information with other agen-
17 cies of the State, agencies of other States, and interstate
18 information networks, as necessary and appropriate to
19 carry out (or assist other States to carry out) the purposes
20 of this part.”.

21 SEC. 312. COLLECTION AND DISBURSEMENT OF SUP-
22 PORT PAYMENTS.

23 (a) STATE PLAN REQUIREMENT.—Section 454 (42 U.S.C.
24 654), as amended by sections 301(b) and 303(a) of this Act,
25 is amended—

26 (1) by striking “and” at the end of paragraph (25);

27 (2) by striking the period at the end of paragraph (26)
28 and inserting “; and”; and

29 (3) by adding after paragraph (26) the following new
30 paragraph:

31 “(27) provide that, on and after October 1, 1998, the
32 State agency will—

33 “(A) operate a State disbursement unit in accord-
34 ance with section 454B; and

1 “(B) have sufficient State staff (consisting of
2 State employees) and (at State option) contractors re-
3 porting directly to the State agency to—

4 “(i) monitor and enforce support collections
5 through the unit in cases being enforced by the
6 State pursuant to section 454(4) (including carry-
7 ing out the automated data processing responsibil-
8 ities described in section 454A(g)); and

9 “(ii) take the actions described in section
10 466(c)(1) in appropriate cases.”.

11 (b) ESTABLISHMENT OF STATE DISBURSEMENT UNIT.—
12 Part D of title IV (42 U.S.C. 651-669), as amended by section
13 344(a)(2) of this Act, is amended by inserting after section
14 454A the following new section:

15 “SEC. 454B. COLLECTION AND DISBURSEMENT OF SUP-
16 PORT PAYMENTS.

17 “(a) STATE DISBURSEMENT UNIT.—

18 “(1) IN GENERAL.—In order for a State to meet the
19 requirements of this section, the State agency must estab-
20 lish and operate a unit (which shall be known as the ‘State
21 disbursement unit’) for the collection and disbursement of
22 payments under support orders—

23 “(A) in all cases being enforced by the State pur-
24 suant to section 454(4); and

25 “(B) in all cases not being enforced by the State
26 under this part in which the support order is initially
27 issued in the State on or after January 1, 1994, and
28 in which the income of the noncustodial parent are sub-
29 ject to withholding pursuant to section 466(a)(8)(B).

30 “(2) OPERATION.—The State disbursement unit shall
31 be operated—

32 “(A) directly by the State agency (or 2 or more
33 State agencies under a regional cooperative agreement),
34 or (to the extent appropriate) by a contractor respon-
35 sible directly to the State agency; and

1 “(B) except in cases described in paragraph
2 (1)(B), in coordination with the automated system es-
3 tablished by the State pursuant to section 454A.

4 “(3) LINKING OF LOCAL DISBURSEMENT UNITS.—The
5 State disbursement unit may be established by linking local
6 disbursement units through an automated information net-
7 work, subject to this section, if the Secretary agrees that
8 the system will not cost more, nor take more time to estab-
9 lish or operate than a centralized system. In addition, em-
10 ployers shall be given 1 location to which income withhold-
11 ing is sent.

12 “(b) REQUIRED PROCEDURES.—The State disbursement
13 unit shall use automated procedures, electronic processes, and
14 computer-driven technology to the maximum extent feasible, ef-
15 ficient, and economical, for the collection and disbursement of
16 support payments, including procedures—

17 “(1) for receipt of payments from parents, employers,
18 and other States, and for disbursements to custodial par-
19 ents and other obligees, the State agency, and the agencies
20 of other States;

21 “(2) for accurate identification of payments;

22 “(3) to ensure prompt disbursement of the custodial
23 parent's share of any payment; and

24 “(4) to furnish to any parent, upon request, timely in-
25 formation on the current status of support payments under
26 an order requiring payments to be made by or to the par-
27 ent, except that in cases described in subsection (a)(1)(B),
28 the State disbursement unit shall not be required to con-
29 vert and maintain in automated form records of payments
30 kept pursuant to section 466(a)(8)(B)(iii) before the effec-
31 tive date of this section.

32 “(c) TIMING OF DISBURSEMENTS.—

33 “(1) IN GENERAL.—Except as provided in paragraph
34 (2), the State disbursement unit shall distribute all
35 amounts payable under section 457(a) within 2 business
36 days after receipt from the employer or other source of

1 periodic income, if sufficient information identifying the
2 payee is provided.

3 “(2) PERMISSIVE RETENTION OF ARREARAGES.—The
4 State disbursement unit may delay the distribution of col-
5 lections toward arrearages until the resolution of any timely
6 appeal with respect to such arrearages.

7 “(d) BUSINESS DAY DEFINED.—As used in this section,
8 the term ‘business day’ means a day on which State offices are
9 open for regular business.”

10 (c) USE OF AUTOMATED SYSTEM.—Section 454A, as
11 added by section 344(a)(2) and as amended by section 311 of
12 this Act, is amended by adding at the end the following new
13 subsection:

14 “(g) COLLECTION AND DISTRIBUTION OF SUPPORT PAY-
15 MENTS.—

16 “(1) IN GENERAL.—The State shall use the automated
17 system required by this section, to the maximum extent
18 feasible, to assist and facilitate the collection and disburse-
19 ment of support payments through the State disbursement
20 unit operated under section 454B, through the performance
21 of functions, including, at a minimum—

22 “(A) transmission of orders and notices to employ-
23 ers (and other debtors) for the withholding of income—

24 “(i) within 2 business days after receipt of no-
25 tice of, and the income source subject to, such
26 withholding from a court, another State, an em-
27 ployer, the Federal Parent Locator Service, or an-
28 other source recognized by the State; and

29 “(ii) using uniform formats prescribed by the
30 Secretary;

31 “(B) ongoing monitoring to promptly identify fail-
32 ures to make timely payment of support; and

33 “(C) automatic use of enforcement procedures (in-
34 cluding procedures authorized pursuant to section
35 466(c)) if payments are not timely made.

1 “(2) BUSINESS DAY DEFINED.—As used in paragraph
2 (1), the term ‘business day’ means a day on which State
3 offices are open for regular business.”.

4 (d) EFFECTIVE DATES.—

5 (1) IN GENERAL.—Except as provided in paragraph
6 (2), the amendments made by this section shall become ef-
7 fective on October 1, 1998.

8 (2) LIMITED EXCEPTION TO UNIT HANDLING PAY-
9 MENTS.—Notwithstanding section 454B(b)(1) of the Social
10 Security Act, as added by this section, any State which, as
11 of the date of the enactment of this Act, processes the re-
12 ceipt of child support payments through local courts may,
13 at the option of the State, continue to process through Sep-
14 tember 30, 1999, such payments through such courts as
15 processed such payments on or before such date of enact-
16 ment.

17 SEC. 313. STATE DIRECTORY OF NEW HIRES.

18 (a) STATE PLAN REQUIREMENT.—Section 454 (42 U.S.C.
19 654), as amended by sections 301(b), 303(a) and 312(a) of this
20 Act, is amended—

21 (1) by striking “and” at the end of paragraph (26);

22 (2) by striking the period at the end of paragraph (27)
23 and inserting “; and”: and

24 (3) by adding after paragraph (27) the following new
25 paragraph:

26 “(28) provide that, on and after October 1, 1997, the
27 State will operate a State Directory of New Hires in ac-
28 cordance with section 453A”.

29 (b) STATE DIRECTORY OF NEW HIRES.—Part D of title
30 IV (42 U.S.C. 651–669) is amended by inserting after section
31 453 the following new section:

32 “SEC. 453A. STATE DIRECTORY OF NEW HIRES.

33 “(a) ESTABLISHMENT.—

34 “(1) IN GENERAL.—

35 “(A) REQUIREMENT FOR STATES THAT HAVE NO
36 DIRECTORY.—Except as provided in subparagraph (B),

1 not later than October 1, 1997, each State shall estab-
2 lish an automated directory (to be known as the 'State
3 Directory of New Hires') which shall contain informa-
4 tion supplied in accordance with subsection (b) by em-
5 ployers on each newly hired employee.

6 "(B) STATES WITH NEW HIRE REPORTING IN EX-
7 ISTENCE.—A State which has a new hire reporting law
8 in existence on the date of the enactment of this sec-
9 tion may continue to operate under the State law, but
10 the State must meet the requirements of subsection
11 (g)(2) not later than October 1, 1997, and the require-
12 ments of this section (other than subsection (g)(2)) not
13 later than October 1, 1998.

14 "(2) DEFINITIONS.—As used in this section:

15 "(A) EMPLOYEE.—The term 'employee'—

16 "(i) means an individual who is an employee
17 within the meaning of chapter 24 of the Internal
18 Revenue Code of 1986; and

19 "(ii) does not include an employee of a Fed-
20 eral or State agency performing intelligence or
21 counterintelligence functions, if the head of such
22 agency has determined that reporting pursuant to
23 paragraph (1) with respect to the employee could
24 endanger the safety of the employee or compromise
25 an ongoing investigation or intelligence mission.

26 "(B) EMPLOYER.—

27 "(i) IN GENERAL.—The term 'employer' has
28 the meaning given such term in section 3401(d) of
29 the Internal Revenue Code of 1986 and includes
30 any governmental entity and any labor organiza-
31 tion.

32 "(ii) LABOR ORGANIZATION.—The term 'labor
33 organization' shall have the meaning given such
34 term in section 2(5) of the National Labor Rela-
35 tions Act, and includes any entity (also known as
36 a 'hiring hall') which is used by the organization

1 and an employer to carry out requirements de-
2 scribed in section 8(f)(3) of such Act of an agree-
3 ment between the organization and the employer.

4 "(b) EMPLOYER INFORMATION.—

5 "(1) REPORTING REQUIREMENT.—

6 "(A) IN GENERAL.—Except as provided in sub-
7 paragraphs (B) and (C), each employer shall furnish to
8 the Directory of New Hires of the State in which a
9 newly hired employee works, a report that contains the
10 name, address, and social security number of the em-
11 ployee, and the name and address of, and identifying
12 number assigned under section 6109 of the Internal
13 Revenue Code of 1986 to, the employer.

14 "(B) MULTISTATE EMPLOYERS.—An employer
15 that has employees who are employed in 2 or more
16 States and that transmits reports magnetically or elec-
17 tronically may comply with subparagraph (A) by des-
18 ignating 1 State in which such employer has employees
19 to which the employer will transmit the report de-
20 scribed in subparagraph (A), and transmitting such re-
21 port to such State. Any employer that transmits re-
22 ports pursuant to this subparagraph shall notify the
23 Secretary in writing as to which State such employer
24 designates for the purpose of sending reports.

25 "(C) FEDERAL GOVERNMENT EMPLOYERS.—Any
26 department, agency, or instrumentality of the United
27 States shall comply with subparagraph (A) by trans-
28 mitting the report described in subparagraph (A) to the
29 National Directory of New Hires established pursuant
30 to section 453.

31 "(2) TIMING OF REPORT.—Each State may provide
32 the time within which the report required by paragraph (1)
33 shall be made with respect to an employee, but such report
34 shall be made—

35 "(A) not later than 20 days after the date the em-
36 ployer hires the employee; or

1 “(B) in the case of an employer transmitting re-
2 ports magnetically or electronically, by 2 monthly
3 transmissions (if necessary) not less than 12 days nor
4 more than 16 days apart.

5 “(c) REPORTING FORMAT AND METHOD.—Each report re-
6 quired by subsection (b) shall be made on a W-4 form or, at
7 the option of the employer, an equivalent form, and may be
8 transmitted by 1st class mail, magnetically, or electronically.

9 “(d) CIVIL MONEY PENALTIES ON NONCOMPLYING EM-
10 PLOYERS.—The State shall have the option to set a State civil
11 money penalty which shall be less than—

12 “(1) \$25; or

13 “(2) \$500 if, under State law, the failure is the result
14 of a conspiracy between the employer and the employee to
15 not supply the required report or to supply a false or in-
16 complete report.

17 “(e) ENTRY OF EMPLOYER INFORMATION.—Information
18 shall be entered into the data base maintained by the State Di-
19 rectory of New Hires within 5 business days of receipt from an
20 employer pursuant to subsection (b).

21 “(f) INFORMATION COMPARISONS.—

22 “(1) IN GENERAL.—Not later than May 1, 1998, an
23 agency designated by the State shall, directly or by con-
24 tract, conduct automated comparisons of the social security
25 numbers reported by employers pursuant to subsection (b)
26 and the social security numbers appearing in the records
27 of the State case registry for cases being enforced under
28 the State plan.

29 “(2) NOTICE OF MATCH.—When an information com-
30 parison conducted under paragraph (1) reveals a match
31 with respect to the social security number of an individual
32 required to provide support under a support order, the
33 State Directory of New Hires shall provide the agency ad-
34 ministering the State plan approved under this part of the
35 appropriate State with the name, address, and social secu-
36 rity number of the employee to whom the social security

1 number is assigned, and the name and address of and
2 identifying number assigned under section 6109 of the In-
3 ternal Revenue Code of 1986 to, the employer.

4 "(g) TRANSMISSION OF INFORMATION.—

5 "(1) TRANSMISSION OF WAGE WITHHOLDING NOTICES
6 TO EMPLOYERS.—Within 2 business days after the date in-
7 formation regarding a newly hired employee is entered into
8 the State Directory of New Hires, the State agency enforc-
9 ing the employee's child support obligation shall transmit
10 a notice to the employer of the employee directing the em-
11 ployer to withhold from the income of the employee an
12 amount equal to the monthly (or other periodic) child sup-
13 port obligation (including any past due support obligation)
14 of the employee, unless the employee's income is not sub-
15 ject to withholding pursuant to section 466(b)(3).

16 "(2) TRANSMISSIONS TO THE NATIONAL DIRECTORY
17 OF NEW HIRES.—

18 "(A) NEW HIRE INFORMATION.—Within 3 busi-
19 ness days after the date information regarding a newly
20 hired employee is entered into the State Directory of
21 New Hires, the State Directory of New Hires shall fur-
22 nish the information to the National Directory of New
23 Hires.

24 "(B) WAGE AND UNEMPLOYMENT COMPENSATION
25 INFORMATION.—The State Directory of New Hires
26 shall, on a quarterly basis, furnish to the National Di-
27 rectory of New Hires extracts of the reports required
28 under section 303(a)(6) to be made to the Secretary of
29 Labor concerning the wages and unemployment com-
30 pensation paid to individuals, by such dates, in such
31 format, and containing such information as the Sec-
32 retary of Health and Human Services shall specify in
33 regulations.

34 "(3) BUSINESS DAY DEFINED.—As used in this sub-
35 section, the term 'business day' means a day on which
36 State offices are open for regular business.

1 “(h) OTHER USES OF NEW HIRE INFORMATION.—

2 “(1) LOCATION OF CHILD SUPPORT OBLIGORS.—The
3 agency administering the State plan approved under this
4 part shall use information received pursuant to subsection
5 (f)(2) to locate individuals for purposes of establishing pa-
6 ternity and establishing, modifying, and enforcing child
7 support obligations, and may disclose such information to
8 any agent of the agency that is under contract with the
9 agency to carry out such purposes.

10 “(2) VERIFICATION OF ELIGIBILITY FOR CERTAIN
11 PROGRAMS.—A State agency responsible for administering
12 a program specified in section 1137(b) shall have access to
13 information reported by employers pursuant to subsection
14 (b) of this section for purposes of verifying eligibility for
15 the program.

16 “(3) ADMINISTRATION OF EMPLOYMENT SECURITY
17 AND WORKERS’ COMPENSATION.—State agencies operating
18 employment security and workers’ compensation programs
19 shall have access to information reported by employers pur-
20 suant to subsection (b) for the purposes of administering
21 such programs.”.

22 (c) QUARTERLY WAGE REPORTING.—Section 1137(a)(3)
23 (42 U.S.C. 1320b-7(a)(3)) is amended—

24 (1) by inserting “(including State and local govern-
25 mental entities and labor organizations (as defined in sec-
26 tion 453A(a)(2)(B)(iii))” after “employers”; and

27 (2) by inserting “. and except that no report shall be
28 filed with respect to an employee of a State or local agency
29 performing intelligence or counterintelligence functions, if
30 the head of such agency has determined that filing such a
31 report could endanger the safety of the employee or com-
32 promise an ongoing investigation or intelligence mission”
33 after “paragraph (2)”.

34 (d) DISCLOSURE TO CERTAIN AGENTS.—Section 303(e)
35 (42 U.S.C. 503(e)) is amended by adding at the end the follow-
36 ing:

1 “(5) A State or local child support enforcement agency
2 may disclose to any agent of the agency that is under contract
3 with the agency to carry out the purposes described in para-
4 graph (1)(B) wage information that is disclosed to an officer
5 or employee of the agency under paragraph (1)(A). Any agent
6 of a State or local child support agency that receives wage in-
7 formation under this paragraph shall comply with the safe-
8 guards established pursuant to paragraph (1)(B).”.

9 **SEC. 314. AMENDMENTS CONCERNING INCOME WITH-**
10 **HOLDING.**

11 (a) **MANDATORY INCOME WITHHOLDING.—**

12 (1) **IN GENERAL.—**Section 466(a)(1) (42 U.S.C.
13 666(a)(1)) is amended to read as follows:

14 “(1)(A) Procedures described in subsection (b) for the
15 withholding from income of amounts payable as support in
16 cases subject to enforcement under the State plan.

17 “(B) Procedures under which the income of a person
18 with a support obligation imposed by a support order is-
19 sued (or modified) in the State before October 1, 1996, if
20 not otherwise subject to withholding under subsection (b),
21 shall become subject to withholding as provided in sub-
22 section (b) if arrearages occur, without the need for a judi-
23 cial or administrative hearing.”.

24 (2) **CONFORMING AMENDMENTS.—**

25 (A) Section 466(b) (42 U.S.C. 666(b)) is amended
26 in the matter preceding paragraph (1), by striking
27 “subsection (a)(1)” and inserting “subsection
28 (a)(1)(A)”.

29 (B) Section 466(b)(4) (42 U.S.C. 666(b)(4)) is
30 amended to read as follows:

31 “(4)(A) Such withholding must be carried out in full
32 compliance with all procedural due process requirements of
33 the State, and the State must send notice to each
34 noncustodial parent to whom paragraph (1) applies—

35 “(i) that the withholding has commenced; and

1 “(ii) of the procedures to follow if the noncustodial
2 parent desires to contest such withholding on the
3 grounds that the withholding or the amount withheld
4 is improper due to a mistake of fact.

5 “(B) The notice under subparagraph (A) of this para-
6 graph shall include the information provided to the em-
7 ployer under paragraph (6)(A).”.

8 (C) Section 466(b)(5) (42 U.S.C. 666(b)(5)) is
9 amended by striking all that follows “administered by”
10 and inserting “the State through the State disburse-
11 ment unit established pursuant to section 454B. in ac-
12 cordance with the requirements of section 454B.”.

13 (D) Section 466(b)(6)(A) (42 U.S.C.
14 666(b)(6)(A)) is amended—

15 (i) in clause (i), by striking “to the appro-
16 priate agency” and all that follows and inserting
17 “to the State disbursement unit within 7 business
18 days after the date the amount would (but for this
19 subsection) have been paid or credited to the em-
20 ployee. for distribution in accordance with this
21 part. The employer shall withhold funds as directed
22 in the notice. except that when an employer re-
23 ceives an income withholding order issued by an-
24 other State. the employer shall apply the income
25 withholding law of the state of the obligor’s prin-
26 cipal place of employment in determining—

27 “(I) the employer’s fee for processing an income
28 withholding order;

29 “(II) the maximum amount permitted to be with-
30 held from the obligor’s income;

31 “(III) the time periods within which the employer
32 must implement the income withholding order and for-
33 ward the child support payment;

34 “(IV) the priorities for withholding and allocating
35 income withheld for multiple child support obligees; and

1 “(v) any withholding terms or conditions not spec-
2 ified in the order.

3 An employer who complies with an income withholding no-
4 tice that is regular on its face shall not be subject to civil
5 liability to any individual or agency for conduct in compli-
6 ance with the notice.”;

7 (ii) in clause (ii), by inserting “be in a stand-
8 ard format prescribed by the Secretary, and” after
9 “shall”; and

10 (iii) by adding at the end the following new
11 clause:

12 “(iii) As used in this subparagraph, the term ‘business
13 day’ means a day on which State offices are open for regu-
14 lar business.”.

15 (E) Section 466(b)(6)(D) (42 U.S.C.
16 666(b)(6)(D)) is amended by striking “any employer”
17 and all that follows and inserting “any employer who—

18 “(i) discharges from employment, refuses to em-
19 ploy, or takes disciplinary action against any
20 noncustodial parent subject to income withholding re-
21 quired by this subsection because of the existence of
22 such withholding and the obligations or additional obli-
23 gations which it imposes upon the employer; or

24 “(ii) fails to withhold support from income or to
25 pay such amounts to the State disbursement unit in ac-
26 cordance with this subsection.”.

27 (F) Section 466(b) (42 U.S.C. 666(b)) is amended
28 by adding at the end the following new paragraph:

29 “(11) Procedures under which the agency administer-
30 ing the State plan approved under this part may execute
31 a withholding order without advance notice to the obligor,
32 including issuing the withholding order through electronic
33 means.”.

34 (b) DEFINITION OF INCOME.—

35 (1) IN GENERAL.—Section 466(b)(8) (42 U.S.C.
36 666(b)(8)) is amended to read as follows:

1 “(8) For purposes of subsection (a) and this sub-
2 section, the term ‘income’ means any periodic form of pay-
3 ment due to an individual, regardless of source, including
4 wages, salaries, commissions, bonuses, worker’s compensa-
5 tion, disability, payments pursuant to a pension or retire-
6 ment program, and interest.”.

7 (2) CONFORMING AMENDMENTS.—

8 (A) Subsections (a)(8)(A), (a)(8)(B)(i), (b)(3)(A),
9 (b)(3)(B), (b)(6)(A)(i), and (b)(6)(C), and (b)(7) of
10 section 466 (42 U.S.C. 666(a)(8)(A), (a)(8)(B)(i),
11 (b)(3)(A), (b)(3)(B), (b)(6)(A)(i), and (b)(6)(C), and
12 (b)(7)) are each amended by striking “wages” each
13 place such term appears and inserting “income”.

14 (B) Section 466(b)(1) (42 U.S.C. 666(b)(1)) is
15 amended by striking “wages (as defined by the State
16 for purposes of this section)” and inserting “income”.

17 (c) CONFORMING AMENDMENT.—Section 466(c) (42
18 U.S.C. 666(c)) is repealed.

19 SEC. 315. LOCATOR INFORMATION FROM INTERSTATE
20 NETWORKS.

21 Section 466(a) (42 U.S.C. 666(a)) is amended by inserting
22 after paragraph (11) the following new paragraph:

23 “(12) LOCATOR INFORMATION FROM INTERSTATE
24 NETWORKS.—Procedures to ensure that all Federal and
25 State agencies conducting activities under this part have
26 access to any system used by the State to locate an individ-
27 ual for purposes relating to motor vehicles or law enforce-
28 ment.”.

29 SEC. 316. EXPANSION OF THE FEDERAL PARENT LOCA-
30 TOR SERVICE.

31 (a) EXPANDED AUTHORITY TO LOCATE INDIVIDUALS AND
32 ASSETS.—Section 453 (42 U.S.C. 653) is amended—

33 (1) in subsection (a), by striking all that follows “sub-
34 section (c))” and inserting “. for the purpose of establish-
35 ing parentage, establishing, setting the amount of, modify-

1 ing, or enforcing child support obligations, or enforcing
2 child custody or visitation orders—

3 “(1) information on, or facilitating the discovery of,
4 the location of any individual—

5 “(A) who is under an obligation to pay child sup-
6 port or provide child custody or visitation rights:

7 “(B) against whom such an obligation is sought:

8 “(C) to whom such an obligation is owed.

9 including the individual's social security number (or num-
10 bers), most recent address, and the name, address, and em-
11 ployer identification number of the individual's employer;

12 “(2) information on the individual's wages (or other
13 income) from, and benefits of, employment (including
14 rights to or enrollment in group health care coverage); and

15 “(3) information on the type, status, location, and
16 amount of any assets of, or debts owed by or to, any such
17 individual.”; and

18 (2) in subsection (b)—

19 (A) in the matter preceding paragraph (1), by
20 striking “social security” and all that follows through
21 “absent parent” and inserting “information described
22 in subsection (a)”; and

23 (B) in the flush paragraph at the end, by adding
24 the following: “No information shall be disclosed to any
25 person if the State has notified the Secretary that the
26 State has reasonable evidence of domestic violence or
27 child abuse and the disclosure of such information
28 could be harmful to the custodial parent or the child
29 of such parent. Information received or transmitted
30 pursuant to this section shall be subject to the safe-
31 guard provisions contained in section 454(26).”.

32 (b) AUTHORIZED PERSON FOR INFORMATION REGARDING
33 VISITATION RIGHTS.—Section 453(c) (42 U.S.C. 653(c)) is
34 amended—

1 (1) in paragraph (1), by striking "support" and in-
2 serting "support or to seek to enforce orders providing
3 child custody or visitation rights"; and

4 (2) in paragraph (2), by striking ", or any agent of
5 such court; and" and inserting "or to issue an order
6 against a resident parent for child custody or visitation
7 rights, or any agent of such court."

8 (c) REIMBURSEMENT FOR INFORMATION FROM FEDERAL
9 AGENCIES.—Section 453(e)(2) (42 U.S.C. 653(e)(2)) is amend-
10 ed in the 4th sentence by inserting "in an amount which the
11 Secretary determines to be reasonable payment for the informa-
12 tion exchange (which amount shall not include payment for the
13 costs of obtaining, compiling, or maintaining the information)"
14 before the period.

15 (d) REIMBURSEMENT FOR REPORTS BY STATE AGEN-
16 CIES.—Section 453 (42 U.S.C. 653) is amended by adding at
17 the end the following new subsection:

18 "(g) REIMBURSEMENT FOR REPORTS BY STATE AGEN-
19 CIES.—The Secretary may reimburse Federal and State agen-
20 cies for the costs incurred by such entities in furnishing infor-
21 mation requested by the Secretary under this section in an
22 amount which the Secretary determines to be reasonable pay-
23 ment for the information exchange (which amount shall not in-
24 clude payment for the costs of obtaining, compiling, or main-
25 taining the information)."

26 (e) CONFORMING AMENDMENTS.—

27 (1) Sections 452(a)(9), 453(a), 453(b), 463(a),
28 463(e), and 463(f) (42 U.S.C. 652(a)(9), 653(a), 653(b),
29 663(a), 663(e), and 663(f)) are each amended by inserting
30 "Federal" before "Parent" each place such term appears.

31 (2) Section 453 (42 U.S.C. 653) is amended in the
32 heading by adding "FEDERAL" before "PARENT".

33 (f) NEW COMPONENTS.—Section 453 (42 U.S.C. 653), as
34 amended by subsection (d) of this section, is amended by add-
35 ing at the end the following new subsections:

1 “(h) FEDERAL CASE REGISTRY OF CHILD SUPPORT OR-
2 DERS.—

3 “(1) IN GENERAL.—Not later than October 1, 1998,
4 in order to assist States in administering programs under
5 State plans approved under this part and programs funded
6 under part A, and for the other purposes specified in this
7 section, the Secretary shall establish and maintain in the
8 Federal Parent Locator Service an automated registry
9 (which shall be known as the ‘Federal Case Registry of
10 Child Support Orders’), which shall contain abstracts of
11 support orders and other information described in para-
12 graph (2) with respect to each case in each State case reg-
13 istry maintained pursuant to section 454A(e), as furnished
14 (and regularly updated), pursuant to section 454A(f), by
15 State agencies administering programs under this part.

16 “(2) CASE INFORMATION.—The information referred
17 to in paragraph (1) with respect to a case shall be such in-
18 formation as the Secretary may specify in regulations (in-
19 cluding the names, social security numbers or other uni-
20 form identification numbers, and State case identification
21 numbers) to identify the individuals who owe or are owed
22 support (or with respect to or on behalf of whom support
23 obligations are sought to be established), and the State or
24 States which have the case.

25 “(i) NATIONAL DIRECTORY OF NEW HIRES.—

26 “(1) IN GENERAL.—In order to assist States in ad-
27 ministering programs under State plans approved under
28 this part and programs funded under part A, and for the
29 other purposes specified in this section, the Secretary shall,
30 not later than October 1, 1997, establish and maintain in
31 the Federal Parent Locator Service an automated directory
32 to be known as the National Directory of New Hires, which
33 shall contain the information supplied pursuant to section
34 453A(g)(2).

35 “(2) ENTRY OF DATA.—Information shall be entered
36 into the data base maintained by the National Directory of

1 New Hires within 2 business days of receipt pursuant to
2 section 453A(g)(2).

3 "(3) ADMINISTRATION OF FEDERAL TAX LAWS.—The
4 Secretary of the Treasury shall have access to the informa-
5 tion in the National Directory of New Hires for purposes
6 of administering section 32 of the Internal Revenue Code
7 of 1986, or the advance payment of the earned income tax
8 credit under section 3507 of such Code, and verifying a
9 claim with respect to employment in a tax return.

10 "(4) LIST OF MULTISTATE EMPLOYERS.—The Sec-
11 retary shall maintain within the National Directory of New
12 Hires a list of multistate employers that report information
13 regarding newly hired employees pursuant to section
14 453A(b)(1)(B), and the State which each such employer
15 has designated to receive such information.

