

DRAFT statement by the President on Passage of final bill.

STATEMENT BY THE PRESIDENT

Senate S.

Hillary and I are very pleased that the Congress, [by an overwhelming bipartisan margin, today approved H.R. 1802, the Foster Care Independence Act of 1999.] This legislation recognizes that we have a responsibility to ensure that youth in foster care have the tools they need to make the most of their lives. I am pleased that the measure builds on the proposals in my budget request to provide those leaving foster care with access to health care and to expand and improve educational opportunities, training, housing assistance, counseling, and other support and services.

For our nation's foster youth, their eighteenth birthday can be the start of a very tough road alone. Each year, approximately 20,000 young people leave our nation's foster care system at age eighteen without an adoptive family or other permanent family relationship, but federal financial support ends just as they are making the critical transition to independence. Without the emotional, social, and financial support that families provide, many of these young people are not adequately prepared for life on their own. This bill is an important step forward to help them in their struggle to become successful, independent adults.

This legislation is a fitting tribute to the late Senator John Chafee, who was a chief sponsor of the Act. A fierce champion of children, Senator Chafee paid particular attention to our nation's most vulnerable young people. I would also like to thank Senator Rockefeller and Representatives Nancy Johnson and Ben Cardin for their hard work and dedication to this issue. I look forward to signing this bill into law.

*Roth
Collins (F)
Moghan*

blanket words

-pwh work



DATE: _____

U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES
200 INDEPENDENCE AVE., SW
WASHINGTON, D.C. 20201

PHONE: (202) 690-6311

FAX: (202) 690-8425

OFFICE OF THE ASSISTANT SECRETARY FOR LEGISLATION
HUMAN SERVICES LEGISLATION
ROOM 413 H HUMPHREY BUILDING

FROM:

TO : Nicall R

[] MARY M. BOURDETTE

OFFICE : _____

[] BARBARA P. CLARK

ROOM NO : _____

[] LAUREN HIGGINS

PHONE NO : _____

[] AMY LOCKHART

FAX NO : 4156-2878

[] LULA BARNES

TOTAL PAGES
INCLUDING COVER) : 3

REMARKS:

Nicole,

I don't want to jinx this, but here's my list just in case. Barbara Clark in my office - same phone # = will handle this in my absence. She has list and if and when we're ready will also send it along to appropriate people (and if there is an event, she should be invited). I don't know who we deal with in WH Leg these days - you may be needed to help on that.

thanks,

mary

2878

*Draft**11/16***INDEPENDENT LIVING - WHITE HOUSE SIGNING CEREMONY****Representatives**

Gephardt
Rangel
Cardin
Stark
Matsui
Coyne
Jefferson
Archer
Johnson
Camp
DeLay

Senators

Daschle
Moynihan
Rockefeller
Breaux
Landrieu
Kerrey
Mikulski
Reed

Roth
Lincoln Chafee
Grassley
Jeffords
DeWine
Bond
Lott
Nickles

Staff

Andi King
Nick Gwyn
Susanne Walsh

Ron Haskins/Cassie Bevan

Joan Huffer
Doug Steiger
Barbara Pryor, Sue Badeau

Alexander Vachon
Laurie Rubiner

Stacy Hughes

Collins

JOHN D. ROCKFELLER IV
WEST VIRGINIA

United States Senate
WASHINGTON, DC 20510-4802

FAX COVER SHEET

Office of Senator John D. Rockefeller IV
531 Hart Senate Building
Washington DC, 20510-4802

Phone: 202-224-6472

Fax: 202-224-7665

TO: *Nicole Rabner*

OFFICE:

FROM: *Barbara*

DATE:

OF PAGES:
(INCLUDING COVER)

650-8425

8

MESSAGE:

1) The changes

2) 1997 Dionne

The information contained in this facsimile message is privileged and confidential information intended only for the use of the intended recipients named above. If you are not the intended recipient, you are hereby notified that any copying of this communication or dissemination or distribution of it to anyone other than the intended recipient is strictly prohibited. If you have received this communication in error, please immediately notify us by telephone and destroy the original message. Thank you.

Adoption Bill

E.J. Dionne

1997

The burst of national generosity toward the McCaughy septuplets says good things about our spirit and the love so many Americans have for children. And whatever medical problems those seven kids face—one hopes there will be few—they have one big thing going for them: loving parents devoted to their welfare.

There are 500,000 children in the American foster care system who do not have that advantage. Some are there because their parents died, some because their parents couldn't cope, and too many because their parents were abusive, neglectful or crippled by drug addiction.

Hard as it is to believe in this era of such deep skepticism about

the paramount concerns of our public child welfare system," Clinton said.

Among other things, the law hopes to speed adoption by requiring states to hold hearings on a child's future within 12 months of his or her removal from a family, instead of the current 18.

During negotiations on the bill, there was a behind-the-scenes argument over existing law requiring child agencies to make "reasonable efforts" to return children to their birth parents. Now the reasonable effort standard will no longer apply in cases where kids were abandoned, tortured or chronically abused.

And the bill pushes a sensible concept called "concurrent planning." Child welfare agencies often wait to see if efforts to reunite a child with the birth family succeed before they seek an adoptive family. Now they will do both at the same time. The hope is that if family preservation fails, a new family might already be waiting in the wings to accept the child.

"People could look at it as being harsh, that parental rights are being terminated," said Sen. John Chafee (R-R.I.), who worked hard with Sen. Jay Rockefeller (D-W. Va.) to get the law passed. "But we're thinking about the welfare of the child."

"It's a huge evolution," said Rockefeller. When family preservation "can work, it ought to work." But "you ought to make a fast track toward adoption" when it doesn't.

Among those pushing for the new law were grass-roots groups dedicated to adoption. "These kids had spent too long in foster care, and it is taking too long to find permanent homes for them," said Kathleen Hayes, who directs South Carolina Families for Kids. "We need to look at the system through the eyes of the child, and children need permanency quickly."

The notion of members of Congress suddenly becoming "Angels in the Outfield" (after a movie that teaches as much about adoption as it does about baseball) may be far-fetched. Chafee and Rockefeller think the law now needs to be backed with more money, since funding was cut during negotiations with the House.

The real measure of success, of course, will be the extent to which individuals respond to the new incentives the law creates. The government can't force anyone to take in a needy kid—and, yes, many families already have their hands full with their own. Still, it's an interesting question: Do we love kids as much when they come one by one as when they come seven at a time?

