CONGRESSIONAL RECORD—HOUSE
November 18, 1999

Sec. 3. Redesignation of Coastal Barrier Resources System in Honor of John H. Chafee.

(a) In General.—The Coastal Barrier Resources System referred to in section 4(a) of the Coastal Barrier Resources Act (16 U.S.C. 3501 et seq.) is redesignated as the "John H. Chafee Coastal Barrier Resources System".

(b) References.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the Coastal Barrier Resources System shall be deemed to be a reference to the John H. Chafee Coastal Barrier Resources System.

(c) Conforming Amendments.—(1) Section 2(b) of the Coastal Barrier Resources Act (16 U.S.C. 3501(b)) is amended by striking "a Coastal Barrier Resources System" and inserting "the John H. Chafee Coastal Barrier Resources System".

(2) Section 3 of the Coastal Barrier Resources Act (16 U.S.C. 3502) is amended by striking "Coastal Barrier Resources System" and inserting "John H. Chafee Coastal Barrier Resources System".

(3) Section 4 of the Coastal Barrier Resources Act (16 U.S.C. 3503) is amended—

(A) in the section heading, by striking "COASTAL BARRIER RESOURCES SYSTEM" and inserting "JOHN H. CHAFEE COASTAL BARRIER RESOURCES SYSTEM"; and

(B) in subsection (a), by striking "the Coastal Barrier Resources System" and inserting "the John H. Chafee Coastal Barrier Resources System".

(4) Section 10(c)(2) of the Coastal Barrier Resources Act (16 U.S.C. 3509(c)(2)) is amended—

(A) by striking the section heading and inserting the following:

"JOHN H. CHAFEE COASTAL BARRIER RESOURCES SYSTEM";

and

(B) by striking "Coastal Barrier Resources System" and inserting "John H. Chafee Coastal Barrier Resources System".

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to recommit was laid on the table.

Foster Care Independence Act of 1999

Mrs. JOHNSON of Connecticut. Mr. Speaker, reserving my right to object, let me quickly point out how pleased I am that the House is expected to consider the Foster Care Independence Act of 1999, which is H.R. 3443, as soon as possible. This bill contains only nine changes from the original legislation, all of them minor.

I close by commending the other body for commemorating the life of the great Senator. The life and work of the great Senator from Rhode Island, the incomparable John Chafee, would be here today were it not for his help.

We have been working with our colleagues in the other body over the last several days to resolve differences and have agreed upon the version of the bill before us, H.R. 3443, which represents that consensus text. I want to especially acknowledge the work of Senators LOTT, ROTH, GRASSLEY, NICKLES, MOYNIHAN, and ROCKEFELLER on this bill.

Since the House is expected to conclude its business shortly, we are taking this action in order to expedite consideration in the other body and move the bill to the President's desk.

This bill will provide, for the first time, realistic support for our most unfortunate children, those who have been in foster care for many years and who reach adulthood essentially alone. Unfortunately, research shows that these children have terribly high levels of unemployment, homelessness, school failure, teen pregnancy, and victimization by the victims or predators of crime. These young Americans need our help to have the opportunity in life that all Americans dream of.

This bill contains only nine changes from the original legislation, all of them minor.

I close by commending the other body for commemorating the life of the great Senator, the life and work of the great Senator from Rhode Island, the incomparable John Chafee. Senator Chafee was a wonderful friend to many of us here in this House and a diligent worker for children. He was full of enthusiasm for this legislation and worked tirelessly to secure its progress through his committee, looking toward its passage in the Senate. In fact, we have been told that his last actions were in support of the Bill of Rights and the Bill of Rights for the Bill of Rights. As a result, let me congratulate the other body on passing the Bill of Rights for the Bill of Rights.

I would also like to express my appreciation to the Clinton administration for their help in drafting this legislation.

Mr. Speaker, although we are acting on this bill, H.R. 3443, it started as H.R.
Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, SECTION 1. SHORT TITLE; TABLE OF CONTENTS. (a) Short Title.—This Act may be cited as the “Foster Care Independence Act of 1999”.

(b) Table of Contents.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—IMPROVED INDEPENDENT LIVING PROGRAM

Subtitle A—Improved Independent Living Program

Sec. 101. Improved independent living program.

Sec. 102. Subtitle B—Related Foster Care Provision

Sec. 111. Increase in amount of assets allowable for children in foster care.

Sec. 112. Preparation of foster parents to provide for the needs of children in State care.

Subtitle C—Medicaid Amendments

Sec. 121. State option of Medicaid coverage for adolescents leaving foster care.

Subtitle D—Adoption Incentive Payments

Sec. 131. Increased funding for adoption incentive payments.

TITLE II—SSI FRAUD PREVENTION

Subtitle A—Fraud Prevention and Related Provisions

Sec. 201. Liability of representative payees for overpayments to deceased recipients.

Sec. 202. Recovery of overpayments of SSI benefits from lump sum SSI benefit payments.

Sec. 203. Additional debt collection practices.

Sec. 204. Requirement to provide State prisoner information to Federal and federally assisted benefit programs.

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Sec. 205. Treatment of assets held in trust under the SSI program.

Sec. 206. Disposal of resources for less than fair market value under the SSI program.

Sec. 207. Administrative procedure for imposing penalties for false or misleading statements.

Sec. 208. Exclusion of representatives and hearsay providers convicted of violations from participation in social security programs.

Sec. 209. State data exchanges.

Sec. 210. Study on possible measures to improve fraud prevention and administrative processing.

Sec. 211. Annual report to Congress necessary to combat fraud.

Sec. 212. Computer matches with Medicare and Medicaid institutionalization data.

Sec. 213. Access to information held by financial institutions.

Subtitle B—Benefits For Certain World War II Veterans

Sec. 251. Establishment of program of special benefits for certain World War II veterans.

Sec. 252. Study on military disability payments.

Sec. 253. Study of denial of SSI benefits for family farmers.

TITLE III—CHILD SUPPORT

Sec. 301. Narrowing of hold harmless provision for State share of distribution of collected child support.

TITLE IV—TECHNICAL CORRECTIONS

Sec. 401. Technical corrections relating to amendments made by the Personal Responsibility and Work Opportunity Reconciliation Act of 1996.
programs, and for ensuring fair and equitable treatment of benefit recipients.

"(F) Cooperate in national evaluations of the effects of the programs in achieving the purposes of this section.

Certifications: The certifications required by this paragraph with respect to a plan are the following:

"(A) A certification by the chief executive officer of the State that the State will provide assistance and services to children who have left foster care because they have attained 18 years of age, and who have not attained 21 years of age.

"(B) A certification by the chief executive officer of the State that not more than 30 percent of the amounts paid to the State from its allotment under subsection (c) for a fiscal year will be expended for room or board for children who have left foster care because they have attained 18 years of age, and who have not attained 21 years of age.

"(C) A certification by the chief executive officer of the State that no more than the amount provided to the State from its allotment under subsection (c) will be expended for room or board for any child who has not attained 18 years of age.

"(D) A certification by the chief executive officer of the State that the State will use training funds provided under the program of Federal payments for foster care and adoption assistance to provide training to foster parents, adoptive parents, group home operators, and community managers and that the adolescents accept personal responsibility for living up to their part of the program.

"(E) A certification by the chief executive officer of the State that the State has resulted widely with public and private organizations in developing the plan and that the State has given all interested members of the public at least 30 days to submit comments on the plan.

"(F) A certification by the chief executive officer of the State that the State will make every effort to ensure that the State private programs receiving funds provided from an allotment made to the State under subsection (c) with other Federal and State programs for youth projects funded under part B of title III of the Juvenile Justice and Delinquency Prevention Act of 1974, abstinence education programs, local housing programs, programs for disabled youth (especially sheltered workshops), and school-to-work programs offered by high schools or local workforce agencies.

"(G) A certification by the chief executive officer of the State that each Indian tribe in the State has been consulted about the programs to be carried out under the plan; that there have been efforts to coordinate the programs with such tribes; and that benefits and services under the programs will be made available to Indian children in the State on the same basis as to other children in the State.

"(H) A certification by the chief executive officer of the State that the State will enforce standards and procedures to prevent fraud and abuse in the programs under this subpart.