16 "(j) INFORMATION COMPARISONS AND OTHER DISCLO-
17 SURES.—

18 "(1) VERIFICATION BY SOCIAL SECURITY ADMINISTRA-
19 TION.—

20 "(A) IN GENERAL.—The Secretary shall transmit
21 information on individuals and employers maintained
22 under this section to the Social Security Administration
23 to the extent necessary for verification in accordance
24 with subparagraph (B).

25 "(B) VERIFICATION BY SSA.—The Social Security
26 Administration shall verify the accuracy of, correct, or
27 supply to the extent possible, and report to the Sec-
28 retary, the following information supplied by the Sec-
29 retary pursuant to subparagraph (A):

30 "(i) The name, social security number, and
31 birth date of each such individual.

32 "(ii) The employer identification number of
33 each such employer.

34 "(2) INFORMATION COMPARISONS.—For the purpose
35 of locating individuals in a paternity establishment case or

1 : case involving the establishment, modification, or enforce-
2 ment of a support order, the Secretary shall—

3 “(A) compare information in the National Direc-
4 tory of New Hires against information in the support
5 case abstracts in the Federal Case Registry of Child
6 Support Orders not less often than every 2 business
7 days; and

8 “(B) within 2 business days after such a compari-
9 son reveals a match with respect to an individual, re-
10 port the information to the State agency responsible for
11 the case.

12 “(3) INFORMATION COMPARISONS AND DISCLOSURES
13 OF INFORMATION IN ALL REGISTRIES FOR TITLE IV PRO-
14 GRAM PURPOSES.—To the extent and with the frequency
15 that the Secretary determines to be effective in assisting
16 States to carry out their responsibilities under programs
17 operated under this part and programs funded under part
18 A, the Secretary shall—

19 “(A) compare the information in each component
20 of the Federal Parent Locator Service maintained
21 under this section against the information in each other
22 such component (other than the comparison required
23 by paragraph (2)), and report instances in which such
24 a comparison reveals a match with respect to an indi-
25 vidual to State agencies operating such programs; and

26 “(B) disclose information in such registries to
27 such State agencies.

28 “(4) PROVISION OF NEW HIRE INFORMATION TO THE
29 SOCIAL SECURITY ADMINISTRATION.—The National Direc-
30 tory of New Hires shall provide the Commissioner of Social
31 Security with all information in the National Directory.

32 “(5) RESEARCH.—The Secretary may provide access
33 to information reported by employers pursuant to section
34 453A(b) for research purposes found by the Secretary to
35 be likely to contribute to achieving the purposes of part A
36 or this part, but without personal identifiers.

1 “(k) FEES.—

2 “(1) FOR SSA VERIFICATION.—The Secretary shall re-
3 imburse the Commissioner of Social Security, at a rate ne-
4 gotiated between the Secretary and the Commissioner, for
5 the costs incurred by the Commissioner in performing the
6 verification services described in subsection (j).

7 “(2) FOR INFORMATION FROM STATE DIRECTORIES OF
8 NEW HIRES.—The Secretary shall reimburse costs incurred
9 by State directories of new hires in furnishing information
10 as required by subsection (j)(3), at rates which the Sec-
11 retary determines to be reasonable (which rates shall not
12 include payment for the costs of obtaining, compiling, or
13 maintaining such information).

14 “(3) FOR INFORMATION FURNISHED TO STATE AND
15 FEDERAL AGENCIES.—A State or Federal agency that re-
16 ceives information from the Secretary pursuant to this sec-
17 tion shall reimburse the Secretary for costs incurred by the
18 Secretary in furnishing the information, at rates which the
19 Secretary determines to be reasonable (which rates shall in-
20 clude payment for the costs of obtaining, verifying, main-
21 taining, and comparing the information).

22 “(l) RESTRICTION ON DISCLOSURE AND USE.—Informa-
23 tion in the Federal Parent Locator Service, and information re-
24 sulting from comparisons using such information, shall not be
25 used or disclosed except as expressly provided in this section,
26 subject to section 6103 of the Internal Revenue Code of 1986.

27 “(m) INFORMATION INTEGRITY AND SECURITY.—The Sec-
28 retary shall establish and implement safeguards with respect to
29 the entities established under this section designed to—

30 “(1) ensure the accuracy and completeness of informa-
31 tion in the Federal Parent Locator Service; and

32 “(2) restrict access to confidential information in the
33 Federal Parent Locator Service to authorized persons, and
34 restrict use of such information to authorized purposes.

35 “(n) FEDERAL GOVERNMENT REPORTING.—Each depart-
36 ment, agency, and instrumentality of the United States shall on

1 a quarterly basis report to the Federal Parent Locator Service
2 the name and social security number of each employee and the
3 wages paid to the employee during the previous quarter, except
4 that such a report shall not be filed with respect to an em-
5 ployee of a department, agency, or instrumentality performing
6 intelligence or counterintelligence functions, if the head of such
7 department, agency, or instrumentality has determined that fil-
8 ing such a report could endanger the safety of the employee or
9 compromise an ongoing investigation or intelligence mission.”.

10 (g) CONFORMING AMENDMENTS.—

11 (1) TO PART D OF TITLE IV OF THE SOCIAL SECURITY
12 ACT.—

13 (A) Section 454(8)(B) (42 U.S.C. 654(8)(B)) is
14 amended to read as follows:

15 “(B) the Federal Parent Locator Service estab-
16 lished under section 453;”.

17 (B) Section 454(13) (42 U.S.C. 654(13)) is
18 amended by inserting “and provide that information re-
19 quests by parents who are residents of other States be
20 treated with the same priority as requests by parents
21 who are residents of the State submitting the plan” be-
22 fore the semicolon.

23 (2) TO FEDERAL UNEMPLOYMENT TAX ACT.—Section
24 3304(a)(16) of the Internal Revenue Code of 1986 is
25 amended—

26 (A) by striking “Secretary of Health, Education,
27 and Welfare” each place such term appears and insert-
28 ing “Secretary of Health and Human Services”;

29 (B) in subparagraph (B), by striking “such infor-
30 mation” and all that follows and inserting “information
31 furnished under subparagraph (A) or (B) is used only
32 for the purposes authorized under such subpara-
33 graph.”.

34 (C) by striking “and” at the end of subparagraph
35 (A);

1 (D) by redesignating subparagraph (B) as sub-
2 paragraph (C); and

3 (E) by inserting after subparagraph (A) the fol-
4 lowing new subparagraph:

5 “(B) wage and unemployment compensation informa-
6 tion contained in the records of such agency shall be fur-
7 nished to the Secretary of Health and Human Services (in
8 accordance with regulations promulgated by such Sec-
9 retary) as necessary for the purposes of the National Direc-
10 tory of New Hires established under section 453(i) of the
11 Social Security Act, and”.

12 (3) TO STATE GRANT PROGRAM UNDER TITLE III OF
13 THE SOCIAL SECURITY ACT.—Subsection (h) of section 303
14 (42 U.S.C. 503) is amended to read as follows:

15 “(h)(1) The State agency charged with the administration
16 of the State law shall, on a reimbursable basis—

17 “(A) disclose quarterly, to the Secretary of Health and
18 Human Services, wage and claim information, as required
19 pursuant to section 453(i)(1), contained in the records of
20 such agency;

21 “(B) ensure that information provided pursuant to
22 subparagraph (A) meets such standards relating to correct-
23 ness and verification as the Secretary of Health and
24 Human Services, with the concurrence of the Secretary of
25 Labor, may find necessary; and

26 “(C) establish such safeguards as the Secretary of
27 Labor determines are necessary to insure that information
28 disclosed under subparagraph (A) is used only for purposes
29 of section 453(i)(1) in carrying out the child support en-
30 forcement program under title IV.

31 “(2) Whenever the Secretary of Labor, after reasonable
32 notice and opportunity for hearing to the State agency charged
33 with the administration of the State law, finds that there is a
34 failure to comply substantially with the requirements of para-
35 graph (1), the Secretary of Labor shall notify such State agen-
36 cy that further payments will not be made to the State until

1 the Secretary of Labor is satisfied that there is no longer any
2 such failure. Until the Secretary of Labor is so satisfied, the
3 Secretary shall make no future certification to the Secretary of
4 the Treasury with respect to the State.

5 “(3) For purposes of this subsection—

6 “(A) the term ‘wage information’ means information
7 regarding wages paid to an individual, the social security
8 account number of such individual, and the name, address,
9 State, and the Federal employer identification number of
10 the employer paying such wages to such individual; and

11 “(B) the term ‘claim information’ means information
12 regarding whether an individual is receiving, has received,
13 or has made application for, unemployment compensation,
14 the amount of any such compensation being received (or to
15 be received by such individual), and the individual’s current
16 (or most recent) home address.”

17 (4) DISCLOSURE OF CERTAIN INFORMATION TO
18 AGENTS OF CHILD SUPPORT ENFORCEMENT AGENCIES.—

19 (A) IN GENERAL.—Paragraph (6) of section
20 6103(i) of the Internal Revenue Code of 1986 (relating
21 to disclosure of return information to Federal, State,
22 and local child support enforcement agencies) is
23 amended by redesignating subparagraph (B) as sub-
24 paragraph (C) and by inserting after subparagraph (A)
25 the following new subparagraph:

26 “(B) DISCLOSURE TO CERTAIN AGENTS.—The fol-
27 lowing information disclosed to any child support en-
28 forcement agency under subparagraph (A) with respect
29 to any individual with respect to whom child support
30 obligations are sought to be established or enforced
31 may be disclosed by such agency to any agent of such
32 agency which is under contract with such agency to
33 carry out the purposes described in subparagraph (C):

34 “(i) The address and social security account
35 number (or numbers) of such individual.

1 “(ii) The amount of any reduction under sec-
2 tion 6402(c) (relating to offset of past-due support
3 against overpayments) in any overpayment other-
4 wise payable to such individual.”

5 (B) CONFORMING AMENDMENTS.—

6 (i) Paragraph (3) of section 6103(a) of such
7 Code is amended by striking “(1)(12)” and insert-
8 ing “paragraph (6) or (12) of subsection (1)”.

9 (ii) Subparagraph (C) of section 6103(l)(6) of
10 such Code, as redesignated by subsection (a), is
11 amended to read as follows:

12 “(C) RESTRICTION ON DISCLOSURE.—Information
13 may be disclosed under this paragraph only for pur-
14 poses of, and to the extent necessary in, establishing
15 and collecting child support obligations from, and locat-
16 ing, individuals owing such obligations.”

17 (iii) The material following subparagraph (F)
18 of section 6103(p)(4) of such Code is amended by
19 striking “subsection (1)(12)(B)” and inserting
20 “paragraph (6)(A) or (12)(B) of subsection (1)”.

21 (h) REQUIREMENT FOR COOPERATION.—The Secretary of
22 Labor and the Secretary of Health and Human Services shall
23 work jointly to develop cost-effective and efficient methods of
24 accessing the information in the various State directories of
25 new hires and the National Directory of New Hires, as estab-
26 lished pursuant to the amendments made by this subtitle. In
27 developing these methods the Secretaries shall take into ac-
28 count the impact, including costs, on the States, and shall also
29 consider the need to insure the proper and authorized use of
30 wage record information.

31 SEC. 317. COLLECTION AND USE OF SOCIAL SECURITY
32 NUMBERS FOR USE IN CHILD SUPPORT EN-
33 FORCEMENT.

34 Section 466(a) (42 U.S.C. 666(a)), as amended by section
35 315 of this Act, is amended by inserting after paragraph (12)
36 the following new paragraph:

1 “(13) RECORDING OF SOCIAL SECURITY NUMBERS IN
2 CERTAIN FAMILY MATTERS.—Procedures requiring that the
3 social security number of—

4 “(A) any applicant for a professional license, com-
5 mercial driver’s license, occupational license, or mar-
6 riage license be recorded on the application;

7 “(B) any individual who is subject to a divorce de-
8 cree, support order, or paternity determination or ac-
9 knowledge be placed in the records relating to the
10 matter; and

11 “(C) any individual who has died be placed in the
12 records relating to the death and be recorded on the
13 death certificate.

14 For purposes of subparagraph (A), if a State allows the use
15 of a number other than the social security number, the
16 State shall so advise any applicants.”.

17 **Subtitle C—Streamlining and** 18 **Uniformity of Procedures**

19 **SEC. 321. ADOPTION OF UNIFORM STATE LAWS.**

20 Section 466 (42 U.S.C. 666) is amended by adding at the
21 end the following new subsection:

22 “(f) UNIFORM INTERSTATE FAMILY SUPPORT ACT.—In
23 order to satisfy section 454(20)(A), on and after January 1,
24 1998, each State must have in effect the Uniform Interstate
25 Family Support Act, as approved by the American Bar Asso-
26 ciation on February 9, 1993, together with any amendments of-
27 ficially adopted before January 1, 1998 by the National Con-
28 ference of Commissioners on Uniform State Laws.”.

29 **SEC. 322. IMPROVEMENTS TO FULL FAITH AND CREDIT** 30 **FOR CHILD SUPPORT ORDERS.**

31 Section 1738B of title 28, United States Code, is amend-
32 ed—

33 (1) in subsection (a)(2), by striking “subsection (e)”
34 and inserting “subsections (e), (f), and (i)”;

35 (2) in subsection (b), by inserting after the 2nd undes-
36 ignated paragraph the following:

1 "child's home State" means the State in which a child
2 lived with a parent or a person acting as parent for at least
3 6 consecutive months immediately preceding the time of filing
4 of a petition or comparable pleading for support and, if a child
5 is less than 6 months old, the State in which the child lived
6 from birth with any of them. A period of temporary absence
7 of any of them is counted as part of the 6-month period";

8 (3) in subsection (c), by inserting "by a court of a
9 State" before "is made";

10 (4) in subsection (c)(1), by inserting "and subsections
11 (e), (f), and (g)" after "located";

12 (5) in subsection (d)—

13 (A) by inserting "individual" before "contestant";

14 and

15 (B) by striking "subsection (e)" and inserting
16 "subsections (e) and (f)";

17 (5) in subsection (e), by striking "make a modification
18 of a child support order with respect to a child that is
19 made" and inserting "modify a child support order issued";

20 (7) in subsection (e)(1), by inserting "pursuant to sub-
21 section (i)" before the semicolon;

22 (8) in subsection (e)(2)—

23 (A) by inserting "individual" before "contestant"
24 each place such term appears; and

25 (B) by striking "to that court's making the modi-
26 fication and assuming" and inserting "with the State
27 of continuing, exclusive jurisdiction for a court of an-
28 other State to modify the order and assume";

29 (9) by redesignating subsections (f) and (g) as sub-
30 sections (g) and (h), respectively;

31 (10) by inserting after subsection (e) the following new
32 subsection:

33 "(f) RECOGNITION OF CHILD SUPPORT ORDERS.—If 1 or
34 more child support orders have been issued with regard to an
35 obligor and a child, a court shall apply the following rules in

1 determining which order to recognize for purposes of continu-
2 ing, exclusive jurisdiction and enforcement:

3 “(1) If only 1 court has issued a child support order.
4 the order of that court must be recognized.

5 “(2) If 2 or more courts have issued child support or-
6 ders for the same obligor and child, and only 1 of the
7 courts would have continuing, exclusive jurisdiction under
8 this section, the order of that court must be recognized.

9 “(3) If 2 or more courts have issued child support or-
10 ders for the same obligor and child, and more than 1 of
11 the courts would have continuing, exclusive jurisdiction
12 under this section, an order issued by a court in the cur-
13 rent home State of the child must be recognized, but if an
14 order has not been issued in the current home State of the
15 child, the order most recently issued must be recognized.

16 “(4) If 2 or more courts have issued child support or-
17 ders for the same obligor and child, and none of the courts
18 would have continuing, exclusive jurisdiction under this sec-
19 tion, a court may issue a child support order, which must
20 be recognized.

21 “(5) The court that has issued an order recognized
22 under this subsection is the court having continuing, exclu-
23 sive jurisdiction.”;

24 (11) in subsection (g) (as so redesignated)—

25 (A) by striking “PRIOR” and inserting “MODI-
26 FIED”; and

27 (B) by striking “subsection (e)” and inserting
28 “subsections (e) and (f)”;

29 (12) in subsection (h) (as so redesignated)—

30 (A) in paragraph (2), by inserting “including the
31 duration of current payments and other obligations of
32 support” before the comma; and

33 (B) in paragraph (3), by inserting “arrear under”
34 after “enforce”; and

35 (13) by adding at the end the following new sub-
36 section:

1 “(i) REGISTRATION FOR MODIFICATION.—If there is no
2 individual contestant or child residing in the issuing State, the
3 party or support enforcement agency seeking to modify, or to
4 modify and enforce, a child support order issued in another
5 State shall register that order in a State with jurisdiction over
6 the nonmovant for the purpose of modification.”.

7 SEC. 323. ADMINISTRATIVE ENFORCEMENT IN INTER-
8 STATE CASES.

9 Section 466(a) (42 U.S.C. 666(a)), as amended by sec-
10 tions 315 and 317 of this Act, is amended by inserting after
11 paragraph (13) the following new paragraph:

12 “(14) ADMINISTRATIVE ENFORCEMENT IN INTER-
13 STATE CASES.—Procedures under which—

14 “(A)(i) the State shall respond within 5 business
15 days to a request made by another State to enforce a
16 support order, and

17 “(ii) the term ‘business day’ means a day on which
18 State offices are open for regular business;

19 “(B) the State may, by electronic or other means,
20 transmit to another State a request for assistance in a
21 case involving the enforcement of a support order,
22 which request—

23 “(i) shall include such information as will en-
24 able the State to which the request is transmitted
25 to compare the information about the case to the
26 information in the data bases of the State; and

27 “(ii) shall constitute a certification by the re-
28 questing State—

29 “(I) of the amount of support under the
30 order the payment of which is in arrears; and

31 “(II) that the requesting State has com-
32 plied with all procedural due process require-
33 ments applicable to the case:

34 “(C) if the State provides assistance to another
35 State pursuant to this paragraph with respect to a

1 case, neither State shall consider the case to be trans-
 2 ferred to the caseload of such other State; and

3 “(D) the State shall maintain records of—

4 “(i) the number of such requests for assist-
 5 ance received by the State;

6 “(ii) the number of cases for which the State
 7 collected support in response to such a request; and

8 “(iii) the amount of such collected support.”

9 **SEC. 324. USE OF FORMS IN INTERSTATE ENFORCE-**
 10 **MENT.**

11 (a) **PROMULGATION.**—Section 452(a) (42 U.S.C. 652(a))
 12 is amended—

13 (1) by striking “and” at the end of paragraph (9);

14 (2) by striking the period at the end of paragraph (10)

15 (as amended by section 346(a) of this Act) and inserting

16 “; and”; and

17 (3) by adding at the end the following new paragraph:

18 “(11) not later than October 1, 1996, after consulting
 19 with the State directors of programs under this part, pro-
 20 mulgate forms to be used by States in interstate cases
 21 for—

22 “(A) collection of child support through income
 23 withholding;

24 “(B) imposition of liens; and

25 “(C) administrative subpoenas.”

26 (b) **USE BY STATES.**—Section 454(9) (42 U.S.C. 654(9))
 27 is amended—

28 (1) by striking “and” at the end of subparagraph (C);

29 (2) by inserting “and” at the end of subparagraph

30 (D); and

31 (3) by adding at the end the following new subpara-
 32 graph:

33 “(E) not later than March 1, 1997, in using the
 34 forms promulgated pursuant to section 452(a)(11) for
 35 income withholding, imposition of liens, and issuance of

1 administrative subpoenas in interstate child support
2 cases;”.

3 SEC. 325. STATE LAWS PROVIDING EXPEDITED PROCE-
4 DURES.

5 (a) STATE LAW REQUIREMENTS.—Section 466 (42 U.S.C.
6 666), as amended by section 314 of this Act, is amended—

7 (1) in subsection (a)(2), by striking the first sentence
8 and inserting the following: “Expedited administrative and
9 judicial procedures (including the procedures specified in
10 subsection (c)) for establishing paternity and for establish-
11 ing, modifying, and enforcing support obligations.”; and

12 (2) by inserting after subsection (b) the following new
13 subsection:

14 “(c) EXPEDITED PROCEDURES.—The procedures specified
15 in this subsection are the following:

16 “(1) ADMINISTRATIVE ACTION BY STATE AGENCY.—
17 Procedures which give the State agency the authority to
18 take the following actions relating to establishment of pa-
19 ternity or to establishment, modification, or enforcement of
20 support orders, without the necessity of obtaining an order
21 from any other judicial or administrative tribunal, and to
22 recognize and enforce the authority of State agencies of
23 other States to take the following actions:

24 “(A) GENETIC TESTING.—To order genetic testing
25 for the purpose of paternity establishment as provided
26 in section 466(a)(5).

27 “(B) FINANCIAL OR OTHER INFORMATION.—To
28 subpoena any financial or other information needed to
29 establish, modify, or enforce a support order, and to
30 impose penalties for failure to respond to such a sub-
31 poena.

32 “(C) RESPONSE TO STATE AGENCY REQUEST.—To
33 require all entities in the State (including for-profit,
34 nonprofit, and governmental employers) to provide
35 promptly, in response to a request by the State agency
36 of that or any other State administering a program

1 under this part, information on the employment, com-
2 pensation, and benefits of any individual employed by
3 such entity as an employee or contractor, and to sanc-
4 tion failure to respond to any such request.

5 "(D) ACCESS TO INFORMATION (CONTAINED IN
6 CERTAIN RECORDS.—To obtain access, subject to safe-
7 guards on privacy and information security, and sub-
8 ject to the nonliability of entities that afford such ac-
9 cess under this subparagraph, to information contained
10 in the following records (including automated access, in
11 the case of records maintained in automated data
12 bases):

13 "(i) Records of other State and local govern-
14 ment agencies, including—

15 "(I) vital statistics (including records of
16 marriage, birth, and divorce);

17 "(II) State and local tax and revenue
18 records (including information on residence ad-
19 dress, employer, income and assets);

20 "(III) records concerning real and titled
21 personal property;

22 "(IV) records of occupational and profes-
23 sional licenses, and records concerning the own-
24 ership and control of corporations, partner-
25 ships, and other business entities;

26 "(V) employment security records;

27 "(VI) records of agencies administering
28 public assistance programs;

29 "(VII) records of the motor vehicle depart-
30 ment; and

31 "(VIII) corrections records.

32 "(ii) Certain records held by private entities
33 with respect to individuals who owe or are owed
34 support (or against or with respect to whom a sup-
35 port obligation is sought), consisting of—

1 “(I) the names and addresses of such indi-
2 viduals and the names and addresses of the
3 employers of such individuals, as appearing in
4 customer records of public utilities and cable
5 television companies, pursuant to an adminis-
6 trative subpoena authorized by subparagraph
7 (B); and

8 “(II) information (including information
9 on assets and liabilities) on such individuals
10 held by financial institutions.

11 “(E) CHANGE IN PAYEE.—In cases in which sup-
12 port is subject to an assignment in order to comply
13 with a requirement imposed pursuant to part A or sec-
14 tion 1912, or to a requirement to pay through the
15 State disbursement unit established pursuant to section
16 454B, upon providing notice to obligor and obligee, to
17 direct the obligor or other payor to change the payee
18 to the appropriate government entity.

19 “(F) INCOME WITHHOLDING.—To order income
20 withholding in accordance with subsections (a)(1)(A)
21 and (b) of section 466.

22 “(G) SECURING ASSETS.—In cases in which there
23 is a support arrearage, to secure assets to satisfy the
24 arrearage by—

25 “(i) intercepting or seizing periodic or lump-
26 sum payments from—

27 “(I) a State or local agency, including un-
28 employment compensation, workers' compensa-
29 tion, and other benefits; and

30 “(II) judgments, settlements, and lotteries;
31 “(ii) attaching and seizing assets of the obligor
32 held in financial institutions;

33 “(iii) attaching public and private retirement
34 funds; and

1 “(iv) imposing liens in accordance with sub-
2 section (a)(4) and, in appropriate cases, to force
3 sale of property and distribution of proceeds.

4 “(H) INCREASE MONTHLY PAYMENTS.—For the
5 purpose of securing overdue support, to increase the
6 amount of monthly support payments to include
7 amounts for arrearages, subject to such conditions or
8 limitations as the State may provide.

9 Such procedures shall be subject to due process safeguards,
10 including (as appropriate) requirements for notice, oppor-
11 tunity to contest the action, and opportunity for an appeal
12 on the record to an independent administrative or judicial
13 tribunal.

14 “(2) SUBSTANTIVE AND PROCEDURAL RULES.—The
15 expedited procedures required under subsection (a)(2) shall
16 include the following rules and authority, applicable with
17 respect to all proceedings to establish paternity or to estab-
18 lish, modify, or enforce support orders:

19 “(A) LOCATOR INFORMATION; PRESUMPTIONS
20 CONCERNING NOTICE.—Procedures under which—

21 “(i) each party to any paternity or child sup-
22 port proceeding is required (subject to privacy safe-
23 guards) to file with the tribunal and the State case
24 registry upon entry of an order, and to update as
25 appropriate, information on location and identity of
26 the party, including social security number, resi-
27 dential and mailing addresses, telephone number,
28 driver's license number, and name, address, and
29 telephone number of employer, and

30 “(ii) in any subsequent child support enforce-
31 ment action between the parties, upon sufficient
32 showing that diligent effort has been made to as-
33 certain the location of such a party, the tribunal
34 may deem State due process requirements for no-
35 tice and service of process to be met with respect
36 to the party, upon delivery of written notice to the

1 most recent residential or employer address filed
2 with the tribunal pursuant to clause (i).

3 "(B) STATEWIDE JURISDICTION.—Procedures
4 under which—

5 "(i) the State agency and any administrative
6 or judicial tribunal with authority to hear child
7 support and paternity cases exerts statewide juris-
8 diction over the parties; and

9 "(ii) in a State in which orders are issued by
10 courts or administrative tribunals, a case may be
11 transferred between local jurisdictions in the State
12 without need for any additional filing by the peti-
13 tioner, or service of process upon the respondent,
14 to retain jurisdiction over the parties.

15 "(3) COORDINATION WITH ERISA.—Notwithstanding
16 subsection (d) of section 514 of the Employee Retirement
17 Income Security Act of 1974 (relating to effect on other
18 laws), nothing in this subsection shall be construed to alter,
19 amend, modify, invalidate, impair, or supersede subsections
20 (a), (b), and (c) of such section 514 as it applies with re-
21 spect to any procedure referred to in paragraph (1) and
22 any expedited procedure referred to in paragraph (2), ex-
23 cept to the extent that such procedure would be consistent
24 with the requirements of section 206(d)(3) of such Act (re-
25 lating to qualified domestic relations orders) or the require-
26 ments of section 609(a) of such Act (relating to qualified
27 medical child support orders) if the reference in such sec-
28 tion 206(d)(3) to a domestic relations order and the ref-
29 erence in such section 609(a) to a medical child support
30 order were a reference to a support order referred to in
31 paragraphs (1) and (2) relating to the same matters, re-
32 spectively."

33 (b) AUTOMATION OF STATE AGENCY FUNCTIONS.—Sec-
34 tion 454A as added by section 344(a)(2) and as amended by
35 sections 311 and 312(c) of this Act, is amended by adding at
36 the end the following new subsection:

1 “(h) EXPEDITED ADMINISTRATIVE PROCEDURES.—The
2 automated system required by this section shall be used, to the
3 maximum extent feasible, to implement the expedited adminis-
4 trative procedures required by section 466(c).”.

5 **Subtitle D—Paternity Establishment**

6 **SEC. 331. STATE LAWS CONCERNING PATERNITY ESTAB-** 7 **LISHMENT.**

8 (a) STATE LAWS REQUIRED.—Section 466(a)(5) (42
9 U.S.C. 666(a)(5)) is amended to read as follows:

10 “(5) PROCEDURES CONCERNING PATERNITY ESTAB-
11 LISHMENT.—

12 “(A) ESTABLISHMENT PROCESS AVAILABLE FROM
13 BIRTH UNTIL AGE 18.—

14 “(i) Procedures which permit the establish-
15 ment of the paternity of a child at any time before
16 the child attains 18 years of age.

17 “(ii) As of August 16, 1984, clause (i) shall
18 also apply to a child for whom paternity has not
19 been established or for whom a paternity action
20 was brought but dismissed because a statute of
21 limitations of less than 18 years was then in effect
22 in the State.

23 “(B) PROCEDURES CONCERNING GENETIC TEST-
24 ING.—

25 “(i) GENETIC TESTING REQUIRED IN CERTAIN
26 CONTESTED CASES.—Procedures under which the
27 State is required, in a contested paternity case (un-
28 less otherwise barred by State law) to require the
29 child and all other parties (other than individuals
30 found under section 454(29) to have good cause
31 and other exceptions for refusing to cooperate) to
32 submit to genetic tests upon the request of any
33 such party, if the request is supported by a sworn
34 statement by the party—

1 “(I) alleging paternity, and setting forth
2 facts establishing a reasonable possibility of the
3 requisite sexual contact between the parties; or

4 “(II) denying paternity, and setting forth
5 facts establishing a reasonable possibility of the
6 nonexistence of sexual contact between the par-
7 ties.

8 “(ii) OTHER REQUIREMENTS.—Procedures
9 which require the State agency, in any case in
10 which the agency orders genetic testing—

11 “(I) to pay costs of such tests, subject to
12 recoupment (if the State so elects) from the al-
13 leged father if paternity is established; and

14 “(II) to obtain additional testing in any
15 case if an original test result is contested, upon
16 request and advance payment by the contest-
17 ant.