While keeping family preservation alive as a concept, the new bill shifts the emphasis in favor of the kids.

Washington, Congress and President Clinton did a good deed for those kids last week. The president signed a bipartisan bill reforming the nation's adoption laws to make it a lot easier for foster kids to find permanent homes.

The bill didn't get much attention for the very worst of reasons: News coverage goes to the controversial, the divisive and the confrontational. But the surface calm surrounding this bill belies its importance. It marks a large change in the direction of adoption policy.

For some years now, the vogue among child welfare professionals has been the idea of "family preservation." The idea is that before a child is put up for adoption, substantial efforts should be made to repair broken families and to counsel parents who may have been abusive or neglectful.

But some families can't be repaired. At its worst, family preservation can mean sending children home to more abuse—and, in some cases, death. In many other cases, the emphasis on family preservation can delay the placement of children into safe and permanent homes. Early childhood years are precious. Delay can be destructive to a kid's development.

The new bill keeps family preservation alive as a concept, but shifts the emphasis in favor of the kids. "The new legislation makes it clear that children's health and safety are

8-0578

Proposed Additions to Senate Version of H.R. 1802

Change #1

Sec. 101(a) -- Findings

At line 18 add:

Older children who continue to be in foster care as adolescents may become eligible for Independent Living programs. These Independent Living programs are not an alternative to adoption for these children. Enrollment in Independent Living programs can occur concurrent with continued efforts to locate, and achieve placement in adoptive families for older children in foster care.

Change #2

Sec. 101(b)(3) -- Certifications

Replace Paragraph (D) with following (change in bold):

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 help foster parents, adoptive parents, workers in group homes, and case managers understand and address the issues confronting adolescents preparing for independent living, and will, to the extent possible, coordinate such training with the independent living program conducted for adolescents.

Change #3

Sec. 101 (f) (1) - - Data Collection and Performance Measurement

Replace Paragraph (A) with the following (change in bold):

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

Change #4

Sec. 101 (f) (2) - - Report to Congress

Replace Paragraph (2) with the following (change in bold):

"(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 State: the information described in paragraph (1) and a proposal to impose penalties consistent with paragraph (e) (2) on states that do not report data.



DATE: 11/14

U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES
200 INDEPENDENCE AVE., SW
WASHINGTON, D.C. 20201

PHONE: (202) 690-6311

FAX: (202) 690-8425

OFFICE OF THE ASSISTANT SECRETARY FOR LEGISLATION
HUMAN SERVICES LEGISLATION
ROOM 413 H HUMPHREY BUILDING

FROM:

TO : Nicole Rabner

[☒] MARY M. BOURDETTE

OFFICE : WH

[] BARBARA P. CLARK

ROOM NO : _____

[] LAUREN HIGGINS

PHONE NO : _____

[] AMY LOCKHART

FAX NO : 456-9412

[] LULA BARNES

TOTAL PAGES
INCLUDING COVER) : 5

REMARKS:

*This gives me an idea of issues,
but until we see final language,
we can't be sure.*

Grassley Provisions on Citizen Foster Care Review Boards and Outcome Measures	
MAJOR ISSUES	
Current Draft Issues	Concerns/Suggestions
The draft language would add a State plan certification to the Independent Living Plan requiring States to establish one or more independent citizen Foster Care review Boards for the purpose of "assuring that every child in foster care and independent living programs receives ...quality case reviews". I(B) Specifies that the Foster Care Review Board have the authority to review each case of a child in foster care or independent living programs every six months	We could support a requirement that requires States to establish a citizen Foster Care Review Board with the stated purpose, provided the requirement is for an advisory/oversight body that provides oversight of the case review function in the State to determine if it is operating effectively, etc. We do not support this requirement to review all cases. Current title IV-E law allows States flexibility in determining how to handle the required 6-month reviews of children in foster care. In some States, they are conducted by citizen Foster Care Review Boards, but in others, they are done by a court or by an administrative body. There is no reason to require States to change their method for conducting 6 month reviews or to duplicate the review function. We have three suggested alternatives: 1. Allow this at State option 2. Insert the following language (similar to that used in the CAPTA citizen review panels): "Where appropriate, the panel shall be permitted to examine specific cases to determine that the State is assuring that every child in foster care is provided a quality case review". 3. Replace the provision with this substitute language (CAPTA panels): The state shall provide the panel access to information on cases that the panel desires to review if such information is necessary for the panel to carry out its functions". Technical Notes: 1) If language goes in requiring a 6-month review for all young people in independent living programs, this would appear to add a

	review requirement for those youth 18-21 who are emancipated from foster care, still participating in ILP, but no longer covered by requirements for reviews of children in foster care 2) The certifications in the ILP plan, as contained in the bill, are in 477(b)(3), not 477(b)(2). Question: Why would this be inserted as a certification in ILP plan, rather than in the title IV-E plan? If it applies to all children in foster care (and not just ILP), it would seem more appropriate to be in Sec. 471.
Sec. 477(f)(2) (Outcomes Section) - The proposal requires the performance measures to include specific measures, including proportion of youths who have graduated from high school or obtained a GED; become homeless; are employed; are incarcerated within 6 months after leaving ILP.	Given the requirement to consult with the field, it seems inappropriate to require specific measures. The bill as introduced listed categories of outcome achievement that would lend themselves to development of these or similar measures, but experts in the field may recommend other or modified measures which would be preferable. If included in the bill, they should be used as examples, introduced by "such as" or "may include."
Although it does not appear in the legislative language, the agreement seems to say that NAFCRB would receive a \$5 million earmark to provide technical assistance.	This is inappropriate for several reasons: 1) the amount of the earmark is out of line with the level of support given for similar technical assistance efforts. Furthermore, we have asked for \$2.1 million for all evaluation, TA and data collection activities under the bill. 2) HHS already funds a Permanency Planning Resource Center, chosen through a competitive review process, that covers this area of activity. 3) If the earmark comes from ILP funding, it is taking funds away from services to youth aging out of foster care to fund a largely unrelated activity.