") (4) APPROVAL.—The Secretary shall approve an application submitted by a State pursuant to paragraph (1) for a period if—

"(A) the application is submitted on or before June 30 of the calendar year in which such period begins; and

"(B) the Secretary finds that the application contains the material required by paragraph (1)

") (5) AUTHORITY TO IMPLEMENT CERTAIN AMENDMENTS; NOTIFICATION.—A State with an application approved under paragraph (4) may implement any amendment to the plan contained in the application if the plan, incorporating the amendment, would be equal to or greater of $500,000 or the amount payable to the State pursuant to paragraph (1), and a brief summary of the plan contained in the application.

") (6) AVAILABILITY.—The State shall make available to the public any application submitted by the State pursuant to paragraph (1), and a brief summary of the plan contained in the application.

") (c) ALLOTMENTS TO STATES.—

") (1) IN GENERAL.—From the amount specified in paragraph (2) for a fiscal year under paragraph (1) the Secretary shall allot to each State an amount which bears the same ratio to such number of children in foster care under a program of the State in the most recent financial year for which such information is available to the Secretary as the amount which bears the same ratio to such remaining amount as the number of children in foster care under a program of the State for such fiscal year as adjusted in accordance with paragraph (2).

") (2) HOLD HARMLESS PROVISION.—

") (A) IN GENERAL.—The Secretary shall agree to each State that benefit levels for a fiscal year under paragraph (1) is less than the greater of $500,000 or the amount payable to the State under this section for fiscal year 1998, an additional amount equal to the difference between such allotment and such greater amount.

") (B) RATALE REDUCTION OF CERTAIN ALLOTMENTS.—In the case of a State not determined for all such States.

") (3) TWO-YEAR AVAILABILITY OF FUNDS.—

") (1) USE OF FUNDS.—

") (A) IN GENERAL.—A State to which an amount under subsection (c) is payable from an allotment made to the State under subsection (c) may use the amount in any manner that is reasonably calculated to accomplish the purposes of this section.

") (B) NO SUPPLANTATION OF OTHER FUNDS AVAILABLE FOR SAME GENERAL PURPOSES.—

") (1) IN GENERAL.—A State to which an amount is paid from an allotment under subsection (c) may use the amount in any manner that is reasonably calculated to accomplish the purposes of this section.

") (2) NO SUPPLANTATION OF OTHER FUNDS AVAILABLE FOR SAME GENERAL PURPOSES.—

") (A) IN GENERAL.—From the amount specified in paragraph (1) the Secretary shall allot to each State an amount which bears the same ratio to such number of children in foster care under a program of the State in the most recent financial year for which such information is available to the total number of children in foster care in all States for such most recent fiscal year as adjusted in accordance with paragraph (2).

") (2) HOLD HARMLESS PROVISION.—

") (A) IN GENERAL.—From the amount specified in paragraph (1) the Secretary shall agree to each State that benefit levels for a fiscal year under paragraph (1) is less than the greater of $500,000 or the amount payable to the State under this section for fiscal year 1998, an additional amount equal to the difference between such allotment and such greater amount.

") (B) RATALE REDUCTION OF CERTAIN ALLOTMENTS.—In the case of a State not determined for all such States.

") (3) TWO-YEAR AVAILABILITY OF FUNDS.—

") (1) IN GENERAL.—The Secretary shall conduct evaluations of such State programs funded under this section as the Secretary deems to be innovative or of potential national significance. The evaluation of any such program shall include information on the effects of the program on education, employment, and personal development. To the maximum extent practicable, the evaluations shall be based on rigorous scientific standards including random assignment to treatment and control groups. The Secretary is encouraged to work directly with State health and human services agencies for conducting the evaluations, directly or by grant, contract, or cooperative agreement.

") (2) FUNDING OF EVALUATIONS.—The Secretary shall reserve by spending the amount specified in subsection (h) for a fiscal year to carry out, during the fiscal year, an audit conducted under chapter 75 of title 31, United States Code, or by any other means, that a program receiving funds from an allotment made to a State under subsection (c) has been operated in a manner that is inconsistent with the requirements set forth in the State application approved under subsection (b), the Secretary shall assess a penalty against the State in an amount equal to not less than 1 percent and not more than 5 percent of the amount of the allotment.

") (2) FAILURE TO COMPLY WITH DATA REPORTING REQUIREMENT.—The Secretary shall assess a penalty against a State that fails during a fiscal year to comply with an information collection plan implemented under subsection (i) in an amount equal to not less than 1 percent and not more than 5 percent of the amount allotted to the State for the fiscal year.

") (3) PENALTIES BASED ON DEGREE OF NON-COMPLIANCE.—The Secretary shall assess penalties under this subsection based on the degree of noncompliance.

") (4) MEASUREMENT AND PERFORMANCE MEASUREMENT.—

") (1) IN GENERAL.—The Secretary, in consultation with State and local public officials responsible for independent living and other child welfare programs, child welfare advocates, members of Congress, youth service providers, and representatives—

") (A) develop outcome measures (including measures of educational attainment, high school diploma, employment, avoidance of pregnancy, homelessness, nonmarital childbirth, incarceration, and high-risk behaviors) that can be used to assess the performance of States in operating independent living programs;

") (B) identify data elements needed to track the number and characteristics of children receiving services under this section;

") (C) develop and implement a plan to collect the needed information beginning with the fiscal year the fiscal year following the date of the enactment of this section.

") (2) REPORT TO THE CONGRESS.—Within 12 months after the date of the enactment of this section, the Secretary shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a report detailing the plans and timetable for collecting from the States the information described in paragraph (1) and a proposal to impose penalties consistent with paragraph (e)(2) on States that do not report data.

") (3) REPORT TO THE CONGRESS.—Within 12 months after the date of the enactment of this section, the Secretary shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a report detailing the plans and timetable for collecting from the States the information described in paragraph (1) and a proposal to impose penalties consistent with paragraph (e)(2) on States that do not report data.
evaluation, technical assistance, performance measurement, and data collection activities related to this section, directly or through grants, contracts, or cooperative agreements with appropriate entities.

"(b) PAYMENTS TO STATES.—Section 474(a)(4) of such Act (42 U.S.C. 674a(4)) is amended to read as follows:

"(4) the lesser of—

"(A) 80 percent of the amount (if any) by which—

"(i) the total amount expended by the State during the fiscal year in which the quarter occurs and carried out programs in accordance with the State application approved under section 477(b) for the period in which the quarter occurs (including any amendment that meets the requirements of section 477(b)(5)); exceeds

"(ii) the total of any penalties assessed against the State under section 477(e) during the fiscal year in which the quarter occurs; or

"(B) the amount allotted to the State under section 477 for the fiscal year in which the quarter occurs, reduced by the total of the amounts payable to the State under this paragraph for all prior quarters in the fiscal year.

"(d) REGULATIONS.—Not later than 12 months after the date of the enactment of this Act, the Secretary of Health and Human Services shall issue such regulations as may be necessary to carry out the amendments made by this section.

(e) SIGN OF THE CONGRESS.—It is the sense of the Congress that States should provide medical assistance under the State plan approved under title XIX of the Social Security Act to 18-, 19-, and 20-year-olds who have been emancipated from foster care.

Subtitle B—Related Foster Care Provision

SEC. 111. INCREASE IN AMOUNT OF ASSETS ALLOWED FOR CHILDREN IN FOSTER CARE.

Section 422(a) of the Social Security Act (42 U.S.C. 672a(a) is amended by adding at the end of the section the following new paragraph:

"(7) which specifies that such preparation will be continued, as necessary, after the placement of the child.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on October 1, 1999.

Subtitle C—Medicaid Amendments

SEC. 121. STATE OPTION OF MEDICAID COVERAGE FOR ADOLESCENTS LEAVING FOSTER CARE.

(a) IN GENERAL.—Subject to subsection (c), title XIX of the Social Security Act is amended—

"(1) by striking "and" at the end of subparagraph (XIII) and inserting "or";

"(2) by adding "or" at the end of subparagraph (XIV) and inserting "or";

"(B) who, on the individual’s 18th birthday, was in foster care under the responsibility of a State; and

"(C) whose assets, resources, and income do not exceed such levels (if any) as the State may establish consistent with paragraph (2).

"(2) The levels established by a State under paragraph (1)(C) may not be less than the corresponding levels applied by the State under section 1311(b).

"(3) A State may limit the eligibility of independent foster care adolescents under section 1902(a)(10)(A)(ii)(XV) to those individuals with respect to whom foster care maintenance payments or independent living services were furnished under a program funded under part E of title IV before the date the individuals attained 18 years of age.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) apply to medical assistance for items and services furnished on or after October 1, 1999.