18 “(C) VOLUNTARY PATERNITY ACKNOWLEDG-
19 MENT.—

20 “(i) SIMPLE CIVIL PROCESS.—Procedures for
21 a simple civil process for voluntarily acknowledging
22 paternity under which the State must provide that,
23 before a mother and a putative father can sign an
24 acknowledgment of paternity, the mother and the
25 putative father must be given notice, orally and in
26 writing, of the alternatives to, the legal con-
27 sequences of, and the rights (including, if 1 parent
28 is a minor, any rights afforded due to minority sta-
29 tus) and responsibilities that arise from, signing
30 the acknowledgment.

31 “(ii) HOSPITAL-BASED PROGRAM.—Such pro-
32 cedures must include a hospital-based program for
33 the voluntary acknowledgment of paternity focusing
34 on the period immediately before or after the birth
35 of a child.

1 “(iii) PATERNITY ESTABLISHMENT SERV-
2 ICES.—

3 “(I) STATE-OFFERED SERVICES.—Such
4 procedures must require the State agency re-
5 sponsible for maintaining birth records to offer
6 voluntary paternity establishment services.

7 “(II) REGULATIONS.—

8 “(aa) SERVICES OFFERED BY HOS-
9 PITALS AND BIRTH RECORD AGENCIES.—

10 The Secretary shall prescribe regulations
11 governing voluntary paternity establish-
12 ment services offered by hospitals and birth
13 record agencies.

14 “(bb) SERVICES OFFERED BY OTHER
15 ENTITIES.—The Secretary shall prescribe
16 regulations specifying the types of other en-
17 tities that may offer voluntary paternity es-
18 tablishment services, and governing the
19 provision of such services, which shall in-
20 clude a requirement that such an entity
21 must use the same notice provisions used
22 by, use the same materials used by, provide
23 the personnel providing such services with
24 the same training provided by, and evaluate
25 the provision of such services in the same
26 manner as the provision of such services is
27 evaluated by, voluntary paternity establish-
28 ment programs of hospitals and birth
29 record agencies.

30 “(iv) USE OF PATERNITY ACKNOWLEDGMENT
31 AFFIDAVIT.—Such procedures must require the
32 State to develop and use an affidavit for the vol-
33 untary acknowledgment of paternity which includes
34 the minimum requirements of the affidavit specified
35 by the Secretary under section 452(a)(7) for the
36 voluntary acknowledgment of paternity, and to give

1 “(iii) PATERNITY ESTABLISHMENT SERV-
2 ICES.—

3 “(I) STATE-OFFERED SERVICES.—Such
4 procedures must require the State agency re-
5 sponsible for maintaining birth records to offer
6 voluntary paternity establishment services.

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10 The Secretary shall prescribe regulations
11 governing voluntary paternity establish-
12 ment services offered by hospitals and birth
13 record agencies.

14 “(bb) SERVICES OFFERED BY OTHER
15 ENTITIES.—The Secretary shall prescribe
16 regulations specifying the types of other en-
17 tities that may offer voluntary paternity es-
18 tablishment services, and governing the
19 provision of such services, which shall in-
20 clude a requirement that such an entity
21 must use the same notice provisions used
22 by, use the same materials used by, provide
23 the personnel providing such services with
24 the same training provided by, and evaluate
25 the provision of such services in the same
26 manner as the provision of such services is
27 evaluated by, voluntary paternity establish-
28 ment programs of hospitals and birth
29 record agencies.

30 “(iv) USE OF PATERNITY ACKNOWLEDGMENT
31 AFFIDAVIT.—Such procedures must require the
32 State to develop and use an affidavit for the vol-
33 untary acknowledgment of paternity which includes
34 the minimum requirements of the affidavit specified
35 by the Secretary under section 452(a)(7) for the
36 voluntary acknowledgment of paternity, and to give

1 full faith and credit to such an affidavit signed in
2 any other State according to its procedures.

3 "(D) STATUS OF SIGNED PATERNITY ACKNOWLEDGMENT.—
4

5 "(i) INCLUSION IN BIRTH RECORDS.—Proce-
6 dures under which the name of the father shall be
7 included on the record of birth of the child of un-
8 married parents only if—

9 "(I) the father and mother have signed a
10 voluntary acknowledgment of paternity; or

11 "(II) a court or an administrative agency
12 of competent jurisdiction has issued an adju-
13 dication of paternity.

14 Nothing in this clause shall preclude a State agen-
15 cy from obtaining an admission of paternity from
16 the father for submission in a judicial or adminis-
17 trative proceeding, or prohibit the issuance of an
18 order in a judicial or administrative proceeding
19 which bases a legal finding of paternity on an ad-
20 mission of paternity by the father and any other
21 additional showing required by State law.

22 "(ii) LEGAL FINDING OF PATERNITY.—Proce-
23 dures under which a signed voluntary acknowledg-
24 ment of paternity is considered a legal finding of
25 paternity, subject to the right of any signatory to
26 rescind the acknowledgment within the earlier of—

27 "(I) 60 days; or

28 "(II) the date of an administrative or judi-
29 cial proceeding relating to the child (including
30 a proceeding to establish a support order) in
31 which the signatory is a party.

32 "(iii) CONTEST.—Procedures under which
33 after the 60-day period referred to in clause (ii), a
34 signed voluntary acknowledgment of paternity may
35 be challenged in court only on the basis of fraud,
36 duress, or material mistake of fact, with the burden

1 of proof upon the challenger, and under which the
2 legal responsibilities (including child support obli-
3 gations) of any signatory arising from the acknowl-
4 edgment may not be suspended during the chal-
5 lenge, except for good cause shown.

6 “(E) BAR ON ACKNOWLEDGMENT RATIFICATION
7 PROCEEDINGS.—Procedures under which judicial or ad-
8 ministrative proceedings are not required or permitted
9 to ratify an unchallenged acknowledgment of paternity.

10 “(F) ADMISSIBILITY OF GENETIC TESTING RE-
11 SULTS.—Procedures—

12 “(i) requiring the admission into evidence, for
13 purposes of establishing paternity, of the results of
14 any genetic test that is—

15 “(I) of a type generally acknowledged as
16 reliable by accreditation bodies designated by
17 the Secretary; and

18 “(II) performed by a laboratory approved
19 by such an accreditation body;

20 “(ii) requiring an objection to genetic testing
21 results to be made in writing not later than a speci-
22 fied number of days before any hearing at which
23 the results may be introduced into evidence (or, at
24 State option, not later than a specified number of
25 days after receipt of the results); and

26 “(iii) making the test results admissible as evi-
27 dence of paternity without the need for foundation
28 testimony or other proof of authenticity or accu-
29 racy, unless objection is made.

30 “(G) PRESUMPTION OF PATERNITY IN CERTAIN
31 CASES.—Procedures which create a rebuttable or, at
32 the option of the State, conclusive presumption of pa-
33 ternity upon genetic testing results indicating a thresh-
34 old probability that the alleged father is the father of
35 the child.

1 “(H) DEFAULT ORDERS.—Procedures requiring a
2 default order to be entered in a paternity case upon a
3 showing of service of process on the defendant and any
4 additional showing required by State law.

5 “(I) NO RIGHT TO JURY TRIAL.—Procedures pro-
6 viding that the parties to an action to establish pater-
7 nity are not entitled to a trial by jury.

8 “(J) TEMPORARY SUPPORT ORDER BASED ON
9 PROBABLE PATERNITY IN CONTESTED CASES.—Proce-
10 dures which require that a temporary order be issued,
11 upon motion by a party, requiring the provision of child
12 support pending an administrative or judicial deter-
13 mination of parentage, if there is clear and convincing
14 evidence of paternity (on the basis of genetic tests or
15 other evidence).

16 “(K) PROOF OF CERTAIN SUPPORT AND PATER-
17 NITY ESTABLISHMENT COSTS.—Procedures under
18 which bills for pregnancy, childbirth, and genetic test-
19 ing are admissible as evidence without requiring third-
20 party foundation testimony, and shall constitute prima
21 facie evidence of amounts incurred for such services or
22 for testing on behalf of the child.

23 “(L) STANDING OF PUTATIVE FATHERS.—Proce-
24 dures ensuring that the putative father has a reason-
25 able opportunity to initiate a paternity action.

26 “(M) FILING OF ACKNOWLEDGMENTS AND ADJUT-
27 ICATIONS IN STATE REGISTRY OF BIRTH RECORDS.—
28 Procedures under which voluntary acknowledgments
29 and adjudications of paternity by judicial or adminis-
30 trative processes are filed with the State registry of
31 birth records for comparison with information in the
32 State case registry.”.

33 (b) NATIONAL PATERNITY ACKNOWLEDGMENT AFFIDA-
34 VIT.—Section 452(a)(7) (42 U.S.C. 652(a)(7)) is amended by
35 inserting “, and specify the minimum requirements of an affi-
36 davit to be used for the voluntary acknowledgment of paternity

1 which shall include the social security number of each parent
 2 and, after consultation with the States, other common elements
 3 as determined by such designee" before the semicolon.

4 (c) CONFORMING AMENDMENT.—Section 468 (42 U.S.C.
 5 668) is amended by striking "a simple civil process for volun-
 6 tarily acknowledging paternity and".

7 SEC. 332. OUTREACH FOR VOLUNTARY PATERNITY ES-
 8 TABLISHMENT.

9 Section 454(23) (42 U.S.C. 654(23)) is amended by in-
 10 sserting "and will publicize the availability and encourage the
 11 use of procedures for voluntary establishment of paternity and
 12 child support by means the State deems appropriate" before
 13 the semicolon.

14 SEC. 333. COOPERATION BY APPLICANTS FOR AND RE-
 15 CIPIENTS OF PART A ASSISTANCE.

16 Section 454 (42 U.S.C. 654), as amended by sections
 17 301(b), 303(a), 312(a), and 313(a) of this Act, is amended—

18 (1) by striking "and" at the end of paragraph (27);

19 (2) by striking the period at the end of paragraph (28)
 20 and inserting "; and"; and

21 (3) by inserting after paragraph (28) the following
 22 new paragraph:

23 "(29) provide that the State agency responsible for ad-
 24 ministering the State plan—

25 "(A) shall make the determination (and redeter-
 26 mination at appropriate intervals) as to whether an in-
 27 dividual who has applied for or is receiving assistance
 28 under the State program funded under part A of this
 29 title or the State program under title XIX is cooperat-
 30 ing in good faith with the State in establishing the pa-
 31 ternity of, or in establishing, modifying, or enforcing a
 32 support order for, any child of the individual by provid-
 33 ing the State agency with the name of, and such other
 34 information as the State agency may require with re-
 35 spect to, the noncustodial parent of the child, subject
 36 to good cause and other exceptions which—

1 “(i) shall be defined, taking into account the
2 best interests of the child, and

3 “(ii) shall be applied in each case,

4 by, at the option of the State, the State agency admin-
5 istering the State program under part A, this part, or
6 title XIX;

7 “(B) shall require the individual to supply addi-
8 tional necessary information and appear at interviews,
9 hearings, and legal proceedings;

10 “(C) shall require the individual and the child to
11 submit to genetic tests pursuant to judicial or adminis-
12 trative order;

13 “(D) may request that the individual sign a vol-
14 untary acknowledgment of paternity, after notice of the
15 rights and consequences of such an acknowledgment,
16 but may not require the individual to sign an acknowl-
17 edgment or otherwise relinquish the right to genetic
18 tests as a condition of cooperation and eligibility for as-
19 sistance under the State program funded under part A,
20 or the State program under title XIX; and

21 “(E) shall promptly notify the individual, the
22 State agency administering the State program funded
23 under part A, and the State agency administering the
24 State program under title XIX, of each such deter-
25 mination, and if noncooperation is determined, the
26 basis therefor.”.

27 **Subtitle E—Program Administration** 28 **and Funding**

29 **SEC. 341. PERFORMANCE-BASED INCENTIVES AND PEN-** 30 **ALTIES.**

31 (a) **DEVELOPMENT OF NEW SYSTEM.**—The Secretary of
32 Health and Human Services, in consultation with State direc-
33 tors of programs under part D of title IV of the Social Security
34 Act, shall develop a new incentive system to replace, in a reve-
35 nue neutral manner, the system under section 458 of such Act.
36 The new system shall provide additional payments to any State

1 based on such State's performance under such a program. Not
 2 late than March 1, 1997, the Secretary shall report on the
 3 new system to the Committee on Ways and Means of the
 4 House of Representatives and the Committee on Finance of the
 5 Senate.

6 (b) CONFORMING AMENDMENTS TO PRESENT SYSTEM.—
 7 Section 458 (42 U.S.C. 658) is amended—

8 (1) in subsection (a), by striking "aid to families with
 9 dependent children under a State plan approved under part
 10 A of this title" and inserting "assistance under a program
 11 funded under part A";

12 (2) in subsection (b)(1)(A), by striking "section
 13 402(a)(26)" and inserting "section 408(a)(4)";

14 (3) in subsections (b) and (c)—

15 (A) by striking "AFDC collections" each place it
 16 appears and inserting "title IV-A collections", and

17 (B) by striking "non-AFDC collections" each
 18 place it appears and inserting "non-title IV-A collec-
 19 tions"; and

20 (4) in subsection (c), by striking "combined AFDC/
 21 non-AFDC administrative costs" both places it appears and
 22 inserting "combined title IV-A/non-title IV-A administra-
 23 tive costs".

24 (c) CALCULATION OF PATERNITY ESTABLISHMENT PER-
 25 CENTAGE.—

26 (1) Section 452(g)(1)(A) (42 U.S.C. 652(g)(1)(A)) is
 27 amended by striking "75" and inserting "90".

28 (2) Section 452(g)(1) (42 U.S.C. 652(g)(1)) is amend-
 29 ed—

30 (A) by redesignating subparagraphs (B) through
 31 (E) as subparagraphs (C) through (F), respectively,
 32 and by inserting after subparagraph (A) the following
 33 new subparagraph:

34 "(B) for a State with a paternity establishment per-
 35 centage of not less than 75 percent but less than 90 per-
 36 cent for such fiscal year, the paternity establishment per-

1 centage of the State for the immediately preceding fiscal
2 year plus 2 percentage points.”; and

3 (B) by adding at the end the following new flush
4 sentence:

5 “In determining compliance under this section, a State may use
6 as its paternity establishment percentage either the State’s IV-
7 D paternity establishment percentage (as defined in paragraph
8 (2)(A)) or the State’s statewide paternity establishment per-
9 centage (as defined in paragraph (2)(B)).”.

10 (3) Section 452(g)(2) (42 U.S.C. 652(g)(2)) is amend-
11 ed—

12 (A) in subparagraph (A)—

13 (i) in the matter preceding clause (i)—

14 (I) by striking “paternity establishment
15 percentage” and inserting “IV-D paternity es-
16 tablishment percentage”; and

17 (II) by striking “(or all States, as the case
18 may be)”; and

19 (ii) by striking “and” at the end; and

20 (B) by redesignating subparagraph (B) as sub-
21 paragraph (C) and by inserting after subparagraph (A)
22 the following new subparagraph:

23 “(B) the term ‘statewide paternity establishment per-
24 centage’ means, with respect to a State for a fiscal year,
25 the ratio (expressed as a percentage) that the total number
26 of minor children—

27 “(i) who have been born out of wedlock, and

28 “(ii) the paternity of whom has been established or
29 acknowledged during the fiscal year.

30 bears to the total number of children born out of wedlock
31 during the preceding fiscal year, and”.

32 (4) Section 452(g)(3) (42 U.S.C. 652(g)(3)) is amend-
33 ed—

34 (A) by striking subparagraph (A) and redesignat-
35 ing subparagraphs (B) and (C) as subparagraphs (A)
36 and (B), respectively; and

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1 (B) in subparagraph (A) (as so redesignated), by
2 striking "the percentage of children born out-of-wed-
3 lock in a State" and inserting "the percentage of chil-
4 dren in a State who are born out of wedlock or for
5 whom support has not been established".

6 (d) EFFECTIVE DATES.—

7 (1) INCENTIVE ADJUSTMENTS.—

8 (A) IN GENERAL.—The system developed under
9 subsection (a) and the amendments made by subsection
10 (b) shall become effective on October 1, 1999, except
11 to the extent provided in subparagraph (B).

12 (B) APPLICATION OF SECTION 458.—Section 458
13 of the Social Security Act, as in effect on the day be-
14 fore the date of the enactment of this section, shall be
15 effective for purposes of incentive payments to States
16 for fiscal years before fiscal year 2000.

17 (2) PENALTY REDUCTIONS.—The amendments made
18 by subsection (c) shall become effective with respect to cal-
19 endar quarters beginning on or after the date of the enact-
20 ment of this Act.

21 SEC. 342. FEDERAL AND STATE REVIEWS AND AUDITS.

22 (a) STATE AGENCY ACTIVITIES.—Section 454 (42 U.S.C.
23 654) is amended—

24 (1) in paragraph (14), by striking "(14)" and insert-
25 ing "(14)(A)";

26 (2) by redesignating paragraph (15) as subparagraph
27 (B) of paragraph (14); and

28 (3) by inserting after paragraph (14) the following
29 new paragraph:

30 "(15) provide for—

31 "(A) a process for annual reviews of and reports
32 to the Secretary on the State program operated under
33 the State plan approved under this part, including such
34 information as may be necessary to measure State com-
35 pliance with Federal requirements for expedited proce-
36 dures, using such standards and procedures as are re-

1 quired by the Secretary, under which the State agency
2 will determine the extent to which the program is oper-
3 ated in compliance with this part; and

4 “(B) a process of extracting from the automated
5 data processing system required by paragraph (16) and
6 transmitting to the Secretary data and calculations
7 concerning the levels of accomplishment (and rates of
8 improvement) with respect to applicable performance
9 indicators (including paternity establishment percent-
10 ages) to the extent necessary for purposes of sections
11 452(g) and 458;”.

12 (b) FEDERAL ACTIVITIES.—Section 452(a)(4) (42 U.S.C.
13 652(a)(4)) is amended to read as follows:

14 “(4)(A) review data and calculations transmitted by
15 State agencies pursuant to section 454(15)(B) on State
16 program accomplishments with respect to performance indi-
17 cators for purposes of subsection (g) of this section and
18 section 458;

19 “(B) review annual reports submitted pursuant to sec-
20 tion 454(15)(A) and, as appropriate, provide to the State
21 comments, recommendations for additional or alternative
22 corrective actions, and technical assistance; and

23 “(C) conduct audits, in accordance with the Govern-
24 ment auditing standards of the Comptroller General of the
25 United States—

26 “(i) at least once every 3 years (or more fre-
27 quently, in the case of a State which fails to meet the
28 requirements of this part concerning performance
29 standards and reliability of program data) to assess the
30 completeness, reliability, and security of the data and
31 the accuracy of the reporting systems used in calculat-
32 ing performance indicators under subsection (g) of this
33 section and section 458;

34 “(ii) of the adequacy of financial management of
35 the State program operated under the State plan ap-
36 proved under this part, including assessments of—

1 “(I) whether Federal and other funds made
2 available to carry out the State program are being
3 appropriately expended and are properly and fully
4 accounted for; and

5 “(II) whether collections and disbursements of
6 support payments are carried out correctly and are
7 fully accounted for; and

8 “(iii) for such other purposes as the Secretary
9 may find necessary;”.

10 • (c) EFFECTIVE DATE.—The amendments made by this
11 section shall be effective with respect to calendar quarters be-
12 ginning 12 months or more after the date of the enactment of
13 this Act.

14 **SEC. 343. REQUIRED REPORTING PROCEDURES.**

15 (a) ESTABLISHMENT.—Section 452(a)(5) (42 U.S.C.
16 652(a)(5)) is amended by inserting “, and establish procedures
17 to be followed by States for collecting and reporting informa-
18 tion required to be provided under this part, and establish uni-
19 form definitions (including those necessary to enable the meas-
20 urement of State compliance with the requirements of this part
21 relating to expedited processes) to be applied in following such
22 procedures” before the semicolon.

23 (b) STATE PLAN REQUIREMENT.—Section 454 (42 U.S.C.
24 654), as amended by sections 301(b), 303(a), 312(a), 313(a),
25 and 333 of this Act, is amended—

26 (1) by striking “and” at the end of paragraph (28);

27 (2) by striking the period at the end of paragraph (29)
28 and inserting “; and”; and

29 (3) by adding after paragraph (29) the following new
30 paragraph:

31 “(30) provide that the State shall use the definitions
32 established under section 452(a)(5) in collecting and re-
33 porting information as required under this part.”.

34 **SEC. 344. AUTOMATED DATA PROCESSING REQUIRE-**
35 **MENTS.**

36 (a) REVISED REQUIREMENTS.—

1 (1) IN GENERAL.—Section 454(16) (42 U.S.C.
2 654(16)) is amended—

3 (A) by striking “. at the option of the State.”;

4 (B) by inserting “and operation by the State agen-
5 cy” after “for the establishment”;

6 (C) by inserting “meeting the requirements of sec-
7 tion 454A” after “information retrieval system”;

8 (D) by striking “in the State and localities thereof.
9 so as (A)” and inserting “so as”;

10 (E) by striking “(i)”;

11 (F) by striking “(including)” and all that follows
12 and inserting a semicolon.

13 (2) AUTOMATED DATA PROCESSING.—Part D of title
14 IV (42 U.S.C. 651–669) is amended by inserting after sec-
15 tion 454 the following new section:

16 “SEC. 454A. AUTOMATED DATA PROCESSING.

17 “(a) IN GENERAL.—In order for a State to meet the re-
18 quirements of this section, the State agency administering the
19 State program under this part shall have in operation a single
20 statewide automated data processing and information retrieval
21 system which has the capability to perform the tasks specified
22 in this section with the frequency and in the manner required
23 by or under this part.

24 “(b) PROGRAM MANAGEMENT.—The automated system re-
25 quired by this section shall perform such functions as the Sec-
26 retary may specify relating to management of the State pro-
27 gram under this part, including—

28 “(1) controlling and accounting for use of Federal
29 State, and local funds in carrying out the program; and

30 “(2) maintaining the data necessary to meet Federal
31 reporting requirements under this part on a timely basis.

32 “(c) CALCULATION OF PERFORMANCE INDICATORS.—In
33 order to enable the Secretary to determine the incentive pay-
34 ments and penalty adjustments required by sections 452(g) and
35 458, the State agency shall—

36 “(1) use the automated system—

1 “(A) to maintain the requisite data on State per-
2 formance with respect to paternity establishment and
3 child support enforcement in the State; and

4 “(B) to calculate the paternity establishment per-
5 centage for the State for each fiscal year; and

6 “(2) have in place systems controls to ensure the com-
7 pleteness and reliability of, and ready access to, the data
8 described in paragraph (1)(A), and the accuracy of the cal-
9 culations described in paragraph (1)(B).

10 “(d) INFORMATION INTEGRITY AND SECURITY.—The
11 State agency shall have in effect safeguards on the integrity,
12 accuracy, and completeness of, access to, and use of data in the
13 automated system required by this section, which shall include
14 the following (in addition to such other safeguards as the Sec-
15 retary may specify in regulations):

16 “(1) POLICIES RESTRICTING ACCESS.—Written poli-
17 cies concerning access to data by State agency personnel,
18 and sharing of data with other persons, which—

19 “(A) permit access to and use of data only to the
20 extent necessary to carry out the State program under
21 this part; and

22 “(B) specify the data which may be used for par-
23 ticular program purposes, and the personnel permitted
24 access to such data.

25 “(2) SYSTEMS CONTROLS.—Systems controls (such as
26 passwords or blocking of fields) to ensure strict adherence
27 to the policies described in paragraph (1).

28 “(3) MONITORING OF ACCESS.—Routine monitoring of
29 access to and use of the automated system, through meth-
30 ods such as audit trails and feedback mechanisms, to guard
31 against and promptly identify unauthorized access or use.

32 “(4) TRAINING AND INFORMATION.—Procedures to
33 ensure that all personnel (including State and local agency
34 staff and contractors) who may have access to or be re-
35 quired to use confidential program data are informed of ap-
36 plicable requirements and penalties (including those in sec-

1 tion 6103 of the Internal Revenue Code of 1986), and are
2 adequately trained in security procedures.

3 "(5) PENALTIES.—Administrative penalties (up to and
4 including dismissal from employment) for unauthorized ac-
5 cess to, or disclosure or use of, confidential data."

6 (3) REGULATIONS.—The Secretary of Health and
7 Human Services shall prescribe final regulations for imple-
8 mentation of section 454A of the Social Security Act not
9 later than 2 years after the date of the enactment of this
10 Act.

11 (4) IMPLEMENTATION TIMETABLE.—Section 454(24)
12 (42 U.S.C. 654(24)), as amended by section 303(a)(1) of
13 this Act, is amended to read as follows:

14 "(24) provide that the State will have in effect an
15 automated data processing and information retrieval sys-
16 tem—

17 "(A) by October 1, 1997, which meets all require-
18 ments of this part which were enacted on or before the
19 date of enactment of the Family Support Act of 1988.
20 and

21 "(B) by October 1, 2000, which meets all require-
22 ments of this part enacted on or before the date of the
23 enactment of the Personal Responsibility and Work Op-
24 portunity Act of 1996, except that such deadline shall
25 be extended by 1 day for each day (if any) by which
26 the Secretary fails to meet the deadline imposed by sec-
27 tion 344(a)(3) of the Personal Responsibility and Work
28 Opportunity Reconciliation Act of 1996;"

29 (b) SPECIAL FEDERAL MATCHING RATE FOR DEVELOP-
30 MENT COSTS OF AUTOMATED SYSTEMS.—

31 (1) IN GENERAL.—Section 455(a) (42 U.S.C. 655(a))
32 is amended—

33 (A) in paragraph (1)(B)—

34 (i) by striking "90 percent" and inserting "the
35 percent specified in paragraph (3)";

36 (ii) by striking "so much of"; and

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1 (iii) by striking "which the Secretary" and all
2 that follows and inserting ", and"; and

3 (B) by adding at the end the following new para-
4 graph:

5 "(3)(A) The Secretary shall pay to each State, for each
6 quarter in fiscal years 1996 and 1997, 90 percent of so much
7 of the State expenditures described in paragraph (1)(B) as the
8 Secretary finds are for a system meeting the requirements
9 specified in section 454(16) (as in effect on September 30,
10 1995) but limited to the amount approved for States in the ad-
11 vance planning documents of such States submitted on or be-
12 fore September 30, 1995.

13 "(B)(i) The Secretary shall pay to each State, for each
14 quarter in fiscal years 1996 through 2001, the percentage spec-
15 ified in clause (ii) of so much of the State expenditures de-
16 scribed in paragraph (1)(B) as the Secretary finds are for a
17 system meeting the requirements of sections 454(16) and
18 454A.

19 "(ii) The percentage specified in this clause is 80 per-
20 cent."

21 (2) TEMPORARY LIMITATION ON PAYMENTS UNDER
22 SPECIAL FEDERAL MATCHING RATE.—

23 (A) IN GENERAL.—The Secretary of Health and
24 Human Services may not pay more than \$400,000,000
25 in the aggregate under section 455(a)(3)(B) of the So-
26 cial Security Act for fiscal years 1996 through 2001.

27 (B) ALLOCATION OF LIMITATION AMONG
28 STATES.—The total amount payable to a State under
29 section 455(a)(3)(B) of such Act for fiscal years 1996
30 through 2001 shall not exceed the limitation deter-
31 mined for the State by the Secretary of Health and
32 Human Services in regulations.

33 (C) ALLOCATION FORMULA.—The regulations re-
34 ferred to in subparagraph (B) shall prescribe a formula
35 for allocating the amount specified in subparagraph (A)
36 among States with plans approved under part D of title

1 IV of the Social Security Act, which shall take into ac-
2 count—

3 (i) the relative size of State caseloads under
4 such part; and

5 (ii) the level of automation needed to meet the
6 automated data processing requirements of such
7 part.

8 (c) CONFORMING AMENDMENT.—Section 123(c) of the
9 Family Support Act of 1988 (102 Stat. 2352; Public Law 100-
10 485) is repealed.

11 SEC. 345. TECHNICAL ASSISTANCE.

12 (a) FOR TRAINING OF FEDERAL AND STATE STAFF, RE-
13 SEARCH AND DEMONSTRATION PROGRAMS, AND SPECIAL
14 PROJECTS OF REGIONAL OR NATIONAL SIGNIFICANCE.—Sec-
15 tion 452 (42 U.S.C. 652) is amended by adding at the end the
16 following new subsection:

17 “(j) Out of any money in the Treasury of the United
18 States not otherwise appropriated, there is hereby appropriated
19 to the Secretary for each fiscal year an amount equal to 1 per-
20 cent of the total amount paid to the Federal Government pur-
21 suant to section 457(a) during the immediately preceding fiscal
22 year (as determined on the basis of the most recent reliable
23 data available to the Secretary as of the end of the 3rd cal-
24 endar quarter following the end of such preceding fiscal year),
25 to cover costs incurred by the Secretary for—

26 “(1) information dissemination and technical assist-
27 ance to States, training of State and Federal staff, staffing
28 studies, and related activities needed to improve programs
29 under this part (including technical assistance concerning
30 State automated systems required by this part); and

31 “(2) research, demonstration, and special projects of
32 regional or national significance relating to the operation of
33 State programs under this part.

