FOSTER CARE INDEPENDENCE ACT OF 1999

COLLINS (AND OTHERS) AMENDMENT NO. 2797

Ms. COLLINS (for herself, Mr. ROTH, Mr. L. CHAFFEE, and Mr. REED) proposed an amendment to the bill (H.R. 1802) to amend part A of title IV of the Social Security Act to provide States with more funding and greater flexibility in carrying out programs designed to help children make the transition from foster care to self-sufficiency, and for other purposes, as follows:

Strike all after the enacting clause and insert the following:

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:

TITLE I—IMPROVED INDEPENDENT LIVING PROGRAM

Subtitle A—Improved Independent Living Program

Sec. 101. Improved independent living program.

Sec. 102. 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.

Sec. 113. Medicaid Amendments

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

Sec. 122. Adoption Incentive Payments

Sec. 131. Increased funding for adoption incentive payments.

TITLE II—SSI FRAUD PREVENTION


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.

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 health care 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 on amounts 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 of denial of SSI benefits for family farmers.

TITLE III—CHILD SUPPORT

Sec. 301. Narrowing of hold harmless provision in 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.

TITLE V—FINANCIAL ASSISTANCE FOR ADOLESCENTS


Sec. 502. Foster care and adoption incentive payments.

Sec. 503. Access to information held by financial institutions.

Sec. 504. Recovery of overpayments of SSI benefits from lump sum SSI benefit payments.

Sec. 505. Additional debt collection practices.

Sec. 506. Requirement to provide State prisoner information to Federal and federally assisted benefit programs.

Sec. 507. Treatment of assets held in trust under the SSI program.

Sec. 508. Disposal of resources for less than fair market value under the SSI program.

Sec. 509. Administrative procedure for imposing penalties for false or misleading statements.

Sec. 510. Exclusion of representatives and health care providers convicted of violations from participation in social security programs.

Sec. 511. State data exchanges.

Sec. 512. Study on possible measures to improve fraud prevention and administrative processing.

Sec. 513. Annual report on amounts necessary to combat fraud.

Sec. 514. Computer matches with Medicare and Medicaid institutionalization data.
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(C) A certification by the chief executive officer of the State that the State will make every effort to coordinate the State programs with such programs; and that the State will provide funding 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 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.

(1) A certification by the chief executive officer of the State that the State has established and will enforce standards and procedures to prevent fraud and abuse in the programs carried out under the plan.

(2) A certification by the chief executive officer of the State, that the State will ensure that adolescents participating in the program under this section participate directly in designing their own program activities that prepare them for independent living and that the adolescents accept personal responsibility for living up to their part of the program.

(3) A certification by the chief executive officer of the State that the State has given all interested members of the public and private organizations in developing the plan and that the State has consulted widely with public and private organizations in developing the plan.

The amounts paid to a State from its allotment under this section for which such information is available in the application approved under subsection (b) for a fiscal year that is equal to the lesser of—

(A) 80 percent of the amount specified in subsection (h) for a fiscal year, if the fiscal year is the greater amount.

(B) RATABLE REDUCTION OF CERTAIN ALLOTMENTS.—In the case of a State for which information is available in the application approved under subsection (b) for a fiscal year, the Secretary shall reduce the amount allotted to the State for the fiscal year under paragraph (1) by an amount equal to—

(A) the greater of the amount of the allotment for the fiscal year; and

(B) $500,000, or the amount stated in the application approved under subsection (b) for the fiscal year.

(3) PENALTIES BASED ON DEGREE OF NONCOMPLIANCE.—The Secretary shall assess penalties under this subsection based on the degree of noncompliance of the State with this section, as determined by the Secretary.

(2) DATA COLLECTION AND PERFORMANCE MEASUREMENT.—

(1) IN GENERAL.—The Secretary, in con-

and local governments to design methods for conducting the evaluations, directly or by grants, contracts, or cooperative agreements with appropriate entities.

(h) LIMITATIONS ON AUTHORIZATION OF APPROPRIATIONS.—To carry out this section and for payments to States under section 474(a)(4), there are authorized to be appropriated to the Secretary $140,000,000 for each fiscal year.

(1) FUNDING OF EVALUATIONS.—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 extent practicable, the evaluations shall be based on rigorous scientific standards including random assignment to treatment and control groups. The Secretary shall coordinate with the States and local governments to design methods for conducting the evaluations, directly or by grant, contract, or cooperative agreement.

(2) PAYMENTS TO STATES.—Section 474(a)(4) of such Act (42 U.S.C. 674(a)(4)) is amended to read as follows:
which the quarter occurs (including any amendment that meets the requirements of section 477(b)(5)); except that—

‘‘(l) the total amount of any penalties assessed against the State under section 477(e) during the fiscal year in which the quarter occurs.

‘‘(m) 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.’’.

(4) 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) SENSE OF THE CONGRESS.—It is the sense of the Congress that the Secretary of Health and Human Services shall promulgate regulations as necessary to carry out the requirements of this section.

Title II—Related Foster Care Provision

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

Section 472(a) of the Social Security Act (42 U.S.C. 672(a)) is amended by adding at the end the following: ‘‘In determining whether a child whose resources have a combined value of not more than $10,000 shall be considered to be a child whose resources have a combined value of not more than $1,000, such lesser amount as the Secretary of Health and Human Services shall determine for purposes of this section, the Secretary shall take into account the eligibility for independent living services under section 402(a)(7)(B) and the extent to which the State has complied with section 201(b).’’

 SEC. 112. PREPARATION OF FOSTER PARENTS TO PROVIDE CARE FOR THE NEEDS OF CHILDREN IN FOSTER CARE.

(a) STATE PLAN REQUIREMENT.—Section 471(a) of the Social Security Act (42 U.S.C. 671(a)) is amended—

(1) by striking ‘‘and’’ at the end of paragraph (2);

(2) by striking the period at the end of paragraph (3) and inserting ‘‘; and’’; 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 Secretary bears to the aggregate of the amounts appropriated under subsection (h)(1) for fiscal year 1999, there may be no payments to the amounts described by subparagraph (A) of paragraph (1) of this subsection.’’. (b) EFFECTIVE DATE.—The amendments made by subsection (a) apply to medical assistance for items and services furnished on or after October 1, 1999.