(c) CONTINGENCY IN EFFECT.—If the purpose of the Ticket to Work and Work Incentives Improvement Act of 1999 is enacted (whether before, on, or after the date of the enactment of this Act)—

"(1) the amendments made by that Act shall be executed as if this Act had been enacted after the enactment of such other Act;

"(2) with respect to subsection (a)(1)(A) of this section, any reference to subsection (XIII) is deemed a reference to subsection (XV);

"(3) with respect to subsection (a)(1)(B) of this section, any reference to subsection (XIV) is deemed a reference to subsection (XVI);

"(4) the subclause (XV) added by subsection (a)(1)(C) of such section—

"(A) is redesignated as subclause (XVII); and

"(B) is amended by striking "section 1902(a)(10)(A)(i)" and inserting "section 1902(a)(10)(A)(i)(XV)";

"(5) the subsection (v) added by subsection (a)(2) of this section—

"(A) is redesignated as subsection (w); and

"(B) is amended by striking "section 1902(a)(10)(A)(i)(XVI)" and inserting "section 1902(a)(10)(A)(i)(XVII)".

Subtitle D—Adoption Incentive Payments

SEC. 131. INCREASED FUNDING FOR ADOPTION INCENTIVE PAYMENTS.

(a) SUPPLEMENTAL GRANTS.—Section 473A of the Social Security Act (42 U.S.C. 673b) is amended by adding at the end the following:

"(1) in general.—Subject to the availability of such amounts as may be provided in advance in appropriations Acts, in addition to any amount otherwise payable under this section to any State that is an incentive-eligible State for fiscal year 1998, the Secretary shall make a payment to the State in an amount equal to the lesser of—

"(A) the amount by which—

"(i) the amount that would have been payable to the State under this section during fiscal year 1999 (on the basis of adoptions in fiscal year 1998) in the absence of subsection (b)(2) if sufficient funds had been available for the payment; exceeds

"(ii) the amount that, before the enactment of this subsection, was payable to the State under this section during fiscal year 1999, to the dollar amount specified in paragraph (1) of such section; or

"(B) the amount that bears the same ratio to the dollar amount specified in paragraph (2) as the amount described by subparagraph (A) bears to the dollar amount specified in paragraph (1) of such section; or

"(C) the amount of such funds as may be provided for grants under paragraph (1) of such section.

"(b) LIMITATION ON AUTHORIZATION OF APPROPRIATIONS.—Section 473A(b)(1) of the Social Security Act (42 U.S.C. 673b(b)(1)) is amended to read as follows:

"(1) the amendments made by this Act to 18-, 19-, and 20-year-olds who have been emancipated from foster care.

Subtitle A—Fraud Prevention and Related Provisions

SEC. 201. LIABILITY OF REPRESENTATIVE PAYEES FOR OVERTIMES TO DECREASED RECIPIENTS.

(a) AMENDMENT TO TITLE II.—Section 204(a)(2) of the Social Security Act (42 U.S.C. 404(a)(2)) is amended by adding at the end the following new sentence: "If any payment of more than the correct amount is made to a representative payee on behalf of an individual after the individual’s death, the representative payee shall be liable for the repayment of the overpayment, and the Commissioner of Social Security shall establish an overpayment control record under the social security account number of the representative payee.

(b) AMENDMENT TO TITLE XVI.—Section 1631(b)(2) of such Act (42 U.S.C. 1383b(b)(2)) is amended by adding at the end the following new sentence: "If any payment of more than the correct amount is made to a representative payee on behalf of an individual after the individual’s death, the representative payee shall be liable for the repayment of the overpayment, and the Commissioner of Social Security shall establish an overpayment control record under the social security account number of the representative payee.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to overpayments made 12 months or more after the date of the enactment of this Act.

Subtitle E—Medicaid Amendments

SEC. 122. INCREASE IN AMOUNT OF ASSETS ALLOWED FOR CHILDREN IN FOSTER CARE.

(a) STATE PLAN REQUIREMENT.—Section 417(a) of the Social Security Act (42 U.S.C. 673a(a) is amended by adding at the end the following:

"(2) by striking the paragraph at the end of paragraph (1) and

"(3) by adding at the end the following:

"(24) include a certification that, before a child in foster care under the responsibility of the State is placed with prospective foster parents, the prospective foster parents will be prepared adequately with the appropriate knowledge and skills to provide for the needs of the child and that such preparation will be continued, as necessary, after the placement of the child.

"(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on October 1, 1999.
SEC. 202. RECOVERY OF OVERPAYMENTS OF SSI BENEFITS FROM LUMP SUM SSI BENEFIT PAYMENTS.

(a) IN GENERAL.—Section 1631(b)(1)(B)(ii) of the Social Security Act (42 U.S.C. 1383(b)(1)(B)(ii)) is amended—

(1) by inserting “monthly” before “benefit payments”;

(2) by striking “and” in the case of an individual or eligible spouse to whom a lump sum is payable under this title (including under section 1616a of this Act or under an agreement entered into under section 212(a) of Public Law 93–66) shall, as at least one means of recovering such overpayment, make the adjustment or recovery from the lump sum payment in an amount equal to not less than the lesser of the amount of the overpayment or 50 percent of the lump sum payment, before “unless fraud”;

(3) by adding at the end the following:

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on which the individual (or the spouse of the individual) disposed of resources for less than fair market value.

“(iii) The date described in this clause is the first day of the first month in or after which any action is taken, either by the individual or by any other person, that reduces or eliminates the individual’s ownership or control of such resource, or

“(iv) the Commissioner determines, under procedures established by the Commissioner that the denial of eligibility would work an undue hardship as determined on the basis of criteria established by the Commissioner.

“(D) For purposes of this subsection, in the case of a resource held by an individual in common with another person or persons in a joint tenancy, tenancy in common, or similar arrangement, the resource (or the affected portion of such resource) shall be considered to be disposed of by the individual when any action is taken, either by the individual or by any other person, that reduces or eliminates the individual’s ownership or control of such portion.

“(E) In the case of a transfer by the spouse of an individual that results in a period of ineligibility for cash benefits, the transferor shall be subject to, in addition to any other penalties that may be prescribed by law, a penalty described in subsection (b) to be imposed by the Commissioner of Social Security.

“(b) PENALTY.—The penalty described in this subsection is—

“(1) nonpayment of benefits under title II that would otherwise be payable to the person; and

“(2) ineligibility for cash benefits under title XVI, for each month that begins during the applicable period described in subsection (c).

“(c) E FFECTIVE DATE.—The amendments made by this section shall be applicable with respect to disposals made on or after the look-back date described in subsection (c).

“(d) E LIMINATION OF REDUNDANT PROVISIONS.—The amendments made by this section shall be effective with respect to disposals made on or after the date of the enactment of this Act.

“SEC. 1129A. ADMINISTRATIVE PROCEDURE FOR IMPOSING PENALTIES FOR FALSE OR MISLEADING STATEMENTS.

“(a) I N GENERAL.—Any person who makes, or causes to be made, a statement or representation of a material fact for use in determining any initial or continuing right to or the amount of—

“(1) monthly insurance benefits under title II;

“(2) benefits or payments under title XVI, that the person knows or should know is false or misleading or knows or should know contains a material fact or which makes such a statement with knowing disregard for the truth shall be subject to, in addition to any other penalties that may be prescribed by law, a penalty described in subsection (b) to be imposed by the Commissioner of Social Security.

“(b) PENALTY.—The penalty described in this subsection is—

“(1) nonpayment of benefits under title II that would otherwise be payable to the person; and

“(2) ineligibility for cash benefits under title XVI, for each month that begins during the applicable period described in subsection (c).

“(c) E FFECTIVE DATE.—The amendments made by this section shall be applicable with respect to disposals made on or after the look-back date described in subsection (c).

“(d) E LIMINATION OF REDUNDANT PROVISIONS.—The amendments made by this section shall be effective with respect to disposals made on or after the date of the enactment of this Act.

“SEC. 207. ADMINISTRATIVE PROCEDURE FOR IMPOSING PENALTIES FOR FALSE OR MISLEADING STATEMENTS.

“(a) I N GENERAL.—Part A of chapter XI of the Social Security Act (42 U.S.C. 1391 et seq.) is amended by inserting after section 1129 the following:

“(b) CONSULTATIONS.—The Commissioner of Social Security shall consult with the Inspector General of the Social Security Administration regarding initiating actions under this section.''