Other Issues on Foster Care Review Boards	
(I)(A) The membership composition only requires expertise in child abuse and neglect.	Membership should also include individuals with expertise in foster care, permanency planning and adoption.
The draft says that other existing review bodies may carry out the function and lists child fatality review panels as an option.	This does not make sense, as the role is completely different, and child fatality review panels are generally made up of professionals (doctors, medical examiners, child welfare workers), not citizen volunteers.
(I)(D) The role of evaluation is too broad and should be limited to the role/purpose of the FCRB.	Amend this section to narrow the scope of the board's evaluation function to: Evaluate the extent to which the agency is providing timely and quality case reviews for children in foster care.
I(D) requires the Foster Care Review Board to collect, analyze and publish data recommended under guidelines published by the National Association of Foster Care Review Boards (NAFCRB).	It does not seem appropriate to establish yet another data collection mechanism or to endorse a private organization's guidelines. It would be more appropriate for the Review Board to review existing State data and to report on how the case review system is functioning.
Other Issues on Outcome Measures	
477 (f)(1), (3) - The proposal requires HHS to develop regulations with regard to outcome and performance measures within 1 year of enactment.	Regulations may not be necessary to develop the outcome measures. The Outcome Measures just developed in response to ASFA's Section 203 requirement were developed through consultation, public solicitation of comments through the Federal Register and final publication also in the Federal Register. This process can be done more quickly than regulations and still ensures the opportunity for public input. The bill as introduced requires a report to Congress w/in 12 months and this would be adequate to provide Congress assurance that we are on track. If it is determined that regulations are needed, there is already a requirement to issue regulations for the ILP as a whole within 12 months.

f(3) - The proposal requires coordination with ASFA outcome measures, AFCARS, and SACWIS. But then it requires HHS to allow for statistical sampling, which is inconsistent with AFCARS.	We do not currently have a mechanism for collecting ILP data. The best means for collecting data should be a topic of consultation with the field to ensure that it can be supported by data collected in State information systems (SACWIS). If incorporated in AFCARS, statistical sampling won't work, since AFCARS collects case-level information on ALL children in foster care. If AFCARS is not the best mechanism, then an approach allowing for statistically valid samples might be okay. But the data collection system should be developed carefully, in consultation with States to ensure that it is workable and not overly burdensome to States. Technical note: The reference should be the "Adoption and Foster Care Analysis and Reporting System" (word missing).
f(4) requires an annual report on the outcome measures by HHS. A similar report was required by the ASFA outcome measures requirement.	To ensure coordination with the ASFA outcome measures, the requirement should be to report on the ILP outcome measures as part of the report required by Sec. 479A of the Social Security Act.
f(5) requires HHS to develop a mechanism for assuring accountability that could involve bonus payments, penalties or corrective action and TA.	It seems inappropriate to develop a separate accountability mechanism that applies only to ILP outcomes. HHS has been studying the issue of performance-based incentives and any change should be consistent for outcomes in all aspects of the child welfare system.
10/28/99	

Nicole R. Rabner

11/04/99 01:37:10 PM

Record Type: Record

To: Bruce N. Reed/OPD/EOP@EOP, Eric P. Liu/OPD/EOP@EOP
cc: Katharine Button/WHO/EOP@EOP, Ann O'Leary/OPD/EOP@EOP, Michele Ballantyne/WHO/EOP@EOP,
Charles M. Brain/WHO/EOP@EOP
Subject: foster care update

The Senate is making progress on the Foster Care Independence Act of 1999. Senator Kohl removed his hold on the bill, which he had placed because of offset that repeals the hold harmless in child support. Mrs. Clinton had called him personally on that. On the second obstacle, which was Senator Grassley's insistence that outcome measures be added to the bill, Senators Rockefeller and Grassley have reached a deal. The deal is to add a provision mandating the establishment of state citizen-review boards to oversee foster care and adoption, with penalties levied on states that don't comply (currently 24 states have these boards). HHS rightly deems the requirement of these boards onerous and costly. And, apparently, Nancy Johnson (sponsor of the House companion measure) HATES this deal, as well (with Ron Haskins particularly against it).

Rockefeller's strategy is to include the provision in the Senate bill and move now to get the bill on the floor and passed by UC. Rockefeller and others are now pushing Senate Finance to agree to allow the bill to go to the floor without a mark-up (which apparently Roth had earlier suggested he would support). Then, the plan is to strip or markedly water down the objectionable provision in conference, and try to convince Grassley not to stand in the way of getting it done before recess (i.e. "Do it for John Chafee").

It's a gamble (which the Senate staff recognizes), but it may work. Anything we can do to urge speedy consideration would be helpful.

I am out of the office next week, so please follow up with Ann O'Leary (ext. 66275). Thanks.

Foster Care Independence Act of 1999
CONTACT LIST

Mary Bourdette, HHS Leg Affairs

Ph: 690-6311

488-3970 (h)

Email: mbourdet@os.dhhs.gov

Emil Parker, HHS ACF

Ph: 224-6947

Email: eparker@acf.dhhs.gov

Barbara Pryor, Sen. Rockefeller's office

Ph: 224-2578

Email: barbara_pryor@rockefeller.senate.gov

Doug Steiger, Senate Finance (Moynihan)

Ph: 224-6699

Karabelle Pizzigatti, CWLA

November 1, 1999

MEMORANDUM FOR HILLARY RODHAM CLINTON

FROM: NICOLE RABNER

CC: MELANNE VERVEER

SUBJECT: TELEPHONE CALL TO SENATOR HERB KOHL (D-WI)

I recommend that you place a call to Senator Herb Kohl (D-WI), who remains a key obstacle to securing a Unanimous Consent Agreement on S. 1327, the Foster Care Independence Act of 1999.

BACKGROUND

As you know, a key Administration legislative priority this year is the enactment of legislation to strengthen the federal Title IV-E Independent Living program in order to help the approximately 20,000 youth who age out of foster care each year. In January, you unveiled the Administration's budget proposal in this area, and the House passed its Foster Care Independence Act of 1999 (H.R. 1802) sponsored by Representatives Johnson (R-CT) and Cardin (D-MD) on June 25 by an overwhelming vote of 380 to 6. The House bill doubles the funding for the Independent Living program (to \$140 million per year), thus allowing educational, vocational and job training services for a greater number of the 20,000 youth who age out of foster care each year, and, very importantly, it provides Medicaid for these youth until they are 21. This is the first expansion in Medicaid eligibility in some time.