Title III—Recovery of Overpayments of SSI

SEC. 201. LIABILITY OF REPRESENTATIVE PAYEES FOR OVERPAYMENTS TO DECEASED RECIPIENTS.

(a) AMENDMENT TO TITLE II.—Section 204(a)(2) of the Social Security Act (42 U.S.C. 1383b(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 the Social Security Act (42 U.S.C. 1383(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.

Title IV—Recovery of Overpayments of SSI Benefits from Lump Sum SSI Benefits Payments

SEC. 202. RECOVERY OF OVERPAYMENTS OF SSI BENEFITS FROM LUMP SUM SSI BENEFITS PAYMENTS.

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

(1) by inserting ‘‘and monthly’’ before ‘‘benefit payments’’; and

(2) by inserting ‘‘and in the case of an individual or eligible spouse to whom a lump sum is payable under this title (including under section 1616(a) 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, the amount of such overpayment shall be reduced by an amount equal to the lesser of—

(A) the amount that would have been payable to the State under this section during fiscal year 1999 on the basis of the amount of such benefit payments; or

(B) the amount that bears the same ratio to the dollar amount of such payments as the amount of such payments bears to the grant made to the State under section 402(a)(7)(B) for fiscal year 1999.’’

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect 12 months after the date of the enactment of this Act; and shall apply to amounts incurred after the enactment of this Act and paid which remain outstanding on or after such date. 31128

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SEC. 203. ADDITIONAL DEBT COLLECTION PRACTICES.

(a) In General.—Section 1631(b) of the Social Security Act (42 U.S.C. 1383b(b)) is amended—

(1) by redesignating paragraphs (4) and (5) as paragraphs (5) and (6), respectively; and

(2) by inserting after paragraph (3) the following:

"(4A) With respect to any delinquent amount, the Commissioner of Social Security may use the collection practices described in sections 1902(a)(10), 1911(a), 1914, and 1915 of title 19, United States Code, and in section 5514 of title 5, United States Code, all as in effect immediately after the enactment of the Debt Collection Improvement Act of 1996.

"(B) For purposes of subparagraph (A), the term ‘delinquent amount’ means an amount—

"(i) in excess of the correct amount of payment under this title;

"(ii) paid to a person after such person has attained 18 years of age; and

"(iii) determined on the basis of criteria established by the Commissioner on the individual.

This subsection shall not apply to a trust described in subparagraph (A) or (C) of section 717(d)(4).

"(6) For purposes of this subsection—

"(A) the term ‘trust’ includes any legal instrument or device that is similar to a trust;

"(B) the term ‘corpus’ means, with respect to a trust, all property and other interests held by the trust; and

"(C) the term ‘asset’ includes any income or resources of the individual or of the individual’s spouse, including—

"(i) any income excluded by section 1612(b);

"(ii) any other property or payment to which the individual or the individual’s spouse is entitled but does not receive or have access to because of action by—

"(I) the individual or spouse;

"(II) a person or entity (including a court) acting at the direction of, or on the request of, the individual or spouse; or

"(III) a person or entity (including a court) acting at the direction of, or on the request of, the individual or spouse; or

"(ii) any other property or payment to which the individual or the individual’s spouse is entitled but does not receive or have access to because of action by—

"(I) the individual or spouse;

"(II) a person or entity (including a court) acting at the direction of, or on the request of, the individual or spouse; or

"(III) a person or entity (including a court) acting at the direction of, or on the request of, the individual or spouse; or

"(iii) any other property or payment to which the individual or the individual’s spouse is entitled but does not receive or have access to because of action by—

"(I) the individual or spouse;

"(II) a person or entity (including a court) acting at the direction of, or on the request of, the individual or spouse; or

"(iii) any other property or payment to which the individual or the individual’s spouse is entitled but does not receive or have access to because of action by—

"(I) the individual or spouse;

"(II) a person or entity (including a court) acting at the direction of, or on the request of, the individual or spouse; or

"(III) a person or entity (including a court) acting at the direction of, or on the request of, the individual or spouse; or

"(iv) any income or property to which an individual or an individual’s spouse is entitled but does not receive or have access to because of action by—

"(I) the individual or spouse;

"(II) a person or entity (including a court) acting at the direction of, or on the request of, the individual or spouse; or

"(III) a person or entity (including a court) acting at the direction of, or on the request of, the individual or spouse; or

"(b) CONFORMING AMENDMENTS.—Section 2001(d)(2) of title 19, United States Code, is amended by inserting ‘‘and’’ in the matter preceding this section and inserting ‘‘and’’ after the period at the end of section 1917(a).

"(c) TECHNICAL AMENDMENTS.—Section 2004(b) of the Social Security Act (42 U.S.C. 404(b)) is amended—

(1) by striking ‘‘3711(f)’’ and inserting ‘‘3711(e)’’;

(2) by striking the period at the end of subparagraph (a) and inserting ‘‘and’’ after the period at the end of section 1917(a).

"SEC. 204. REQUIREMENT TO PROVIDE STATE PRISONER INFORMATION TO FEDERAL AND FEDERALLY ASSISTED BENEFIT PROGRAMS.

Section 1616(e)(1)(ii)(I) of the Social Security Act (42 U.S.C. 1396e(1)(ii)(I)) is amended by striking ‘‘is authorized to’’ and inserting ‘‘may be designated by’’.

"SEC. 205. TREATMENT OF ASSETS HELD IN TRUST UNDER THE SSI PROGRAM.

(a) IN GENERAL.—Section 1613(c) of the Social Security Act (42 U.S.C. 1396c(c)) is amended—

(1) by redesignating paragraph (4) as paragraph (5); and

(2) by inserting after paragraph (3) the following:

"(5) In determining the resources of an individual, the portion of the corpus from which payments could be made shall be considered a resource available to the individual.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on January 1, 2000, and shall apply to trusts established on or after such date.

"SEC. 206. DISPOSAL OF RESOURCES FOR LESS THAN FAIR MARKET VALUE UNDER THE SSI PROGRAM.