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POSING PENALTIES FOR FALSE OR MISLEADING STATEMENTS.
(1) by striking paragraph (4); (2) in paragraph (6)(A)(i), by striking ‘‘(5)’’ and inserting ‘‘(4)’’; (3) by redesigning paragraphs (5) and (6) as paragraphs (4) and (5), respectively. (d) Within 6 months after the date of the enactment of this Act, the Commissioner of Social Security shall develop regulations that prescribe the administrative process for making determinations under section 1129A of the Social Security Act (including when the applicable period in subsection (c) of such section shall commence and on what basis such determinations shall be made). Such regulations shall provide guidance on the exercise of discretion as to whether the penalty should be imposed in particular cases.

(e) Effective date.—The amendments made by this section shall apply to determinations made on or after the date of the enactment of this Act.

SEC. 208. EXCLUSION OF REPRESENTATIVES AND HEALTH CARE PROVIDERS CONVICTED OF VIOLATIONS FROM PARTICIPATION IN SOCIAL SECURITY PROGRAMS

(a) in general.—Part A of title XI of the Social Security Act is amended by inserting before section 1137 (42 U.S.C. 1320b-7) the following:

‘‘EXCLUSION OF REPRESENTATIVES AND HEALTH CARE PROVIDERS CONVICTED OF VIOLATIONS FROM PARTICIPATION IN SOCIAL SECURITY PROGRAMS

Sec. 1129A. (a) in general.—The Commissioner of Social Security shall exclude from participation in the social security programs any representative or health care provider—

(1) who is convicted of a violation of section 206 or 1632 of this Act;

(2) who is convicted of any violation under title 18, United States Code, relating to an applicant for, or recipient of, entitlement to, or amount of, benefits under title XVI of this Act; or

(3) who the Commissioner determines has committed an offense described in section 1129A(a)(1) of this Act.

(b) notice, hearing, and period of exclusion.—(1) An exclusion under this section shall be effective at such time, for such period, and upon such reasonable notice to the individual involved as may be specified in regulations consistent with paragraph (2).

(2) Such an exclusion shall be effective with respect to services furnished to any individual on or after the effective date of the exclusion. Nothing in this section may be construed to preclude, in determining disbarment, any representative or health care provider in connection with services provided to the applicant or beneficiary prior to the exclusion of such representative or health care provider under this section.

(3) Application for termination of exclusion.—(1) An individual excluded from participation under this section may apply to the Commissioner, in the manner specified by the Commissioner in regulations, and at the end of the minimum period of exclusion provided under subsection (b)(3) and at such other times as the Commissioner may provide, for termination of the exclusion effected under this section.

(2) The provisions of section 205(h) shall apply with respect to this section to the same extent as it is applicable with respect to title II.

(3) Application for termination of exclusion.—(1) An individual excluded from participation under this section may apply to the Commissioner, in the manner specified by the Commissioner in regulations, and at the end of the minimum period of exclusion provided under subsection (b)(3) and at such other times as the Commissioner may provide, for termination of the exclusion effected under this section.

(2) The Commissioner may terminate the exclusion if the Commissioner determines, on the basis of the conduct of the applicant which occurred after the date of the notice of exclusion or which was unknown to the Commissioner at the time of the notice, that—

(A) there is no basis under subsection (a) for a continuation of the exclusion; and

(B) there are reasonable assurances that the type of conduct which formed the basis for the original exclusion have not recurred and will not recur.

(3) The Commissioner shall promptly notify the individual so employed for the purpose of making disability determinations under section 221 or 1633(a) of the fact and circumstances of each termination of exclusion made under this section.

(g) Availability of records of excluded representatives and health care providers.—Nothing in this section shall be construed to preclude, in determining disbarment, any representative or health care provider in connection with services provided to the applicant or beneficiary prior to the exclusion of such representative or health care provider under this section.

(h) Reporting Requirement.—Any representative or health care provider participating in, or seeking to participate in, a social security program shall inform the Commissioner, in such form and manner as the Commissioner shall prescribe by regulation, whether such representative or health care provider has been convicted of a violation described in subsection (a).

(i) Delegation of authority.—The Commissioner may delegate authority exercised under this section to the Inspector General.

(j) Definitions.—For purposes of this section—

(1) exclusion.—The term ‘‘exclude’’ from participation means—

(A) in connection with a representative, to prohibit from engaging in representation of an applicant for, or recipient of, entitlement to, or amount of, benefits for the purpose of assisting such applicant or recipient in demonstrating eligibility.

(2) social security program.—The term ‘‘social security programs’’ means the program providing for monthly insurance benefits to individuals under title II, and the program providing for monthly supplementary security income benefits to individuals under title XVI (including State supplementary payments made by the Commissioner pursuant to an agreement under section 1616(a) of this Act), the program providing for monthly insurance benefits to individuals under title XVI (including State supplementary payments made by the Commissioner pursuant to an agreement under section 1616(a) of this Act), and the program providing for monthly insurance benefits to individuals under title II.

(3) convicted.—An individual is considered to have been ‘‘convicted’’ of a violation—

(A) when a judgment of conviction has been entered against the individual by a Federal, State, or local court, except when the judgment of conviction has been set aside or expunged;

(B) when there has been a finding of guilt against the individual by a Federal, State, or local court;

(C) when a plea of guilty or nolo contendere by the individual has been accepted by a Federal, State, or local court; or

(D) whenever the individual has entered into a first offender, deferred adjudication, or other arrangement or program where judgment of conviction has been withheld.

(k) Effective date.—The amendment made by this section shall apply with respect to convictions of violations described in paragraphs (1) and (2), respectively, of the Social Security Act and determinations described in paragraph (3) of such section occurring on or after the date of the enactment of this Act.

SEC. 209. STATE DATA EXCHANGE.

Whenever the Commissioner of Social Security requests information from a State for
the purpose of ascertaining an individual’s eligibility (or the amount of such benefits) under title II or XVI of the Social Security Act, the standard of the Commissioner promulgated pursuant to section 1106 of such Act or any other Federal law for the use, safeguarding, and disclosure of information are deemed to meet any standards of the State that would otherwise apply to the disclosure of information by the State to the Commissioner.

SEC. 210. STUDY ON POSSIBLE MEASURES TO IMPROVE FRAUD PREVENTION AND DETECTION PROCESSING.

(a) STUDY.—As soon as practicable after the date of the enactment of this Act, the Commissioner of Social Security, in consultation with the Inspector General of the Social Security Administration and the Attorney General, shall conduct a study of possible measures to improve—

(1) prevention of fraud on the part of individuals entitled to disability benefits under section 223 of the Social Security Act or benefits under section 202 of such Act based on the eligibility of such individuals, individuals eligible for supplemental security income benefits under title XVI of such Act, and applicants for such benefits; and

(2) timing and nature of requests for income changes by individuals receiving such benefits.

(b) REPORT.—Not later than 1 year after the date of the enactment of this subsection, the Commissioner shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a written report that contains the results of the Commissioner’s study under subsection (a). The report shall contain such recommendations for legislative and administrative changes as the Commissioner considers appropriate.

SEC. 211. ANNUAL REPORT ON AMOUNTS NECESSARY TO COMBAT FRAUD.

(a) In General.—Section 704(b)(1) of the Social Security Act (42 U.S.C. 904(b)(1)) is amended—

(1) by inserting “(A)” after “(b)”; and

(2) by striking at the end the following new subparagraph:

“(B) The Commissioner shall include in the annual budget prepared pursuant to subparagraph (A) of the amendment of the Social Security Act, and, notwithstanding section 1101(e)(1)(G), shall request, or otherwise required under subparagraph (G)(1),”—.

(b) Effective Date.—The amendments made by this section shall apply with respect to annual budgets prepared for fiscal years after fiscal year 1999.

SEC. 212. COMPUTER MATCHES WITH MEDICARE AND MEDICAID INSTITUTIONALIZATION DATA.

(a) In General.—Section 1611(e)(1) of the Social Security Act (42 U.S.C. 1395(e)(1)) is amended by adding at the end the following:

“(4) who has filed an application for benefits under this title; or

(b) Conforming Amendment.—Section 1320e-2(h)(2) of title 42, United States Code (42 U.S.C. 1320e-2(h)(2)) is amended by striking “paragraph (H)” and inserting “paragraph (H) or (J).”

SEC. 213. ACCESS TO INFORMATION HELD BY FINANCIAL INSTITUTIONS.