On July 1, Senators Chafee, Rockefeller and others introduced their version of this important legislation (S. 1327) and, at our urging, are attempting to move it through the Senate by Unanimous Consent before Congress goes home. After a very effective Finance Committee hearing on the issue two weeks ago and lots of intense staff work, Chairman Roth (R-DE) has now agreed to support the bill and has endorsed its movement to the Senate floor on UC. Unfortunately, Senator Kohl (D-WI) has placed a hold on the bill.

Senator Kohl has serious concerns about the repeal of the child support hold harmless provision that is being used to pay for a portion of the Independent Living bill. For the last two years, the President's budget has proposed the repeal of the child support hold harmless provisions initially enacted under the Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA) of 1996. The Administration believes the hold harmless provision no longer serves its intended purpose and represents an unnecessary windfall for a handful of states, including Wisconsin (See attached). Its repeal will not have a negative impact on children or families, and states will continue to have ample federal funding for their child support programs. It is true, however, that the repeal of the hold harmless provision will reduce federal child support funding to Wisconsin by approximately \$10 million per year. This is more than the state will gain through increased Independent Living funding under the bill.

As you know, finding offsets for new spending is always difficult. While the states in general and Governor Tommy Thompson (R-WI) in particular are not happy with the repeal of the hold harmless provision, the repeal was proposed by the Administration and is very strongly supported by Representatives Johnson and Cardin as well as Senators Chafee (before his death) and Rockefeller. Even Representative DeLay (D-TX) is a staunch supporter of the bill with its offset. Without this offset, we would not be able to fully finance the very important educational, training and Medicaid provisions of the Independent Living bill. (The House bill actually modified the offset so that Wisconsin could continue to receive half of their hold harmless funding in the future.) The Senate Finance Committee staff has been working closely with Kohl and Thompson's staff to try to modify the provision as per the House, but have been unable to find other offsets to replace this funding.

RECOMMENDATION AND TALKING POINTS

With the death of Senator Chafee and increasing bipartisan support for 1327, it would be extremely unfortunate to lose this important opportunity to move the bill before Congress adjourns. I therefore recommend that you call Senator Kohl and urge him to drop his opposition to a UC agreement on S. 1327. The following talking points are suggested:

- I'm calling to urge your strong support for the Foster Care Independence Act and its immediate consideration on the Senate floor. You know how important this bill was to Senator Chafee and it would be a fitting tribute to him to gain unanimous Senate support for it. I spoke with Senator Chafee two days before his death and he spoke about how important this bill was to him. It is also a very important bill for the Administration and especially for some of the most vulnerable kids in this country -- those kids who are left totally on their own at age 18 after their foster care payments end.
- I know that you and Governor Thompson have concerns about the repeal of the child support hold harmless provision that is being used to help pay for this bill, but we can't let the bill die over these concerns. This provision, together with the drastic decline in welfare caseloads, has given Wisconsin a bit of a windfall. And there is always the threat that the offset will be used for another purpose.
- We will support your efforts to modify this provision in conference negotiations with the House, but we'd really like you to drop your hold on this bill and allow it to be taken up on the Senate floor this week under Unanimous Consent. We don't get these opportunities too often and we really need to get this done before Congress leaves.

The Child Support "Hold Harmless" Provision

What is the "hold harmless"?

In the 1996 welfare law, the rules for distributing child support collections were changed. Previously, the government had first priority for any funds collected for welfare and former welfare families as a reimbursement for the costs of welfare programs. In the 1996 law, priority was given to former welfare families, not the government, as a way to help these families stay off welfare in the future. States, worried about revenue forgone as a result, received a "hold harmless" provision. It requires the Federal government to make up the difference, should the amount of child support collections a state can keep falls below the 1995 level.

Why hasn't it worked as intended?

Since 1996, welfare caseloads have dropped 40 percent (as of March 1999). This huge change has, in many cases, had more to do with the declining welfare-related child support collections than the change in the rules for distributing the collections. (A recent GAO study found that of the seven states receiving "hold harmless" payments in FY 1997, six attributed it to the decline in their TANF caseloads.) The effect, in states receiving a "hold harmless" payment, has been to make the Federal government bear the whole cost in the child support program of the welfare caseload reductions while the states, which get a set amount of welfare funds no matter their welfare caseload, get all the fiscal benefit on the welfare side of the ledger.

Won't eliminating the "hold harmless" hurt child support programs?

Actually, states are not required to use "hold harmless" payments in their child support programs. GAO found that in only one of the seven states receiving payments in FY 1997 did the decline in welfare-related child support collections have an effect on child support agency funding. Many states use welfare-related child support collections in their *welfare* programs, not their *child support* programs. Thus, the "hold harmless" payments represent, in some cases, an additional federal payment to the welfare block grant -- and in states where the welfare caseload has declined the most.

What about other changes in the 1996 law?

The 1996 law also discontinued the requirement that states "pass through" the first \$50 in child support collected to families on welfare. More than 30 states have ended this "pass through" and keep those funds instead, which should compensate them, in part, for the new requirement that former welfare families have priority for collections made on their behalf.



U.S. Senator
John D. Rockefeller

www.senate.gov/rockefeller

Fax Cover Sheet

To: Nicole

From: Barbara

Date: _____

of Pages (Including Cover) _____

Message:

Please treat as confidential
We are not done yet.

DETERMINED TO BE AN
ADMINISTRATIVE MARKINGINITIALS: WM DATE: 09/26/12~~Confidential~~

Draft - 10/19/99

Offer #2

*phrases in italics indicate changes from Offer #1 (10/12/99)**phrases in italics and underlined are taken directly from the language of the Grassley plan.***Insert for S. 1327, the Foster Care Independence Act**

Strike Section 477(f) and insert the following as a substitute....

"(f) OUTCOME AND PERFORMANCE MEASUREMENT.--

(1) The effectiveness and efficiency of all programs established under this section shall be determined by each State recording and reporting upon outcome measures and performance standards. The Secretary shall require states to use outcome and performance measures for the Independent Living program by developing such measures to assess the performance of States in operating independent living programs. The Secretary, in consultation with State and local public officials responsible for administering independent living and other child welfare programs, child welfare advocates, *including representatives of independent foster care review boards*, members of Congress, youth services providers, and researchers, shall develop outcome measures *within 12 months of the enactment of this legislation.*

(2) The measures shall include, but not be limited to, the following --

- (a) the proportion of youths participating in independent living programs who have graduated from high school, or obtained [G.E.D.s], at the time they leave an independent living program;
- (b) the proportion of youths participating in independent living programs who are homeless *during the six months* after leaving an independent living program;
- (c) the proportion of youths participating in independent living programs who are employed *during the six months* after leaving an independent living program; and
- (d) the proportion of youths participating in independent living programs who are incarcerated *during the six months* after leaving an independent living program.

