



DEPARTMENT OF HEALTH & HUMAN SERVICES

Chief of Staff

Washington, D.C. 20201

DEC 29 1994

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MEMORANDUM FOR STEVE SILVERMAN

Enclosed is a memorandum for the President regarding his initiative to improve child support payment in the federal work force.

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Kevin Thurm

Enclosure



THE SECRETARY OF HEALTH AND HUMAN SERVICES
WASHINGTON, D.C. 20201

DEC 28 1994

MEMORANDUM FOR THE PRESIDENT

Throughout your campaign and during your administration, you have frequently emphasized the importance of making noncustodial parents accountable for raising their children and identified the necessity of reforming the child support enforcement system. The Omnibus Budget Reconciliation Act of 1993 includes two Administration legislative proposals to begin this process. These proposals streamline the establishment of paternity and improve access to medical coverage for children.

During the development of your FY 1994 budget, the Department of Health and Human Services (HHS) agreed to develop an initiative to improve the role of the Federal Government as an employer in the area of child support enforcement. In response to this request, we have developed an initiative which would be spearheaded by an Executive Order signed by you. A proposed Executive Order is enclosed. This Order directs all agencies of the Executive Branch, including the Uniformed Services, to take action to ensure that children of Federal employees receive the support to which they are entitled.

The Executive Order requires all Federal agencies to take specific immediate actions to ensure that children of Federal employees are supported by their parents. The Order also directs the Office of Personnel Management, the Department of Defense, and HHS to identify additional recommendations on how to make the Federal Government an innovative leader in this area and to report these findings to the Office of Management and Budget (OMB). OMB would be responsible for ensuring that the Executive Order is followed.

This Executive Order is complementary to the child support reforms which were included in the Work and Responsibility Act of 1994. Signing this Executive Order would provide you with an opportunity to act upon your commitment to improving the child support system in advance of the resubmittal of your welfare reform legislation. It would also show your desire to have all Federal employees meet their responsibilities as parents. Finally, I believe that the Executive Order outlines a course of action that is compatible with your desire to make the Federal Government operate more efficiently. I recommend that you sign the Executive Order.

A handwritten signature in black ink, appearing to read "Donna E. Shalala", is written over a horizontal line.

Donna E. Shalala

Enclosure

EXECUTIVE ORDER

PROPOSED ACTIONS REQUIRED OF ALL FEDERAL AGENCIES TO FACILITATE PAYMENT OF CHILD SUPPORT

Whereas, children need and deserve the emotional and financial support of both their parents;

Whereas, the Federal Government requires States and, through them, public and private employers to take actions necessary to ensure that monies in payment of child support obligations are withheld and transferred to the child's caretaker in an efficient and expeditious manner; and

Whereas, the Federal Government, through its civilian and Uniformed Services work force, is the nation's largest single employer and as such should set an example of leadership and encouragement in ensuring that all children are properly supported;

Now, therefore, by the authority vested in me as President by the Constitution and the laws of the United States of America, including section 301 of title 3, it is hereby ordered as follows:

Part 1 - PURPOSE

Sec. 101 This Executive Order:

- (a) Establishes the Executive Branch of the Federal Government, through its civilian and Uniformed Services work force, as a model employer in promoting and facilitating the establishment of paternity and the establishment and enforcement of child support.
- (b) Requires all Federal agencies, including the Uniformed Services, to cooperate fully in efforts to establish paternity and to establish and enforce the collection of child and medical support in all situations that such actions may be required.
- (c) Requires each Federal agency, including the Uniformed Services, to provide information to its work force about actions that employees should take and services that are available to ensure that their children are provided the support to which they are legally entitled.

Part 2 - DEFINITIONS

For Purposes Of This Order:

Sec. 201. "Federal Agency" means any department, agency, Uniformed Service or other instrumentality of the Executive Branch as defined under 5 U.S.C. 551(1) and 552(f).

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Sec. 202. "Uniformed Services" means the Army, Navy, Marine Corps, Air Force, Coast Guard, and the Commissioned Corps of the National Oceanic and Atmospheric Administration and the Public Health Service.

Sec. 203. "Child Support Enforcement" means any administrative or judicial action necessary to establish paternity, establish a child support order, including a medical support order, and any actions necessary to enforce a child support or medical support order. Child support actions may be brought under the civil or criminal laws of the State and are not limited to actions brought on behalf of the State or individual by State agencies providing services under title IV-D of the Social Security Act.

Part 3 - IMMEDIATE ACTIONS TO ENSURE CHILDREN ARE SUPPORTED BY THEIR PARENTS

Sec. 301. Wage Withholding

(a) Within 60 days from the date of this Executive Order, every Federal agency, shall implement wage withholding to the fullest extent possible in accordance with the time frames and other requirements in withholding notices issued in accordance with 42 U.S.C. 666(b) and implementing regulations.

(b) Beginning no later than July 1, 1995, the Office of Personnel Management (OPM) shall publish semiannually in the Federal Register the list of agents (and their addresses) designated to receive service of withholding notices for Federal employees.

Sec. 302. Service of Process

Every Federal agency shall assist in the service of process in civil actions to establish paternity and establish or enforce a support obligation by making Federal employees or members of the Uniformed Services stationed outside the U.S. available for the service of process. Each agency shall designate an official who shall be responsible for ensuring a Federal employee's availability for service of process, regardless of the location of the employee's work place. OPM shall publish a list of these officials semiannually in the Federal Register, beginning no later than July 1, 1995.