Section 1631(e)(1)(B) of the Social Security Act (42 U.S.C. 1330(e)(1)(B)) is amended—

(1) by striking “(B) The” and inserting “(B)(i) The”; and

(2) by adding at the end the following new clause:

“(ii)(I) The Commissioner of Social Security may require each applicant for, or recipient of, benefits under this title to provide authorization by the applicant or recipient (or by any other person whose income or resources are material to the determination of the eligibility of the applicant or recipient for such benefits) to the Commissioner to obtain (subject to the cost reimbursement requirements of section 1115(a) of the Right to Financial Privacy Act) from any financial institution (within the meaning of section 1101(1) of such Act) any financial record (within the meaning of section 1102(2) of such Act) held by the institution with respect to the applicant or recipient (or such other person whenever the Commissioner determines the record is needed in connection with a determination with respect to such eligibility or the amount of such benefits).

“(II) Notwithstanding section 1190(a)(1) of the Right to Financial Privacy Act, an authorization provided by an applicant or recipient pursuant to subparagraph (I) of this clause shall remain effective until the earliest of—

“(aa) the rendering of a final adverse decision on the applicant’s application for eligibility for benefits under this title; or

“(bb) the cessation of the recipient’s eligibility for benefits under this title; or

“(cc) the express revocation by the applicant or recipient (or such other person referred to in subparagraph (I)) of the authorization, in a written notification to the Commissioner.

“(III)(a) An authorization obtained by the Commissioner of Social Security pursuant to this clause shall be considered to meet the requirements of the Right to Financial Privacy Act for purposes of section 1190(a) of such Act, and need not be furnished to the financial institution, notwithstanding section 1190(a) of such Act.

“(b) The certification requirements of section 1103(b) of the Right to Financial Privacy Act shall not apply to requests by the Commissioner of Social Security pursuant to an authorization provided under this clause.

“(cc) A request by the Commissioner pursuant to an authorization provided under this clause is deemed to meet the requirements of section 1190(a)(3) of the Right to Financial Privacy Act and the flush language of section 1192 of such Act.

“(IV) The Commissioner shall inform any person who provides authorization pursuant to this clause of the duration and scope of the authorization.

“(V) If an individual applies for, or recipient of, benefits under this title (or any such other person referred to in clause (I)) refuses to provide, or revokes, any authorization made pursuant to this clause, the Commissioner of Social Security to obtain from any financial institution any financial record, the Commissioner may, on the basis of information provided by any other source that the applicant or recipient is ineligible for benefits under this title.”.

SEC. 251. ESTABLISHMENT OF PROGRAM OF SPECIAL BENEFITS FOR CERTAIN WORLD WAR II VETERANS.

(a) In General.—The Social Security Act is amended by inserting after title VII the following:

“TITLE VIII—SPECIAL BENEFITS FOR CERTAIN WORLD WAR II VETERANS.

“SUBTITLE A—ELIGIBILITY.

“§ 801. Basic entitlement to benefits.

“§ 802. Qualified individuals.

“§ 803. Residence outside the United States.

“§ 804. Disqualifications.

“§ 805. Benefit amount.

“§ 806. Applications and furnishing of information.

“§ 807. Representative payees.

“§ 808. Overpayments and underpayments.

“§ 809. Hearings and review.

“§ 810. Other administrative provisions.

“§ 811. Penalties for fraud.

“§ 812. Definitions.

“§ 813. Appropriations.

“§ 801. Basic entitlement to benefits.

“Every individual who is a qualified individual under section 802 shall, in accordance with and subject to the provisions of this title, be entitled to a monthly benefit paid by the Commissioner of Social Security for each month after September 2000 (or such earlier month, if the Commissioner determines administratively feasible) the individual resides outside the United States.

“§ 802. Qualified individuals.

“Except as otherwise provided in this title, an individual—

(1) who has attained the age of 65 on or before the date of the enactment of this title; or

(2) who is a World War II veteran;

(3) who is eligible for a supplemental security income benefit under title XVI for—

“(A) the month in which this title is enacted; and

“(B) the month in which the individual files an application for benefits under this title;

(4) whose total benefit income is less than 75 percent of the Federal benefit rate under title XVI;

(5) who has filed an application for benefits under this title; and

(6) who is in compliance with all requirements imposed by the Commissioner of Social Security under this title, shall be a qualified individual for purposes of this title.

“§ 803. Residence outside the United States.

“For purposes of section 801, with respect to any month, an individual shall be regarded as residing outside the United States if, on the first day of the month, the individual so resides outside the United States.

“§ 804. Disqualifications.

“(a) In General.—Notwithstanding section 802, an individual may not be a qualified individual for any month—

(1) that begins after the month in which the Commissioner of Social Security is notified by the Attorney General that the individual has been removed from the United States pursuant to section 237(a) or under section 241 of the Immigration and Nationality Act and before the month in which the individual is lawfully admitted to the United States for permanent residence;

(2) in which any part of which the individual is fleeing to avoid prosecution, or custody or confinement after conviction, under

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Subtitle B—Benefits For Certain World War II Veterans

SEC. 801. Basic entitlement to benefits.

SEC. 802. Qualified individuals.

SEC. 803. Residence outside the United States.

SEC. 804. Disqualifications.

SEC. 805. Benefit amount.

SEC. 806. Applications and furnishing of information.

SEC. 807. Representative payees.

SEC. 808. Overpayments and underpayments.

SEC. 809. Hearings and review.

SEC. 810. Other administrative provisions.

SEC. 811. Penalties for fraud.

SEC. 812. Definitions.

SEC. 813. Appropriations.
the laws of the United States or the jurisdiction where the person has fled, for a crime, or an attempt to commit a crime, that is a felony under the laws of the place from which the individual has fled, or which, in the case of the individual, is a high misdemeanor under the laws of such State;

(3) during any part of which the individual violates a condition of probation or parole imposed under Federal or State law; or

(4) during which the individual resides in a foreign country and is not a citizen or national of the United States if payments for such month to individuals residing in such country are withheld by the Treasury Department under section 3329 of title 31, United States Code.

(b) REQUIREMENT FOR ATTORNEY GENERAL.—For the purpose of carrying out subsection (a) and to preserve the confidentiality of the individual's benefit information for the month, reduced by the amount of the qualified individual's benefit income for the month.

SEC. 805. BENEFIT AMOUNT.

(a) IN GENERAL.—The benefits of a qualified individual for any month shall be the amount of the qualified individual's benefit income for the month, reduced by the amount of the qualified individual's benefit income for the month.

(b) VERIFICATION REQUIREMENT.—The requirements prescribed by the Commissioner of Social Security under subsection (a) shall be made on the basis of declarations by the individual concerning qualifications or other material facts, and shall provide for verification of material facts from independent or collateral sources, and the procurement of additional information as necessary in order to ensure that the benefits are provided only to qualified individuals (or their representatives) in correct amounts.

SEC. 806. APPLICATIONS AND FURNISHING OF INFORMATION.

(a) IN GENERAL.—The Commissioner of Social Security shall subject to subsection (b), prescribe such requirements with respect to the filing of applications, the furnishing of information and other material, and the reporting of changes in circumstances, as may be necessary for the effective and efficient administration of this title.

(b) VERIFICATION REQUIREMENT.—The requirements prescribed by the Commissioner of Social Security under subsection (a) shall be made, regardless of the capacity or incompetency of the qualified individual, either directly to the qualified individual, or for his or her benefit, to another person (the meaning of which term, for purposes of this section, includes an organization) with respect to whom the requirements of subsection (b) have been met (in this section referred to as a "representative payee"). If the Commissioner of Social Security determines that a representative payee has misused any benefit paid to the representative payee pursuant to this section, the Commissioner may prescribe circumstances under which the Commissioner of Social Security may grant an exemption from paragraph (1) to any person on a case-by-case basis if the exemption is in the best interest of the qualified individual and the person whose benefit income would be paid to the person pursuant to this section.

(b) Paragraph (1)(C) shall not apply with respect to any person who is a creditor referred to in such paragraph if the creditor is—

(i) a relative of the qualified individual and is not a care facility under the law of the political jurisdiction in which the qualified individual resides;

(ii) a person who is an administrator, owner, or employee of a facility referred to in clause (iii), if the qualified individual resides in the facility, and the payment to the person in the capacity as such a representative payee; or

(iii) a facility that is licensed or certified as a care facility under the law of the political jurisdiction in which the qualified individual resides;

(c) The procedures referred to in subparagraph (B)(v) shall require the person who will serve as representative payee to establish, to the satisfaction of the Commissioner of Social Security, that—

(i) the person poses no risk to the qualified individual;

(ii) the financial relationship of the person to the qualified individual poses no substantial conflict of interest; and

(iii) no other more suitable representative payee can be found.