(a) IN GENERAL.—Section 1613(c) of the Social Security Act (42 U.S.C. 1396c(c)) is amended—

(1) by striking ‘‘Notification of Medicaid Policy Restricting Eligibility of Institutionalized Individuals for Benefits Based on’’;

(2) in paragraph (1)—

"(i) in subparagraph (A)—

"(II) The date described in this subclause is a date that is 36 months before the date on which the individual, or the individual’s spouse, ceases to be a beneficiary under this title;

"(ii) the term ‘look-back date’ means an amount—

"(I) the total, cumulative uncompensated value of all resources so disposed of by the individual or the individual’s spouse after the look-back date described in clause (i), the individual is ineligible for benefits under this title for months described in clause (i) and equal to the number of months calculated as provided in clause (iv);

"(III) the look-back date described in this subclause is a date that is 36 months before the date described in subclause (II);

"(iii) the date described in this subclause is the first day of the first month in or after which resources were disposed of for less than fair market value and which does not occur in any other period of ineligibility under this paragraph;

"(iv) the look-back period of months calculated under this clause shall be equal to—

"(I) the total, cumulative uncompensated value of all resources so disposed of by the individual or the individual’s spouse after the look-back date described in clause (ii); divided by

"(II) the amount of the maximum monthly benefit payable under section 1902(a)(10) of the Social Security Act (42 U.S.C. 1396a(a)(10)) plus the amount (if any) of the maximum State supplementary payment corresponding to the State’s payment level applicable to the living arrangement of the individual eligible category that would otherwise be payable to the individual by the Commissioner pursuant to an agreement under section 1906(a).

"(v) each month described in clause (i) is divided by

"(vi) a value determined on the basis of criteria established by the Commissioner on the individual.

"(B) In determining the resources of an individual, the portion of the corpus from which payments could be made shall be considered a resource available to the individual.

"(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on January 1, 2000, and shall apply to trusts established on or after such date.
rounded, in the case of any fraction, to the nearest whole number, but shall not in any case exceed 36 months.

"(b)(i) Notwithstanding subparagraph (A), this subsection shall not apply to a transfer of a resource to a trust if the portion of the trust owned by the transferor is considered a resource available to the individual pursuant to subsection (e)(3) or would be so considered but for the application of subsection (e)(4).

"(ii) In the case of a trust established by an individual or an individual's spouse (within the meaning of subsection (e), if from such portion of the trust, if any, that is considered a resource available to the individual pursuant to subsection (e)(3) or would be so considered but for the application of subsection (e)(4)) or the residue of the portion on the date of such trust or to another for trust—

"(I) there is made a payment other than to or for the benefit of the individual; or

"(II) no payment could under any circumstances be made to the individual, then, for purposes of this subsection, the payment described in clause (I) or the foreclosure of payment described in clause (II) shall be considered to be the transfer of resources by the individual or the individual's spouse as of the date of the payment or foreclosure, as the case may be.

"(C) An individual shall not be ineligible for benefits under this title by reason of the application of this paragraph to a disposition of resources by the individual or the spouse of the individual, to the extent that—

"(i) the resources are a home and title to the home was transferred to—

"(I) the spouse of the transferor;

"(II) a child of the transferor who has not attained 21 years of age, or is blind or disabled;

"(III) a sibling of the transferor who has an equity interest in such home and title to whom the transferor be- comes an institutionalized individual, and who provided care to the transferor which permitted the transferor to reside at home rather than in such an institution or facili- ty;

"(iv) the resource is the sole benefit of the transferor's spouse;

"(v) were transferred from the transferor's spouse to another for the sole benefit of the transferor's spouse.

"(III) were transferred to, or for the benefit of, the transferor's child who is blind or dis- abled;

"(IV) were transferred to a trust (including a trust described in section 1917(d)(4)) established solely for the benefit of, the transferor's child who is blind or dis- abled;

"(v) were transferred to a trust (including a trust described in section 1917(d)(4)) established solely for the benefit of an individual who has not attained 65 years of age and who is disabled;

"(vi) a satisfactory showing is made to the Commissioner of Social Security (in accordance with regulations promulgated by the Commissioner) that—

"(I) the individual who disposed of the resources either at fair market value, or for other val- uable consideration;

"(II) the resources were transferred exclu- sively for purposes other than to qualify for benefits under this title; or

"(III) all resources transferred for less than fair market value have been returned to the transferor;

"(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 joint tenancy, tenancy in common, or simi- lar arrangement, the resource (or the af- fected portion of such resource) shall be con- sidered to be disposed of by the individual when any action is taken, either by the indi- vidual or by any other person, that reduces or eliminates the individual's ownership or control of such resource.

"(E) in the case of a transfer by the spouse of an individual that results in a period of in-eligibility for the individual under this sub- section, the Commissioner shall apportion the period (or any portion of the period) among the individual and the individual's spouse if the spouse becomes eligible for ben- efits under this title; or

"(F) For purposes of this paragraph—

"(i) the term 'benefits under this title' includes payments of the type described in section 1616(a) of this Act and of the type described in section 212(b) of Public Law 93–66; and

"(ii) the term 'institutionalized individual' has the meaning given such term in section 1917(e)(3); and

"(iii) the term 'trust' has the meaning given such term in subsection (e)(6)(A) of this section.

"(b) CONFORMING AMENDMENT.—Section 1902(a)(10) of the Social Security Act (42 U.S.C. 1396a(a)(10)), as amended by section 205(c) of this Act, is amended by striking "section 1613(e)" and inserting "sections (c) and (e) of section 1613".

"(c) EFFECTIVE DATE.—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) IN GENERAL.—Part A of title XI of the Social Security Act (42 U.S.C. 1301 et seq.) is amended by inserting after section 1120 the following:

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

"(a) In General.—Any person who makes, or causes to be made, a statement or rep- resentation of a material fact for use in de- termining any initial or continuing right to or the amount of—

"(1) monthly insurance benefits under title II; or

"(2) benefits or payments under title XVI, that the person knows or should know is false or misleading or knows or should know omits a material fact or who makes such a statement with knowing disregard for the truth shall be subject to, in addition to any other penalty 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) not more than $1,000 for any month that begins during the applicable period described in subsection (c); and

"(2) not more than for any month that begins during the applicable period described in subsection (c).