(3) The Secretary shall issue regulations that shall prescribe assessment methods permitting States to submit data gathered by statistically valid sampling methods. The Secretary shall ensure that the data collection of outcome measures described in (2) will be coordinated with the development and other data collection efforts required under the Adoption and Safe Families Act of 1997 and the Adoption and Foster Care Reporting System and the Statewide Automated Child Welfare Information Systems.

(4) The Secretary shall submit annual outcome reports based on the data required in (2) to the congressional authorizing committee, and make such reports available to independent foster care review boards for their areas of oversight.

(5) The Secretary shall develop a mechanism for employing the outcome measures described in (2) for holding states accountable for performance and improvements of their programs based on each outcome measure. *Assurance shall be made that each state shall document their outcomes within 24 months after publication of the final regulations as described in paragraph (1), and annually thereafter, and that*

(a) the State agency submits to the Secretary, in such form and manner as the

Secretary may prescribe, a description of all programs established under this section together with documentation of the outcome measures described in paragraph (2) for the preceding fiscal year; and
(b) such documentation demonstrates how said State intends to achieve improvements in the outcomes for children and youth in the Independent Living program.

The mechanism could involve:

- (i) bonus payments for states with programs demonstrating high performance or state improvements; or
- (ii) financial penalties for states with programs demonstrating inadequate performance; or
- (iv) corrective action plans, including technical assistance for states with programs found to need improvement.

November 1, 1999

MEMORANDUM FOR HILLARY RODHAM CLINTON

FROM: NICOLE RABNER

CC: MELANNE VERVEER

SUBJECT: TELEPHONE CALL TO SENATOR HERB KOHL (D-WI)

I recommend that you place a call to Senator Herb Kohl (D-WI), who remains a key obstacle to securing a Unanimous Consent Agreement on S. 1327, the Foster Care Independence Act of 1999.

BACKGROUND

As you know, a key Administration legislative priority this year is the enactment of legislation to strengthen the federal Title IV-E Independent Living program in order to help the approximately 20,000 youth who age out of foster care each year. In January, you unveiled the Administration's budget proposal in this area, and the House passed its Foster Care Independence Act of 1999 (H.R. 1802) sponsored by Representatives Johnson (R-CT) and Cardin (D-MD) on June 25 by an overwhelming vote of 380 to 6. The House bill doubles the funding for the Independent Living program (to \$140 million per year), thus allowing educational, vocational and job training services for a greater number of the 20,000 youth who age out of foster care each year, and, very importantly, it provides Medicaid for these youth until they are 21. This is the first expansion in Medicaid eligibility in some time.

On July 1, Senators Chafee, Rockefeller and others introduced their version of this important legislation (S. 1327) and, at our urging, are attempting to move it through the Senate by Unanimous Consent before Congress goes home. After a very effective Finance Committee hearing on the issue two weeks ago and lots of intense staff work, Chairman Roth (R-DE) has now agreed to support the bill and has endorsed its movement to the Senate floor on UC. Unfortunately, Senator Kohl (D-WI) has placed a hold on the bill.

Senator Kohl has serious concerns about the repeal of the child support hold harmless provision that is being used to pay for a portion of the Independent Living bill. For the last two years, the President's budget has proposed the repeal of the child support hold harmless provisions initially enacted under the Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA) of 1996. The Administration believes the hold harmless provision no longer serves its intended purpose and represents an unnecessary windfall for a handful of states, including Wisconsin (See attached). Its repeal will not have a negative impact on children or families, and states will continue to have ample federal funding for their child support programs. It is true, however, that the repeal of the hold harmless provision will reduce federal child support funding to Wisconsin by approximately \$10 million per year. This is more than the state will gain through increased Independent Living funding under the bill.

As you know, finding offsets for new spending is always difficult. While the states in general and Governor Tommy Thompson (R-WI) in particular are not happy with the repeal of the hold harmless provision, the repeal was proposed by the Administration and is very strongly supported by Representatives Johnson and Cardin as well as Senators Chafee (before his death) and Rockefeller. Even Representative DeLay (D-TX) is a staunch supporter of the bill with its offset. Without this offset, we would not be able to fully finance the very important educational, training and Medicaid provisions of the Independent Living bill. (The House bill actually modified the offset so that Wisconsin could continue to receive half of their hold harmless funding in the future.) The Senate Finance Committee staff has been working closely with Kohl and Thompson's staff to try to modify the provision as per the House, but have been unable to find other offsets to replace this funding.

RECOMMENDATION AND TALKING POINTS

With the death of Senator Chafee and increasing bipartisan support for 1327, it would be extremely unfortunate to lose this important opportunity to move the bill before Congress adjourns. I therefore recommend that you call Senator Kohl and urge him to drop his opposition to a UC agreement on S. 1327. The following talking points are suggested:

- I'm calling to urge your strong support for the Foster Care Independence Act and its immediate consideration on the Senate floor. You know how important this bill was to Senator Chafee and it would be a fitting tribute to him to gain unanimous Senate support for it. I spoke with Senator Chafee two days before his death and he spoke about how important this bill was to him. It is also a very important bill for the Administration and especially for some of the most vulnerable kids in this country -- those kids who are left totally on their own at age 18 after their foster care payments end.
- I know that you and Governor Thompson have concerns about the repeal of the child support hold harmless provision that is being used to help pay for this bill, but we can't let the bill die over these concerns. This provision, together with the drastic decline in welfare caseloads, has given Wisconsin a bit of a windfall. And there is always the threat that the offset will be used for another purpose.
- We will support your efforts to modify this provision in conference negotiations with the House, but we'd really like you to drop your hold on this bill and allow it to be taken up on the Senate floor this week under Unanimous Consent. We don't get these opportunities too often and we really need to get this done before Congress leaves.

The Child Support "Hold Harmless" Provision

What is the "hold harmless"?

In the 1996 welfare law, the rules for distributing child support collections were changed. Previously, the government had first priority for any funds collected for welfare and former welfare families as a reimbursement for the costs of welfare programs. In the 1996 law, priority was given to former welfare families, not the government, as a way to help these families stay off welfare in the future. States, worried about revenue forgone as a result, received a "hold harmless" provision. It requires the Federal government to make up the difference, should the amount of child support collections a state can keep falls below the 1995 level.