(d) The procedures referred to in subparagraph (B)(v) shall require the person who will serve as representative payee to establish, to the satisfaction of the Commissioner of Social Security, that—

(i) the person poses no risk to the qualified individual;

(ii) the financial relationship of the person to the qualified individual poses no substantial conflict of interest; and

(iii) no other more suitable representative payee can be found.

(f) The Commissioner of Social Security may grant an exemption from paragraph (1) to any person on a case-by-case basis if the exemption is in the best interest of the qualified individual and the person whose benefit income would be paid to the person pursuant to this section.

(b) Paragraph (1)(C) shall not apply with respect to any person who is a creditor referred to in such paragraph if the creditor is—

(i) a relative of the qualified individual and is not a care facility under the law of the political jurisdiction in which the qualified individual resides;

(ii) a person who is an administrator, owner, or employee of a facility referred to in clause (iii), if the qualified individual resides in the facility, and the payment to the person in the capacity as such a representative payee; or

(iii) a facility that is licensed or certified as a care facility under the law of the political jurisdiction in which the qualified individual resides;

(c) The procedures referred to in subparagraph (B)(v) shall require the person who will serve as representative payee to establish, to the satisfaction of the Commissioner of Social Security, that—

(i) the person poses no risk to the qualified individual;

(ii) the financial relationship of the person to the qualified individual poses no substantial conflict of interest; and

(iii) no other more suitable representative payee can be found.

(f) The procedures referred to in subparagraph (B)(v) shall require the person who will serve as representative payee to establish, to the satisfaction of the Commissioner of Social Security, that—

(i) the person poses no risk to the qualified individual;

(ii) the financial relationship of the person to the qualified individual poses no substantial conflict of interest; and

(iii) no other more suitable representative payee can be found.

(b) VERIFICATION REQUIREMENT.—The requirements prescribed by the Commissioner of Social Security under subsection (a) shall be made, regardless of the capacity or incompetency of the qualified individual, either directly to the qualified individual, or for his or her benefit, to another person (the meaning of which term, for purposes of this section, includes an organization) with respect to whom the requirements of subsection (b) have been met (in this section referred to as a "representative payee"). If the Commissioner of Social Security determines that a representative payee has misused any benefit paid to the representative payee pursuant to this section, the Commissioner may prescribe circumstances under which the Commissioner of Social Security may grant an exemption from paragraph (1) to any person on a case-by-case basis if the exemption is in the best interest of the qualified individual and the person whose benefit income would be paid to the person pursuant to this section.

(b) Paragraph (1)(C) shall not apply with respect to any person who is a creditor referred to in such paragraph if the creditor is—

(i) a relative of the qualified individual and is not a care facility under the law of the political jurisdiction in which the qualified individual resides;

(ii) a person who is an administrator, owner, or employee of a facility referred to in clause (iii), if the qualified individual resides in the facility, and the payment to the person in the capacity as such a representative payee; or

(iii) a facility that is licensed or certified as a care facility under the law of the political jurisdiction in which the qualified individual resides;

(c) The procedures referred to in subparagraph (B)(v) shall require the person who will serve as representative payee to establish, to the satisfaction of the Commissioner of Social Security, that—

(i) the person poses no risk to the qualified individual;

(ii) the financial relationship of the person to the qualified individual poses no substantial conflict of interest; and

(iii) no other more suitable representative payee can be found.

(f) The procedures referred to in subparagraph (B)(v) shall require the person who will serve as representative payee to establish, to the satisfaction of the Commissioner of Social Security, that—

(i) the person poses no risk to the qualified individual;

(ii) the financial relationship of the person to the qualified individual poses no substantial conflict of interest; and

(iii) no other more suitable representative payee can be found.
a single sum or over such period of time as the Commissioner of Social Security determines in the best interest of the qualified individual.

“(f) HEARING.—Any qualified individual who is dissatisfied with a determination by the Commissioner of Social Security to make payment of the qualified individual’s benefit to a representative payee under subsection (a) of this section or with the designation of a particular person to serve as representative payee shall be entitled to a hearing by the Commissioner of Social Security to investigate or monitor a representative payee pursuant to this section and which is located in the jurisdiction in which any qualified individual resides.

“(1) RERESTITUTION.—In any case where the representative payee results in misuse of benefits by the representative payee, the Commissioner of Social Security shall make payment to the qualified individual or the individual’s alternative representative payee of an amount equal to the misused benefits.

“SEC. 808. OVERPAYMENTS AND UNDERPAYMENTS.

“(a) IN GENERAL.—Whenever the Commissioner of Social Security finds that more or less than the correct amount of payment has been made to any person under this title, proper adjustment or recovery shall be made as follows:

“(1) With respect to payment to a person of more than the correct amount, the Commissioner of Social Security shall make payment to the qualified individual or the individual’s legal guardian or legal representative—

“(A) to appeal a determination that a representative payee is necessary for the qualified individual;

“(B) to appeal the designation of a particular person to serve as the representative payee of the qualified individual; and

“(C) to review the evidence upon which the designation is based and to submit additional evidence.

“(2) SPECIFIC REQUIREMENTS.—Any notice required by paragraph (1) shall be clearly written in language that is easily understandable, shall be timely, shall identify the person to be designated as the qualified individual’s representative payee, and shall explain to the reader the right under subsection (a)(1) to review the evidence upon incorrect, incomplete, or misused benefits, or to seek or to have seeking or recovery of payment under this title if the applicant demonstrates that the applicant failed to so request a hearing, or was at fault, and in determining fraud, deception, or intent.

“SEC. 806. HEARINGS AND REVIEW.

“(a) H E A R I N G S . —

“(1) IN GENERAL.—In any case in which more than the correct amount of payment has been made to an individual, that individual shall—

“(A) notify the Commissioner of Social Security in writing of the overpayment; and

“(B) request a hearing by the Commissioner of Social Security and provide reasonable notice and opportunity for a hearing before the Commissioner of Social Security.

“(2) EFFECT OF FAILURE TO TIMELY REQUEST HEARING.—In any case in which more than the correct amount of payment has been made to a person who is not a qualified individual under this title,

“SEC. 809. HEARINGS AND REVIEW.

“(a) H E A R I N G S . —

“(1) IN GENERAL.—In any case in which more than the correct amount of payment has been made to an individual, that individual shall—

“(A) notify the Commissioner of Social Security in writing of the overpayment; and

“(B) request a hearing by the Commissioner of Social Security and provide reasonable notice and opportunity for a hearing before the Commissioner of Social Security.

“(2) EFFECT OF FAILURE TO TIMELY REQUEST HEARING.—In any case in which more than the correct amount of payment has been made to a person who is not a qualified individual under this title,
that full or partial restitution of funds be made to the qualified individual.

**SEC. 812. DEFINITIONS.**

"In this title:

(1) World War II veteran.—The term 'World War II veteran' means a person who—

(A) served during World War II—

(i) in the armed forces, including the Army, Navy, Air Force, or Coast Guard of the United States or the armed forces of any of the separate States under conditions other than dishonorable—

(I) during the period beginning on August 8, 1942, and ending on July 24, 1946;

(II) during the period beginning on September 16, 1940, and ending on July 24, 1947.

(B) the initial or continued right to the monthly benefit of choosing to receive the benefit or any such benefit, railroad retirement annuity or pension, workmen's compensation payment, or compensation or pension provided by any officer or employee of the Social Security Administration.

(C) was discharged or released therefrom under conditions other than dishonorable—

(i) after service of 90 days or more; or

(ii) because of a disability incurred or aggravated in the line of active duty.

(2) World War II.—The term 'World War II' means the period beginning on September 16, 1940, and ending on July 24, 1947.

(3) Supplemental security income benefit under title XVI.—The term 'supplemental security income benefit under title XVI, except as otherwise provided, includes State supplementary payments which are paid by the Commissioner of Social Security pursuant to section 212(b) of Public Law 93–66.''

(4) Federal benefit rate under title XVI.—The term 'Federal benefit rate under title XVI' means, with respect to any month, the amount of the supplemental security income cash benefit (not including any State supplementary payment which is paid by the Commissioner of Social Security pursuant to section 212(b) of Public Law 93–66) payable under title XVI for the month to an eligible individual with no income.