34 The amount appropriated under this subsection shall remain
35 available until expended.”

1 (b) OPERATION OF FEDERAL PARENT LOCATOR SERV-
 2 ICE.—Section 453 (42 U.S.C. 653), as amended by section 316
 3 of this Act, is amended by adding at the end the following new
 4 subsection:

5 “(o) RECOVERY OF COSTS.—Out of any money in the
 6 Treasury of the United States not otherwise appropriated,
 7 there is hereby appropriated to the Secretary for each fiscal
 8 year an amount equal to 2 percent of the total amount paid
 9 to the Federal Government pursuant to section 457(a) during
 10 the immediately preceding fiscal year (as determined on the
 11 basis of the most recent reliable data available to the Secretary
 12 as of the end of the 3rd calendar quarter following the end of
 13 such preceding fiscal year), to cover costs incurred by the Sec-
 14 retary for operation of the Federal Parent Locator Service
 15 under this section, to the extent such costs are not recovered
 16 through user fees.”.

17 SEC. 346. REPORTS AND DATA COLLECTION BY THE SEC-
 18 RETARY.

19 (a) ANNUAL REPORT TO CONGRESS.—

20 (1) Section 452(a)(10)(A) (42 U.S.C. 652(a)(10)(A))
 21 is amended—

22 (A) by striking “this part;” and inserting “this
 23 part, including—”; and

24 (B) by adding at the end the following new
 25 clauses:

26 “(i) the total amount of child support pay-
 27 ments collected as a result of services furnished
 28 during the fiscal year to individuals receiving serv-
 29 ices under this part;

30 “(ii) the cost to the States and to the Federal
 31 Government of so furnishing the services; and

32 “(iii) the number of cases involving families—

33 “(I) who became ineligible for assistance
 34 under State programs funded under part A
 35 during a month in the fiscal year; and

1 " (II) with respect to whom a child support
2 payment was received in the month:."

3 (2) Section 452(a)(10)(C) (42 U.S.C. 652(a)(10)(C))
4 is amended—

5 (A) in the matter preceding clause (i)—

6 (i) by striking "with the data required under
7 each clause being separately stated for cases" and
8 inserting "separately stated for cases";

9 (ii) by striking "cases where the child was for-
10 merly receiving" and inserting "or formerly re-
11 ceived";

12 (iii) by inserting "or 1912" after
13 "471(a)(17)"; and

14 (iv) by inserting "for" before "all other";

15 (B) in each of clauses (i) and (ii), by striking "
16 and the total amount of such obligations";

17 (C) in clause (iii), by striking "described in" and
18 all that follows and inserting "in which support was
19 collected during the fiscal year";

20 (D) by striking clause (iv); and

21 (E) by redesignating clause (v) as clause (vii), and
22 inserting after clause (iii) the following new clauses:

23 "(iv) the total amount of support collected
24 during such fiscal year and distributed as current
25 support;

26 "(v) the total amount of support collected dur-
27 ing such fiscal year and distributed as arrearages;

28 "(vi) the total amount of support due and un-
29 paid for all fiscal years; and".

30 (3) Section 452(a)(10)(G) (42 U.S.C. 652(a)(10)(G))
31 is amended by striking "on the use of Federal courts and".

32 (4) Section 452(a)(10) (42 U.S.C. 652(a)(10)) is
33 amended—

34 (A) in subparagraph (H), by striking "and";

35 (B) in subparagraph (I), by striking the period
36 and inserting ": and": and

1 (C) by inserting after subparagraph (I) the follow-
2 ing new subparagraph:

3 "(J) compliance, by State, with the standards es-
4 tablished pursuant to subsections (h) and (i)."

5 (5) Section 452(a)(10) (42 U.S.C. 652(a)(10)) is
6 amended by striking all that follows subparagraph (J), as
7 added by paragraph (4).

8 (b) EFFECTIVE DATE.—The amendments made by sub-
9 section (a) shall be effective with respect to fiscal year 1997
10 and succeeding fiscal years.

11 Subtitle F—Establishment and 12 Modification of Support Orders

13 SEC. 351. SIMPLIFIED PROCESS FOR REVIEW AND AD- 14 JUSTMENT OF CHILD SUPPORT ORDERS.

15 Section 466(a)(10) (42 U.S.C. 666(a)(10)) is amended to
16 read as follows:

17 "(10) REVIEW AND ADJUSTMENT OF SUPPORT OR-
18 DERS UPON REQUEST.—

19 "(A) 3-YEAR CYCLE.—

20 "(i) IN GENERAL.—Procedures under which
21 every 3 years (or such shorter cycle as the State
22 may determine), upon the request of either parent,
23 or, if there is an assignment under part A, upon
24 the request of the State agency under the State
25 plan or of either parent, the State shall with re-
26 spect to a support order being enforced under this
27 part, taking into account the best interests of the
28 child involved—

29 "(I) review and, if appropriate, adjust the
30 order in accordance with the guidelines estab-
31 lished pursuant to section 467(a) if the amount
32 of the child support award under the order dif-
33 fers from the amount that would be awarded in
34 accordance with the guidelines:

1 “(II) apply a cost-of-living adjustment to
2 the order in accordance with a formula devel-
3 oped by the State; or

4 “(III) use automated methods (including
5 automated comparisons with wage or State in-
6 come tax data) to identify orders eligible for re-
7 view, conduct the review, identify orders eligible
8 for adjustment, and apply the appropriate ad-
9 justment to the orders eligible for adjustment
10 under any threshold that may be established by
11 the State.

12 “(ii) OPPORTUNITY TO REQUEST REVIEW OF
13 ADJUSTMENT.—If the State elects to conduct the
14 review under subclause (II) or (III) of clause (i),
15 procedures which permit either party to contest the
16 adjustment, within 30 days after the date of the
17 notice of the adjustment, by making a request for
18 review and, if appropriate, adjustment of the order
19 in accordance with the child support guidelines es-
20 tablished pursuant to section 467(a).

21 “(iii) NO PROOF OF CHANGE IN CIR-
22 CUMSTANCES NECESSARY IN 3-YEAR CYCLE RE-
23 VIEW.—Procedures which provide that any adjust-
24 ment under clause (i) shall be made without a re-
25 quirement for proof or showing of a change in cir-
26 cumstances.

27 “(B) PROOF OF SUBSTANTIAL CHANGE IN CIR-
28 CUMSTANCES NECESSARY IN REQUEST FOR REVIEW
29 OUTSIDE 3-YEAR CYCLE.—Procedures under which, in
30 the case of a request for a review, and if appropriate,
31 an adjustment outside the 3-year cycle (or such shorter
32 cycle as the State may determine) under clause (i), the
33 State shall review and, if the requesting party dem-
34 onstrates a substantial change in circumstances, adjust
35 the order in accordance with the guidelines established
36 pursuant to section 467(a).

1 “(C) NOTICE OF RIGHT TO REVIEW.—Procedures
2 which require the State to provide notice not less than
3 once every 3 years to the parents subject to the order
4 informing the parents of their right to request the
5 State to review and, if appropriate, adjust the order
6 pursuant to this paragraph. The notice may be in-
7 cluded in the order.”.

8 **SEC. 352. FURNISHING CONSUMER REPORTS FOR CER-**
9 **TAIN PURPOSES RELATING TO CHILD SUP-**
10 **PORT.**

11 Section 604 of the Fair Credit Reporting Act (15 U.S.C.
12 1681b) is amended by adding at the end the following new
13 paragraphs:

14 “(4) In response to a request by the head of a State or
15 local child support enforcement agency (or a State or local gov-
16 ernment official authorized by the head of such an agency), if
17 the person making the request certifies to the consumer report-
18 ing agency that—

19 “(A) the consumer report is needed for the purpose of
20 establishing an individual’s capacity to make child support
21 payments or determining the appropriate level of such pay-
22 ments:

23 “(B) the paternity of the consumer for the child to
24 which the obligation relates has been established or ac-
25 knowledged by the consumer in accordance with State laws
26 under which the obligation arises (if required by those
27 laws):

28 “(C) the person has provided at least 10 days’ prior
29 notice to the consumer whose report is requested, by cer-
30 tified or registered mail to the last known address of the
31 consumer, that the report will be requested; and

32 “(D) the consumer report will be kept confidential,
33 will be used solely for a purpose described in subparagraph
34 (A), and will not be used in connection with any other civil,
35 administrative, or criminal proceeding, or for any other
36 purpose.

1 “(5) To an agency administering a State plan under sec-
2 tion 454 of the Social Security Act (42 U.S.C. 654) for use to
3 set an initial or modified child support award”.

4 **SEC. 353. NONLIABILITY FOR FINANCIAL INSTITUTIONS**
5 **PROVIDING FINANCIAL RECORDS TO STATE**
6 **CHILD SUPPORT ENFORCEMENT AGENCIES**
7 **IN CHILD SUPPORT CASES.**

8 Part D of title IV (42 U.S.C. 651-669) is amended by
9 adding at the end the following:

10 **“SEC. 469A. NONLIABILITY FOR FINANCIAL INSTITU-**
11 **TIONS PROVIDING FINANCIAL RECORDS TO**
12 **STATE CHILD SUPPORT ENFORCEMENT**
13 **AGENCIES IN CHILD SUPPORT CASES.**

14 “(a) IN GENERAL.—Notwithstanding any other provision
15 of Federal or State law, a financial institution shall not be lia-
16 ble under any Federal or State law to any person for disclosing
17 any financial record of an individual to a State child support
18 enforcement agency attempting to establish, modify, or enforce
19 a child support obligation of such individual.

20 “(b) PROHIBITION OF DISCLOSURE OF FINANCIAL
21 RECORD OBTAINED BY STATE CHILD SUPPORT ENFORCE-
22 MENT AGENCY.—A State child support enforcement agency
23 which obtains a financial record of an individual from a finan-
24 cial institution pursuant to subsection (a) may disclose such fi-
25 nancial record only for the purpose of, and to the extent nec-
26 essary in, establishing, modifying, or enforcing a child support
27 obligation of such individual.

28 “(c) CIVIL DAMAGES FOR UNAUTHORIZED DISCLO-
29 SURE.—

30 “(1) DISCLOSURE BY STATE OFFICER OR EM-
31 PLOYEE.—If any person knowingly, or by reason of neg-
32 ligence, discloses a financial record of an individual in vio-
33 lation of subsection (b), such individual may bring a civil
34 action for damages against such person in a district court
35 of the United States.

36 “(2) NO LIABILITY FOR GOOD FAITH BUT ERRONEOUS
37 INTERPRETATION.—No liability shall arise under this sub-

1 section with respect to any disclosure which results from a
2 good faith, but erroneous, interpretation of subsection (b).

3 "(3) DAMAGES.—In any action brought under para-
4 graph (1), upon a finding of liability on the part of the de-
5 fendant, the defendant shall be liable to the plaintiff in an
6 amount equal to the sum of—

7 "(A) the greater of—

8 "(i) \$1,000 for each act of unauthorized dis-
9 closure of a financial record with respect to which
10 such defendant is found liable; or

11 "(ii) the sum of—

12 "(I) the actual damages sustained by the
13 plaintiff as a result of such unauthorized dis-
14 closure; plus

15 "(II) in the case of a willful disclosure or
16 a disclosure which is the result of gross neg-
17 ligence, punitive damages; plus

18 "(B) the costs (including attorney's fees) of the
19 action.

20 "(d) DEFINITIONS.—For purposes of this section—

21 "(1) FINANCIAL INSTITUTION.—The term 'financial
22 institution' means—

23 "(A) a depository institution, as defined in section
24 3(c) of the Federal Deposit Insurance Act (12 U.S.C.
25 1813(c));

26 "(B) an institution-affiliated party, as defined in
27 section 3(u) of such Act (12 U.S.C. 1813(u));

28 "(C) any Federal credit union or State credit
29 union, as defined in section 101 of the Federal Credit
30 Union Act (12 U.S.C. 1752), including an institution-
31 affiliated party of such a credit union, as defined in
32 section 206(r) of such Act (12 U.S.C. 1786(r)); and

33 "(D) any benefit association, insurance company,
34 safe deposit company, money-market mutual fund, or
35 similar entity authorized to do business in the State.

1 “(2) FINANCIAL RECORD.—The term ‘financial record’
2 has the meaning given such term in section 1101 of the
3 Right to Financial Privacy Act of 1978 (12 U.S.C.
4 3401).”.

5 **Subtitle G—Enforcement of Support** 6 **Orders**

7 **SEC. 361. INTERNAL REVENUE SERVICE COLLECTION** 8 **OF ARREARAGES.**

9 (a) COLLECTION OF FEES.—Section 6305(a) of the Inter-
10 nal Revenue Code of 1986 (relating to collection of certain li-
11 ability) is amended—

- 12 (1) by striking “and” at the end of paragraph (3);
13 (2) by striking the period at the end of paragraph (4)
14 and inserting “, and”;
15 (3) by adding at the end the following new paragraph:
16 “(5) no additional fee may be assessed for adjustments
17 to an amount previously certified pursuant to such section
18 452(b) with respect to the same obligor.”; and
19 (4) by striking “Secretary of Health, Education, and
20 Welfare” each place it appears and inserting “Secretary of
21 Health and Human Services”.

22 (b) EFFECTIVE DATE.—The amendments made by this
23 section shall become effective October 1, 1997.

24 **SEC. 362. AUTHORITY TO COLLECT SUPPORT FROM FED-** 25 **ERAL EMPLOYEES.**

26 (a) CONSOLIDATION AND STREAMLINING OF AUTHORI-
27 TIES.—Section 459 (42 U.S.C. 659) is amended to read as fol-
28 lows:

29 “SEC. 459. CONSENT BY THE UNITED STATES TO INCOME
30 WITHHOLDING, GARNISHMENT, AND SIMI-
31 LAR PROCEEDINGS FOR ENFORCEMENT OF
32 CHILD SUPPORT AND ALIMONY OBLIGA-
33 TIONS.

34 “(a) CONSENT TO SUPPORT ENFORCEMENT.—Notwith-
35 standing any other provision of law (including section 207 of
36 this Act and section 5301 of title 38, United States Code), ef-
37 fective January 1, 1975, moneys (the entitlement to which is

1 base upon remuneration for employment) due from or payable
2 by the United States or the District of Columbia (including
3 any agency, subdivision, or instrumentality thereof) to any indi-
4 vidual, including members of the Armed Forces of the United
5 States, shall be subject, in like manner and to the same extent
6 as if the United States or the District of Columbia were a pri-
7 vate person, to withholding in accordance with State law en-
8 acted pursuant to subsections (a)(1) and (b) of section 466 and
9 regulations of the Secretary under such subsections, and to any
10 other legal process brought, by a State agency administering a
11 program under a State plan approved under this part or by an
12 individual obligee, to enforce the legal obligation of the individ-
13 ual to provide child support or alimony.

14 "(b) CONSENT TO REQUIREMENTS APPLICABLE TO PRI-
15 VATE PERSON.—With respect to notice to withhold income pur-
16 suant to subsection (a)(1) or (b) of section 466, or any other
17 order or process to enforce support obligations against an indi-
18 vidual (if the order or process contains or is accompanied by
19 sufficient data to permit prompt identification of the individual
20 and the moneys involved), each governmental entity specified in
21 subsection (a) shall be subject to the same requirements as
22 would apply if the entity were a private person, except as other-
23 wise provided in this section.

24 "(c) DESIGNATION OF AGENT: RESPONSE TO NOTICE OR
25 PROCESS—

26 "(1) DESIGNATION OF AGENT.—The head of each
27 agency subject to this section shall—

28 "(A) designate an agent or agents to receive or-
29 ders and accept service of process in matters relating
30 to child support or alimony; and

31 "(B) annually publish in the Federal Register the
32 designation of the agent or agents, identified by title or
33 position, mailing address, and telephone number.

34 "(2) RESPONSE TO NOTICE OR PROCESS.—If an agent
35 designated pursuant to paragraph (1) of this subsection re-
36 ceives notice pursuant to State procedures in effect pursu-

1 ant to subsection (a)(1) or (b) of section 466, or is effec-
2 tively served with any order, process, or interrogatory, with
3 respect to an individual's child support or alimony payment
4 obligations, the agent shall—

5 “(A) as soon as possible (but not later than 15
6 days) thereafter, send written notice of the notice or
7 service (together with a copy of the notice or service)
8 to the individual at the duty station or last-known
9 home address of the individual;

10 “(B) within 30 days (or such longer period as may
11 be prescribed by applicable State law) after receipt of
12 a notice pursuant to such State procedures, comply
13 with all applicable provisions of section 466; and

14 “(C) within 30 days (or such longer period as may
15 be prescribed by applicable State law) after effective
16 service of any other such order, process, or interro-
17 gatory, respond to the order, process, or interrogatory.

18 “(d) PRIORITY OF CLAIMS.—If a governmental entity
19 specified in subsection (a) receives notice or is served with
20 process, as provided in this section, concerning amounts owed
21 by an individual to more than 1 person—

22 “(1) support collection under section 466(b) must be
23 given priority over any other process, as provided in section
24 466(b)(7);

25 “(2) allocation of moneys due or payable to an individ-
26 ual among claimants under section 466(b) shall be gov-
27 erned by section 466(b) and the regulations prescribed
28 under such section; and

29 “(3) such moneys as remain after compliance with
30 paragraphs (1) and (2) shall be available to satisfy any
31 other such processes on a first-come, first-served basis,
32 with any such process being satisfied out of such moneys
33 as remain after the satisfaction of all such processes which
34 have been previously served.

35 “(e) NO REQUIREMENT TO VARY PAY CYCLES.—A gov-
36 ernmental entity that is affected by legal process served for the

1 enforcement of an individual's child support or alimony pay-
2 ment obligations shall not be required to vary its normal pay
3 and disbursement cycle in order to comply with the legal proc-
4 ess.

5 "(f) RELIEF FROM LIABILITY.—

6 "(1) Neither the United States, nor the government of
7 the District of Columbia, nor any disbursing officer shall
8 be liable with respect to any payment made from moneys
9 due or payable from the United States to any individual
10 pursuant to legal process regular on its face, if the pay-
11 ment is made in accordance with this section and the regu-
12 lations issued to carry out this section.

13 "(2) No Federal employee whose duties include taking
14 actions necessary to comply with the requirements of sub-
15 section (a) with regard to any individual shall be subject
16 under any law to any disciplinary action or civil or criminal
17 liability or penalty for, or on account of, any disclosure of
18 information made by the employee in connection with the
19 carrying out of such actions.

20 "(g) REGULATIONS.—Authority to promulgate regulations
21 for the implementation of this section shall, insofar as this sec-
22 tion applies to moneys due from (or payable by)—

23 "(1) the United States (other than the legislative or
24 judicial branches of the Federal Government) or the gov-
25 ernment of the District of Columbia, be vested in the Presi-
26 dent (or the designee of the President);

27 "(2) the legislative branch of the Federal Government,
28 be vested jointly in the President pro tempore of the Senate
29 and the Speaker of the House of Representatives (or their
30 designees), and

31 "(3) the judicial branch of the Federal Government, be
32 vested in the Chief Justice of the United States (or the
33 designee of the Chief Justice).

34 "(h) MONEYS SUBJECT TO PROCESS.—

35 "(1) IN GENERAL.—Subject to paragraph (2), moneys
36 paid or payable to an individual which are considered to be

1 based upon remuneration for employment, for purposes of
2 this section—

3 “(A) consist of—

4 “(i) compensation paid or payable for personal
5 services of the individual, whether the compensa-
6 tion is denominated as wages, salary, commission,
7 bonus, pay, allowances, or otherwise (including sev-
8 erance pay, sick pay, and incentive pay);

9 “(ii) periodic benefits (including a periodic
10 benefit as defined in section 228(h)(3)) or other
11 payments—

12 “(I) under the insurance system estab-
13 lished by title II;

14 “(II) under any other system or fund es-
15 tablished by the United States which provides
16 for the payment of pensions, retirement or re-
17 tired pay, annuities, dependents' or survivors'
18 benefits, or similar amounts payable on account
19 of personal services performed by the individual
20 or any other individual;

21 “(III) as compensation for death under
22 any Federal program;

23 “(IV) under any Federal program estab-
24 lished to provide 'black lung' benefits; or

25 “(V) by the Secretary of Veterans Affairs
26 as compensation for a service-connected disabili-
27 ty paid by the Secretary to a former member
28 of the Armed Forces who is in receipt of re-
29 tired or retainer pay if the former member has
30 waived a portion of the retired or retainer pay
31 in order to receive such compensation; and

32 “(iii) worker's compensation benefits paid
33 under Federal or State law but

34 “(B) do not include any payment—

35 “(i) by way of reimbursement or otherwise, to
36 defray expenses incurred by the individual in carry-

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1 ing out duties associated with the employment of
2 the individual; or

3 "(ii) as allowances for members of the uni-
4 formed services payable pursuant to chapter 7 of
5 title 37, United States Code, as prescribed by the
6 Secretaries concerned (defined by section 101(5) of
7 such title) as necessary for the efficient perform-
8 ance of duty.

9 "(2) CERTAIN AMOUNTS EXCLUDED.—In determining
10 the amount of any moneys due from, or payable by, the
11 United States to any individual, there shall be excluded
12 amounts which—

13 "(A) are owed by the individual to the United
14 States;

15 "(B) are required by law to be, and are, deducted
16 from the remuneration or other payment involved, in-
17 cluding Federal employment taxes, and fines and for-
18 feitures ordered by court-martial;

19 "(C) are properly withheld for Federal, State, or
20 local income tax purposes, if the withholding of the
21 amounts is authorized or required by law and if
22 amounts withheld are not greater than would be the
23 case if the individual claimed all dependents to which
24 he was entitled (the withholding of additional amounts
25 pursuant to section 3402(i) of the Internal Revenue
26 Code of 1986 may be permitted only when the individ-
27 ual presents evidence of a tax obligation which supports
28 the additional withholding);

29 "(D) are deducted as health insurance premiums;

30 "(E) are deducted as normal retirement contribu-
31 tions (not including amounts deducted for supple-
32 mentary coverage); or

33 "(F) are deducted as normal life insurance pre-
34 miums from salary or other remuneration for employ-
35 ment (not including amounts deducted for supple-
36 mentary coverage).

1 “(i) DEFINITIONS.—For purposes of this section—

2 “(1) UNITED STATES.—The term ‘United States’ in-
3 cludes any department, agency, or instrumentality of the
4 legislative, judicial, or executive branch of the Federal Gov-
5 ernment, the United States Postal Service, the Postal Rate
6 Commission, any Federal corporation created by an Act of
7 Congress that is wholly owned by the Federal Government,
8 and the governments of the territories and possessions of
9 the United States.

10 “(2) CHILD SUPPORT.—The term ‘child support’,
11 when used in reference to the legal obligations of an indi-
12 vidual to provide such support, means amounts required to
13 be paid under a judgment, decree, or order, whether tem-
14 porary, final, or subject to modification, issued by a court
15 or an administrative agency of competent jurisdiction, for
16 the support and maintenance of a child, including a child
17 who has attained the age of majority under the law of the
18 issuing State, or a child and the parent with whom the
19 child is living, which provides for monetary support, health
20 care, arrearages or reimbursement, and which may include
21 other related costs and fees, interest and penalties, income
22 withholding, attorney’s fees, and other relief.

23 “(3) ALIMONY.—

24 “(A) IN GENERAL.—The term ‘alimony’, when
25 used in reference to the legal obligations of an individ-
26 ual to provide the same, means periodic payments of
27 funds for the support and maintenance of the spouse
28 (or former spouse) of the individual, and (subject to
29 and in accordance with State law) includes separate
30 maintenance, alimony pendente lite, maintenance, and
31 spousal support, and includes attorney’s fees, interest,
32 and court costs when and to the extent that the same
33 are expressly made recoverable as such pursuant to a
34 decree, order, or judgment issued in accordance with
35 applicable State law by a court of competent jurisdic-
36 tion.

1 “(B) EXCEPTIONS.—Such term does not include—

2 “(i) any child support; or

3 “(ii) any payment or transfer of property or
4 its value by an individual to the spouse or a former
5 spouse of the individual in compliance with any
6 community property settlement, equitable distribu-
7 tion of property, or other division of property be-
8 tween spouses or former spouses.

9 “(4) PRIVATE PERSON.—The term ‘private person’
10 means a person who does not have sovereign or other spe-
11 cial immunity or privilege which causes the person not to
12 be subject to legal process.

13 “(5) LEGAL PROCESS.—The term ‘legal process’
14 means any writ, order, summons, or other similar process
15 in the nature of garnishment—

16 “(A) which is issued by—

17 “(i) a court or an administrative agency of
18 competent jurisdiction in any State, territory, or
19 possession of the United States;

20 “(ii) a court or an administrative agency of
21 competent jurisdiction in any foreign country with
22 which the United States has entered into an agree-
23 ment which requires the United States to honor the
24 process; or

25 “(iii) an authorized official pursuant to an
26 order of such a court or an administrative agency
27 of competent jurisdiction or pursuant to State or
28 local law; and

29 “(B) which is directed to, and the purpose of
30 which is to compel, a governmental entity which holds
31 moneys which are otherwise payable to an individual to
32 make a payment from the moneys to another party in
33 order to satisfy a legal obligation of the individual to
34 provide child support or make alimony payments.”.

35 (b) CONFORMING AMENDMENTS.—

1 (1) TO PART D OF TITLE IV.—Sections 461 and 462
2 (42 U.S.C. 661 and 662) are repealed.

3 (2) TO TITLE 5, UNITED STATES CODE.—Section
4 5520a of title 5, United States Code, is amended, in sub-
5 sections (h)(2) and (i), by striking “sections 459, 461, and
6 462 of the Social Security Act (42 U.S.C. 659, 661, and
7 662)” and inserting “section 459 of the Social Security Act
8 (42 U.S.C. 659)”.

9 (c) MILITARY RETIRED AND RETAINER PAY.—

10 (1) DEFINITION OF COURT.—Section 1408(a)(1) of
11 title 10, United States Code, is amended—

12 (A) by striking “and” at the end of subparagraph
13 (B);

14 (B) by striking the period at the end of subpara-
15 graph (C) and inserting “; and”; and

16 (C) by adding after subparagraph (C) the follow-
17 ing new subparagraph:

18 “(D) any administrative or judicial tribunal of a
19 State competent to enter orders for support or mainte-
20 nance (including a State agency administering a pro-
21 gram under a State plan approved under part D of title
22 IV of the Social Security Act), and, for purposes of this
23 subparagraph, the term ‘State’ includes the District of
24 Columbia, the Commonwealth of Puerto Rico, the Vir-
25 gin Islands, Guam, and American Samoa.”.

26 (2) DEFINITION OF COURT ORDER.—Section
27 1408(a)(2) of such title is amended—

28 (A) by inserting “or a support order, as defined in
29 section 453(p) of the Social Security Act (42 U.S.C.
30 653(p)).” before “which—”;

31 (B) in subparagraph (B)(i), by striking “(as de-
32 fined in section 462(b) of the Social Security Act (42
33 U.S.C. 662(b)))” and inserting “(as defined in section
34 459(i)(2) of the Social Security Act (42 U.S.C.
35 659(i)(2)))”; and

1 (C) in subparagraph (B)(ii), by striking "(as de-
2 fined in section 462(c) of the Social Security Act (42
3 U.S.C. 662(c))" and inserting "(as defined in section
4 459(i)(3) of the Social Security Act (42 U.S.C.
5 659(i)(3)))".

6 (3) PUBLIC PAYEE.—Section 1408(d) of such title is
7 amended—

8 (A) in the heading, by inserting "(OR FOR BENE-
9 FIT OF)" before "SPOUSE OR"; and

10 (B) in paragraph (1), in the 1st sentence, by in-
11 scribing "(or for the benefit of such spouse or former
12 spouse to a State disbursement unit established pursu-
13 ant to section 454B of the Social Security Act or other
14 public payee designated by a State, in accordance with
15 part D of title IV of the Social Security Act, as di-
16 rected by court order, or as otherwise directed in ac-
17 cordance with such part D)" before "in an amount suf-
18 ficient".

19 (4) RELATIONSHIP TO PART D OF TITLE IV.—Section
20 1408 of such title is amended by adding at the end the fol-
21 lowing new subsection:

22 "(j) RELATIONSHIP TO OTHER LAWS.—In any case involv-
23 ing an order providing for payment of child support (as defined
24 in section 459(i)(2) of the Social Security Act) by a member
25 who has never been married to the other parent of the child,
26 the provisions of this section shall not apply, and the case shall
27 be subject to the provisions of section 459 of such Act."

28 (d) EFFECTIVE DATE.—The amendments made by this
29 section shall become effective 6 months after the date of the
30 enactment of this Act.

31 **SEC. 363. ENFORCEMENT OF CHILD SUPPORT OBLIGA-**
32 **TIONS OF MEMBERS OF THE ARMED**
33 **FORCES.**

34 (a) AVAILABILITY OF LOCATOR INFORMATION.—

35 (1) MAINTENANCE OF ADDRESS INFORMATION.—The
36 Secretary of Defense shall establish a centralized personnel

1 locator service that includes the address of each member of
2 the Armed Forces under the jurisdiction of the Secretary.
3 Upon request of the Secretary of Transportation, addresses
4 for members of the Coast Guard shall be included in the
5 centralized personnel locator service.

6 (2) TYPE OF ADDRESS.—

7 (A) RESIDENTIAL ADDRESS.—Except as provided
8 in subparagraph (B), the address for a member of the
9 Armed Forces shown in the locator service shall be the
10 residential address of that member.

11 (B) DUTY ADDRESS.—The address for a member
12 of the Armed Forces shown in the locator service shall
13 be the duty address of that member in the case of a
14 member—

15 (i) who is permanently assigned overseas, to a
16 vessel, or to a routinely deployable unit; or

17 (ii) with respect to whom the Secretary con-
18 cerned makes a determination that the member's
19 residential address should not be disclosed due to
20 national security or safety concerns.

21 (3) UPDATING OF LOCATOR INFORMATION.—Within
22 30 days after a member listed in the locator service estab-
23 lishes a new residential address (or a new duty address, in
24 the case of a member covered by paragraph (2)(B)), the
25 Secretary concerned shall update the locator service to indi-
26 cate the new address of the member.