Why hasn't it worked as intended?

Since 1996, welfare caseloads have dropped 40 percent (as of March 1999). This huge change has, in many cases, had more to do with the declining welfare-related child support collections than the change in the rules for distributing the collections. (A recent GAO study found that of the seven states receiving "hold harmless" payments in FY 1997, six attributed it to the decline in their TANF caseloads.) The effect, in states receiving a "hold harmless" payment, has been to make the Federal government bear the whole cost in the child support program of the welfare caseload reductions while the states, which get a set amount of welfare funds no matter their welfare caseload, get all the fiscal benefit on the welfare side of the ledger.

Won't eliminating the "hold harmless" hurt child support programs?

Actually, states are not required to use "hold harmless" payments in their child support programs. GAO found that in only one of the seven states receiving payments in FY 1997 did the decline in welfare-related child support collections have an effect on child support agency funding. Many states use welfare-related child support collections in their *welfare* programs, not their *child support* programs. Thus, the "hold harmless" payments represent, in some cases, an additional federal payment to the welfare block grant -- and in states where the welfare caseload has declined the most.

What about other changes in the 1996 law?

The 1996 law also discontinued the requirement that states "pass through" the first \$50 in child support collected to families on welfare. More than 30 states have ended this "pass through" and keep those funds instead, which should compensate them, in part, for the new requirement that former welfare families have priority for collections made on their behalf.

THE WHITE HOUSE

Office of the Press Secretary

For Immediate Release

June 25, 1999

STATEMENT BY THE PRESIDENT

Hillary and I are pleased that the House of Representatives, by an overwhelming bipartisan margin, today approved H.R. 1802, the Foster Care Independence Act of 1999. This legislation recognizes that we have a responsibility to ensure that youth in foster care have the tools they need to make the most of their lives. I am pleased that the measure builds on the proposals in my budget request to provide those leaving foster care with access to health care and to expand and improve educational opportunities, training, housing assistance, counseling, and other support and services.

Each year, approximately 20,000 young people leave our nation's foster care system at age eighteen without an adoptive family or other permanent family relationship, but federal financial support ends just as they are making the critical transition to independence. Without the emotional, social, and financial support that families provide, many of these young people are not adequately prepared for life on their own.

For our nation's foster youth, their eighteenth birthday can be the start of a very tough road alone. This bill is an important step forward to help them in their struggle to become successful, independent adults. The end of foster care should not be the end of caring for these young people.

I'd like to thank Representatives Nancy Johnson and Ben Cardin, the sponsors of the Foster Care Independence Act of 1999, for their hard work and dedication to this issue. I look forward to working with them and with members of Congress on both sides of the aisle in the months ahead to enact meaningful and fiscally responsible legislation to enable these young people to live up to their God-given potential.

30-30-30

NOTE: Sound from the President on the passage of the Foster Care Independence Act should be available after 6:00 PM ET on the White House Press Office Radio Actuality Line at 202/456-5671.

- **Making Adoption Affordable for Families.** The Small Business Job Protection Act of 1996, signed by the President in 1996, provides a \$5,000 tax credit to families adopting children and a \$6,000 tax credit for families adopting children with special needs. This provision helps middle class families for whom adoption - particularly of children with special needs - might have been prohibitively expensive.
- **Giving States More Flexibility and Support.** The Administration has granted waivers to 20 states and the District of Columbia to test innovative strategies for improving child welfare systems. In addition, it has secured new funds to support state implementation of the 1997 law and has, through the Adoption Opportunities program, supported local initiatives to promote adoption and provide post-adoptive services.
- **Using the Internet to Make Adoption Easier.** In 1998, the President directed HHS to develop Internet tools to link children in foster care more quickly to possible adoptive families. Secretary Shalala reported that HHS will launch a national web site by September 2001 to break down geographic barriers to adoption.
- **Removing Racial and Ethnic Barriers to Adoption.** New inter-ethnic adoption provisions, passed as a part of the Small Business Job Protection Act of 1996, help ensure that the adoption process is free of delays and discriminatory practices driven by race, culture and ethnicity. These provisions strengthened the Multi-Ethnic Placement Act, which the President signed in 1994.
- **Providing Supports for Child Protection and Adoption.** The Family and Medical Leave Act, signed by the President in 1993, enables working parents to take time off to adopt a child without losing their jobs or health insurance coverage. The 1996 welfare reform law signed by the President also maintains child protection and adoption guarantees.

NOW IS THE TIME TO TAKE IMPORTANT NEXT STEPS. To follow through on this record of achievement, the President and First Lady today will urge Congress to provide new support for young people leaving foster care. Under the current system, federal financial assistance for young people in foster care ends just as they are making the critical transition to independence. The President's FY 2000 budget request increases funding by nearly \$300 million to help these youth secure health care, life skills training, and educational opportunities. With the Administration's strong support, the House has already passed bipartisan legislation to address these needs. The President today urged the Senate to take prompt action on the companion measure and to safeguard the interests of vulnerable young people leaving foster care.

###

PRESIDENT CLINTON ANNOUNCES FIRST ADOPTION BONUS AWARDS TO STATES AND UNVEILS REPORT THAT SHOWS ADMINISTRATION STRATEGY IS WORKING

September 24, 1999

Today, the President and First Lady will announce bonus awards of \$20 million to 35 states that have increased the number of children adopted from the public foster care system. These bonuses, awarded for the first time today, were first proposed by President Clinton's Adoption 2002 initiative and included in the Adoption and Safe Families Act of 1997.

The President also will announce \$5.5 million in grants to innovative programs that remove barriers to adoption, and he unveiled a national progress report on adoption that documents the success of the Administration's strategy. From 1996 to 1998, the number of adoptions nationwide rose 29 percent - from 28,000 to 36,000 - and is on a pace to meet the President's goal of 56,000 adoptions in 2002. This is the first significant increase in adoptions since the national foster care program was established nearly 20 years ago.

INCENTIVE AWARDS SUCCEED IN INCREASING ADOPTIONS. In the Administration's Adoption 2002 proposal and the adoption law of 1997, the President created the first-ever financial incentive for states to increase adoptions of children from the foster care system. Today, the President will release \$20 million in bonus awards to 35 states that in 1998 exceeded their average adoption rate from 1995 to 1997. The \$20 million in bonuses provide for up to \$4,000 per adopted child, and \$6,000 for each child with special needs. In fact, the states' performance in 1998 was so strong that it would have entitled them, under the law, to an additional \$22.5 million.