Sec. 303. Federal Parent Locator

Every Federal agency shall cooperate with the Federal Parent Locator Service, established under 42 U.S.C. 653, by providing complete, timely and accurate information that will help in locating noncustodial parents and their employers.

Sec. 304. Crossmatch for Delinquent Obligors

(a) The master file of delinquent obligors which each State child support enforcement agency submits to the Internal Revenue Service for Federal income tax refund offset purposes shall be matched at least annually with the payroll or personnel files of Federal agencies in order to determine if there are any Federal employees with child support delinquencies. The list of matches shall be forwarded to the appropriate State child support enforcement agency to determine, in each instance, whether wage withholding or other enforcement actions should be commenced. All matches will be performed in accordance with 5 U.S.C. 552a(o)-(u).

(b) All Federal agencies shall inform current and prospective employees that crossmatches are routinely made between Federal personnel records and State records on individuals who owe child support and inform employees how to initiate voluntary wage withholding requests.

Sec. 305. Availability of Services

All Federal agencies shall advise current and prospective employees of services authorized under title IV-D of the Social Security Act that are available through the States. At a minimum, information shall be provided annually to current employees through the Employee Assistance Program, or similar programs, and to new employees during routine orientation.

Sec. 306. Report on Actions Taken

Within 90 days of the date of this Executive Order, all Federal agencies shall report to the Office of Management and Budget (OMB) on the actions they have taken to comply with the Executive Order and of any statutory, regulatory, and/or administrative barriers that prevent them from complying with the requirements of Part 3 of this Executive Order.

Part 4 - ADDITIONAL ACTIONS

Sec. 401. Additional Review for the Uniformed Services

(a) In addition to the requirements outlined above, DOD in consultation with HHS (and with participation, as necessary, by other appropriate agencies) shall conduct a full review of current policies and practices within the Uniformed Services to ensure that children of Uniformed Services personnel are provided financial and medical support in the same manner and within the same timeframes as is mandated for all other children due such support. This review shall include, but not be limited to issues related to withholding non-custodial parents' wages, service of process, activities to locate parents and their income and assets, release time to attend civil paternity and support proceedings, and health insurance coverage under the Civilian Health and Medical Program of the Uniformed Services (CHAMPUS). All

relevant existing statutes, including the Soldiers and Sailors Civil Relief Act of 1940, the Uniformed Services Former Spouses Protection Act, and the Tax Equity and Fiscal Responsibility Act of 1982, shall be reviewed and appropriate legislative modifications shall be identified.

(b) Within 180 days of the date of this Executive Order, DOD shall submit to OMB a report based on this review. The report shall recommend additional policy, regulatory and legislative changes that would improve and enhance the Federal Government's commitment to ensuring parental support for all children.

Sec. 402. Additional Federal Agency Actions

(a) OPM and HHS shall jointly prepare recommendations for additional administrative, regulatory or legislative improvements in the policies and procedures of Federal agencies affecting child support enforcement. Other agencies will be included in the development of recommendations for specific items as appropriate. The recommendations shall include:

(i) procedures to ensure that Federal agencies require employees to enroll their children in health insurance plans when an employee required by a child support order to provide such support has failed to do so and procedures to ensure that Federal Employees Health Benefits Program insurers do not have policies or practices which result in refusal to enroll a child based on the residence of the child or the marital status of the employee.

(ii) procedures to ensure that more accurate and up-to-date data about civilian and uniformed personnel who are being sought in conjunction with a State paternity or child support action can be obtained from Federal agencies and their payroll and personnel records with which to improve efforts to locate non-custodial parents and their income and assets;

(iii) procedures for selecting Federal agencies to pilot test and evaluate new approaches to the establishment and enforcement of child support obligations;

(iv) additional proposals to improve service of process for civilian employees and members of the military stationed outside the United States, including the possibility of serving process by certified mail in establishment and enforcement cases or of designating an agent for service of process which would have the same effect and bind employees to the same extent as actual service upon the employee;

(v) strategies to facilitate the compliance with Federal and State child support requirements by quasi-governmental agencies, advisory groups, and commissions.

(vi) whether a single agency should be designated to receive and effectuate wage withholding orders for all Federal employees; and

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(vii) whether compliance with support obligations should be a condition of Federal employment or a factor used in defining suitability for Federal employment.

(b) The recommendations for item (i) are due within 90 days of the date of this Executive Order. The recommendations for items (ii) - (vii) are due within 180 days of the date of this Executive Order. The recommendations are to be submitted to OMB.

Sec. 501. Internal Management

This Executive Order is intended only to improve the internal management of the Executive Branch with regard to child support enforcement and shall not be interpreted to create any right or benefit, substantive or procedural, enforceable at law by a party against the United States, its officers, or any other person.

Sec. 502. Sovereignty of the United States Government

This Executive Order is intended only to provide that the Federal Government has elected to require Federal agencies to adhere to the same standards as are applicable to all other employers in the Nation and shall not be interpreted as subjecting the Federal Government to any State law or requirement. This Order should not be construed as a waiver of the Sovereignty of the United States Government or of any existing statutory or regulatory provisions, including the following: 42 U.S.C. 659 and 662; 5 CFR Part 581; 42 CFR Part 21, Subpart C; 32 CFR Part 54; and 32 CFR Part 81.

Sec. 503. Defense and Security

Further, this Executive Order is not intended to require any action which would compromise the defense or security interest of the United States of America.

Sec. 504. Effective Date

Unless otherwise stated the provisions of this Order shall be effective immediately.

EXECUTIVE ORDER

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