27 (4) AVAILABILITY OF INFORMATION.—The Secretary
28 of Defense shall make information regarding the address of
29 a member of the Armed Forces listed in the locator service
30 available, on request, to the Federal Parent Locator Service
31 established under section 453 of the Social Security Act.

32 (b) FACILITATING GRANTING OF LEAVE FOR ATTEND-
33 ANCE AT HEARINGS.—

34 (1) REGULATIONS.—The Secretary of each military
35 department, and the Secretary of Transportation with re-
36 spect to the Coast Guard when it is not operating as a

1 service in the Navy, shall prescribe regulations to facilitate
2 the granting of leave to a member of the Armed Forces
3 under the jurisdiction of that Secretary in a case in
4 which—

5 (A) the leave is needed for the member to attend
6 a hearing described in paragraph (2);

7 (B) the member is not serving in or with a unit
8 deployed in a contingency operation (as defined in sec-
9 tion 101 of title 10, United States Code); and

10 (C) the exigencies of military service (as deter-
11 mined by the Secretary concerned) do not otherwise re-
12 quire that such leave not be granted.

13 (2) COVERED HEARINGS.—Paragraph (1) applies to a
14 hearing that is conducted by a court or pursuant to an ad-
15 ministrative process established under State law, in connec-
16 tion with a civil action—

17 (A) to determine whether a member of the Armed
18 Forces is a natural parent of a child; or

19 (B) to determine an obligation of a member of the
20 Armed Forces to provide child support.

21 (3) DEFINITIONS.—For purposes of this subsection—

22 (A) The term “court” has the meaning given that
23 term in section 1408(a) of title 10, United States Code.

24 (B) The term “child support” has the meaning
25 given such term in section 459(i) of the Social Security
26 Act (42 U.S.C. 659(i)).

27 (c) PAYMENT OF MILITARY RETIRED PAY IN COMPLIANCE
28 WITH CHILD SUPPORT ORDERS.—

29 (1) DATE OF CERTIFICATION OF COURT ORDER.—Sec-
30 tion 1408 of title 10, United States Code, as amended by
31 section 362(c)(4) of this Act, is amended—

32 (A) by redesignating subsections (i) and (j) as
33 subsections (j) and (k), respectively; and

34 (B) by inserting after subsection (h) the following
35 new subsection:

1 “(i) CERTIFICATION DATE.—It is not necessary that the
2 date of a certification of the authenticity or completeness of a
3 copy of a court order for child support received by the Sec-
4 retary concerned for the purposes of this section be recent in
5 relation to the date of receipt by the Secretary.”.

6 (2) PAYMENTS CONSISTENT WITH ASSIGNMENTS OF
7 RIGHTS TO STATES.—Section 1408(d)(1) of such title is
8 amended by inserting after the 1st sentence the following
9 new sentence: “In the case of a spouse or former spouse
10 who, pursuant to section 408(a)(4) of the Social Security
11 Act (42 U.S.C. 608(a)(4)), assigns to a State the rights of
12 the spouse or former spouse to receive support, the Sec-
13 retary concerned may make the child support payments re-
14 ferred to in the preceding sentence to that State in
15 amounts consistent with that assignment of rights.”.

16 (3) ARREARAGES OWED BY MEMBERS OF THE UNI-
17 FORMED SERVICES.—Section 1408(d) of such title is
18 amended by adding at the end the following new para-
19 graph:

20 “(6) In the case of a court order for which effective service
21 is made on the Secretary concerned on or after the date of the
22 enactment of this paragraph and which provides for payments
23 from the disposable retired pay of a member to satisfy the
24 amount of child support set forth in the order, the authority
25 provided in paragraph (1) to make payments from the dispos-
26 able retired pay of a member to satisfy the amount of child
27 support set forth in a court order shall apply to payment of
28 any amount of child support arrearages set forth in that order
29 as well as to amounts of child support that currently become
30 due.”.

31 (4) PAYROLL DEDUCTIONS.—The Secretary of De-
32 fense shall begin payroll deductions within 30 days after re-
33 ceiving notice of withholding, or for the 1st pay period that
34 begins after such 30-day period.

1 SEC. 364. VOIDING OF FRAUDULENT TRANSFERS.

2 Section 466 (42 U.S.C. 666), as amended by section 321
3 of this Act, is amended by adding at the end the following new
4 subsection:

5 "(g) LAWS VOIDING FRAUDULENT TRANSFERS.—In order
6 to satisfy section 454(20)(A), each State must have in effect—

7 "(1)(A) the Uniform Fraudulent Conveyance Act of
8 1981;

9 "(B) the Uniform Fraudulent Transfer Act of 1984;
10 or

11 "(C) another law, specifying indicia of fraud which
12 create a prima facie case that a debtor transferred income
13 or property to avoid payment to a child support creditor,
14 which the Secretary finds affords comparable rights to
15 child support creditors; and

16 "(2) procedures under which, in any case in which the
17 State knows of a transfer by a child support debtor with
18 respect to which such a prima facie case is established, the
19 State must—

20 "(A) seek to void such transfer; or

21 "(B) obtain a settlement in the best interests of
22 the child support creditor."

23 SEC. 365. WORK REQUIREMENT FOR PERSONS OWING
24 PAST-DUE CHILD SUPPORT.

25 (a) IN GENERAL.—Section 466(a) (42 U.S.C. 666(a)), as
26 amended by sections 315, 317, and 323 of this Act, is amended
27 by inserting after paragraph (14) the following new paragraph:

28 "(15) PROCEDURES TO ENSURE THAT PERSONS
29 OWING PAST-DUE SUPPORT WORK OR HAVE A PLAN FOR
30 PAYMENT OF SUCH SUPPORT.—

31 "(A) IN GENERAL.—Procedures under which the
32 State has the authority, in any case in which an indi-
33 vidual owes past-due support with respect to a child re-
34 ceiving assistance under a State program funded under
35 part A, to issue an order or to request that a court or

1 an administrative process established pursuant to State
2 law issue an order that requires the individual to—

3 “(i) pay such support in accordance with a
4 plan approved by the court, or, at the option of the
5 State, a plan approved by the State agency admin-
6 istering the State program under this part; or

7 “(ii) if the individual is subject to such a plan
8 and is not incapacitated, participate in such work
9 activities (as defined in section 407(d)) as the
10 court, or, at the option of the State, the State
11 agency administering the State program under this
12 part, deems appropriate.

13 “(B) PAST-DUE SUPPORT DEFINED.—For pur-
14 poses of subparagraph (A), the term ‘past-due support’
15 means the amount of a delinquency, determined under
16 a court order, or an order of an administrative process
17 established under State law, for support and mainte-
18 nance of a child, or of a child and the parent with
19 whom the child is living.”.

20 (b) CONFORMING AMENDMENT.—The flush paragraph at
21 the end of section 466(a) (42 U.S.C. 666(a)) is amended by
22 striking “and (7)” and inserting “(7). and (15)”.

23 SEC. 366. DEFINITION OF SUPPORT ORDER.

24 Section 453 (42 U.S.C. 653) as amended by sections 316
25 and 345(b) of this Act. is amended by adding at the end the
26 following new subsection:

27 “(p) SUPPORT ORDER DEFINED.—As used in this part,
28 the term ‘support order’ means a judgment, decree, or order,
29 whether temporary, final, or subject to modification, issued by
30 a court or an administrative agency of competent jurisdiction,
31 for the support and maintenance of a child, including a child
32 who has attained the age of majority under the law of the issu-
33 ing State, or a child and the parent with whom the child is liv-
34 ing, which provides for monetary support, health care, arrear-
35 ages, or reimbursement, and which may include related costs

1 and fees, interest and penalties, income withholding, attorneys'
2 fees, and other relief”.

3 SEC. 367. REPORTING ARREARAGES TO CREDIT BU-
4 REAUS.

5 Section 466(a)(7) (42 U.S.C. 666(a)(7)) is amended to
6 read as follows:

7 “(7) REPORTING ARREARAGES TO CREDIT BU-
8 REAUS.—

9 “(A) IN GENERAL.—Procedures (subject to safe-
10 guards pursuant to subparagraph (B)) requiring the
11 State to report periodically to consumer reporting agen-
12 cies (as defined in section 603(f) of the Fair Credit Re-
13 porting Act (15 U.S.C. 1681a(f)) the name of any
14 noncustodial parent who is delinquent in the payment
15 of support, and the amount of overdue support owed by
16 such parent.

17 “(B) SAFEGUARDS.—Procedures ensuring that, in
18 carrying out subparagraph (A), information with re-
19 spect to a noncustodial parent is reported—

20 “(i) only after such parent has been afforded
21 all due process required under State law, including
22 notice and a reasonable opportunity to contest the
23 accuracy of such information; and

24 “(ii) only to an entity that has furnished evi-
25 dence satisfactory to the State that the entity is a
26 consumer reporting agency (as so defined).”.

27 SEC. 368. LIENS.

28 Section 466(a)(4) (42 U.S.C. 666(a)(4)) is amended to
29 read as follows:

30 “(4) LIENS.—Procedures under which—

31 “(A) liens arise by operation of law against real
32 and personal property for amounts of overdue support
33 owed by a noncustodial parent who resides or owns
34 property in the State; and

35 “(B) the State accords full faith and credit to
36 liens described in subparagraph (A) arising in another

1 State, when the State agency, party, or other entity
2 seeking to enforce such a lien complies with the proce-
3 dural rules relating to recording or serving liens that
4 arise within the State, except that such rules may not
5 require judicial notice or hearing prior to the enforce-
6 ment of such a lien.”

7 SEC. 369. STATE LAW AUTHORIZING SUSPENSION OF LI-
8 CENSES.

9 Section 466(a) (42 U.S.C. 666(a)), as amended by sec-
10 tions 315, 317, 323, and 365 of this Act, is amended by insert-
11 ing after paragraph (15) the following:

12 “(16) AUTHORITY TO WITHHOLD OR SUSPEND LI-
13 CENSES.—Procedures under which the State has (and uses
14 in appropriate cases) authority to withhold or suspend, or
15 to restrict the use of driver’s licenses, professional and oc-
16 cupational licenses, and recreational licenses of individuals
17 owing overdue support or failing, after receiving appro-
18 priate notice, to comply with subpoenas or warrants relat-
19 ing to paternity or child support proceedings.”

20 SEC. 370. DENIAL OF PASSPORTS FOR NONPAYMENT OF
21 CHILD SUPPORT.

22 (a) HHS CERTIFICATION PROCEDURE.—

23 (1) SECRETARIAL RESPONSIBILITY.—Section 452 (42
24 U.S.C. 652), as amended by section 345 of this Act, is
25 amended by adding at the end the following new sub-
26 section:

27 “(k)(1) If the Secretary receives a certification by a State
28 agency in accordance with the requirements of section 454(31)
29 that an individual owes arrearages of child support in an
30 amount exceeding \$5,000, the Secretary shall transmit such
31 certification to the Secretary of State for action (with respect
32 to denial, revocation, or limitation of passports) pursuant to
33 paragraph (2).

34 “(2) The Secretary of State shall, upon certification by the
35 Secretary transmitted under paragraph (1), refuse to issue a

1 passport to such individual, and may revoke, restrict, or limit
2 a passport issued previously to such individual.

3 “(3) The Secretary and the Secretary of State shall not
4 be liable to an individual for any action with respect to a cer-
5 tification by a State agency under this section.”

6 (2) STATE AGENCY RESPONSIBILITY.—Section 454
7 (42 U.S.C. 654), as amended by sections 301(b), 303(a),
8 312(b), 313(a), 333, and 343(b) of this Act, is amended—

9 (A) by striking “and” at the end of paragraph
10 (29);

11 (B) by striking the period at the end of paragraph
12 (30) and inserting “; and”; and

13 (C) by adding after paragraph (30) the following
14 new paragraph:

15 “(31) provide that the State agency will have in effect
16 a procedure for certifying to the Secretary, for purposes of
17 the procedure under section 452(k), determinations that in-
18 dividuals owe arrearages of child support in an amount ex-
19 ceeding \$5,000. under which procedure—

20 “(A) each individual concerned is afforded notice
21 of such determination and the consequences thereof,
22 and an opportunity to contest the determination; and

23 “(B) the certification by the State agency is fur-
24 nished to the Secretary in such format, and accom-
25 panied by such supporting documentation, as the Sec-
26 retary may require.”

27 (b) EFFECTIVE DATE.—This section and the amendments
28 made by this section shall become effective October 1, 1997.

29 SEC. 371. INTERNATIONAL SUPPORT ENFORCEMENT.

30 (a) AUTHORITY FOR INTERNATIONAL AGREEMENTS.—
31 Part D of title IV, as amended by section 362(a) of this Act,
32 is amended by adding after section 459 the following new sec-
33 tion:

34 “SEC. 459A. INTERNATIONAL SUPPORT ENFORCEMENT.

35 “(a) AUTHORITY FOR DECLARATIONS.—

1 “(1) DECLARATION.—The Secretary of State, with the
2 concurrence of the Secretary of Health and Human Serv-
3 ices, is authorized to declare any foreign country (or a po-
4 litical subdivision thereof) to be a foreign reciprocating
5 country if the foreign country has established, or under-
6 takes to establish, procedures for the establishment and en-
7 forcement of duties of support owed to obligees who are
8 residents of the United States, and such procedures are
9 substantially in conformity with the standards prescribed
10 under subsection (b).

11 “(2) REVOCATION.—A declaration with respect to a
12 foreign country made pursuant to paragraph (1) may be re-
13 voked if the Secretaries of State and Health and Human
14 Services determine that—

15 “(A) the procedures established by the foreign
16 country regarding the establishment and enforcement
17 of duties of support have been so changed, or the for-
18 eign country’s implementation of such procedures is so
19 unsatisfactory, that such procedures do not meet the
20 criteria for such a declaration; or

21 “(B) continued operation of the declaration is not
22 consistent with the purposes of this part.

23 “(3) FORM OF DECLARATION.—A declaration under
24 paragraph (1) may be made in the form of an international
25 agreement, in connection with an international agreement
26 or corresponding foreign declaration, or on a unilateral
27 basis.

28 “(b) STANDARDS FOR FOREIGN SUPPORT ENFORCEMENT
29 PROCEDURES.—

30 “(1) MANDATORY ELEMENTS.—Support enforcement
31 procedures of a foreign country which may be the subject
32 of a declaration pursuant to subsection (a)(1) shall include
33 the following elements:

34 “(A) The foreign country (or political subdivision
35 thereof) has in effect procedures, available to residents
36 of the United States—

1 “(i) for establishment of paternity, and for es-
2 tablishment of orders of support for children and
3 custodial parents; and

4 “(ii) for enforcement of orders to provide sup-
5 port to children and custodial parents, including
6 procedures for collection and appropriate distribu-
7 tion of support payments under such orders.

8 “(B) The procedures described in subparagraph
9 (A), including legal and administrative assistance, are
10 provided to residents of the United States at no cost.

11 “(C) An agency of the foreign country is des-
12 ignated as a Central Authority responsible for—

13 “(i) facilitating support enforcement in cases
14 involving residents of the foreign country and resi-
15 dents of the United States; and

16 “(ii) ensuring compliance with the standards
17 established pursuant to this subsection.

18 “(2) ADDITIONAL ELEMENTS.—The Secretary of
19 Health and Human Services and the Secretary of State, in
20 consultation with the States, may establish such additional
21 standards as may be considered necessary to further the
22 purposes of this section.

23 “(c) DESIGNATION OF UNITED STATES CENTRAL AU-
24 THORITY.—It shall be the responsibility of the Secretary of
25 Health and Human Services to facilitate support enforcement
26 in cases involving residents of the United States and residents
27 of foreign countries that are the subject of a declaration under
28 this section, by activities including—

29 “(1) development of uniform forms and procedures for
30 use in such cases;

31 “(2) notification of foreign reciprocating countries of
32 the State of residence of individuals sought for support en-
33 forcement purposes, on the basis of information provided
34 by the Federal Parent Locator Service; and

1 “(3) such other oversight, assistance, and coordination
2 activities as the Secretary may find necessary and appro-
3 priate.

4 “(d) EFFECT ON OTHER LAWS.—States may enter into
5 reciprocal arrangements for the establishment and enforcement
6 of support obligations with foreign countries that are not the
7 subject of a declaration pursuant to subsection (a), to the ex-
8 tent consistent with Federal law.”.

9 (b) STATE PLAN REQUIREMENT.—Section 454 (42 U.S.C.
10 654), as amended by sections 301(b), 303(a), 312(b), 313(a),
11 333, 343(b), and 370(a)(2) of this Act, is amended—

12 (1) by striking “and” at the end of paragraph (30);

13 (2) by striking the period at the end of paragraph (31)
14 and inserting “; and”; and

15 (3) by adding after paragraph (31) the following new
16 paragraph:

17 “(32)(A) provide that any request for services under
18 this part by a foreign reciprocating country or a foreign
19 country with which the State has an arrangement described
20 in section 459A(d)(2) shall be treated as a request by a
21 State:

22 “(B) provide, at State option, notwithstanding para-
23 graph (4) or any other provision of this part, for services
24 under the plan for enforcement of a spousal support order
25 not described in paragraph (4)(B) entered by such a coun-
26 try (or subdivision); and

27 “(C) provide that no applications will be required
28 from, and no costs will be assessed for such services
29 against, the foreign reciprocating country or foreign obligee
30 (but costs may at State option be assessed against the obli-
31 gor).”.

32 SEC. 372. FINANCIAL INSTITUTION DATA MATCHES.

33 Section 466(a) (42 U.S.C. 666(a)), as amended by sec-
34 tions 315, 317, 323, 365, and 369 of this Act, is amended by
35 inserting after paragraph (16) the following new paragraph:

36 “(17) FINANCIAL INSTITUTION DATA MATCHES.—

1 “(A) IN GENERAL.—Procedures under which the
2 State agency shall enter into agreements with financial
3 institutions doing business in the State—

4 “(i) to develop and operate, in coordination
5 with such financial institutions, a data match sys-
6 tem, using automated data exchanges to the maxi-
7 mum extent feasible, in which each such financial
8 institution is required to provide for each calendar
9 quarter the name, record address, social security
10 number or other taxpayer identification number,
11 and other identifying information for each
12 noncustodial parent who maintains an account at
13 such institution and who owes past-due support, as
14 identified by the State by name and social security
15 number or other taxpayer identification number;
16 and

17 “(ii) in response to a notice of lien or levy, en-
18 cumber or surrender, as the case may be, assets
19 held by such institution on behalf of any
20 noncustodial parent who is subject to a child sup-
21 port lien pursuant to paragraph (4).

22 “(B) REASONABLE FEES.—The State agency may
23 pay a reasonable fee to a financial institution for con-
24 ducting the data match provided for in subparagraph
25 (A)(i), not to exceed the actual costs incurred by such
26 financial institution.

27 “(C) LIABILITY.—A financial institution shall not
28 be liable under any Federal or State law to any per-
29 son—

30 “(i) for any disclosure of information to the
31 State agency under subparagraph (A)(i);

32 “(ii) for encumbering or surrendering any as-
33 sets held by such financial institution in response
34 to a notice of lien or levy issued by the State agen-
35 cy as provided for in subparagraph (A)(ii); or

1 “(iii) for any other action taken in good faith
2 to comply with the requirements of subparagraph
3 (A).

4 “(D) DEFINITIONS.—For purposes of this para-
5 graph—

6 “(i) FINANCIAL INSTITUTION.—The term ‘fi-
7 nancial institution’ has the meaning given to such
8 term by section 469A(d)(1).

9 “(ii) ACCOUNT.—The term ‘account’ means a
10 demand deposit account, checking or negotiable
11 withdrawal order account, savings account, time de-
12 posit account, or money-market mutual fund ac-
13 count.”.

14 **SEC. 373. ENFORCEMENT OF ORDERS AGAINST PATER-**
15 **NAL OR MATERNAL GRANDPARENTS IN**
16 **CASES OF MINOR PARENTS.**

17 Section 466(a) (42 U.S.C. 666(a)), as amended by sec-
18 tions 315, 317, 323, 365, 369, and 372 of this Act, is amended
19 by inserting after paragraph (17) the following new paragraph:

20 “(18) ENFORCEMENT OF ORDERS AGAINST PATERNAL
21 OR MATERNAL GRANDPARENTS.—Procedures under which,
22 at the State’s option, any child support order enforced
23 under this part with respect to a child of minor parents,
24 if the custodial parent of such child is receiving assistance
25 under the State program under part A, shall be enforce-
26 able, jointly and severally, against the parents of the
27 noncustodial parent of such child.”.

28 **SEC. 374. NONDISCHARGEABILITY IN BANKRUPTCY OF**
29 **CERTAIN DEBTS FOR THE SUPPORT OF A**
30 **CHILD.**

31 (a) AMENDMENT TO TITLE 11 OF THE UNITED STATES
32 CODE.—Section 523(a) of title 11, United States Code, is
33 amended—

- 34 (1) by striking “or” at the end of paragraph (16);
- 35 (2) by striking the period at the end of paragraph (17)
- 36 and inserting “; or”;
- 37 (3) by adding at the end the following:

1 “(18) owed under State law to a State or municipality
2 that is—

3 “(A) in the nature of support, and

4 “(B) enforceable under part D of title IV of the
5 Social Security Act (42 U.S.C. 601 et seq.)”; and
6 (4) in paragraph (5), by striking “section 402(a)(26)”
7 and inserting “section 408(a)(4)”.

8 (b) AMENDMENT TO THE SOCIAL SECURITY ACT.—Sec-
9 tion 456(b) (42 U.S.C. 656(b)) is amended to read as follows:

10 “(b) NONDISCHARGEABILITY.—A debt (as defined in sec-
11 tion 101 of title 11 of the United States Code) owed under
12 State law to a State (as defined in such section) or municipal-
13 ity (as defined in such section) that is in the nature of support
14 and that is enforceable under this part is not released by a dis-
15 charge in bankruptcy under title 11 of the United States
16 Code.”.

17 (c) APPLICATION OF AMENDMENTS.—The amendments
18 made by this section shall apply only with respect to cases com-
19 menced under title 11 of the United States Code after the date
20 of the enactment of this Act.

21 SEC. 375. CHILD SUPPORT ENFORCEMENT FOR INDIAN
22 TRIBES.

23 (a) CHILD SUPPORT ENFORCEMENT AGREEMENTS.—Sec-
24 tion 454 (42 U.S.C. 654), as amended by sections 301(b),
25 303(a), 312(b), 313(a), 333, 343(b), 370(a)(2), and 371(b) of
26 this Act is amended—

27 (1) by striking “and” at the end of paragraph (31);

28 (2) by striking the period at the end of paragraph (32)
29 and inserting “; and”;

30 (3) by adding after paragraph (32) the following new
31 paragraph:

32 “(33) provide that a State that receives funding pur-
33 suant to section 428 and that has within its borders Indian
34 country (as defined in section 1151 of title 18, United
35 States Code) may enter into cooperative agreements with
36 an Indian tribe or tribal organization (as defined in sub-

1 sections (e) and (l) of section 4 of the Indian Self-Deter-
2 mination and Education Assistance Act (25 U.S.C. 450b)).
3 if the Indian tribe or tribal organization demonstrates that
4 such tribe or organization has an established tribal court
5 system or a Court of Indian Offenses with the authority to
6 establish paternity, establish, modify, and enforce support
7 orders, and to enter support orders in accordance with
8 child support guidelines established by such tribe or organi-
9 zation, under which the State and tribe or organization
10 shall provide for the cooperative delivery of child support
11 enforcement services in Indian country and for the forward-
12 ing of all funding collected pursuant to the functions per-
13 formed by the tribe or organization to the State agency, or
14 conversely, by the State agency to the tribe or organization,
15 which shall distribute such funding in accordance with such
16 agreement; and

17 (4) by adding at the end the following new sentence:
18 "Nothing in paragraph (33) shall void any provision of any
19 cooperative agreement entered into before the date of the
20 enactment of such paragraph, nor shall such paragraph de-
21 prive any State of jurisdiction over Indian country (as so
22 defined) that is lawfully exercised under section 402 of the
23 Act entitled 'An Act to prescribe penalties for certain acts
24 of violence or intimidation, and for other purposes', ap-
25 proved April 11, 1968 (25 U.S.C. 1322)."

26 (b) DIRECT FEDERAL FUNDING TO INDIAN TRIBES AND
27 TRIBAL ORGANIZATIONS.—Section 455 (42 U.S.C. 655) is
28 amended by adding at the end the following new subsection:

29 "(b) The Secretary may, in appropriate cases, make direct
30 payments under this part to an Indian tribe or tribal organiza-
31 tion which has an approved child support enforcement plan
32 under this title. In determining whether such payments are ap-
33 propriate, the Secretary shall, at a minimum, consider whether
34 services are being provided to eligible Indian recipients by the
35 State agency through an agreement entered into pursuant to
36 section 454(34)."

1 (c) COOPERATIVE ENFORCEMENT AGREEMENTS.—Para-
2 graph (7) of section 454 (42 U.S.C. 654) is amended by insert-
3 ing “and Indian tribes or tribal organizations (as defined in
4 subsections (e) and (l) of section 4 of the Indian Self-Deter-
5 mination and Education Assistance Act (25 U.S.C. 450b))”
6 after “law enforcement officials”.

7 (d) CONFORMING AMENDMENT.—Subsection (c) of section
8 428 (42 U.S.C. 628) is amended to read as follows:

9 “(c) For purposes of this section, the terms ‘Indian tribe’
10 and ‘tribal organization’ shall have the meanings given such
11 terms by subsections (e) and (l) of section 4 of the Indian Self-
12 Determination and Education Assistance Act (25 U.S.C.
13 450b)), respectively.”

14 Subtitle H—Medical Support

15 SEC. 381. CORRECTION TO ERISA DEFINITION OF MEDI- 16 CAL CHILD SUPPORT ORDER.

17 (a) IN GENERAL.—Section 609(a)(2)(B) of the Employee
18 Retirement Income Security Act of 1974 (29 U.S.C.
19 1169(a)(2)(B)) is amended—

20 (1) by striking “issued by a court of competent juris-
21 diction”;

22 (2) by striking the period at the end of clause (ii) and
23 inserting a comma; and

24 (3) by adding, after and below clause (ii), the follow-
25 ing:

26 “if such judgment, decree, or order (I) is issued by a
27 court of competent jurisdiction or (II) is issued through
28 an administrative process established under State law
29 and has the force and effect of law under applicable
30 State law.”.

31 (b) EFFECTIVE DATE.—

32 (1) IN GENERAL.—The amendments made by this sec-
33 tion shall take effect on the date of the enactment of this
34 Act.

35 (2) PLAN AMENDMENTS NOT REQUIRED UNTIL JANU-
36 ARY 1, 1997.—Any amendment to a plan required to be

1 made by an amendment made by this section shall not be
2 required to be made before the 1st plan year beginning on
3 or after January 1, 1997, if—

4 (A) during the period after the date before the
5 date of the enactment of this Act and before such 1st
6 plan year, the plan is operated in accordance with the
7 requirements of the amendments made by this section:
8 and

9 (B) such plan amendment applies retroactively to
10 the period after the date before the date of the enact-
11 ment of this Act and before such 1st plan year.

12 A plan shall not be treated as failing to be operated in ac-
13 cordance with the provisions of the plan merely because it
14 operates in accordance with this paragraph.

15 **SEC. 382. ENFORCEMENT OF ORDERS FOR HEALTH**
16 **CARE COVERAGE.**

17 Section 466(a) (42 U.S.C. 666(a)), as amended by sec-
18 tions 315, 317, 323, 365, 369, 372, and 373 of this Act, is
19 amended by inserting after paragraph (18) the following new
20 paragraph:

21 “(19) **HEALTH CARE COVERAGE.**—Procedures under
22 which all child support orders enforced pursuant to this
23 part shall include a provision for the health care coverage
24 of the child, and in the case in which a noncustodial parent
25 provides such coverage and changes employment, and the
26 new employer provides health care coverage, the State
27 agency shall transfer notice of the provision to the em-
28 ployer, which notice shall operate to enroll the child in the
29 noncustodial parent’s health plan, unless the noncustodial
30 parent contests the notice.”

1 Subtitle I—Enhancing Responsibility
2 and Opportunity for Non-Residen-
3 tial Parents

4 SEC. 391. GRANTS TO STATES FOR ACCESS AND VISITA-
5 TION PROGRAMS.

6 Part D of title IV (42 U.S.C. 651-669), as amended by
7 section 353 of this Act, is amended by adding at the end the
8 following new section:

9 "SEC. 469B. GRANTS TO STATES FOR ACCESS AND VISI-
10 TATION PROGRAMS.

11 "(a) IN GENERAL.—The Administration for Children and
12 Families shall make grants under this section to enable States
13 to establish and administer programs to support and facilitate
14 noncustodial parents' access to and visitation of their children,
15 by means of activities including mediation (both voluntary and
16 mandatory), counseling, education, development of parenting
17 plans, visitation enforcement (including monitoring, supervision
18 and neutral drop-off and pickup), and development of guide-
19 lines for visitation and alternative custody arrangements.

20 "(b) AMOUNT OF GRANT.—The amount of the grant to be
21 made to a State under this section for a fiscal year shall be
22 an amount equal to the lesser of—

23 "(1) 90 percent of State expenditures during the fiscal
24 year for activities described in subsection (a); or

25 "(2) the allotment of the State under subsection (c)
26 for the fiscal year.