"(c) Duration of Penalty.—The duration of the applicable period, with respect to a de- termination of the Commissioner under subsection (b)(1) that a person has engaged in con- duct described in subsection (a), shall be—

"(1) six consecutive months, in the case of the first such determination with respect to the person; and

"(2) twelve consecutive months, in the case of the second such determination with respect to the person; and

"(d) Case of INELIGIBLE PERSON SUBJECT TO PENALTY.—A per- son subject to a period of nonpayment of benefits under title II or ineligibility for title XVI benefits by reason of this section shall be considered to be eligi- ble for and receiving such benefits, to the ex- tent that the person would be receiving or eli- gible for such benefits but for the imposi- tion of the penalty for purposes of—

"(1) the determination of the eligibility of the person for benefits under titles XVIII and XIX, and

"(2) the determination of the eligibility or amount of benefits payable under title II or XVI to another person.

"(e) Definition.—In this section, the term "benefits under title XVI" includes State sup- plementary payments made by the Commission- er pursuant to an agreement under section 1616(a) of this Act or section 212(b) of Public Law 93–66.

"(f) Consultations.—The Commissioner of Social Security shall consult with the In- spector General of the Social Security Admin- istration regarding initiating actions under this section.

"(g) Amendment Precluding Delayed Retirement Credit for Any Month in Which a Nonpayment of Benefits Penalty Applies.—Section 202(w)(2)(B) of such Act (42 U.S.C. 1382(w)(2)(B)) is amended—

"(1) by striking "and" at the end of clause (1); and

"(2) by striking the period at the end of clause (2) and inserting", and"; and

"(3) by adding at the end following:

"(III) such individual was not subject to a penalty imposed under section 1129A.

"(h) Determination of Benefits or Payments Under Title XVI.—Section 1611(e) of such Act (42 U.S.C. 1382(e)) is amended—

"(1) by striking paragraph (4); and

"(2) in paragraph (4)(A)(i), by striking "(g)" and inserting "(d)"; and

"(3) by redesignating paragraphs (5) and (6) as paragraphs (4) and (5), respectively.

"(i) Regulations.—Within 6 months after the date of the enactment of this Act, the Commissioner of Social Security shall de- velop regulations that prescribe the adminis- trative process for making determinations under section 1129A of the Social Security Act (including when the applicable period in subsection (c) of such section shall com- mence), and shall provide guidance on the exercise of discretion as to whether the pen- alty should be imposed in particular cases.

"(j) Effective Date.—The amendments made by this section shall apply to state- ments and representations made on or after the date of the enactment of this Act.

SEC. 208. EXCLUSION OF REPRESENTATIVES AND HEALTH CARE PROVIDERS CON- VICTED 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:

"(2) ineligibility for cash benefits under title XVI, for each month that begins during the applicable period described in subsection (c)."
Sec. 210. Study on possible measures to improve fraud prevention and administrative processing.

Section 210 (a) (1) and (2) of the Social Security Act provides that the Commissioner of Social Security, in consultation with the Inspector General of the Social Security Administration, the Attorney General, and other Federal, State, or local law enforcement agencies, shall conduct a study of possible measures to improve fraud prevention and administrative processing.

The study shall be conducted to determine whether and to what extent measures to improve fraud prevention and administrative processing are feasible and cost-effective. The study shall include an examination of the extent to which fraud prevention and administrative processing measures are being implemented by Federal, State, and local agencies and whether any changes in law, regulation, or policy are necessary to enhance these efforts.

The study shall be completed and submitted to Congress and the Commissioner of Social Security no later than 180 days after the enactment of this Act.
timely processing of reported income changes by individuals receiving such benefits.

(b) REPORT.—Not later than 1 year after the date of the enactment of this Act, 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 determines are necessary to combat fraud committed by applicants and recipients of such benefits.

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

(a) IN GENERAL.—Section 120(b)(1) of the Social Security Act (42 U.S.C. 904(b)(1)) is amended—

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

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

“(B) The Commissioner shall include in the annual budget prepared pursuant to subparagraph (A) an itemization of the amount of funds necessary to combat fraud committed by applicants and recipients of such benefits.”

(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. 1382(c)(1)) is amended by adding at the end the following:—

“(J) For the purpose of carrying out this paragraph, the Commissioner of Social Security shall conduct periodic computer matches with data maintained by the Secretary of Health and Human Services under title XVII or XIX. The Secretary shall furnish to the Commissioner, in such form and manner and under such terms as the Commissioner and the Secretary shall mutually agree, any information as the Commissioner may request for this purpose. Information obtained pursuant to such a match may be substituted for the physician’s certification otherwise required under subparagraph (G)(1).”

(b) CONFORMING AMENDMENT.—Section 1611(e)(1)(G) of such Act (42 U.S.C. 1382(c)(1)(G)) is amended by striking “subparagraph (H)” and inserting “subparagraph (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. 1382c(e)(1)(B)) is amended by striking “subparagraph (H) or (J)”.

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 new title:

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

TABLE OF CONTENTS

Sec. 801. Basic entitlement to benefits.
Sec. 802. Qualified individuals.
Sec. 803. Residence outside the United States.
Sec. 804. Disqualifications.
Sec. 805. Termination.
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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.

SEC. 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 that begins on or after the month in which such individual first so resides outside the United States.

SEC. 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;

(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.

SEC. 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.

SEC. 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 convicted of an offense under the laws of the United States or the jurisdiction within the United States from which 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 State of New Jersey, is a high misdemeanor under the laws of such State;

(2) during any part of which the individual is fleeing to avoid prosecution, or custody or confinement after conviction, under the laws of the United States or the jurisdiction within the United States from which 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 State of New Jersey, 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;

(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;

(5) during which the individual receives aid under section 1701 of title 42, United States Code, and is not a citizen or national of the United States.

(b) REQUIREMENT FOR ATTORNEY GENERAL.—For the purpose of carrying out subsection (a)(1), the Attorney General shall notify the Commissioner of Social Security as soon as practicable after any individual described in clause (i)(I) of such subsection to the extent that the individual is not a citizen or national of the United States.
"SEC. 805. BENEFIT AMOUNT.