(5) United States.—The term 'United States' means—

(A) the States, the District of Columbia, and the Commonwealth of the Northern Mariana Islands.

(B) Federal benefit income.—The term 'Federal benefit income' means any recurring payment received by a qualified individual as an annuity, pension, retirement, or disability benefit (including any veterans' compensation or pension, workmen's compensation payment, old-age, survivors, or disability insurance benefit, railroad retirement annuity or pension, or unemployment insurance benefit, but only if a similar payment was received by the individual from the same (or a related) source during the 12-month period preceding the month in which the individual files an application for benefits under this title.

**SEC. 813. APPROPRIATIONS.**

"There are hereby appropriated for fiscal year 2005 and subsequent fiscal years, out of any funds in the Treasury not otherwise appropriated, such sums as may be necessary to carry out this title."

(b) Conforming Amendments.

(1) Social Security Advisory Board.

(A) in section 807(b), by inserting ''title II'' and inserting ''title II'' and inserting ''title II, the program of special benefits for certain World War II veterans payable under title VIII; but''; and

(B) in subsection (a), by striking ''title II'' and inserting ''title II'' and inserting ''title II, the program of special benefits for certain World War II veterans under title VIII;''.

(2) Delivery of checks.

Section 708 of such Act (42 U.S.C. 659h) is amended by striking ''title II'' and inserting ''title II, the program of special benefits for certain World War II veterans under title VIII;''.

(3) Civil Monetary Penalties.

Section 1101 of such Act (42 U.S.C. 1320a–8) is amended—

(A) in the title, by striking ''and'' and inserting ''and''; and

(B) in subsection (a)(1)—

(i) by striking ''or'' at the end of subparagraph (A); and

(ii) by redesignating subparagraph (B) as subparagraph (C); and

(iii) by inserting after subparagraph (A) the following new subparagraph:

"(B) benefits or payments under title VIII, or";

(C) in subsection (a)(2), by inserting ''or title VIII, after ''title VIII";
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(D) in subsection (e)(1)(C)—
(i) by striking “or” at the end of clause (i);
(ii) by redesignating clause (ii) as clause (iii); and
(iii) by inserting after clause (i) the following clause—
“(ii) by decrease of any payment under title VIII to which the person is entitled, or”;  
(E) in subsection (e)(2)(B), by striking “title XVI” and inserting “title VIII or XVI”; and
(F) in subsection (i), by striking “title XVII” and inserting “title VIII or XVI”.
(7) RECOVERY OF SSI OVERPAYMENTS.—Section 1147 of such Act (42 U.S.C. 1320b–17) is amended—
(A) in subsection (a)(1)—
(i) by inserting “or VIII” after “title II” the first place it appears; and
(ii) by striking “title II” the second place it appears and inserting “such title”; and
(B) in the heading, by striking “SOCIAL SECURITY” and inserting “OTHER”.
(8) RECOVERY OF SOCIAL SECURITY OVERPAYMENTS.—Section 1147A of such Act (42 U.S.C. 1320b–17) the following new section:

RECOVERY OF SOCIAL SECURITY BENEFIT OVERPAYMENTS.

Sec. 1147A. Whenever the Commissioner of Social Security determines that more than the correct amount of any payment has been made under title II to an individual who is not currently receiving benefits under that title but who is receiving benefits under title VIII, the Commissioner may recover the amount incorrectly paid under title II by decreasing any amount which is payable to the individual under title VIII.
(9) REPRESENTATIVE PAYEE PROVISIONS OF TITLE XVI.—Section 1631(a)(2) of such Act (42 U.S.C. 1383(a)(2)) is amended—
(A) in subparagraph (A)(i), by inserting “or 807” after “205(j)(4)”;
(B) in subparagraph (A)(ii), by inserting “and whether certification” before “or certification’’;
(C) in subparagraph (B)(i), by inserting “whether certification” after “or certification’’; and
(D) in subparagraph (B)(ii), by inserting “or 807” after “205(j)(4)”.
(10) ADMINISTRATIVE OFFSET.—Section 3715(c)(3)(C) of title 31, United States Code, is amended by striking “title II” and inserting “title II, VIII”.

Subtitle C—Study

SEC. 261. STUDY OF DENIAL OF SSI BENEFITS FOR FAMILY FARMERS.

(a) IN GENERAL.—The Commissioner of Social Security shall conduct a study of the reasons why family farmers with resources of less than $100,000 are denied supplemental security income benefits under title XVI of the Social Security Act, including whether the denial is or results from unduly burdens and discriminates against family farmers who do not institutionalize a disabled dependent,

and shall determine the number of such family farmers who have been denied such benefits during each of the preceding 10 years.
(b) REPORT TO THE CONGRESS.—Within 1 year after the date of the enactment of this Act, the Commissioner of Social Security shall prepare and submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a report that contains the results of the study, and the determination, required by subsection (a).

TITLE III—CHILD SUPPORT

SEC. 301. NARROWING OF HOLD-HARMLESS PROVISION TO AMEND DISTRIBUTION OF COLLECTED CHILD SUPPORT.

(a) IN GENERAL.—Section 457(d) of the Social Security Act (42 U.S.C. 657(d)) is amended to read as follows:

“(d) Hold Harmless Provision.—If—

(1) the State share of amounts collected in the fiscal year which could be retained to reimburse the State for amounts paid to families as assistance by the State is less than the State share of such amounts collected in fiscal year 1995 (determined in accordance with section 457 as in effect on August 21, 1996); and

(2) the State has distributed to families that formerly received assistance under the program under part A the State share of the amounts collected pursuant to section 464 that could have been retained as reimbursement for assistance paid to such families, then the State share otherwise determined for the fiscal year shall be increased by an amount equal to 1/3 of the amount (if any) by which the State share for fiscal year 1995 exceeded the State share for the fiscal year determined without regard to this subsection.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall be effective with respect to fiscal years beginning after October 1, 1998.

(c) REPORT.—Effective October 1, 2001, section 457 of the Social Security Act (42 U.S.C. 657) is amended—

(1) in subsection (a), by striking “subsections (e) and (f)” and inserting “subsections (d) and (e)”;

(2) by striking subsection (d);

(3) in subsection (e), by striking the second sentence; and

(4) by redesignating subsections (e) and (f) as subsections (d) and (e), respectively.

TITLE IV—TECHNICAL CORRECTIONS

SEC. 401. TECHNICAL CORRECTIONS RELATING TO AMENDMENTS MADE BY THE PERSONAL RESPONSIBILITY AND WORK OPPORTUNITY RECONCILIATION ACT OF 1996.

(a) Section 464 of the Social Security Act (42 U.S.C. 602(a)(1)(B)(iv)) is amended by striking “Act” and inserting “section”;

(b) Section 409(a)(7)(B)(i)(II) of the Social Security Act (42 U.S.C. 609(a)(7)(B)(i)(II)) is amended by striking “part” and inserting “section”;

(c) Section 413(d)(1) of the Social Security Act (42 U.S.C. 613(g)(1)) is amended by striking “Act” and inserting “section”;

(d) Section 416 of the Social Security Act (42 U.S.C. 620(a)(1)(B)(viii)) is amended by inserting “Opportunity Act” and inserting “Opportunity Reconciliation Act” each place such term appears.

(e) Section 431(a)(6) of the Social Security Act (42 U.S.C. 629a(a)(6)) is amended—

(1) by inserting “,” as in effect before August 22, 1986” after “4212(h)(5)”;

and

(2) by inserting “as in effect after “4212(h)(7)A”.

(f) Sections 452(a)(7) and 466(c)(2)(A)(i) of the Social Security Act (42 U.S.C. 652(a)(7) and 666(c)(2)(A)(i)) are each amended by striking “Social Security” and inserting “social security”;

(g) Section 454 of the Social Security Act (42 U.S.C. 654) is amended—

(1) by striking “, or” at the end of each of paragraphs (6)(B)(1) and (19)(B)(1) and inserting “, and”;

(2) in paragraph (9), by striking the comma at the end of each of subparagraphs (A), (B), and (C) and inserting a semicolon; and

(3) in paragraph (10)(A), by striking “title II” and inserting “title II or VIII”.