27 "(c) ALLOTMENTS TO STATES.—

28 "(1) IN GENERAL.—The allotment of a State for a fis-
29 cal year is the amount that bears the same ratio to
30 \$10,000,000 for grants under this section for the fiscal
31 year as the number of children in the State living with only
32 1 biological parent bears to the total number of such chil-
33 dren in all States.

34 "(2) MINIMUM ALLOTMENT.—The Administration for
35 Children and Families shall adjust allotments to States

1 under paragraph (1) as necessary to ensure that no State
2 is allotted less than—

3 “(A) \$50,000 for fiscal year 1997 or 1998; or

4 “(B) \$100,000 for any succeeding fiscal year.

5 “(d) NO SUPPLANTATION OF STATE EXPENDITURES FOR
6 SIMILAR ACTIVITIES.—A State to which a grant is made under
7 this section may not use the grant to supplant expenditures by
8 the State for activities specified in subsection (a), but shall use
9 the grant to supplement such expenditures at a level at least
10 equal to the level of such expenditures for fiscal year 1995.

11 “(e) STATE ADMINISTRATION.—Each State to which a
12 grant is made under this section—

13 “(1) may administer State programs funded with the
14 grant, directly or through grants to or contracts with
15 courts, local public agencies, or nonprofit private entities;

16 “(2) shall not be required to operate such programs on
17 a statewide basis; and

18 “(3) shall monitor, evaluate, and report on such pro-
19 grams in accordance with regulations prescribed by the
20 Secretary.”

21 Subtitle J—Effective Dates and 22 Conforming Amendments

23 SEC. 395. EFFECTIVE DATES AND CONFORMING AMEND- 24 MENTS.

25 (a) IN GENERAL.—Except as otherwise specifically pro-
26 vided (but subject to subsections (b) and (c))—

27 (1) the provisions of this title requiring the enactment
28 or amendment of State laws under section 466 of the So-
29 cial Security Act, or revision of State plans under section
30 454 of such Act, shall be effective with respect to periods
31 beginning on and after October 1, 1996; and

32 (2) all other provisions of this title shall become effec-
33 tive upon the date of the enactment of this Act.

34 (b) GRACE PERIOD FOR STATE LAW CHANGES.—The pro-
35 visions of this title shall become effective with respect to a
36 State on the later of—

1 (1) the date specified in this title, or
2 (2) the effective date of laws enacted by the legislature
3 of such State implementing such provisions,
4 but in no event later than the 1st day of the 1st calendar quar-
5 ter beginning after the close of the 1st regular session of the
6 State legislature that begins after the date of the enactment of
7 this Act. For purposes of the previous sentence, in the case of
8 a State that has a 2-year legislative session, each year of such
9 session shall be deemed to be a separate regular session of the
10 State legislature.

11 (c) GRACE PERIOD FOR STATE CONSTITUTIONAL AMEND-
12 MENT.—A State shall not be found out of compliance with any
13 requirement enacted by this title if the State is unable to so
14 comply without amending the State constitution until the ear-
15 lier of—

16 (1) 1 year after the effective date of the necessary
17 State constitutional amendment; or

18 (2) 5 years after the date of the enactment of this Act.

19 (d) CONFORMING AMENDMENTS.—

20 (1) The following provisions are amended by striking
21 “absent” each place it appears and inserting
22 “noncustodial”:

23 (A) Section 451 (42 U.S.C. 651).

24 (B) Subsections (a)(1), (a)(8), (a)(10)(E),
25 (a)(10)(F), (f), and (h) of section 452 (42 U.S.C. 652).

26 (C) Section 453(f) (42 U.S.C. 653(f)).

27 (D) Paragraphs (8), (13), and (21)(A) of section
28 454 (42 U.S.C. 654).

29 (E) Section 455(e)(1) (42 U.S.C. 655(e)(1)).

30 (F) Section 458(a) (42 U.S.C. 658(a)).

31 (G) Subsections (a), (b), and (c) of section 463
32 (42 U.S.C. 663).

33 (H) Subsections (a)(3)(A), (a)(3)(C), (a)(6), and
34 (a)(8)(B)(ii), the last sentence of subsection (a), and
35 subsections (b)(1), (b)(3)(B), (b)(3)(B)(i), (b)(6)(A)(i),
36 (b)(9), and (e) of section 466 (42 U.S.C. 666).



STATE OF KANSAS
DEPARTMENT OF WILDLIFE & PARKS

Office of the Secretary
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Memorandum

To: House Committee Members
% Jan Brasher
State Capitol, Room 115-S

Amelia

From: Amelia McIntyre, Legal Counsel

Re: Senate Bill 292

Date: March 26, 1997

The Department of Wildlife and Parks, in conjunction with the Kansas Peace Officers Association, through Helen Stephens, has endeavored to address two major concerns expressed by Representatives at the hearing on Monday. The first concern was raised by various Representatives on Section 2 of such bill, which would amend K.S.A. 32-1048. I met with Assistant Attorney General Camille Nohe, to discuss possible means to address concerns expressed about the references to arrests "without warrants and with warrants" appearing on bill page 3, line 3. Attached are proposed changes to Section 2 of the bill, appearing on bill page 3. The purpose of these changes is to more clearly indicate our intent that the existing statutory restraints on arrests contained in K.S.A. 22-2401, as to which arrests are to be with warrants and those that may be without warrants, apply to our officers. We originally determined that the references to the statutory restrictions of K.S.A. 22-2401 on bill page 2, lines 16-20, would be sufficient, however, due to the concerns expressed by the Representatives, we believe the attached changes to Section 2 more clearly state our intent.

The second concern identified by various Representatives was with respect to the breadth of the language on the appointment of "other law enforcement officers" might be construed to permit the appointment of federal officers to enforce state laws. We are proposing amendments targeted at such concerns. In essence, we inserted "Kansas" between "other" and "law enforcement officers" in three circumstances: bill Page 1, line 34 (along with companion deletions of lines 35 - 38 on the same page); and bill page 2, line 1. All of such changes are marked on the copy of Senate Bill 292 as attached. These changes prohibit the Department from appointing federal law enforcement officers to enforce Kansas laws.

To further facilitate an understanding of other amendments already approved by the Senate upon its consideration, we have added numbered footnotes which correspond to the

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numbered explanations on the bill attached to this handout.

We would welcome the opportunity to discuss these and any other concerns.

cc: Helen Stephens, Kansas Peace Officers Association
Jill Wolters, Office of the Revisor of Statutes - Hand Delivered
Secretary Steve Williams
Rob Manes, Assistant Secretary for Operations
Jamie Clover Adams, Governor's Legislative Liaison - Hand Delivered
Camille Nohe, Assistant Attorney General - Hand Delivered
Nancy Lindberg, Assistant to the Attorney General - Hand Delivered

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Explanatory Footnotes

Other employees receive the training specified in K.S.A. 74-5607a, and are law enforcement officers, although their job titles may be other than conservation officers, such as assistant park manager or wildlife area manager. To provide coverage for law enforcement activities to the areas for which the Department is responsible, such other employees share responsibilities with park rangers or conservation officers.

2. The department hires new officers, and due to scheduling of positions available for training at the KLETC facility, they may not necessarily immediately get training at the facility, but the Department does not issue weapons until the new employees have gone through internal firearm proficiency testing and other safety training. Such provisional status is presently available other law enforcement personnel.

Footnote 1

Footnote 2

Additional deletions

SENATE BILL No. 292

By Committee on Judiciary

2-12

10 AN ACT concerning law enforcement powers of conservation officers;
11 [retirement;] amending K.S.A. 32-808 and 32-1048 [and K.S.A.
12 1996 Supp. 74-4952] and repealing the existing sections.

13
14 Be it enacted by the Legislature of the State of Kansas:

15 Section 1. K.S.A. 32-808 is hereby amended to read as follows: 32-
16 808. (a) The secretary shall ~~organize a wildlife and parks conservation~~
17 ~~service and~~ employ conservation officers and other employees, regardless
18 of title, to exercise law enforcement authority as provided in subsection
19 (b), if such officers and other employees successfully complete the required
20 course of instruction for law enforcement officers approved by the Kansas
21 law enforcement training center pursuant to K.S.A. 74-5607a and amend-
22 ments thereto, and employees appointed on a provisional or probationary
23 basis for a period of not more than one year, except that such provisional
24 or probationary employee shall meet at least the criteria on appointment
25 specified in K.S.A. 74-5605 and amendments thereto, and shall not be
26 issued a firearm until such employee has been instructed and trained in
27 the use thereof by the department. An employee appointed on a provi-
28 sional or probationary basis, who does not receive the certificate required
29 under subsection (a) of K.S.A. 74-5607a and amendments thereto, within
30 one year following the date of the person's original appointment shall not
31 have authority to enforce the laws of the state as provided in subsection
32 (b). The secretary may appoint ~~permanent~~ conservation officers and em-
33 ployees of the department, including ~~appointment in the capacity as~~ de-
34 puty conservation officers, and may appoint ^{KANSAS} law enforcement officers tem-
35 porarily assigned by their employer to the department, pursuant to K.S.A.
36 74-5610 and amendments thereto, to assist in the wildlife and parks con-
37 servation service enforcement of all laws of the state as provided in sub-
38 ~~section (b) in a manner determined by the secretary.~~ All deputy conser-
39 vation officer appointments shall be on a voluntary basis and shall expire
40 on December 31 following the date of any such appointment.

41 (b) Conservation officers, deputy conservation officers and other em-
42 ployees who have completed the course of instruction as provided in sub-
43 section (a), provisional or probationary employees who have met the

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Kansas

requirements of subsection (a) and any other law enforcement officers authorized to enforce the laws of the state of Kansas shall have the power and authority to:

(1) Enforce all the wildlife and parks laws and statutory provisions of chapter 32 of the Kansas Statutes Annotated or any rules and regulations promulgated thereunder, or any other laws of the state anywhere within the state, including but not limited to chapter 8 of the Kansas Statutes Annotated, and amendments thereto; and the rules and regulations of the secretary, except that nothing in this act shall grant conservation officers, deputy conservation officers and other employees authority that supersedes that of the local law enforcement authority having jurisdiction over the matter.] The secretary shall establish a policy under which the department's officers and other employees primarily direct such officers' and employees' efforts toward the protection, conservation and management of natural resources of this state and the provision of safe and orderly lands controlled by the department. Such officers shall also have the powers of arrest set forth in K.S.A. 22-2401, and amendments thereto, and are empowered to make arrests, pursuant to K.S.A. 22-2307, and amendments thereto, as required by any policy adopted by the secretary. A conservation officer acting under authority of this subsection shall be considered an employee of the department and shall be subject to its direction, benefits and legal protection.

(2) Serve anywhere within the state warrants and subpoenas issued for the examination, investigation or trial of all offenses against the wildlife and parks laws and rules and regulations of the secretary and of violations of department controlled lands and waters, of any law and of any rule and regulation of the state of Kansas violations of all laws of the state as provided in subsection (b).

(3) Carry firearms or weapons, concealed or otherwise, in the performance of their duties but only if the officer or employee has completed the required course of instruction for law enforcement officers at the Kansas law enforcement training center, unless otherwise qualified pursuant to K.S.A. 74-5608a and amendments thereto or as to a provisional or probationary employee who has met the requirements of subsection (a).

[(c) Conservation officers, deputy conservation officers and other employees employed or appointed as provided in this section shall not be deemed policemen for purposes of nor be members of the Kansas police and firemen's retirement system.]

Sec. 2. K.S.A. 32-1048 is hereby amended to read as follows: 32-1048. Conservation officers and deputy conservation officers in the wildlife and parks conservation service Any officer or other employee of the department who meets the criteria specified in subsection (a) of K.S.A.

pursuant to the authority granted in K.S.A. 32-808 (B), and amendments thereto, Kansas

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32-808 and amendments thereto and any other law enforcement officer authorized to enforce the laws of this state shall have the power to arrest without warrants and with warrants, at any place in the state of Kansas, any person or persons found violating any of the wildlife and parks laws of this state, or the rules and regulations adopted thereunder, without warrants; and with warrants where not found violating such laws of the state, and rules and regulations promulgated thereunder pursuant to the authority granted in K.S.A. 32-808 and amendments thereto, and to bring such persons forthwith immediately before the nearest proper judge of the district court of the county within which such violation took place for trial.

additions deletions

Chapter 32 of the Kansas Statutes

[Sec. 3. K.S.A. 1996 Supp. 74-4952 is hereby amended to read as follows: 74-4952. As used in K.S.A. 74-4951 et seq. and amendments thereto:

[(1) "Accumulated contributions" means the sum of all contributions by a member to the system which shall be credited to the member's account with interest allowed thereon after June 30, 1982.

[(2) "Disability" means the total inability to perform permanently the duties of the position of a policeman or fireman.

[(3) "Eligible employer" means any city, county, township or other political subdivision of the state employing one or more employees as firemen or policemen.

[(4) "Employee" means any policeman or fireman employed by a participating employer whose employment for police or fireman purposes is not seasonal or temporary and requires at least 1,000 hours of work per year.

[(5) "Entry date" means the date as of which an eligible employer joins the system; the first entry date pursuant to this act is January 1, 1967.

[(6) "Final average salary" means:

[(a) For members who are first hired as an employee, as defined in subsection (4), before July 1, 1993, the average highest annual compensation paid to a member for any three of the last five years of participating service immediately preceding retirement or termination of employment, or if participating service is less than three years, then the average annual compensation paid to the member during the full period of participating service, or if a member has less than one calendar year of participating service, then the member's final average salary shall be computed by multiplying the member's highest monthly salary received in that year by 12;

[(b) for members who are first hired as an employee, as defined in subsection (4), on and after July 1, 1993, the average highest annual salary, as defined in subsection (34) of K.S.A. 74-4902 and

1 adjustments thereto, paid to a member for any three of the last five
 2 years of participating service immediately preceding retirement or
 3 termination of employment, or if participating service is less than
 4 three years, then the average annual salary, as defined in subsection
 5 (34) of K.S.A. 74-4902 and amendments thereto, paid to the member
 6 during the full period of participating service, or if a member has
 7 less than one calendar year of participating service, then the mem-
 8 ber's final average salary shall be computed by multiplying the
 9 member's highest monthly salary received in that year by 12;

10 [(c) for purposes of subparagraphs (a) and (b) of this subsec-
 11 tion, the date that such member is first hired as an employee for
 12 members who are employees of employers that elected to partici-
 13 pate in the system on or after January 1, 1994, shall be the date
 14 that such employee's employer elected to participate in the system;
 15 and

16 [(d) for any application to purchase or repurchase service
 17 credit for a certain period of service as provided by law received
 18 by the system after May 17, 1994, for any member who will have
 19 contributions deducted from such member's compensation at a per-
 20 centage rate equal to two or three times the employee's rate of con-
 21 tribution or who will have contributions deducted from such mem-
 22 ber's compensation at an additional rate of contribution, in addition
 23 to the employee's rate of contribution as provided in K.S.A. 74-4919
 24 and amendments thereto or will begin paying to the system a lump-
 25 sum amount for such member's purchase or repurchase, and such
 26 deductions or lump-sum payment commences after the commence-
 27 ment of the first payroll period in the third quarter, "final average
 28 salary" shall not include any amount of compensation or salary
 29 which is based on such member's purchase or repurchase. Any ap-
 30 plication to purchase or repurchase multiple periods of service shall
 31 be treated as multiple applications.

32 [(7) "Retirement benefit" means a monthly income or the ac-
 33 tuarial equivalent thereof paid in such manner as specified by the
 34 member as provided under the system or as otherwise allowed to
 35 be paid at the discretion of the board, with benefits accruing from
 36 the first day of the month coinciding with or following retirement
 37 and ending on the last day of the month in which death occurs. Upon
 38 proper identification such surviving spouse may negotiate the war-
 39 rant issued in the name of the retiree.

40 [(8) "Normal retirement date" means the date on or after which
 41 a member may retire with eligibility for retirement benefits for age
 42 and service as provided in subsections (1) and (3) of K.S.A. 74-4957
 43 and amendments thereto;

1 [(9) "Retirement system" or "system" means the Kansas police
 2 and firemen's retirement system as established by this act and as it
 3 may be hereafter amended.

4 [(10) "Service-connected" means with regard to a death or any
 5 physical or mental disability, any such death or disability resulting
 6 from external force, violence or disease occasioned by an act of duty
 7 as a policeman or fireman and, for any member after five years of
 8 credited service, includes any death or disability resulting from a
 9 heart disease or disease of the lung or respiratory tract or cancer
 10 as provided in this subsection, except that in the event that the mem-
 11 ber ceases to be a contributing member except by reason of a serv-
 12 ice-connected disability for a period of six months or more and then
 13 again becomes a contributing member, the provision relating to
 14 death or disability resulting from a heart disease, disease of the lung
 15 or respiratory tract or cancer as provided in this subsection shall
 16 not apply until such member has again become a contributing mem-
 17 ber for a period of not less than two years or unless clear and precise
 18 evidence is presented that the heart disease, disease of the lung or
 19 respiratory tract or cancer as provided in this subsection was in
 20 fact occasioned by an act of duty as a policeman or fireman. The
 21 provisions of this section relating to the presumption that the death
 22 or disability resulting from cancer is service-connected shall only
 23 apply if the condition that caused the death or disability is a type
 24 of cancer which may, in general, result from exposure to heat, ra-
 25 diation or a known carcinogen.

26 [(11) "Fireman" or "firemen" means an employee assigned to
 27 the fire department and engaged in the fighting and extinguishment
 28 of fires and the protection of life and property therefrom or in sup-
 29 port thereof and who is specifically designated, appointed, commis-
 30 sioned or styled as such by the governing body or city manager of
 31 the participating employer and certified to the retirement system as
 32 such.

33 [(12) "Police," "policeman" or "policemen" means an employee
 34 assigned to the police department and engaged in the enforcement
 35 of law and maintenance of order within the state and its political
 36 subdivisions, including sheriffs and sheriffs' deputies, or in support
 37 thereof and who is specifically designated, appointed, commis-
 38 sioned or styled as such by the governing body or city manager of
 39 the participating employer and certified to the retirement system as
 40 such. "Police", "policeman" or "policemen" shall not include any conser-
 41 vation officer, deputy conservation officer or other employee of the de-
 42 partment of wildlife and parks employed or appointed as provided in
 43 K.S.A. 32-808 and amendments thereto.

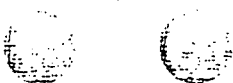
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1 .3) *Except as otherwise defined in this act, words and phrases*
2 *used in K.S.A. 74-4951 et seq. and amendments thereto, shall have*
3 *the same meanings ascribed to them as are defined in K.S.A. 74-*
4 *4902 and amendments thereto.]*

5 *Sec. 3 [4]. K.S.A. 32-808 and 32-1048 [and K.S.A. 1996 Supp. 74-*
6 *4952] are hereby repealed.*

7 *Sec. 4 [5]. This act shall take effect and be in force from and after*
8 *its publication in the Kansas register.*





STATE OF KANSAS
DEPARTMENT OF WILDLIFE & PARKS

Office of the Secretary
900 SW Jackson, Suite 502
Topeka, KS 66612
913/296-2281 FAX 913/296-6953



March 25, 1997

House Judiciary Committee
% Jan Brasher
State Capitol, Room 115-S

Hand Delivered

Dear Committee Members:

The Kansas Department of Wildlife and Parks proposed remedial legislation for consideration by the 1997 Legislature to amend K.S.A. 32-808 and K.S.A. 32-1048 to reduce the impact of Attorney General Opinion No. 96-82. Such legislation became Senate Bill 292 which is now before the House Judiciary Committee. Prior drafts of the remedial legislation were submitted to and approved by Camille Nohe, Assistant Attorney General, who participated in drafting the Opinion. We undertook a review by the Office of the Attorney General in advance of submission to the Legislature in an effort to make sure that the legislation adequately addressed our concerns about the Opinion's impact on enforcement authority of our employees.

The Department solicited the Opinion at the urging of various conservation officers, due to several unreported decisions of Kansas District Courts that concluded that our officers did not have statutory authority to enforce DUI laws off of Department controlled land. For your background, I am providing a copy of Attorney General Opinion No. 96-82, dated October 16, 1996, and a copy of our opinion request dated July 9, 1996 (but without the exhibits thereto).

The Department has a variety of employee positions that appropriately require completion of the required course of instruction at the Kansas law enforcement training center, and the Department's suggested language clarifies that the enforcement authority extends to all employees who have received such training. Such other positions include assistant park or wildlife area managers, and park or wildlife area managers, any of which may substitute for conservation officers and conservation officer park rangers to make sure adequate law enforcement coverage exists within an area. Senate Bill 292 also specifically contemplates that the secretary will establish a policy to primarily direct employees' efforts toward the statutory mission of the Department. The unreported Kansas District Court decisions cited the Department's prior Policy E-6 as limiting the statutory enforcement authority; the present bill language (Page 2, lines 12 through 16) is intended to reduce the likelihood of such defense assertions being persuasive prospectively to courts.

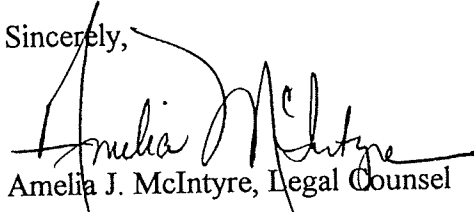
Also enclosed are key portions of 1996 Law Enforcement Division Annual Report (Pages 5, 13-23, to the left of each caption is the designation of the Division issuing the notices or making the arrests, L = Law Enforcement, P = Parks, D = deputies for local law enforcement agencies, O = other agencies). Please note that on page 17 (page designations are in the right

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hand margin) in such year period the Law Enforcement Division made 8 arrests (and 5 convictions) for DUI violations, 12 arrests (and 6 convictions) for transporting open container liquor, 4 arrests (and 1 conviction) for transporting open container cereal malt beverage, 50 arrests (and 9 convictions) for minors in possession, 14 arrests (and 7 convictions) for other alcohol violations, and 18 various drug related arrests (an aggregate figure comprised of codes 8000, 8001, 8002, and 8998, which resulted in 4 convictions). Such arrests by the Law Enforcement Division occurred off of Department controlled land (please note there is a separate category for arrests on Department controlled land on page 16). We wanted to provide this abbreviated summary of alcohol and drug related offenses encountered by law enforcement off of Department controlled lands so that you have an understanding of the limited number of times our employees have relied upon such authority, and it is evidence of the prudent exercise of their enforcement discretion.

We look forward to working with you in the passage of the remedial legislation and welcome any suggestions by you to the remedial legislation submitted on behalf of the Department.

Sincerely,



Amelia J. McIntyre, Legal Counsel

cc: Secretary Steve Williams
Assistant Secretary Rob Manes
Jamie Clover Adams, Governor's Legislative Liaison
Camille Nohe, Assistant Attorney General

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State of Kansas

Office of the Attorney General

301 S.W. 10TH AVENUE, TOPEKA 66612-1597

CARLA J. STOVALL
ATTORNEY GENERAL

October 16, 1996

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ATTORNEY GENERAL OPINION NO. 96- 82

Amelia McIntyre, Legal Counsel
Kansas Department of Wildlife and Parks
900 S.W. Jackson, Suite 502
Topeka, Kansas 66612

Re: Wildlife, Parks and Recreation--Department of Wildlife and Parks--
Organization and Powers; Wildlife and Parks Conservation Service and
Conservation Officers; Territorial Limits of Law Enforcement Authority

Synopsis: The territorial authority of wildlife conservation officers to arrest persons found violating wildlife and parks laws is state-wide. In contrast, the territorial extent of wildlife conservation officers' authority to arrest persons found violating other laws of the state is not statutorily specified. Given this absence of authority, a wildlife conservation officer's arrest authority for other laws of the state must be understood to be limited to the territories of which he is an officer, i.e. the territories operated and controlled by the secretary of wildlife and parks. Cited herein: K.S.A. 19-2858; 22-2401a, as amended by L. 1996, ch. 224, § 8; 22-2403, as amended by L. 1996, ch. 214, § 30; 22-3707; 32-807; 32-808; 32-1048; 74-2108; 75-712; K.S.A. 1995 Supp. 75-4503; L. 1976, ch. 145, § 156; L. 1977, ch. 270, § 1; L. 1985, ch. 252, § 1; L. 1989, ch. 118, § 10; L. 1989, ch. 118, § 134; L. 1993, ch. 150, § 1.

*

*

*

Dear Ms. McIntyre:

As legal counsel for the Kansas department of wildlife and parks, you pose two related questions which pertain to the territorial limits of a department conservation officer's law enforcement authority. You first ask whether conservation officers employed by the

department have statutory authority based upon K.S.A. 32-808 to enforce traffic laws or infractions, or other non-wildlife laws, rules and regulations of the state of Kansas, on lands not controlled by the department.

You indicate that your questions are prompted by several unreported Kansas district court decisions granting defense motions to dismiss driving under the influence charges because the arrests were made by department conservation officers outside department controlled lands.

Conservation Officers' Authority to Arrest

In order to reach your questions, a partial review of the legislative history concerning wildlife and parks department conservation officers' arrest authority is in order. In 1985 the director (of the then Kansas fish and game commission) was mandated to organize a wildlife conservation service and to employ wildlife conservation officers and deputy conservation officers. (From 1921 until 1939 such persons were known as game wardens, deputy wardens and county wardens under the authority of the governor. From 1939 until 1943 such persons were known as county game protectors and local preserve protectors under the authority of the forestry, fish and game commission. From 1943 until 1982 such persons were known as state game protectors under the authority of the forestry, fish and game commission. From 1982 until 1985 such persons were known as state game protectors under the authority of the fish and game commission.) These wildlife conservation officers had the power and authority to enforce all the laws of the state relating to state parks, recreational and game management areas, game, fish, furbearers, wild birds and wild animals and the rules and regulations of the Kansas fish and game commission relative thereto. L. 1985, ch. 252, § 1. A separate procedural statute (which was not amended in 1985) authorized state game protectors and preserve protectors to "arrest, at any place in the state of Kansas" anyone who violated any of the forestry, fish and game laws of the state, or rules or regulations of the forestry, fish and game commission. L. 1976, ch. 145, § 156.

L. 1985, ch. 252, § 1 also provided that upon request, properly trained wildlife conservation officers were authorized to assist any law enforcement officer in making an arrest. In addition the wildlife conservation officers were granted the power of arrest when the conservation officer had (1) an arrest warrant, (2) probable cause to believe a person was committing or had committed a felony, (3) probable cause to believe a person was committing or had committed a misdemeanor under the circumstances specified in K.S.A. 22-2401 or (4) viewed the commission of a felony or misdemeanor. A wildlife conservation officer who made an arrest without the presence of a law enforcement officer was required to deliver the person arrested to the sheriff or chief of police in the jurisdiction where the arrest was made. L. 1985, ch. 252, § 1. The territorial limits of this grant of arrest authority were not specified.

Beginning in 1977 the director of the state park and resources authority was mandated to appoint park managers and rangers "to maintain order within the state parks." L. 1977, ch. 270, § 1. These managers and rangers were authorized to "enforce all the laws of the state" as well as the park and resource authority rules and regulations. L. 1977, ch. 270, § 1. Read together these two statutes authorized park managers and rangers to enforce traffic violations and criminal laws within state parks.

In 1989 the Kansas department of fish and game was consolidated with the state park and resources authority to form the Kansas department of wildlife and parks. At that time the arrest authority of wildlife and parks conservation officers (formerly wildlife conservation officers and park and resources managers and rangers) was altered to reflect modification necessitated by the consolidation, i.e. to enforce all the *wildlife and park* laws of the state. L. 1989, ch. 118, § 10. The procedural statute, (L. 1976, ch. 145, § 156) was also amended, authorizing the wildlife conservation officers "to arrest, at any place in the state of Kansas, any person or persons found violating any of the wildlife and parks laws of this state, or the rules and regulations adopted thereunder." L. 1989, ch. 118, § 134.

Additional arrest authority of the wildlife and parks conservation officers for non-wildlife and parks laws mirrored that of the former wildlife conservation officers by identifying the same four circumstances in which a conservation officer could make an arrest, but again without specification of the territorial limits of their arrest authority. L. 1989, ch. 118, § 10. The specific power, formerly given park managers and rangers, to enforce all the laws of the state within state parks was not included within the consolidation statutes.

In 1993 the enforcement statute (L. 1989, ch. 118, § 10) was amended, authorizing conservation officers to enforce not only all the wildlife and parks laws and regulations but also "other laws of the state, including but not limited to chapter 8 of the Kansas Statutes Annotated." L. 1993, ch. 150, § 1, now K.S.A. 32-808(b)(1). Chapter 8 of the Kansas Statutes Annotated is titled "Automobiles and Other Vehicles" and includes a section on serious traffic offenses such as reckless driving and driving under the influence of alcohol or drugs.

In addition, the 1993 amendment deleted the former four circumstances in which a conservation officer could make an arrest and replaced them with the following:

"Such officers shall also have the powers of arrest set forth in K.S.A. 22-2401, and amendments thereto, and are empowered to make arrests, pursuant to K.S.A. 22-3307, and amendments thereto, as required by any policy adopted by the secretary." L. 1993, ch. 150, § 1, now K.S.A. 32-808(b)(1).

K.S.A. 22-2401 sets forth the circumstances in which a law enforcement officer may make an arrest. K.S.A. 22-3307 requires all Kansas law enforcement agencies to adopt written policies regarding domestic violence calls. Thus K.S.A. 32-808(b)(1) now clearly specifies

when a conservation officer may make an arrest. Your questions, however, relate to **where** a conservation officer may make an arrest.