The amount of the benefit payable to a qualified individual for any month shall be in an amount equal to 75 percent of the Federal benefit rate under title XVI for the month, which is the amount of the qualified individual's benefit income for the month.

"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 furnishing of information and other material, and the reporting of events and 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 preclude any determination of entitlement to benefits under this title solely on the basis of declarations by the individual concerning, or other material facts, and shall provide for verification of material information 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 representative payees) in correct amounts.

"SEC. 807. REPRESENTATIVE PAYEES.

(A) IN GENERAL.—If the Commissioner of Social Security determines that the interest of any qualified individual under this title would be best served thereby, payment of the qualified individual's benefit under this title may be made, regardless of the legal competency 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 the qualified individual's 'representative payee'). If the Commissioner of Social Security determines that the representative payee has misused any benefit paid to the representative payee pursuant to this section, section 205(j), or section 1631(a)(2)(A)(iii) by reason of misuse of funds paid as benefits under this title, title II, or XVI, respectively; and

(B) require the person being investigated to provide such lists available to the servicing offices of the Social Security Administration. The lists shall consist of—

(1) the names and (if issued) social security account numbers of all persons who have been convicted of a violation of section 208, 811, or 1632.

"(c) REQUIREMENT FOR MAINTAINING LISTS OF UNDESIRABLE PAYEES.—The Commissioner of Social Security shall establish and maintain lists which shall be updated periodically and which shall be in a form that renders such lists available to the servicing offices of the Social Security Administration. The lists shall consist of—

(1) the names and (if issued) social security account numbers of all persons with respect to whom, in the capacity of representative payee, the payment of benefits has been revoked or terminated pursuant to this section, section 205(j), or section 1631(a)(2)(A)(ii) by reason of misuse of funds paid as benefits under this title, title II, or XVI, respectively; and

(2) the names and (if issued) social security account numbers or employer identification numbers of all persons who have been convicted of a violation of section 208, 811, or 1632;

"(d) PERSONS INELIGIBLE TO SERVE AS REPRESENTATIVE PAYEES.—(1) In General.—The benefits of a qualified individual may not be paid to any other person pursuant to this section if—

(A) the person has been convicted of a violation of section 208, 811, or 1632;

(B) except as provided in paragraph (2), payment of benefits to the person in the capacity of representative payee has been revoked or terminated under this section, section 205(j), or section 1631(a)(2)(A)(ii) by reason of misuse of funds paid as benefits under this title, title II, or XVI, respectively; or

(C) except as provided in paragraph (2)(B), the person is a creditor of the qualified individual and provides the qualified individual with goods or services for consideration.

(2) Exemptions.—(A) The Commissioner of Social Security 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 exception is in the best interest of the qualified individual whose benefits 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 the relative resides in the same household as the qualified individual;

(ii) a non-human than or legal representative of the individual; 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;

(iv) a person who is an administrator, owner, or employee of a facility referred to in clause (iii); or

(v) a representative payee who resides in the facility, and the payment to the facility or the person is made only after the Commissioner of Social Security has made a good faith effort to ensure that the representative payee to whom payment would serve the best interests of the qualified individual; or

(C) A person who is determined by the Commissioner of Social Security, on the basis of written findings and pursuant to procedures prescribed by the Commissioner of Social Security, to be acceptable to serve as a representative payee.

"(e) DEFERRAL OF PAYMENT PENDING APPOINTMENT OF REPRESENTATIVE PAYEE.—(1) IN GENERAL.—If the Commissioner of Social Security makes a determination described in the first sentence of subsection (a) with respect to any qualified individual whose benefit and determinations that direct payment of the benefit to the qualified individual would cause substantial harm to the qualified individual, the Commissioner of Social Security may defer payment of the benefit to the qualified individual until such time as the selection of a representative payee is made pursuant to this section.

(2) TIME LIMITATION.—Except as provided in subparagraph (B), any deferral or suspension of direct payment of a benefit pursuant to paragraph (1) shall be for a period of not more than 1 month.

"(B) EXCEPTION IN THE CASE OF INCOMPETENCY.—Subparagraph (A) shall not apply in any case in which the qualified individual is, as of the date of the Commissioner of Social Security's determination, legally competent under the laws of the jurisdiction in which the individual resides.

"(C) AMOUNT OF DEFERRAL.—Payment of any benefits which are deferred or suspended pending the selection of a representative payee shall be made to the qualified individual or the representative payee as a single sum or over such period of time as the Commissioner of Social Security determines is in the best interest of the qualified individual.

"(D) 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 determination of the qualified individual's benefit and determination of the qualified individual's benefit under title II, title XVI, or title II, title XVI, respectively; and

(1) IN GENERAL.—In advance, to the extent practicable, of the payment of the qualified individual's benefit to a representative payee under subsection (a), the Commissioner of Social Security shall provide written notice of the Commissioner's initial determination to so make the payment. The notice shall be provided to the qualified individual, except

"(2) NOTICE REQUIREMENTS.—(A) The notice provided to the qualified individual under paragraph (1) shall include—

(i) a description of the qualified individual and the representative payee;

(ii) a statement of the Commissioner of Social Security's final decision as is provided in section 809(b)(6); and

(iii) no other notice shall be provided.

"(g) NOTICE REQUIREMENTS.—(1) IN GENERAL.—In advance, to the extent practicable, of the payment of the qualified individual's benefit to a representative payee under subsection (a), the Commissioner of Social Security shall provide written notice of the Commissioner's final decision to so make the payment. The notice shall be provided to the qualified individual, except


"(2) NOTICE REQUIREMENTS.—(A) The notice provided to the qualified individual under paragraph (1) shall include—

(i) a description of the qualified individual and the representative payee;

(ii) a statement of the Commissioner of Social Security's final decision as is provided in section 809(b)(6); and

(iii) no other notice shall be provided.