INNOVATIVE GRANTS REDUCE BARRIERS TO ADOPTION. The President today also will announce \$5.5 million in new awards under the Adoption Opportunities program. This program provides grants to public and private organizations to eliminate barriers to adoption, particularly for children with special needs. This year's grants reward a variety of initiatives, including efforts to increase adoptions of minority children, targeted field research, and awards for collaborative planning to increase adoptions across jurisdictional lines.

REPORT SHOWS CLINTON ADMINISTRATION STRATEGY IS WORKING. Since taking office, the President has championed efforts to make foster care work better, to find and assist adoptive families, and to break down barriers to adoption. Today, the President will receive a progress report from the Department of Health and Human Services that documents the effectiveness of the Administration's strategy.

- **Reforming the Child Welfare System.** In 1997, the President signed the Adoption and Safe Families Act. This landmark law was based largely on recommendations from the Administration's Adoption 2002 report, which the President requested by executive memorandum in order to meet his goal of doubling adoptions by 2002. The law expedited permanent placement decisions for children, ensured health insurance coverage for all special-needs children in subsidized adoptions, and created the bonus awards released today.

Comparison of Current and Proposed Independent Living Legislation - draft 9/3/99

Issues	Current Law	Administration Bill	House-Passed Bill (H.R. 1802)	Senate Introduced Bill (S. 1327)
Purposes/Uses of Independent Living Program (ILP) Funds	Independent Living Program (Sec. 477 of SSA) funds may be used for a variety of services related to skills enabling youth to make a successful transition to adulthood. Title IV-E maintenance payments may be paid until a child=s 18th birthday, but not once a child leaves foster care. Sec. 475(4)(A) defines foster care maintenance payments to include costs of food, clothing, shelter, daily supervision, school supplies, a child=s personal incidentals, liability insurance for the child and travel. In the case of institutional care, includes reasonable costs of administration and operation	Independent Living Program would continue with some modifications for simplicity and flexibility. Purposes remain as in current law. Would create A Transitional Support Program for Older Youth@ under Sec. 477 of the SSA. This would be a time-limited, competitive demonstration program of grants to States to enable them to provide maintenance payments for youth over age 18 and (at State option) under age 19, 20 or 21 who were within the preceding 6 months receiving IV-E maintenance payments and	Re-writes Sec. 477 of the SSA to create a revised Independent Living Program. Funds could be used for a broad array of purposes, including assistance in obtaining a high school diploma or entering post secondary education, vocational training and career planning, training in personal financial management and daily living skills, substance abuse prevention and preventive health activities, and mentoring and counseling services. Up to 30% of funds could be used to provide room and board for youth ages 18 - 21 who have aged out of foster care.	Provisions are very similar to those in the House bill, including provision allowing 30% of funds to be used for room and board. Differences are that S. 1327 emphasizes that Independent Living Services are not an alternative to permanency. Specifies that ILP funds may be used to continue efforts to locate permanent family resources, including adoption for youth in foster care. Includes as a purpose for funds "permanency planning" for youth ages 18-21 who have left foster care. Also

Comparison of Current and Proposed Independent Living Legislation - draft 9/3/99				
Issues	Current Law	Administration Bill	House-Passed Bill (H.R. 1802)	Senate Introduced Bill (S. 1327)
Eligibility	For Independent Living, States are required to serve title IV-E eligible children ages 16 and 17. States may opt to serve non-IV-E eligible foster children, and youth who have aged out of foster care, up until age 21. (All States have exercised these options.) For maintenance payments: IV-E eligible up to age 18 (or age 19 if still in high school and will complete degree by 19th birthday.)	For Independent Living, same as current law. Under Transitional Support for Older Youth, eligible youth would need to be enrolled in an ILP program and have an Independent Living plan, including participation in education or job training.	No lower age limit; upper limit age 21.	Same as House bill, except for addition of children adopted after age 16.

Comparison of Current and Proposed Independent Living Legislation - draft 9/3/99

Issues	Current Law	Administration Bill	House-Passed Bill (H.R. 1802)	Senate Introduced Bill (S. 1327)
ILP Funding Levels				
BBasic Ceiling (no match required)	\$45 million	\$60 million	\$140 million for all purposes combined (with 1.5 % reserved for evaluation, technical assistance, performance measurement, and data collection activities).	Same funding level as House.
--Additional Ceiling (1:1 match required)	\$25 million (State match = \$25 million)	\$45 million (State match = \$45 mill.)		Note that if a State does not opt to provide Medicaid coverage and receives current law grant amount, their State match will be less than under current law.
BTotal Federal Funds	\$70 million	\$105 million	Under the funding formula, States must contribute at least 20% of expenditures (=\$35 million.)	
Funding for Transitional Support Program for Older Youth	Not applicable.	Funding would total \$50 million over four years (FY2000-2003).	Up to 30 % of States' ILP allocations (\$41.4 million) could be used for room and board for youth ages 18-21.	Same as House bill.

Comparison of Current and Proposed Independent Living Legislation - draft 9/3/99

Issues	Current Law	Administration Bill	House-Passed Bill (H.R. 1802)	Senate Introduced Bill (S. 1327)
Independent Living Program Funding Formula	Distribution of funds is based on the average number of children receiving title IV-E foster care maintenance payments in FY1984. Unused funds are reallocated.	For FY 2000 and succeeding years, would update formula to allow Secretary to use data from the most recent year available. Includes a Ahold harmless@ provision assuring that States will receive at least as much as they had received under existing law.	Funds distributed based on the total number of children in foster care (IV-E and non-IV-E) in the most recent fiscal year for which data are available. There is no provision for the reallocation of funds Includes a Ahold harmless@ provision assuring that States will receive at least as much as in FY 1998. States would have two years to expend funds.	To be eligible for increased funding over current law, States must opt to provide Medicaid coverage. States that provide Medicaid coverage would first receive an allotment equal to 150% of their FY 1998 allocation. Remaining funds would be distributed among eligible States based on the total number of children in foster care (IV-E and non-IV-E) in the most recent fiscal year for which data are available. States not providing Medicaid coverage would receive FY 1998 allocation.