Territorial Limits of Conservation Officer's Authority to Arrest

The issue of where a conservation officer may exercise arrest authority is statutorily addressed only partially. As indicated above, in relation to persons violating wildlife and parks laws and regulations, conservation officers are authorized to arrest "at any place in the state of Kansas." K.S.A. 32-1048. However, this statute, as with its predecessor versions, is silent regarding the territorial limits of a conservation officer's power to arrest persons for violation of other than wildlife and parks laws and regulations. Are conservation officers authorized to arrest persons for violation of "other laws of the state" at any place in Kansas or only on department controlled or managed lands and waters?

In relation to the jurisdiction of law enforcement officers, the territorial limits and exceptions to those limits are statutorily specified. (See K.S.A. 22-2401a, as amended by L. 1996, ch. 224, § 8 regarding law enforcement officers employed by consolidated county law enforcement agencies, departments or any city, sheriffs and their deputies, university police officers, law enforcement officers of any jurisdiction within Johnson or Sedgwick county; K.S.A. 74-2108 regarding highway patrol; K.S.A. 1995 Supp. 75-4503 regarding capitol area security patrol; K.S.A. 19-2858 regarding deputized employees for enforcement of county park regulations; K.S.A. 75-712 regarding members of the Kansas bureau of investigation.)

Given the absence of a statute which specifies the territorial limits of a wildlife conservation officer's authority to arrest for violation of "other laws of the state," we must reach a conclusion based on general principles derived from what little applicable case law exists. We are thus led through the annals of Kansas jurisprudence to the case of **Morrell v. Ingle**, 23 Kan. 32 (1879) which may be cited for the general doctrine that:

"[t]he powers of any officer are limited to the territory of which he is an officer. He who affirms the existence of powers beyond such limits must show a grant of such powers; it is not enough to show that there is no express denial of them." 23 Kan at 36.

This general principle expressed in **Morrell** was cited and followed in **Torson v. Baehni**, 134 Kan. 186 (1931) and in **Dunfield v. School District 72 in Coffey County**, 138 Kan. 800 (1934). A more contemporary case, **State v. Shienle**, 218 Kan. 637 (1976) expresses essentially the same principle in holding that a police officer acting within his official capacity cannot make an arrest outside the jurisdiction from which his authority is derived. **Shienle** was favorably cited in the even more recent case of **State v. Miller**, 257 Kan. 844 (1995).

The territorial extent of the authority of wildlife conservation officers to arrest persons found violating wildlife and parks laws is state-wide. In contrast, the territorial authority of wildlife conservation officers to arrest person found violating other laws of the state is not statutorily specified. Given such an absence, a wildlife conservation officer's arrest authority for other laws of the state must be understood to be limited to the territories of which he is an officer, *i.e.* the territories operated and controlled by the secretary of wildlife and parks. The territories which the secretary of wildlife and parks is authorized to "operate and control" are the "state parks, state lakes, recreational grounds, wildlife areas and sanctuaries, fish hatcheries, natural areas, historic sites and other lands, waters and facilities under the jurisdiction and control of the secretary. . . ." K.S.A. 32-807(h).

The current version of the conservation officers enforcement statute, K.S.A. 32-808(b)(1), was introduced as 1993 house bill no. 2488. Minutes of the house judiciary committee on February 25, 1993 reflect chairman O'Neal's explanation "that this bill was filed to correct an oversight in the reorganization of Wildlife and Parks which took away conservation officers' law enforcement powers." As seen from the discussion above, the only power "taken away" in the consolidation process was the former authority of park managers and rangers to enforce all the laws of the state within state parks. Testimony of conferees who appeared before the House judiciary subcommittee bolster our conclusion and validate that this was the specific arrest power which 1993 H.B. 2488 was designed to replace:

"Existing law does not allow for the enforcement of traffic infractions *on Wildlife and Parks managed properties*. . . . Total enforcement of laws *on department managed lands* is necessary to provide public safety. . . . Arrests for crimes other than Chapter 32 violations *on department managed lands* must be turned over to other law enforcement organizations under current law. . . . The Department is charged with management *of certain lands and waters* for the public use and enjoyment. Public safety while using and enjoying *those areas* must be a primary concern of the Department." (Emphasis added.) Testimony presented to House judiciary subcommittee by Kansas department of wildlife and parks, February 23, 1993 and to Senate committee on energy and natural resources, March 19, 1993.

"The recodification process overlooked an important point of law which is needed by the Kansas Department of Wildlife and Parks. Traffic crimes had been reclassified as 'infractions' prior to 1989. This meant traffic enforcement *on state parks and wildlife areas* could not longer be conducted since the Wildlife Conservation Officers only had authority to enforce violations of criminal law, not traffic infractions. This has caused a safety problem for the public who use *these areas* and placed an undo [sic] burden on other law enforcement agencies. Other law enforcement agencies such as county sheriff departments and the Kansas Highway Patrol have been responsible for the traffic enforcement *on the parks and wildlife*

areas because Conservation Officers no longer had legal authority for this responsibility." (Emphasis added.) Testimony presented to House judiciary subcommittee by Kansas peace officers' association, February 23, 1993 and to Senate committee on energy and natural resources, March 19, 1993.

Additionally, minutes of the senate committee on energy and natural resources for March 24, 1993, which indicate that there were "questions concerning the enforcement of criminal law and it was noted this would be only *on park land*" support our conclusion.

Kansas Department of Wildlife and Parks Policy No. E-6

On April 29, 1993 Theodore D. Ensley, then secretary of the Kansas department of wildlife and parks issued Policy No. E-6 on the subject of traffic enforcement which in pertinent part provided:

"Traffic laws and infractions may be enforced on Department managed properties. Such enforcement shall be a duty of all department law enforcement personnel who are certified through the Kansas Law Enforcement Training Center.

Department Law Enforcement Personnel shall not enforce traffic laws or infractions on non-department lands, except: when there is a clear and present danger to life."

You next ask whether this policy limits the broader statutory authority otherwise vested in conservation officers. As seen from the above discussion and conclusion, in our opinion department conservation officers do not have any authority to enforce traffic infractions on non-department lands. As with other law enforcement officers, once outside the territorial limits of their jurisdiction, absent application of the fresh pursuit doctrine or a call for assistance from another officer, such law enforcement officer's authority to arrest is that of a private citizen. His actions will be considered lawful if the circumstances attending would authorize a private person to make the arrest. *State v. Shienle*, 218 Kan. 637 (1976). K.S.A. 22-2403, as amended by L. 1996, ch. 214, § 30, authorizes a private person to make an arrest when:

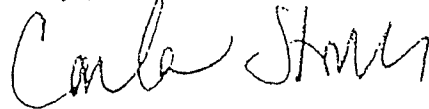
"(1) a felony has been or is being committed and the person making the arrest has probably cause to believe that the arrested person is guilty thereof; or

"(2) any crime, *other than a traffic infraction*, has been or is being committed by the arrested person in the view of the person making the arrest." (Emphasis added.)

Amelia McIntyre
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Thus in response to your question, in relation to traffic infractions the policy does not "limit the broader statutory authority otherwise vested in conservation officers," but rather impermissibly expands such officers authority beyond statutory limits. In relation to "traffic laws" which are not traffic infractions (such as driving under the influence), the policy is flawed because it is premised on the erroneous assumption that conservation officers have authority as law enforcement officers to arrest persons instead of the more limited arrest authority granted to private persons.

Very truly yours,



CARLA J. STOVALL
Attorney General of Kansas



Camille Nohe
Assistant Attorney General

CJS:JLM:CN:jm



STATE OF KANSAS
DEPARTMENT OF WILDLIFE & PARKS

Office of the Secretary
900 SW Jackson, Suite 502
Topeka, KS 66612
913/296-2281 FAX 913/296-6953



July 9, 1996

Carla J. Stovall
Attorney General of Kansas
301 S.W. 10th Avenue
Topeka, Kansas 66612-1597

Re: Request for Written Opinion of the Attorney General

Dear Attorney General Stovall:

The Kansas Department of Wildlife and Parks (the "Department") requests the written opinion of the Attorney General on two related questions of law that, based on information and belief, are not currently pending or scheduled for determination by the courts.

Question: Do conservation officers employed by the Department have statutory authority based upon K.S.A. 32-808 to enforce traffic laws or infractions, or other non-wildlife laws, rules and regulations of the State of Kansas, on lands not controlled by the Department?

Sub-question: Does the Department's Policy No. E-6, effective 4/29/93 (restricting departmental enforcement of traffic laws or infractions on non-department lands to instances presenting a clear and present danger to life) limit the broader statutory authority otherwise vested in conservation officers?

This opinion request is prompted by several unreported decisions by various Kansas district courts granting motions to dismiss filed by defense counsel representing individuals arrested for operating a motor vehicle under the influence of alcohol; such arrests were made off of Department controlled lands. Defense counsel cited to the Policy as restricting the conservation officer's statutory arrest powers, and that position was adopted by the district courts in two counties. In one such incident, the vehicle was parked and defense counsel questioned whether such circumstance created a clear and present danger (the perceived restrictive terms used in the Policy). Further, this request is based upon discussions with State Representative Sheila Hochhauser about the uncertainty arising from these unreported decisions and its potential impact on the legislative initiatives that may be deemed necessary by both the Department and the Kansas State Office of MADD (Mothers Against Drunk Driving). For that reason, this opinion request should be construed to be a concurrent request on behalf of State Representative Sheila Hochhauser.

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DISCUSSION

1. Legislative History

In 1993, the Kansas Legislature approved legislation amending K.S.A. 32-808. In relevant part, the amendment included:

K.S.A. 32-808(b) ... Conservation officers, deputy conservation officers and any other law enforcement officers authorized to enforce the laws of the state of Kansas shall have the power and authority to:

(1) Enforce all the wildlife and parks laws *and other laws of the state, including but not limited to chapter 8 of the Kansas Statutes Annotated, and amendments thereto, ... Such officers shall also have the powers of arrest set forth in K.S.A. 22-2401, and amendments thereto, and are empowered to make arrests, pursuant to K.S.A. 22-2307, and amendments thereto, as required by any policy adopted by the secretary. ...*

(2) Serve warrants and subpoenas issued for the examination, investigation or trial of all offenses against the wildlife and parks laws and rules and regulations of the secretary *and of violations of department controlled lands and waters, of any law and of any rule and regulation of the state of Kansas.*

(Italics indicate language added to the statute as part of the amendment.) Materials representing the research by this office into the legislative history of this amendment are enclosed with this letter, and are discussed below.

The copy of House Bill No. 2488 as introduced and considered on referral by the House Judiciary Committee (which is attached as Exhibit 1) includes a supplemental note prepared by the Legislative Research Department. Although it does not represent legislative intent, the note does characterize House Bill No. 2488 as "expanding" the authority of the Department conservation officers. In addition, the note says that "these officers will have all the arrest powers that other law enforcement officers have according to K.S.A. 22-2401 and K.S.A. 22-2307." The only practical change in the bill as it was adopted, after this note, was a correction in subpart one changing the K.S.A. 22-2404 reference to a correct reference to K.S.A. 22-2401.

In the minutes of the House Judiciary Committee meeting of February 25, 1993, Chairman O'Neal explained that the bill was filed to correct an oversight that had taken away conservation officers' law enforcement powers during the reorganization of Wildlife and Parks. (See Exhibit 2 attached for reference).

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Letter to Carla J. Stovall

Some of the attachments to these minutes, which appear to be written statements of testimony presented to the House Judiciary Committee, suggest an inference that the language of the amendment applied specifically to infractions on Department controlled land. In the regard, the Kansas Peace Officers' Association testimony, in the third sentence of the third paragraph, states "[t]his meant traffic enforcement on state parks and wildlife areas could no longer be conducted since Wildlife Conservation Officers only had authority to enforce violations of criminal law, not traffic infractions." (Emphasis added.) In addition, the second paragraph of testimony provided by the Department refers to the enforcement of laws on department lands in two different contexts. These statements infer that the correction to the statute was targeted at traffic violations on department lands. Further, three out of the four examples given in the Department's testimony describe criminal actions on Department controlled lands for which the Department was requesting expanded enforcement authority.

Only 14 days after the passage of the amendment to K.S.A. 32-808, the Secretary to the Department issued Department Policy No. E-6. (See Exhibit 3 attached for reference). The second paragraph of such Policy states:

Department Law Enforcement Personnel shall not enforce traffic laws or infractions on non-department lands, except: when there is a clear and present danger to life.

Based upon our inquiries with Darrell Montei, former legislative liaison at the time of the amendment of K.S.A. 32-808, the wording and timing of the adoption of the Policy was a direct response to concerns expressed by various members of the legislature that they did not want conservation officers to become primarily traffic enforcement officers. Further, such legislators strongly felt that wildlife related violations throughout the State, and non-wildlife offenses on Department controlled lands should remain the dominant enforcement emphasis of conservation officers. The Department's management believed at the time of the issuance of the Policy, and the present management of the Department believes that such an emphasis is appropriate. The Department has limited personnel resources to apply to investigation and enforcement of wildlife related violations throughout the State and non-wildlife violations within Department controlled lands. Although the Department understood that amendment of K.S.A. 32-808 expanded authority for their conservation officers off of Department lands, the Policy was adopted at the discretion of Department as a management tool of limited personnel resources available for investigation and enforcement of various statutory violations. A recent re-evaluation of such Policy by the Department's present management has determined there is a continued necessity for such Policy to set priorities for our officers' enforcement activities.

2. Case Law

A case law search for the time period during and after the implementation of this expanded

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authority found no cases directly addressing this issue. However, the Kansas Court of Appeals in State v. Heiskell, 896 P.2d 1106 (Kan. App. 1995) did affirm the conviction on drug charges of a man arrested by a Department conservation officer. The conservation officer followed a vehicle suspected of illegal turkey poaching, and appears to have made the eventual arrest off of Department controlled land. The appeal did not include a challenge to the conservation officer's authority to make the arrest. The officer's investigation was prompted by suspected violation of a wildlife violation, even if the eventual arrest was off of Department controlled land and involving a non-wildlife law. Therefore, the case does not directly address the question presented.

Further legal analysis of the issues being presented in this opinion request are provided in three pleadings filed in State of Kansas vs. Wade Byron Showalter, Case No. 95 TR 03216, Division III, in the District Court of Reno County, Kansas. Defense counsel filed a Motion to Suppress and/or Dismiss (Exhibit 4) and Memorandum in support of such Motion (Exhibit 5), and the Assistant Reno County Attorney responded with a State's Memorandum (Exhibit 6). The District Court granted the Motion, and the Reno County Attorney declined to appeal the matter. Please note that the legislative background cited in the defense counsel's memorandum was drawn heavily from my letter directed to the Assistant Reno County Attorney, dated October 5, 1995, (Exhibit 7), which was provided by the prosecution to defense counsel as a part of discovery. Based upon my inquiry of Law Enforcement Director Kevin Couillard, no other matter in which this defense has been raised is presently pending. We believe there may be a narrow window before this defense is once again asserted in some other matter.

3. Attorney General Opinions

Attorney General Opinion No. 94-5, dated January 21, 1994, addressed a similar question of law. In that opinion, the Attorney General determined that county park rangers (as distinguished from conservation officers employed by the State pursuant to K.S.A. 32-808, who are assigned to state parks and who are commonly referred to as park rangers) deputized by the county sheriff have full authority to enforce the laws inside the county park grounds, but they have no enforcement authority outside the limits of the park and any recreational areas. Attorney General Opinion No. 94-5. However, the statute enabling the deputization in that case provide explicitly that "the deputy sheriffs herein created shall have no enforcement authority outside the limits of the park and any recreational areas...." K.S.A. 19-2858. The question of law considered in such opinion is in no way parallel to this question.

DEPARTMENT CONCLUSION

Based on this research, the conclusion on the Department is that K.S.A. 32-808 does not restrict conservation officers' authority to enforce the laws of the State of Kansas off of Department controlled land. We further conclude that Department Policy No. E-6 can not supersede the statutory authority derived from K.S.A. 32-808, but merely reflects managerial

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discretion to focus enforcement activities for non-wildlife violations off of Department controlled lands to cases posing a clear and present danger to life. Violation of the Department's Policy may subject a conservation officer to disciplinary proceedings, in appropriate circumstances, but should not be a basis for setting aside or invalidating an arrest. Enforcement of traffic laws by conservation officers off of Department controlled land would not violate K.S.A. 32-808, notwithstanding the existence of the Policy.

If the opinion rendered by you does not concur with our conclusion, the Department would like to be in a position to implement any policy changes in the near future, or seek legislative changes, to continue to enable the Department to effectively utilize the Department's limited number of personnel for its primary mission to "protect, provide and improve outdoor recreation and natural resources in this state and to plan and provide for the wise management and use of the state's natural resources" (See K.S.A. 32-702), but not to the exclusion of responding to non-wildlife traffic violations observed by our officers during the course of their primary duties.

Sincerely,



Amelia McIntyre, Legal Counsel
Kansas Department of Wildlife and Parks

cc: State Representative Sheila Hochhauser
Secretary Steve Williams
Kevin Couillard, Director of Law Enforcement
Max Sutherland, State Administrator, Kansas MADD

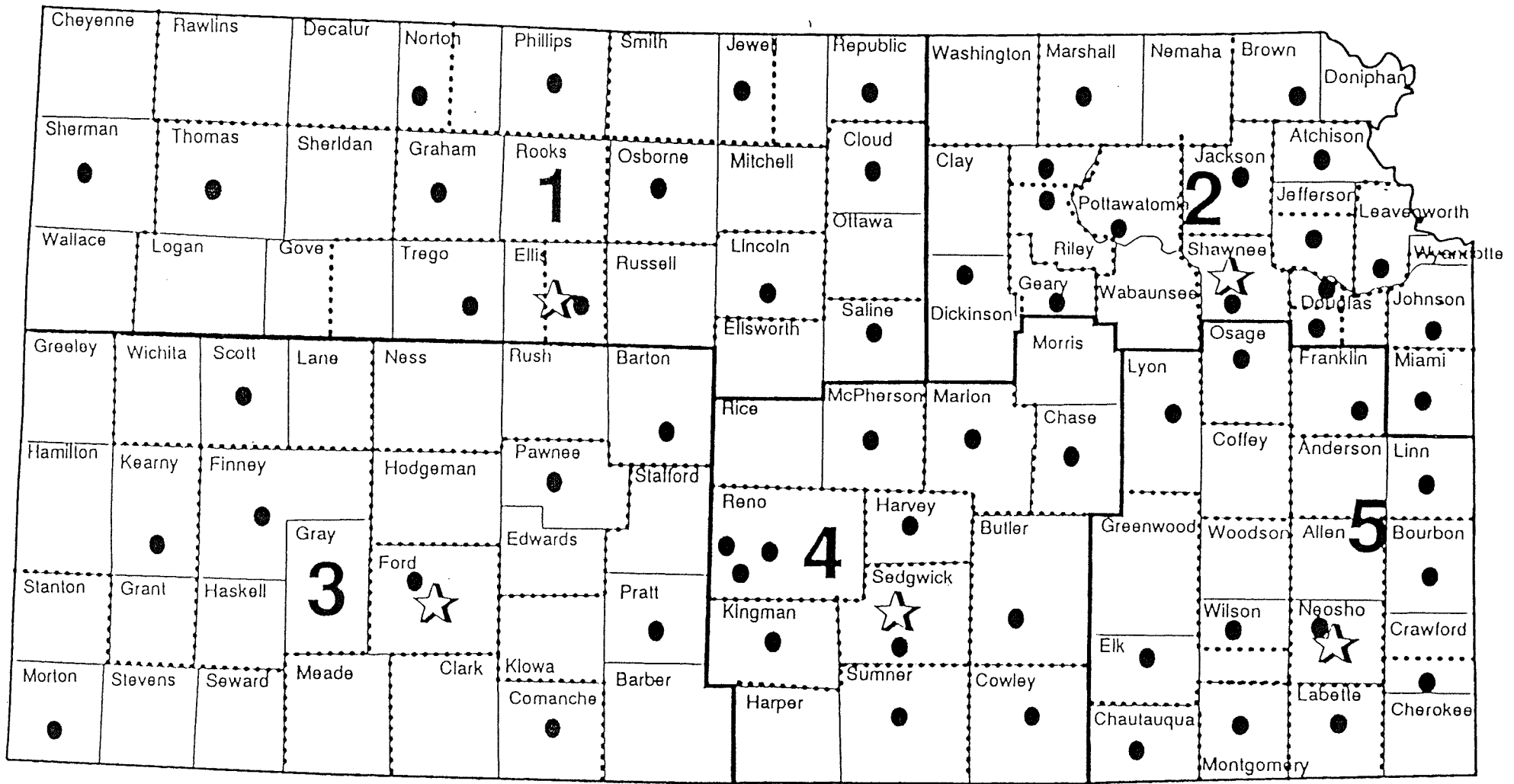
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WILDLIFE & PARKS LAW ENFORCEMENT OFFICERS

Law Enforcement Division



1996 Annual Report



- Location of Field Officers
- Regional Boundaries
- District Boundaries

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RUN DATE: 1/23/97
DIVISION: D

WILDLIFE & PARKS
1996 VIOLATION SUMMARY

PAGE NUMBER: 1

VIOLATIONS	ARREST	GUILTY	NOT GL.	DISM.	WARNING	JUVENILE	FINE	COST	TOTAL	
FISHING VIOLATIONS								50.00	52.00	102.00
3000 NO FISHING LICENSE		1	1					50.00	52.00	102.00
TOTAL FOR FISHING VIOLATIONS		1	1							

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WILDLIFE & PARKS
 1996 VIOLATION SUMMARY

PAGE NUMBER: 2

VIOLATIONS	ARREST	GUILTY	NOT GL. DISH.	WARNING	JUVENILE	FINE	COST	TOTAL	
HUNTING VIOLATIONS									
1000 NO HUNTING LICENSE	152	103		8	41	6001.00	3828.00	9829.00	
1001 NO LICENSE IN POSSESSION	71	8	2	1	60	235.00	309.00	544.00	
1002 MISREPRESENT TO PURCHASE LICENSE	16	12			4	973.00	434.00	1407.00	
1003 NO HUNTER SAFETY CARD	22	1		2	19	52.00	42.00	94.00	
1004 NO HS CARD IN POSSESSION 27 & UNDER	48	4		1	43	11	395.00	42.00	437.00
1005 NO HS CARD IN POSSESSION	6				6	2			
1007 STATE WATERFOWL STAMP VIOLATIONS	41	9			32	730.00	90.00	820.00	
1008 FEDERAL DUCK STAMP VIOLATION	28	5			23	265.00	45.00	310.00	
1009 HUNT, TAKE, POSSESS PROTECTED MIGRATORY BIRDS	20	16		2	2	1	4900.00	4900.00	
1010 SHOOT BEFORE/AFTER LEGAL HOURS: DEER	1			1					
1011 SHOOT BEFORE/AFTER LEGAL HOURS: TURKEY	1				1				
1012 SHOOT BEFORE/AFTER LEGAL HOURS: ANTELOPE	2	2				100.00		100.00	
1014 SHOOT BEFORE/AFTER LEGAL HOURS: GAME BIRDS	1	1				53.00	45.00	98.00	
1015 SHOOT BEFORE/AFTER LEGAL HOURS: SMALL GAME ANIMALS	4	3			1	150.00		150.00	
1016 SHOOT BEFORE/AFTER LEGAL HOURS: MIGRATORY GAME BIRD	14	3	1	1	9	1	225.00	90.00	315.00
1017 UNPLUGGED SHOTGUN	66	47	1	1	17	8	2865.00	1029.00	3894.00
1018 EXCEED BAG/POSSESSION LIMIT: MIGRATORY GAME BIRDS	19	18			1	1	3273.00	244.50	3517.50
1020 EXCEED BAG/POSSESSION LIMIT: HARES	1			1					
1021 EXCEED BAG/POSSESSION LIMIT: SQUIRRELS	2	1		1		525.00	195.00	720.00	
1022 EXCEED BAG/POSSESSION LIMIT: GAME BIRDS	2	2				78.00	90.00	168.00	
1023 EXCEED BAG/POSSESSION LIMIT: TURKEY (FALL)	1				1				
1027 EXCEED BAG/POSSESSION LIMIT: DEER	1	1				250.00	42.00	292.00	
1029 EXCEED BAG/POSS.LIMIT-CERTAIN WILDLIFE BY REGULAT.	2	1			1	50.00	45.00	95.00	
1030 POSSESS LEAD SHOT (FEDERAL REGS)	12	6			6	3	1050.00	1050.00	
1031 POSSESS LEAD SHOT (DEPARTMENT LANDS)	5	4			1		125.00	180.00	305.00
1032 HUNT OR TRESPASS ON REFUGE	15	7			8		518.00	210.00	728.00
1033 WANTON WASTE: MIGRATORY GAME BIRDS	1	1					125.00	125.00	
1034 WANTON WASTE: ALL GAME ANIMALS	6	3			3		233.00	44.00	277.00
1035 HUNT WITH THE AID OF A VEHICLE: ALL GAME	49	28		6	15	1	2998.00	666.00	3664.00
1036 HUNT WITH THE AID OF A VEHICLE: MIGRATORY GAME BIRD	17	9			8	4	1100.00	225.00	1325.00
1037 TRANSPORT GAME BIRDS ILLEGALLY	21	6	1		14		661.00	258.00	919.00
1038 TRANSPORT MIGRATORY GAME BIRDS ILLEGALLY	11	10		1			900.00	45.00	945.00
1039 TAKE/POSSESS WEN PHEASANT	6	4			2		345.00	129.00	474.00
1040 HUNT IN CLOSED SEASON: GAME BIRDS	6	5			1		300.00	174.00	474.00
1042 HUNT IN CLOSED SEASON: HARES	1				1				
1043 HUNT IN CLOSED SEASON: SQUIRRELS	2				2				
1044 HUNT IN CLOSED SEASON: DEER	18	13		2	3		2334.00	306.00	2640.00
1045 HUNT IN CLOSED SEASON: DEER (SPECIAL SEASON)	1	1					250.00		250.00
1048 HUNT IN CLOSED SEASON: TURKEY (FALL)	5	2		3		4	50.00	410.00	460.00
1049 HUNT IN CLOSED SEASON: TURKEY (SPRING)	2	2					250.00		250.00
1050 HUNT IN CLOSED SEASON: CROWS	3	1			2		50.00	45.00	95.00
1051 HUNT IN CLOSED SEASON: MIGRATORY GAME BIRDS	11	8			3		1565.00	132.00	1697.00
1052 UNLAWFUL HUNT (KIBRS)	44	25		4	15	1	1856.00	1112.00	2968.00
1053 CRIMINAL TRESPASS (KIBRS)	5				5				
1054 WRITTEN PERMISSION REQUIRED	53	36		5	12	4	2770.00	924.00	3694.00
1055 UNLAWFUL DISCHARGE OF FIREARM (KIBRS)	11	6		1	4	1	495.00	363.50	858.50
1056 BIG GAME BAG/PERMIT VIOL.-MISREP. TO PURCHASE PERMI	25	7		1	17		1390.00	770.00	2160.00
1057 HUNT OR TAKE WITHOUT PERMIT: TURKEY	6	3		1	2		545.00	95.00	640.00
1058 HUNT OR TAKE WITHOUT PERMIT: DEER	71	33		6	32	1	7047.00	1145.00	8192.00
1060 HUNT OR TAKE WITHOUT PERMIT: ELK	1				1				
1061 FAIL TO TAG: TURKEY	3				1		35.00	90.00	125.00
1063 FAIL TO TAG: DEER	41	12		1	28		3200.00	523.00	3723.00
1065 POSSESS UNTAGGED CARCASS: TURKEY	3				3				
1066 POSSESS UNTAGGED CARCASS: ANTELOPE	2			2					