"(g) NOTICE REQUIREMENTS.—(1) IN GENERAL.—In advance, to the extent practicable, of the payment of the qualified individual's benefit to a representative payee under subsection (a), the Commissioner of Social Security shall provide written notice of the Commissioner's final decision to so make the payment. The notice shall be provided to the qualified individual, except


"(2) NOTICE REQUIREMENTS.—(A) The notice provided to the qualified individual under paragraph (1) shall include—

(i) a description of the qualified individual and the representative payee;

(ii) a statement of the Commissioner of Social Security's final decision as is provided in section 809(b)(6); and

(iii) no other notice shall be provided.
that, if the qualified individual is legally in-
competent, the payments shall be provided
solely to the legal guardian or legal rep-
resentative of the qualified individual.

(2) SPECIFIC REQUIREMENTS.—Any notice
required by paragraph (1) shall be clearly
written in language that is easily under-
standable to the reader, shall identify
the person to be designated as the qualified indi-
vidual’s legal guardian or representative payee, and shall ex-
plain to the reader the right under sub-
section (f) of the qualified individual or of
the qualified individual’s legal guardian or legal rep-
resentative.

(A) to appeal a determination that a rep-
resentative payee is necessary for the qual-
ified individual;

(B) to designate the identity of a par-
ticular person to serve as the representative payee of
the qualified individual; and

(C) to review the evidence upon which
the determination is based and to submit addi-
tional evidence.

(3) REQUIREMENTS FOR APPEAL.—
(A) Right of appeal. —The Commissioner of Social Security shall
make payment to the qualified individual or the indi-
vidual’s alternative representative payee of
an amount equal to the misused benefits.

(B) limitation of appeal. —The Commis-
sioner of Social Security shall decrease any
payment—

(A) under this title to which the overpaid
person is entitled, or shall require the overpaid
person or his or her estate to refund the amount in excess
of the correct amount, or, if recovery is not ob-
tained under these 2 methods, shall seek or
pursue recovery by means of reduction in tax
refunds based on notice to the Secretary of the
Treasury, as authorized under section 6377 of
the United States Code; or

(B) under title II to recover the amount
in excess of the correct amount, if the person is
not currently eligible for payment under
this title.

(2) With respect to payment of less than
the correct amount to a qualified individual who, at the time the Commissioner of Social Security is
possessed of information relevant to a re-
determination of the Commissioner of Social Security finds that the person is
without fault if the Commis-
sioner of Social Security determines that the
person who is without fault if the Commis-
sioner of Social Security makes it

to the qualified individual or the

person who is without fault if the Commis-
sioner of Social Security makes it

to the qualified individual or the

(B) is deceased, the balance of the amount
due shall revert to the general fund of
the Treasury.

(b) WAIVER OF RECOVERY OF OVERPAY-
MENT.—In any case in which more than the
correct amount of payment has been
made, there shall be no adjustment of payments to,
or recovery by the United States from, any
person who is without fault if the Commis-
sioner of Social Security determines that the
adjustment or recovery would defeat the
purpose of this title or would be against equity
and good conscience.

(1) LIMITATION.—A disburse-
ing officer may not be held
liable for any amount paid by the officer if
the adjustment or recovery of the amount is waivered under subsection (b), or adjustment
under subsection (a) is not completed before
the death of the qualified individual against
whose benefits deductions are authorized.

(2) DEFINITION.—For purposes of
paragraph (1), the term ‘delinquent amount’
means an amount—

(A) in excess of the correct amount of the
payment to which this title; and

(B) determined by the Commissioner of Social Security to be otherwise unrecover-
able under this section from a person who is
not a qualified individual under this title.

(2) REGULATIONS AND ADMINISTRATIVE
ARRANGEMENTS. —The Commissioner of Social Security may prescribe such regulations, and

SECT. 808. OVERPAYMENTS AND UNDERPAY-
MENTS. —

(a) IN GENERAL.—Whenever the Commissi-
oner of Social Security finds that more or
less than the correct amount of payment has
been made to, or under this title, the
Commissioner of Social Security shall make pay-
ment to the qualified individual or the
individual’s alternative representative payee of
an amount equal to the misused benefits.

(b) WAIVER OF RECOVERY OF OVERPAY-
MENT.—In any case in which more than the
correct amount of payment has been
made, there shall be no adjustment of payments to,
or recovery by the United States from, any
person who is without fault if the Commis-
sioner of Social Security determines that the
adjustment or recovery would defeat the
purpose of this title or would be against equity
and good conscience.

(1) LIMITATION.—A disburse-
ing officer may not be held
liable for any amount paid by the officer if
the adjustment or recovery of the amount is waivered under subsection (b), or adjustment
under subsection (a) is not completed before
the death of the qualified individual against
whose benefits deductions are authorized.

(2) DEFINITION.—For purposes of
paragraph (1), the term ‘delinquent amount’
means an amount—

(A) in excess of the correct amount of the
payment to which this title; and

(B) determined by the Commissioner of Social Security to be otherwise unrecover-
able under this section from a person who is
not a qualified individual under this title.

(3) REQUIREMENTS.—In any notice of an adverse determination with respect to
an application for any payment under this title or an adverse determination with respect to
entitlement to, or the amount of, benefits under this title, the notice shall be written
in language the effect on possible entitlement to
benefits or recovery by the United States from, any
person who is without fault if the Commis-
sioner of Social Security determines that the
adjustment or recovery would defeat the
purpose of this title or would be against equity
and good conscience.

(2) WAIVER OF RECOVERY OF OVERPAY-
MENT.—In any case in which more than the
correct amount of payment has been
made, there shall be no adjustment of payments to,
or recovery by the United States from, any
person who is without fault if the Commis-
sioner of Social Security determines that the
adjustment or recovery would defeat the
purpose of this title or would be against equity
and good conscience.

(1) LIMITATION.—A disburse-
ing officer may not be held
liable for any amount paid by the officer if
the adjustment or recovery of the amount is waivered under subsection (b), or adjustment
under subsection (a) is not completed before
the death of the qualified individual against
whose benefits deductions are authorized.

(2) DEFINITION.—For purposes of
paragraph (1), the term ‘delinquent amount’
means an amount—

(A) in excess of the correct amount of the
payment to which this title; and

(B) determined by the Commissioner of Social Security to be otherwise unrecover-
able under this section from a person who is
not a qualified individual under this title.

