

105TH CONGRESS  
1ST SESSION

# H. R. 1192

To amend the Social Security Act to require the Secretary of Health and Human Services to approve or deny an application for a waiver for certain demonstration projects under title IV or XI of the Social Security Act in a timely manner.

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## IN THE HOUSE OF REPRESENTATIVES

MARCH 20, 1997

Mr. PAXON introduced the following bill; which was referred to the Committee on Ways and Means, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

To amend the Social Security Act to require the Secretary of Health and Human Services to approve or deny an application for a waiver for certain demonstration projects under title IV or XI of the Social Security Act in a timely manner.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Medicaid and TANF  
5 Waiver Fairness Act of 1997”.

1 **SEC. 2. ESTABLISHMENT OF DEADLINE FOR APPROVAL OR**  
2 **DENIAL OF A SECTION 1115 WAIVER APPLICA-**  
3 **TION.**

4 (a) IN GENERAL.—Section 1115 of the Social Secu-  
5 rity Act (42 U.S.C. 1315) is amended by adding at the  
6 end the following:

7 “(e)(1) In the case of an application under this sec-  
8 tion for a waiver of compliance with any of the require-  
9 ments of section 402 or 1902 that has been pending with  
10 the Secretary for the period described in paragraph (2),  
11 such application shall be deemed to be approved at the  
12 conclusion of such period unless the Secretary provides  
13 written notice to the applicant that the application is de-  
14 nied.

15 “(2) The period described in this paragraph is the  
16 270-day period that begins on the date such an application  
17 is received by the Secretary.

18 “(3) Nothing in this subsection shall be construed as  
19 preventing an applicant from withdrawing such an appli-  
20 cation at any time.

21 “(4) In the case of denial of such an application, not  
22 later than 15 days after the date of the notice of denial,  
23 the Secretary shall transmit to the Congress and to the  
24 applicant an explanation of the specific reasons for such  
25 denial, including the factors and data that the Secretary

1 took into consideration in making the final determina-  
2 tion.”.

3 (b) EFFECTIVE DATE.—

4 (1) IN GENERAL.—The amendment made by  
5 subsection (a) applies to an application for a waiver  
6 under section 1115 of the Social Security Act sub-  
7 mitted on or after, or pending with the Secretary of  
8 Health and Human Services on, the date of the en-  
9 actment of this Act.

10 (2) SPECIAL RULE FOR LONGSTANDING PEND-  
11 ING APPLICATIONS.—In applying such section with  
12 respect to such an application received by the Sec-  
13 retary more than 240 days before the date of the en-  
14 actment of this Act, the application is deemed to be  
15 received by the Secretary 240 days before such date.

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