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 DIVISION: L

WILDLIFE & PARKS
 1996 VIOLATION SUMMARY

PAGE NUMBER: 3

VIOLATIONS	ARREST	GUILTY	NOT GL.	DISH.	WARNING	JUVENILE	FINE	COST	TOTAL
1067 POSSESS UNTAGGED CARCASS: DEER	38	20		1	1	16	4900.00	528.00	5428.00
1069 NO SAFETY ORANGE (DEER/ELK)	46	16			2	28	683.00	480.00	1163.00
1070 ILLEGAL USE OF RADIO'S FOR HUNTING	2					2			
1071 HUNT WITH ARTIFICIAL LIGHT ILLEGALLY	37	19			7	11	2718.00	899.00	3617.00
1072 ILLEGAL AMMO/RIFLE WITH ARTIFICIAL LIGHT	5	4			1		200.00		200.00
1073 TAKE BY ILLEGAL MEANS/OTHER:MIGRATORY GAME BIRDS	18	13				5	5160.00		5160.00
1074 TAKE BY ILLEGAL MEANS/OTHER: GAME BIRDS	3	2				1	150.00	42.00	192.00
1075 TAKE BY ILLEGAL MEANS/OTHER:RABBITS,HARES & SQUIRR	2					2			
1076 TAKE BY ILLEGAL MEANS/OTHER:TURKEY (FALL & SPRING)	6	1				5	50.00		50.00
1077 TAKE BY ILLEGAL MEANS/OTHER: ANTELOPE	3	3					600.00		690.00
1078 TAKE BY ILLEGAL MEANS/OTHER: DEER	12	9			1	2	1200.00	372.50	1572.50
1080 TAKE BY ILLEGAL MEANS/OTHER:CERTAIN WILDLIFE(REGU)	2					2			
1081 ILLEGALLY ASSIST BIG GAME HUNT	2					2			
1082 WATERFOWL PERMIT VIOLATIONS	4	1				3	75.00		75.00
1084 HUNT/SHOOT FROM DIKE/ROAD	1					1			
1085 FAIL TO TAG DARK GEESE	4	3				1	600.00		
1087 HUNT/TAKE CRANE IN CLOSED AREA	1	1					275.00		275.00
1092 TAKE, POSSESS, ETC. NON-GAME (BINC)	7	4				3	650.00		650.00
TOTAL FOR HUNTING VIOLATIONS	1171	567	6	64	534	60	68593.00	16828.50	85421.50
FURBEARER/COYOTE VIOLATIONS									
2000 NO FURHARVESTER LICENSE	25	16				9	1075.00	648.00	1723.00
2001 NO FURHARVESTER LICENSE IN POSSESSION	8	3				5	250.00	45.00	295.00
2002 NO FURHARVESTER EDUCATION CARD	5	1				4	45.00		45.00
2005 SELL FUR WITHOUT FURHARVESTER LICENSE	1					1			
2006 HUNT, TAKE FUR DURING CLOSED SEASON	6	4				2	250.00	135.00	385.00
2007 FAIL TO TAG TRAPS	4	1				3	50.00	42.00	92.00
2008 FAIL TO CHECK TRAPS BY REGULATION	1	1					18.00	42.00	60.00
2009 POSSESS FUR/FURBEARERS CLOSED SEASON	19	4			1	14	298.00	132.00	430.00
2010 HUNT/TAKE FURBEARERS BY ILLEGAL MEANS	5	3				2	240.00	42.00	282.00
2014 FURDEALER RECORD	2					2			
2016 ILLEGAL DISPLAY OF COYOTE	2	2					200.00	84.00	284.00
2017 POSSESS/FAIL TO TAG, BOBCAT PELT	3	1				2	100.00		100.00
TOTAL FOR FURBEARER/COYOTE VIOLATIONS	81	36			1	44	2526.00	1170.00	3696.00
FISHING VIOLATIONS									
3000 NO FISHING LICENSE	648	479	1	35	133	2	19549.50	20674.00	40223.50
3001 NO FISHING LICENSE IN POSSESSION	260	39		14	207		1509.00	1671.00	3180.00
3002 MISREPRESENT TO PURCHASE FISHING LICENSE	5	4		1			270.00	171.00	441.00
3003 FISH WITH MORE THAN 2 FISHING LINES	75	52	1		22	1	2150.00	2163.00	4313.00
3004 FISH WITH MORE THAN 2 FISHING HOOKS	4	3			1		93.00	90.00	183.00
3005 ILLEGAL SET/TROT LINES (#'S & LIMITS)	6	5			1		140.00	135.00	275.00
3006 UNTAGGED LINES	29	12		1	16	1	458.00	356.00	814.00
3007 ILLEGAL SNAGGING	3			1	2			42.00	42.00
3008 OTHER FISH BY ILLEGAL MEANS: BY REGULATION	18	7	2	2	7		475.00	180.00	655.00
3009 OTHER FISH BY ILLEGAL MEANS: BY REGULATION	1				1				
3010 OTHER FISH BY ILLEGAL MEANS: BY STATUTE	16	3		12	1		228.00	45.00	273.00
3011 POSSESS ILLEGAL FISHING DEVICE	2	2					150.00		150.00
3012 EXCEED CREEL/POSSESSION LIMIT	41	26			15		1177.00	1031.30	2208.30
3013 FISH PROCESSING	2	1			1		25.00	45.00	70.00
3014 ILLEGAL LENGHT/SIZE LIMIT	122	85		1	36		3171.00	3457.00	6328.00
3015 FISH POSSESSION (WANTON WASTE)	5	5					218.00	216.00	434.00
3016 TAKE BAIT FISH BY ILLEGAL MEANS	2	1			1		50.00		50.00
3018 BULLFROGS METHOD OF TAKE	1	1					125.00	45.00	170.00
3019 BULLFROGS SEASON AND CREEL	6	3		1	2		225.00	90.00	315.00

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RUN DATE: 1/23/97
 DIVISION: L

WILDLIFE & PARKS
 1996 VIOLATION SUMMARY

PAGE NUMBER: 4

VIOLATIONS	ARREST	GUILTY	NOT CL.	DISH.	WARNING	JUVENILE	FINE	COST	TOTAL
3020 BULLFROGS/TURTLES LICENSE REQUIREMENT	2					2			
3021 FAIL TO CHECK SET/TROT LINES	1	1					25.00	45.00	70.00
3022 PADDLEFISH VIOLATIONS: FAIL TO CHECK FISH IN/UNTAGE	1	1					93.00	44.00	137.00
3023 PADDLEFISH VIOLATIONS: FAIL TO TAG STRINGER/CREEL	3	1				2	50.00	42.00	92.00
3024 TROUT PERMIT VIOLATIONS	18	2		1	15	3	45.00	45.00	90.00
3025 ILLEGAL LENGTH/SIZE FOR CRAPPIE	41	15			26		551.00	522.00	1073.00
3026 ILLEGAL LENGTH/SIZE FOR BLACK BASS	35	27			8		1051.00	1107.00	2158.00
3027 ILLEGAL LENGTH/SIZE FOR WALLEYE	4	3		1			150.00	129.00	279.00
3028 ILLEGAL LENGTH/SIZE FOR CHANNELED CAT.	46	29			17	1	1191.00	1106.00	2297.00
3032 ILLEGAL LENGTH FOR CLAP LAKES ALL SPECIES	1	1					15.00		15.00
TOTAL FOR FISHING VIOLATIONS	1398	808	4	70	516	8	33184.50	33151.30	66335.80
BOATING VIOLATIONS									
4000 NO BOAT REGISTRATION	229	147	1	11	70	2	3990.00	5877.50	9867.50
4001 REGISTRATION NOT ON BOARD	191	13		6	172		385.00	377.00	762.00
4002 BOAT NUMBER/DECAL VIOLATION	169	19		3	147		411.00	740.50	1151.50
4003 PFD'S NOT ACCESSIBLE	205	53		2	150		1038.00	2319.00	3357.00
4004 12 & UNDER NO PFD	128	62		2	64	1	1990.00	2671.00	4661.00
4005 NO/SERVICEABLE FIRE EXTINGUISHER	184	59		5	120		1296.00	2367.00	3663.00
4006 FIRE EXTINGUISHER NOT ACCESSIBLE	33	12			21		128.00	357.00	485.00
4007 NO SOUND PRODUCING DEVICE	65	6			59	1	145.00	286.00	431.00
4008 LIGHT VIOLATION	31	11		2	18		316.00	540.00	856.00
4009 NO MIRROR OR OBSERVER	69	50		2	17		1587.00	2218.00	3805.00
4010 CAPACITY VIOLATION	35	14			21		586.00	535.00	1121.00
4011 VENTILATION VIOLATION	8	4		1	3		103.00	177.00	280.00
4012 FLAME ARRESTOR VIOLATION	4				4				
4013 WATERSKI AFTER HOURS	1				1				
4014 OPERATION IN A RESTRICTED AREA	46	32			14	1	880.00	1381.00	2261.00
4015 OPERATOR AGE VIOLATION 12 W/O ADULT	18	10		2	6	1	413.00	412.00	825.00
4016 PROHIBITED OPERATIONS	121	47		6	68	3	2574.00	2085.00	4659.00
4017 BUI	12	7		4	1		1318.00	401.00	1719.00
4020 TESTING OR DEMONSTRATING	2	1			1		23.00	42.00	65.00
4021 PILOTING RULES	30	17		2	11		322.00	753.00	1075.00
4022 INSUFFICIENT/SERVICEABLE PFD'S	493	249	1	4	239	4	5813.00	9710.50	15523.50
4999 MISC./OTHER BOATING VIOLATIONS	19	1		1	17	4	25.00	42.00	67.00
TOTAL FOR BOATING VIOLATIONS	2093	814	2	53	1224	17	23343.00	33291.50	56634.50
DEPARTMENT LANDS/WATER VIOLATIONS									
5001 BOATING	1	1					25.00	42.00	67.00
5002 CAMPING	15	2			13		150.00	425.00	575.00
5003 FIRES	5	2			3		100.00	87.00	187.00
5004 FIREARMS-TARGET PRACTICE	26	9			17	1	405.00	391.00	796.00
5006 FIREARMS - OTHER	2	1			1		25.00		25.00
5007 FIREWORKS	1	1					25.00	45.00	70.00
5008 LITTERING	28	14		5	9		1116.00	699.50	1815.50
5009 OPERATE VEHICLE IN RESTRICTED AREA	100	36	1	8	55	2	1149.00	1685.00	2834.00
5010 PETS	24	2			22		100.00	84.00	184.00
5012 SWIMMING VIOLATIONS	46	10			36	6	295.00	351.00	646.00
5013 DESTRUCTIVE ACTS	11	3			8		218.00	126.00	344.00
5014 FISH IN RESTRICTED AREA	9	6			3		90.00	264.00	354.00
5015 TROT LINE VIOLATION	4	4					200.00	177.00	377.00
5016 OTHER FISH VIOLATION	1				1				
5018 BLIND/TREE STAND VIOLATIONS	1				1				
5022 ALCOHOLIC LIQUOR (KIBRS)	4	2			2		100.00	87.00	187.00
5025 PARK PERMIT DISPLAY	3	3					65.00	135.00	200.00

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 DIVISION: L

WILDLIFE & PARKS
 1996 VIOLATION SUMMARY

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VIOLATIONS	ARREST	GUILTY	NOT GL.	DISM.	WARNING	JUVENILE	FINE	COST	TOTAL
5026 OTHER UNLAWFUL ACTIVITY CHECK O/CODES	12	5		1	6		550.00	213.00	763.00
TOTAL FOR DEPARTMENT LANDS/WATER VIOLATIONS	293	101	1	14	177	9	4613.00	4811.50	9424.50
PERMIT/OTHER VIOLATIONS									
6002 GAME BREEDER PERMIT REQUIRED	11					11			
6017 COMMERCIAL HARVEST/DEALER VIOLATION - MUSSELS	47	30				17	2746.00	1057.00	3803.00
6020 EXOTIC WILDLIFE VIOLATION	2	1				1	15.00	40.00	55.00
6022 MISREPRESENT TO OBTAIN OTHER PERMITS	1	1					150.00		150.00
6038 OTHER WILDLIFE PROTECTED	3	2				1	100.00	89.00	189.00
6039 CONSERVATION OFFICER REFUSAL OF INSPECTION	3	1				2	80.00	45.00	125.00
6040 POSSESS/SHIP ILLEGAL WILDLIFE	1	1					250.00	45.00	295.00
6043 LACEY ACT VIOLATIONS	2	2					2000.00		2000.00
TOTAL FOR PERMIT/OTHER VIOLATIONS	70	38				32	5341.00	1276.00	6617.00
TRAFFIC VIOLATIONS									
7000 DUI	8	5		3			1192.00	339.00	1531.00
7001 RECKLESS DRIVING	4	1				3	20.00	45.00	65.00
7002 FLEEING OR ATTEMPTING TO ELUDE	3	1				2	478.00		478.00
7003 DRIVING WHILE SUSPENDED, REVOKED, ETC.	9	4		3		2	420.00	135.00	555.00
7004 DRIVERS LICENSE REQUIRED	5	4		1			85.00	87.00	172.00
7006 AGE RESTRICTIONS	1					1			
7008 NO VEHICLE REGISTRATION	3	3					85.00	87.00	172.00
7009 SEAT BELT	1			1					
7010 TRAFFIC INFRACTIONS	5	1		3		1	20.00	45.00	65.00
7011 TRANSPORT OPEN CONTAINER LIQUOR	12	6		5		1	500.00	270.00	770.00
7012 TRANSPORT OPEN CONTAINER CHB	4	1		2		1	50.00	42.00	92.00
7013 OTHER TRAFFIC VIOLATIONS	12	2		6		4	75.00	87.00	162.00
TOTAL FOR TRAFFIC VIOLATIONS	67	28		24		15	2925.00	1137.00	4062.00
VIOLATIONS CHECK FOR OTHER CODES									
8000 POSSESSION OF MARIJUANA	10	2		5		3	550.00	129.50	679.50
8001 POSSESSION OF DRUGS	2	1				1	500.00	129.50	629.50
8002 POSSESSION OF DRUG PARAPHENALIA	4	1		1		2	250.00	100.00	350.00
8004 OBSTRUCTING LEGAL PROCESS	2	1		1			100.00		100.00
8017 FALSE WRITING	2			2			25.00	459.00	484.00
8018 OTHER LITTERING	3	2				1	75.00	141.50	216.50
8024 MINOR IM POSSESSION/CONS.	50	9		12		29	2900.00	1351.50	4251.50
8997 OTHER ALCOHOL VIOLATIONS	14	7		5		2	670.00	540.00	1210.00
8998 OTHER DRUG CRIMES	2					2			
TOTAL FOR VIOLATIONS CHECK FOR OTHER CODES	89	23		26		40	5070.00	2851.00	7921.00
MISCELLANEOUS									
9998 OTHER VIOLATIONS NOT LISTED	15	5		2		8	690.00	130.00	820.00
9999 INFORMATION ONLY	1					1			
TOTAL FOR MISCELLANEOUS	16	5		2		9	690.00	130.00	820.00

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WILDLIFE & PARKS
 1996 VIOLATION SUMMARY

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VIOLATIONS	ARREST	GUILTY	NOT GL.	DISM.	WARNING	JUVENILE	FINE	COST	TOTAL
HUNTING VIOLATIONS							50.00	86.00	136.00
1000 NO HUNTING LICENSE	2	2					50.00	86.00	136.00
TOTAL FOR HUNTING VIOLATIONS	2	2							
FISHING VIOLATIONS							50.00	42.00	92.00
3000 NO FISHING LICENSE	1	1					94.00	88.00	182.00
3008 OTHER FISH BY ILLEGAL MEANS: BY REGULATION	2	2					25.00	44.00	69.00
3024 TROUT PERMIT VIOLATIONS	1	1					169.00	174.00	343.00
TOTAL FOR FISHING VIOLATIONS	4	4							
BOATING VIOLATIONS							300.00	97.00	397.00
4017 BUI	1	1					300.00	97.00	397.00
TOTAL FOR BOATING VIOLATIONS	1	1							
DEPARTMENT LANDS/WATER VIOLATIONS							225.00	223.00	448.00
5009 OPERATE VEHICLE IN RESTRICTED AREA	5	5					225.00	223.00	448.00
TOTAL FOR DEPARTMENT LANDS/WATER VIOLATIONS	5	5							
TRAFFIC VIOLATIONS							700.00	90.00	790.00
7000 DUI	4	2		2			300.00	135.00	435.00
7003 DRIVING WHILE SUSPENDED, REVOKED, ETC.	5	3		2					
7004 DRIVERS LICENSE REQUIRED	2			2					
7008 NO VEHICLE REGISTRATION	2	1		1			100.00	45.00	145.00
7010 TRAFFIC INFRACTIONS	2	1		1			25.00	45.00	70.00
7011 TRANSPORT OPEN CONTAINER LIQUOR	2	1		1			150.00	139.00	289.00
7012 TRANSPORT OPEN CONTAINER CMB	3	3							
7013 OTHER TRAFFIC VIOLATIONS	2			2			250.00	94.00	344.00
TOTAL FOR TRAFFIC VIOLATIONS	25	12		13			1525.00	548.00	2073.00
VIOLATIONS CHECK FOR OTHER CODES							200.00	45.00	245.00
8024 MINOR IN POSSESSION/CONSB.	1	1					200.00	45.00	245.00
TOTAL FOR VIOLATIONS CHECK FOR OTHER CODES	1	1							

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WILDLIFE & PARKS
 1996 VIOLATION SUMMARY

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VIOLATIONS	ARREST	GUILTY	NOT CL.	DISM.	WARNING	JUVENILE	FINE	COST	TOTAL
HUNTING VIOLATIONS									
1000 NO HUNTING LICENSE	10	8				2	530.00	354.00	884.00
1001 NO LICENSE IN POSSESSION	5					5			
1003 NO HUNTER SAFETY CARD	7	2		1		4	150.00		150.00
1004 NO HS CARD IN POSSESSION 27 & UNDER	4			2		2			
1005 NO HS CARD IN POSSESSION	3					3			
1009 HUNT, TAKE, POSSESS PROTECTED MIGRATORY BIRDS	2	2					200.00	261.40	461.40
1017 UNPLUGGED SHOTGUN	5	3				2	200.00	45.00	245.00
1025 EXCEED BAG/POSSESSION LIMIT: ANTELOPE	1	1					9.00	45.00	54.00
1030 POSSESS LEAD SHOT (FEDERAL REGS)	1					1			
1031 POSSESS LEAD SHOT (DEPARTMENT LANDS)	7	6				1	150.00	270.00	420.00
1032 HUNT OR TRESPASS ON REFUGE	2					2			
1033 HUNT WITH THE AID OF A VEHICLE: ALL GAME	9					9			
1037 TRANSPORT GAME BIRDS ILLEGALLY	2	1				1	100.00	42.00	142.00
1038 TRANSPORT MIGRATORY GAME BIRDS ILLEGALLY	1					1			
1044 HUNT IN CLOSED SEASON: DEER	1					1			
1051 HUNT IN CLOSED SEASON: MIGRATORY GAME BIRDS	1					1			
1052 UNLAWFUL HUNT (XIBRS)	5	3				2	100.00	45.00	145.00
1054 WRITTEN PERMISSION REQUIRED	4	1				3	150.00	45.00	195.00
1053 UNLAWFUL DISCHARGE OF FIREARM (KIBRS)	3	2				1	200.00	90.00	290.00
1058 HUNT OR TAKE WITHOUT PERMIT: DEER	4	2				2	350.00	90.00	640.00
1063 FAIL TO TAG: DEER	6	1				5	50.00	45.00	95.00
1067 POSSESS UNTAGGED CARCASS: DEER	5	4				1	1250.00	177.00	1427.00
1069 NO SAFETY ORANGE (DEER/ELK)	7	1				6	25.00	42.00	67.00
1071 HUNT WITH ARTIFICIAL LIGHT ILLEGALLY	1	1					60.00		60.00
1081 ILLEGALLY ASSIST BIG GAME HUNT	1					1			
1082 WATERFOWL PERMIT VIOLATIONS	1					1			
TOTAL FOR HUNTING VIOLATIONS	98	38		3	57	6	3724.00	1551.40	5275.40
FURBEARER/COYOTE VIOLATIONS									
2000 NO FURHARVESTER LICENSE	2				1	1			
2002 NO FURHARVESTER EDUCATION CARD	1					1			
2009 POSSESS FUR/FURBEARERS CLOSED SEASON	1					1			
2010 HUNT/TAKE FURBEARERS BY ILLEGAL MEANS	1			1			60.00	45.00	105.00
2011 HUNT/TAKE COYOTES BY ILLEGAL MEANS	1	1					60.00	45.00	105.00
TOTAL FOR FURBEARER/COYOTE VIOLATIONS	6	1		2	3				
FISHING VIOLATIONS									
3000 NO FISHING LICENSE	26	21				5	1070.00	898.00	1968.00
3001 NO FISHING LICENSE IN POSSESSION	18	4		4	10		100.00	171.00	271.00
3002 MISREPRESENT TO PURCHASE FISHING LICENSE	1			1				45.00	45.00
3003 FISH WITH MORE THAN 2 FISHING LINES	2	2					65.00	90.00	155.00
3005 ILLEGAL SET/TROT LINES (#'S & LIMITS)	1					1			
3006 UNTAGGED LINES	1	1					20.00	45.00	65.00
3010 OTHER FISH BY ILLEGAL MEANS: BY STATUTE	4	1		3			125.00		125.00
3011 POSSESS ILLEGAL FISHING DEVICE	1	1					125.00		125.00
3012 EXCEED CREEL/POSSESSION LIMIT	2	2					555.00	84.00	639.00
3014 ILLEGAL LENGTH/SIZE LIMIT	4	3		1			125.00	135.00	260.00
3018 BULLFROGS METHOD OF TAKE	1	1					125.00	45.00	170.00
3019 BULLFROGS SEASON AND CREEL	1	1					125.00		125.00
3024 TROUT PERMIT VIOLATIONS	1	1					50.00		50.00
3025 ILLEGAL LENGTH/SIZE FOR CRAPPIE	1			1					
TOTAL FOR FISHING VIOLATIONS	64	38		10	16		2485.00	1513.00	3998.00
BOATING VIOLATIONS									

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WILDLIFE & PARKS
 1996 VIOLATION SUMMARY

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VIOLATIONS	ARREST	GUILTY	NOT CL. DISM.	WARNING	JUVENILE	FINE	COST	TOTAL
4000 NO BOAT REGISTRATION	8	4		4		85.00	87.00	172.00
4001 REGISTRATION NOT ON BOARD	3			3				
4002 BOAT NUMBER/DECAL VIOLATION	2			2				
4003 PFD'S NOT ACCESSIBLE	2	1		1		25.00	52.00	77.00
4004 12 & UNDER NO PFD	1	1				50.00		50.00
4005 NO/SERVICEABLE FIRE EXTINGUISHER	1	1				25.00	42.00	67.00
4007 NO SOUND PRODUCING DEVICE	1			1				
4008 LIGHT VIOLATION	4	3				85.00	167.00	252.00
4010 CAPACITY VIOLATION	4	1		3		95.00	45.00	140.00
4014 OPERATION IN A RESTRICTED AREA	18	12	1	5		410.00	632.00	1042.00
4015 OPERATOR AGE VIOLATION 12 W/O ADULT	2	2				100.00	87.00	187.00
4016 PROHIBITED OPERATIONS	4	2		2		75.00	90.00	165.00
4020 TESTING OR DEMONSTRATING	1			1				
4021 PILOTING RULES	1		1					
4022 INSUFFICIENT/SERVICEABLE PFD'S	4	3		1		75.00	132.00	207.00
4999 MISC./OTHER BOATING VIOLATIONS	10	8	1	1		175.00	354.00	529.00
TOTAL FOR BOATING VIOLATIONS	66	38	4	24		1200.00	1688.00	2888.00
DEPARTMENT LANDS/WATER VIOLATIONS								
5001 BOATING	4	4				125.00	174.00	299.00
5002 CAMPING	47	5		42		175.00	126.00	301.00
5003 FIRES	9			9				
5004 FIREARMS-TARGET PRACTICE	4	1		3		25.00	45.00	70.00
5007 FIREWORKS	3	3				140.00	129.00	269.00
5008 LITTERING	14	8		6		432.00	319.00	751.00
5009 OPERATE VEHICLE IN RESTRICTED AREA	72	47	3	22		1688.00	2179.00	3867.00
5010 PETS	5	2		3		60.00	97.00	157.00
5011 SPEEDING	23	18	1	4		364.00	810.00	1174.00
5013 DESTRUCTIVE ACTS	15	8		7		575.00	367.00	942.00
5021 HUNTING/TRAPPING (CHECK HUNTING CODES)	1	1				50.00	42.00	92.00
5022 ALCOHOLIC LIQUOR (XIBRS)	4	4				195.00	177.00	372.00
5024 PARK PERMIT	53	37	15	1		869.00	1705.00	2574.00
5025 PARK PERMIT DISPLAY	90	67	22	1		741.00	2866.00	3607.00
TOTAL FOR DEPARTMENT LANDS/WATER VIOLATIONS	344	205	41	98		5439.00	9036.00	14475.00
PERMIT/OTHER VIOLATIONS								
6002 GAME BREEDER PERMIT REQUIRED	1	1				50.00	42.00	92.00
6007 WILDLIFE DAMAGE CONTROL (POISONS) CYANIDE GAS	1	1				50.00	52.00	102.00
6022 MISREPRESENT TO OBTAIN OTHER PERMITS	1		1					
TOTAL FOR PERMIT/OTHER VIOLATIONS	3	2	1			100.00	94.00	194.00
TRAFFIC VIOLATIONS								
7000 DUI	22	9	1	12		4350.00	1095.00	5445.00
7001 RECKLESS DRIVING	3			3		50.00	92.00	142.00
7002 FLEEING OR ATTEMPTING TO ELUDE	1	1				25.00	42.00	67.00
7003 DRIVING WHILE SUSPENDED, REVOKED, ETC.	15	12		3		1200.00	513.00	1713.00
7004 DRIVERS LICENSE REQUIRED	5	4		1	2	74.00	129.00	203.00
7006 AGE RESTRICTIONS	3	2		1		75.00	52.00	127.00
7008 NO VEHICLE REGISTRATION	13	7		4	2	195.00	268.00	463.00
7009 SEAT BELT	1	1				25.00	42.00	67.00
7010 TRAFFIC INFRACTIONS	27	12		5	10	308.00	606.00	914.00
7011 TRANSPORT OPEN CONTAINER LIQUOR	32	21		10	1	1702.00	1161.00	2863.00
7012 TRANSPORT OPEN CONTAINER CMB	17	11		6		970.00	641.00	1611.00
7013 OTHER TRAFFIC VIOLATIONS	17	10	3	4		465.00	709.00	1174.00
TOTAL FOR TRAFFIC VIOLATIONS	156	90	1	47	18	9439.00	5350.00	14789.00

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WILDLIFE & PARKS
DIVISION OFFICER STATISTICS SUMMARY

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LINE DESCRIPTION	FIRST QUARTER	SECOND QUARTER	THIRD QUARTER	FOURTH QUARTER	YTD
1 LICENSE/WILDLIFE PERMIT CHECKS	4431	1274	2805	14088	22598
2 PARK PERMIT CHECKS	2	22	24	10	58
3 SPORTSMEN CONTACTS	15186	21821	19994	20055	77056
4 PARK PATRON CONTACTS	85	348	278	44	755
5 LANDOWNER CONTACTS	1932	2021	2075	2925	8953
6 PARK NTAS				4	15
7 YELLOW SUMMONS		11			
8 WILDLIFE DAMAGE COMPLAINTS	224	366	248	274	1112
9 NIGHT PATROL HOURS	2988	2551	2644	3459	11642
10 VESSEL INSPECTIONS	351	5217	6233	486	12287
11 FISHING LICENSE CHECKS	4026	18263	11503	2817	36609
12 BOATING PROGRAMS	18	63	34	3	118
13 HUNTER ED CLASSES	14	53	97	156	320
14 NEWS RELEASES	248	318	347	213	1126
15 OTHER PROGRAMS	81	123	79	86	369
16 INTOXILYZER TESTS GIVEN	3	6	13	4	26
17 PWC VIOLATIONS		97	207	4	308
18 ENVIRON. SERV. INVEST<FISHKILL	69	264	123	190	646
19 OUTDOOR ALERT COMPLAINTS	14	18	18	50	100
20 DRUG ARRESTS	1	12	7	5	25
21 DRUG HOURS	2	47	27	14	90
22 ASSAULTS TO OFFICERS		1			1

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WILDLIFE & PARKS
DIVISION OFFICER STATISTICS SUMMARY

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LINE DESCRIPTION	FIRST QUARTER	SECOND QUARTER	THIRD QUARTER	FOURTH QUARTER	YTD
1 LICENSE/WILDLIFE PERMIT CHECKS		1			1
2 PARK PERMIT CHECKS		1116	1284		2400
3 SPORTSMEN CONTACTS		72	50		122
4 PARK PATRON CONTACTS		844	439		1283
5 LANDOWNER CONTACTS		5			5
6 PARK NTAS		2			2
7 YELLOW SUMMONS		33	12		45
8 WILDLIFE DAMAGE COMPLAINTS					
9 NIGHT PATROL HOURS		167	119		286
10 VESSEL INSPECTIONS		7	2		9
11 FISHING LICENSE CHECKS		236	43		279
12 BOATING PROGRAMS					
13 HUNTER ED CLASSES					
14 NEWS RELEASES					
15 OTHER PROGRAMS					
16 INTOXILYZER TESTS GIVEN					
17 PWC VIOLATIONS					
18 ENVIRON. SERV. INVEST(FISHKILL					
19 OUTDOOR ALERT COMPLAINTS					
20 DRUG ARRESTS					
21 DRUG HOURS					
22 ASSAULTS TO OFFICERS					

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WILDLIFE & PARKS
DIVISION OFFICER STATISTICS SUMMARY

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LINE DESCRIPTION	FIRST QUARTER	SECOND QUARTER	THIRD QUARTER	FOURTH QUARTER	YTD
1 LICENSE/WILDLIFE PERMIT CHECKS	313	229	458	2243	3243
2 PARK PERMIT CHECKS	2176	38431	55609	5696	101912
3 SPORTSMEN CONTACTS	1797	5797	5017	4331	16942
4 PARK PATRON CONTACTS	1474	16975	23986	3326	45761
5 LANDOWNER CONTACTS	285	376	305	1555	2521
6 PARK NTAS	9	106	156	49	320
7 YELLOW SUMMONS	204	1098	930	148	2380
8 WILDLIFE DAMAGE COMPLAINTS	14	37	26	29	106
9 NIGHT PATROL HOURS	91	2076	2369	397	4933
10 VESSEL INSPECTIONS	46	252	216	37	551
11 FISHING LICENSE CHECKS	252	1524	880	405	3061
12 BOATING PROGRAMS	1	3	2		6
13 HUNTER ED CLASSES	3	3	12	42	60
14 NEWS RELEASES	48	156	114	73	391
15 OTHER PROGRAMS	32	113	41	33	219
16 INTOXILYZER TESTS GIVEN		6	7		13
17 PWC VIOLATIONS		1	19		20
18 ENVIRON. SERV. INVEST(FISHKILL	4	1	2	1	8
19 OUTDOOR ALERT COMPLAINTS			2	7	9
20 DRUG ARRESTS	1	18	16	1	36
21 DRUG HOURS	4	32	51	5	92
22 ASSAULTS TO OFFICERS		1	1		2

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