(3) REQUIREMENTS.—In any notice of an adverse determination with respect to
a hearing under this section from a person who is
not a qualified individual under this title.

(a) HEARINGS.—

(1) IN GENERAL.—The Commissioner of So-
cial Security shall make findings of fact and
decisions as to the rights of any individual appli-
cating for any payment under this title, or
with respect to the person receiving payments on be-
half of a qualified individual, provided by any officer or employee of
the Commissioner of Social Security shall

(2) SPECIAL REPORTS.—Notwithstanding
paragraph (1), the Commissioner of Social Security may require a report at any time
from any person receiving payments on be-
half of a qualified individual, if the Commis-
sioner of Social Security has reason to be-
lieve that the person receiving the payments is
misusing the payments.

(3) MAINTAINING LISTS OF PAYEES.—The
Commissioner of Social Security shall main-
tain lists which shall be updated periodi-
cally of—

(A) the name, address, and (if issued) the social
security number of each of the individual’s
identification number of each representative payee who is receiving benefit payments pur-
suant to this section, section 205(i), or section
1611A(a)(2).

(B) the name, address, and social security
account number of each individual for whom each representative payee is reported to be
providing services as representative payee
pursuant to this section, section 205(i), or section
1611A(a)(2).

(4) MAINTAINING LISTS OF AGENCIES.—The
Commissioner of Social Security shall main-
tain lists, which shall be updated periodi-
cally, of public agencies and community-
based nonprofit social service agencies which are
qualified to serve as representative pay-
ees pursuant to this section and which are
located in the jurisdiction in which any
qualified individual resides.

(1) RESTITUTION.—In any case where the
negligent failure of the Commissioner of So-
cial Security to investigate or monitor a rep-
resentative payee results in misuse of bene-
fits by the representative payee, the Com-
misioner of Social Security shall make pay-
ment to the qualified individual or the
individual’s alternative representative payee of
an amount equal to the misused benefits.

The Commissioner of Social Security shall
make a good faith effort to obtain restitu-
ction from the terminated representative payee.

SEC. 809. HEARINGS AND REVIEW.

(a) HEARINGS.—

(1) IN GENERAL.—The Commissioner of So-
cial Security shall make findings of fact and
decisions as to the rights of any individual applic-
cating for any payment under this title, or
with respect to the person receiving payments on be-
half of a qualified individual, provided by any officer or employee of
the Commissioner of Social Security shall

(2) SPECIAL REPORTS.—Notwithstanding
paragraph (1), the Commissioner of Social Security may require a report at any time
from any person receiving payments on be-
half of a qualified individual, if the Commis-
sioner of Social Security has reason to be-
lieve that the person receiving the payments is
misusing the payments.

(3) MAINTAINING LISTS OF PAYEES.—The
Commissioner of Social Security shall main-
tain lists which shall be updated periodi-
cally of—

(A) the name, address, and (if issued) the social
security number of each of the individual’s
identification number of each representative payee who is receiving benefit payments pur-
suant to this section, section 205(i), or section
1611A(a)(2).

(B) the name, address, and social security
account number of each individual for whom each representative payee is reported to be
providing services as representative payee
pursuant to this section, section 205(i), or section
1611A(a)(2).

(4) MAINTAINING LISTS OF AGENCIES.—The
Commissioner of Social Security shall main-
tain lists, which shall be updated periodi-
cally, of public agencies and community-
based nonprofit social service agencies which are
qualified to serve as representative pay-
ees pursuant to this section and which are
located in the jurisdiction in which any
qualified individual resides.

(1) RESTITUTION.—In any case where the
negligent failure of the Commissioner of So-
cial Security to investigate or monitor a rep-
resentative payee results in misuse of bene-
fits by the representative payee, the Com-
misioner of Social Security shall make pay-
ment to the qualified individual or the
individual’s alternative representative payee of
an amount equal to the misused benefits.

The Commissioner of Social Security shall
make a good faith effort to obtain restitu-
ction from the terminated representative payee.
make such administrative and other arrangements, as may be necessary or appropriate to carry out this title.

(b) Payment of Benefits.—Benefits under this title shall be paid at such time or times and in such manner as the Commissioner of Social Security determines are in the interests of economy and efficiency.

(c) Entitlement Redeterminations.—An individual’s entitlement to benefits under this title, and the amount of the benefits, may be redetermined at such time or times as the Commissioner of Social Security determines to be appropriate.

(d) Suspension and Termination of Benefits.—Regulations prescribed by the Commissioner of Social Security under section (a) may provide for the suspension and termination of entitlement to benefits under this title as the Commissioner determines is appropriate.

SEC. 811. Penalties for fraud.

(a) General.—Whoever—
“(1) knowingly makes or causes to be made any false statement or representation of a material fact in an application for benefits under this title;
“(2) at any time knowingly and willfully makes or causes to be made any false statement or representation of a material fact for use in determining any right to the benefits;
“(3) conceals or fails to disclose the event with respect to which the individual’s entitlement to benefits under this title is determined to be appropriate.

(b) Payment of Benefits.—Benefits 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 an agreement between section 1316(b)(1)(A) of this Act and section 212(b) of Public Law 93–66) payable under title XVI for the month to an eligible individual with no income.

(c) Entitlement Redeterminations.—The term ‘United States means, notwithstanding section 1101(a)(1), only the 50 States, the District of Columbia, and the Commonwealth of the Northern Mariana Islands.

(d) Benefit Income.—The term ‘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, 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 2000 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.

Conforming Amendments:

(1) Social Security Trust Funds.—Section 201(g) of such Act (42 U.S.C. 901(g)) is amended—

(A) in the heading, by striking “SOCIAL SECURITY” and inserting “OTHER”;

(B) in subsection (a), by striking “title II” and inserting “title II, title VIII”;

(C) at the end of such section, by inserting “, title VIII”.