(h) Section 454(2)(B) of the Social Security Act (42 U.S.C. 654(2)(B)) is amended by striking “Opportunity Act” and inserting “Opportunity Reconciliation Act”;

(i) Section 1616(a)(1)(A) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Public Law 104–193; 110 Stat. 2236) is amended to read as follows:

“(A) in paragraph (1), by striking subparagraph (B) and inserting the following:

“(B) to the extent otherwise specified in paragraph (3) of the sums expended during such quarter that are attributable to the planning, design, development, installation or enhancement of an automatic data processing and information retrieval system (including in such sums the full cost of the hardware components of such system); and”, and;


(2) in subsection (g), by striking the comma at the end of each of paragraphs (19)(A) and (24)(A) and inserting “; or”;

(3) in subsection (h), by striking the comma at the end of each of subparagraphs (A), (B), and (C) and inserting a semicolon; and

(4) in paragraph (10)(A), by striking “title II” and inserting “title II or VIII”.

(j) Section 466(a)(7)(A) of the Social Security Act (42 U.S.C. 666(a)(7)(A)) is amended by striking “Act Reconciliation” and inserting “Act Reconciliation”.

(k) Section 471(a)(8) of the Social Security Act (42 U.S.C. 671(a)(8)) is amended by striking “Opportunity Act” each place it appears and inserting “Opportunity Reconciliation Act”.

(l) Section 486(a)(7)(A) of the Social Security Act (42 U.S.C. 686(a)(7)(A)) is amended by striking “Act” and inserting “Act Reconciliation”.

(m) Section 491(a)(7)(A) of the Social Security Act (42 U.S.C. 691(a)(7)(A)) is amended by striking “Act” and inserting “Act Reconciliation”.

(n) Section 491(b)(9) of the Social Security Act (42 U.S.C. 691(b)(9)) is amended by striking “Act” and inserting “Act Reconciliation”.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.
HEALTHCARE RESEARCH AND QUALITY ACT OF 1999

Mr. BLILEY. Mr. Speaker, I ask unanimous consent to take from the Speaker the Senate bill (S. 580) to amend title IX of the Public Health Service Act to revise and extend the Agency for Healthcare Policy and Research, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

Mr. BROWN of Ohio. Mr. Speaker, reserving the right to object, I yield to the gentleman from Virginia (Mr. BLILEY) for an explanation of his unanimous consent request.

Mr. BLILEY. Mr. Speaker, I thank the gentleman from Ohio for yielding to me.

Mr. Speaker, S. 580 reauthorizes and renames the Agency for Healthcare Policy and Research as the agency for Health Research and Quality, AHRQ. It also refocuses the Agency's mission, which is to conduct and support research on the quality, outcomes, cost, and utilization of healthcare services, and access to those services.

The agency will promote quality by sharing information, build public-private partnerships to advance and share quality measures, report annually to Congress on the state of quality in the Nation, support the evaluation of state-of-the-art information systems for healthcare quality, support primary care and access in underserved areas, facilitate innovation in patient care with streamlined assessment of new technologies, coordinate quality improvement efforts to avoid duplication, and facilitate utilization of preventative health services.

The bill also authorizes appropriations for pediatric graduate medical education in children's hospitals. These represent important reforms.

Mr. Speaker, I urge my colleagues to support this request.

Mr. BROWN of Ohio. Mr. Speaker, further reserving my right to object, with that explanation, I want to associate myself with the remarks of the gentleman from Virginia (Mr. BLILEY) to let my colleagues know that I support the adoption of S. 580.

I am particularly pleased because one of the key provisions in this bill is the Graduate Medical Education Funding for children's hospitals, which I believe are in virtually all aspects of the health care system.

The true bipartisanship exhibited by the gentleman from Virginia (Mr. BLILEY), the gentleman from Florida (Mr. BILIRAKIS), his staff, the Senate, particularly the efforts of Senators JEFFORDS, FISCHER, KENNEDY, and the staff, especially the efforts of Ellie Dehoney in my office.

Mr. Speaker, I recommend that this bill be adopted by unanimous consent in the House of Representatives.

Mr. BLILAKIS. Mr. Speaker, I am pleased to support consideration of S. 580, the Healthcare Research and Quality Act of 1999 by the House today. I introduced H.R. 2506 in the House on September 14, 1999. Following approval by my Subcommittee and the full Commerce Committee, the House voted overwhelmingly to pass H.R. 2506 on September 28, 1999.

Late last week, the Senate passed S. 580 by unanimous consent. The bill before us today represents a bipartisan agreement between the House and Senate authorizing committees on a compromise version of the bills previously approved by each body. This widely supported, bipartisan measure is critical to improving the quality of health care in this country. The "Healthcare Research and Quality Act of 1999" will significantly increase health care research and science-based evidence to improve the quality of patient care.

S. 580 reauthorizes the Agency for Health Care Policy and Research (AHCPR) for fiscal years 2000–2005, renames it as the "Agency for Healthcare Research and Quality," and refocuses the agency's mission to become a focal point, and partner to the private sector, in supporting health care research and quality improvement activities.

Equally important, the bill authorizes critical funding for our nation's children's hospitals. I was pleased to support the adoption of these provisions when this bill was previously considered by the House. Passage of this legislation today is an important step in ensuring that America's children's hospitals receive the resources that they need.

Mr. BROWN of Ohio. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

The Clerk read the Senate bill, as follows:

SEC. 901. MISSION AND DUTIES.

This Act may be cited as the "Healthcare Research and Quality Act of 1999".

SEC. 2. AMENDMENT TO THE PUBLIC HEALTH SERVICE ACT.

(a) IN GENERAL.—Title IX of the Public Health Service Act (42 U.S.C. 299 et seq.) is amended to read as follows:

"TITLE IX—AGENCY FOR HEALTHCARE RESEARCH AND QUALITY"

"PART A—ESTABLISHMENT AND GENERAL DUTIES"

"SEC. 901. MISSION AND DUTIES.

"(a) IN GENERAL.—There is established within the Public Health Service an agency to be known as the Agency for Healthcare Research and Quality, which shall be headed by a director appointed by the Secretary.

The Secretary shall carry out this title through the Director.

(b) Mission.—The purpose of the Agency is to enhance the quality, appropriateness, and effectiveness of health services, and access to such services, to the establishment of a broad base of scientific research and through the promotion of improvements in clinical and health system practices, including the prevention of diseases and other health conditions. The Agency shall promote health care quality improvement by conducting and supporting research that develops and presents scientific evidence regarding all aspects of health care, including—

(A) the development and assessment of methods for enhancing patient participation in their own care and for facilitating shared patient-physician decision-making;

(B) the outcomes, effectiveness, and cost-effectiveness of health care practices, including preventive measures and long-term care;

(C) existing and innovative technologies;

(D) the costs and utilization of, and access to, health care;

(E) the ways in which health care services are organized, delivered, and financed, and the interaction and impact of these factors on the quality of patient care;

(F) methods for measuring quality and strategies for improving quality; and

(G) ways in which patients, consumers, purchasers, and practitioners acquire new information about best practices and health benefits, the determinants and impact of their use of this information; the synthesis, and dissemination of available scientific evidence for use by patients, consumers, practitioners, providers, purchasers, policy makers, and educators; and

(H) initiatives to advance private and public efforts to improve health care quality.

(c) REQUIREMENTS WITH RESPECT TO RURAL AND INNER-CITY AREAS AND PRIORITY POPULATIONS.—

(1) RESEARCH, EVALUATIONS AND DEMONSTRATION PROJECTS.—In carrying out this title, the Director shall conduct and support research and evaluations, and support demonstration projects, with respect to—

(A) the delivery of health care in inner-city areas, and in rural areas (including frontier areas); and

(B) health care for priority populations, which shall include—

(i) low-income groups;

(ii) minority groups;

(iii) women;

(iv) children;

(v) the elderly; and

(vi) individuals with special health care needs, including individuals with disabilities and individuals who need chronic care or end-of-life health care.

(2) PROCESS TO ENSURE APPROPRIATE RESEARCH.—The Director shall establish a process to ensure that the requirements of paragraph (1) are reflected in the overall portfolio of research conducted and supported by the Agency.

(3) OFFICE OF PRIORITY POPULATIONS.—The Director shall establish an Office of Priority Populations to assist in carrying out the requirements of paragraph (1).

SEC. 902. GENERAL AUTHORIZATIONS.

(a) IN GENERAL.—In carrying out section 901(b), the Director shall conduct and support research, evaluations, and training, support demonstration projects, research networks, and multi-disciplinary centers, provide technical assistance, and disseminate information on health care and on systems...