(2) Civil Monetary Penalties.—Section 1129 of such Act (42 U.S.C. 1396a–8) is amended—

(A) in the title, by striking “II” and inserting “II, VIII”;

(B) in subsection (a)(1)—

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

(ii) by redesigning subparagraph (B) as subparagraph (C);

(C) in subsection (a)(2), by striking “or title VIII,” after “title II”;

(D) in subsection (c)(1)—

(i) by striking “or” at the end of clause (i); and

(ii) by redesigning clause (ii) as clause (iii);

(E) in subsection (e)(2)(B), by striking “title XVI” and inserting “title VIII or XVI”;

(F) in subsection (i), by striking “title XVI” and inserting “title VIII or XVI”;

(3) 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 “title VIII”;

(B) in the heading, by striking “SOCIAL SECURITY” and inserting “OTHER.”
(8) Recovery of Social Security Overpay- ments—Part A of title XI of the Social Se- curity Act is amended by inserting after section 1147 (42 U.S.C. 1320b–17) the following new section:

"RECOVERY OF SOCIAL SECURITY BENEFITS.—Section 1147A of such Act (42 U.S.C. 1320b–17) is amended—

(A) by redesignating subsection (a) as subsection (b); and

(B) by adding at the end of such section the following new paragraph:

"(c) RECOVERY FROM PAYEES.—(1) The Commissioner of Social Security shall collect in accordance with section 3708 of the Social Security Act (42 U.S.C. 616) any amounts collected in accordance with this paragraph or paragraph (2) of section 464 of the Social Security Act (42 U.S.C. 616a) that have been collected pursuant to section 464 but have not been paid to a payee as a result of an error made by the Commissioner of Social Security relating to the payment of benefits; or

(2) The Commissioner of Social Security shall collect amounts collected pursuant to section 464 of the Social Security Act (42 U.S.C. 616a) that have been collected pursuant to section 464 but have not been paid to a payee as a result of an error made by the Commissioner of Social Security relating to the payment of benefits; or

(3) by striking "", and at the end of such paragraph (3) by inserting "".

(h) Section 464(24)(B) of the Social Security Act (42 U.S.C. 616a(24)(B)) is amended by striking ""Opportunity Reconciliation Act"" and inserting ""Opportunity Reconciliation Act"".

(i) Section 340(b)(8) of the Personal Re- sponsibility and Work Opportunity Re- conciliation Act of 1996 (Public Law 104–193; 110 Stat. 2236) is amended as follows:

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

"(B) 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 reimburse- ment 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 ex- ceeds the State share for the fiscal year (de- termined without regard to this sub- section)."

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall be effective with respect to any quarter occurring during the period that begins on October 1, 1998, and ends on September 30, 2001.

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

(1) in subsection (a), by striking "sub- sections (e) and (f)" and inserting "sub- sections (d) and (e)"; and

(2) 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 402(a)(14)(B) of the Social Security Act (42 U.S.C. 602(a)(14)(B)) is amended by striking "Act" and inserting "section".

(b) Section 409(a)(7)(B)(1)(II) of the Social Security Act (42 U.S.C. 609(a)(7)(B)(1)(II)) is amended by striking "part" and inserting "section".

(c) Section 413(g)(1) of the Social Security Act (42 U.S.C. 613(g)(1)) is amended by striking "(B) in paragraph (1), by striking subpara-"

(d) Section 416 of the Social Security Act (42 U.S.C. 616) is amended by striking "Op-"

(e) Section 418(a)(12) of the Social Security Act (42 U.S.C. 618(a)(12)) is amended by striking "Act Reconciliation" and inserting "Opportunity Reconciliation Act".

(f) Section 418(a)(12) of the Social Security Act (42 U.S.C. 618(a)(12)) is amended by striking "Act Reconciliation" and inserting "Opportunity Reconciliation Act".

(g) Effective on the date of the enactment of this Act, section 490(e) of the Social Secu- rity Act (42 U.S.C. 666(e)) is amended by inserting "or tribe" after "State" and second places it appears, and by inserting "or tribal" after "State" the third place it appears.

(h) Section 467(a)(10) of the Social Secu- rity Act (42 U.S.C. 667(a)(10)) is amended by striking "1381(a)(10)" and inserting "1381(a)(10)"

(i) Section 467(b)(1) of the Social Secu- rity Act (42 U.S.C. 667(b)(1)) is amended by striking "State" and inserting "State".

(j) Section 471(a)(8) of the Social Secu- rity Act (42 U.S.C. 671(a)(8)) is amended by striking "(including activities under part F)" and inserting "(including activities under part F)"

(k) Paragraph 1307(a)(3) of the Social Security Act (42 U.S.C. 6207(a)(3)) is amended by striking "Act Reconciliation" and inserting "Opportunity Reconciliation Act".

(l) Effective on the date of the enactment of this Act, section 490(e) of the Social Secu- rity Act (42 U.S.C. 666(e)) is amended by inserting "or tribe" after "State" and second places it appears, and by inserting "or tribal" after "State" the third place it appears.

(m) Section 490(e) of the Social Secu- rity Act (42 U.S.C. 666(e)) is amended by striking "1381(a)(10)" and inserting "1381(a)(10)"

(n) Section 490(e) of the Social Secu- rity Act (42 U.S.C. 666(e)) is amended by striking "State" and inserting "State".

(o) Section 490(e) of the Social Secu- rity Act (42 U.S.C. 666(e)) is amended by striking "(including activities under part F)" and inserting "(including activities under part F)"

(p) Paragraph 1307(a)(3) of the Social Security Act (42 U.S.C. 6207(a)(3)) is amended by striking "Act Reconciliation" and inserting "Opportunity Reconciliation Act".

(q) Except as provided in subsection (l), the amendments made by this section shall take effect as if included in the enactment of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Public Law 104–193; 110 Stat. 2055)

CARDIAC ARREST SURVIVAL ACT OF 1999

Gorton Amendment No. 2798

Ms. COLLINS (for Mr. GORTON) proposed an amendment to the bill (S. 1488) to amend the Public Health Serv- ice Act to provide for recommenda- tions of the Secretary of Health and Human Services regarding the place- ment of automatic external defibrillators in Federal buildings in order to improve survival rates of individuals who experience cardiac arrest in such buildings, and to establish protections from civil liability arising from the emergency use of the devices; as follows:

"Strike all after the enacting clause and in-"