Comparison of Current and Proposed Independent Living Legislation - draft 9/3/99

Issues	Current Law	Administration Bill	House-Passed Bill (H.R. 1802)	Senate Introduced Bill (S. 1327)
State Plan/Application Requirements	Description of program activities must be submitted annually.	Same as current law. Separate application would be required for Transitional Support component.	States are required to submit a 5-year plan that specifies the agency(ies) to administer the program, and describes how the state will design and deliver programs in all political subdivisions and for children of different ages, and how eligibility for services will be determined in a fair and equitable manner. <i>State Plan Certifications:</i> The State plan must include certifications about involving youth in the development of their programs and independent living plans; serving youth ages 18-21 who have already aged out of foster care; using no more than 30% of funds for room and board for such youth;	Similar to House bill, but also requires designation of a State Independent Living coordinator. <i>State Plan Certifications:</i> Similar to House bill, except limitation on use of funds for room and board applies to youth who left care after age 16 and who have attained 18 but not 21 years of age. Specifies that that room and board services must be supervised and that youth must be actively enrolled in educational or vocational/career training.

Comparison of Current and Proposed Independent Living Legislation - draft 9/3/99

Issues	Current Law	Administration Bill	House-Passed Bill (H.R. 1802)	Senate Introduced Bill (S. 1327)
Program Evaluation Requirements	Evaluation was required in 1989. No current requirements.	Requires an evaluation of the Transitional Support for Older Youth Program by October 1, 2002. Funding up to \$250,000 for FY2000 and \$750,000 for FYs 2001 and 2001 would be provided.	Requires an evaluation of promising models to assess their effects on education, employment and personal development. To the extent practicable evaluations should use rigorous scientific standards, such as random assignment methodologies. 1.5 % of program funds (\$2.1 million) is reserved for evaluation, technical assistance, performance measurement and data collection.) As part of the State Plan each state must address their willingness to participate in national evaluations.	Same as House bill.

Comparison of Current and Proposed Independent Living Legislation - draft 9/3/99				
Issues	Current Law	Administration Bill	House-Passed Bill (H.R. 1302)	Senate Introduced Bill (S. 1327)
Data Collection and Outcome Measurement	No provision.	No provision.	The Secretary is required to consult with States, advocates and others to develop outcome measures, identify needed data elements and develop and implement a plan to collect data. The Secretary is required to report to Congress within 12 months of the date of enactment detailing plans and timeline for collection of data.	Similar provisions to House bill. Requires that data collection plan be coordinated with other data collection efforts (AFCARS, SACWIS, ASFA outcome measures.)
Penalties	No provisions.	No provisions.	States will be subject to penalties ranging from 1% to 5% (depending on severity of non-compliance) for failure to comply with data requirements. States will also be subject to penalties of 1 - 5% for operating a program inconsistent with, or not disclosed in the State plan.	Same as House bill.

Comparison of Current and Proposed Independent Living Legislation - draft 9/3/99				
Issues	Current Law	Administration Bill	House-Passed Bill (H.R. 1802)	Senate Introduced Bill (S. 1327)
Medicaid Coverage for Youths Aging Out of Foster Care	No State Medicaid eligibility option for youths aging out of foster care.	State may provide Medicaid coverage up to age 21 for all IV-E kids aging out of foster care.	Amends title XIX to allow States to provide Medicaid coverage to "independent foster care adolescents" (youth between 18 and 21 who aged out of care). States may limit eligibility to former title IV-E foster children or other "reasonable categories" and may establish income, resource, and asset limits no lower than those used by State under sec. 1931(b). Expresses Sense of Congress that States should provide Medicaid to 18, 19 and 20 year-olds emancipated from foster care.	Similar to House provisions with some differences in wording. Also extends option to cover youth adopted after age 16 who had an adoption assistance agreement in effect before 18th birthday. (Note: there appears to be a drafting problem where the Medicaid title references provisions of sec. 477 under current law, rather than as amended by the earlier section of the bill.)

Comparison of Current and Proposed Independent Living Legislation - draft 9/3/99				
Issues	Current Law	Administration Bill	House-Passed Bill (H.R. 1802)	Senate Introduced Bill (S. 1327)
Training of Foster Parents	States may use Title IV-E training funds at 75% FFP to train foster parents. Title IV-E foster care requires that foster homes be licensed by the States. While States set specific licensing requirements, these include requirements about training foster parents.	No provision (current law remains).	Amends Sec. 471 (a) of SSA to add a certification to the title IV-E foster care plan requiring that prospective foster parents be prepared with appropriate knowledge and skills to meet needs of child before and after the child is placed.	No provision (current law remains).

Comparison of Current and Proposed Independent Living Legislation - draft 9/3/99				
Issues	Current Law	Administration Bill	House-Passed Bill (H.R. 1802)	Senate Introduced Bill (S. 1327)
Increased Asset Allowance for Foster Children	Sec. 472 (a) specifies that for a State to claim Federal reimbursement under title IV-E for foster care maintenance payments made on behalf of a child, the State must determine that the child would have met the requirements of the AFDC program (as it existed on July 16, 1999) but for his removal from home. The AFDC requirements included an asset limit of \$1,000 or a lower amount determined by the State. In addition, States must provide IL services to title IV-E eligible children in care, and have the option of serving other children in care. However, Sec. 477(a)(2) specifies that a foster child, no longer eligible for title IV-E	No provision	Increases to \$10,000 the amount of assets a foster child may maintain and still be eligible for title IV-E foster care maintenance payments. The increased asset allowance would apply to all title IV-E determinations for children of all ages entering care, as well as for youth already in care. (Note - this is different from the \$5,000 asset limitation under current law ILP, in that it affects eligibility for title IV-E maintenance payments and not just ILP services.)	Same as House bill.

Comparison of Current and Proposed Independent Living Legislation - draft 9/3/99				
Issues	Current Law	Administration Bill	House-Passed Bill (H.R. 1802)	Senate Introduced Bill (S. 1327)
Adoption Incentive Payments	Sec. 473A authorizes incentive payments to States that increase the number of children adopted from the foster care system. States are to be paid \$4,000 for each additional child adopted in the previous year, over a baseline number, and an additional \$2,000 per special needs child with a title IV-E adoption assistance agreement. However, the law specifies that if the total amount of incentive payments earned exceeds \$20 million, the incentives paid to the States are to be pro-rated. Due to significant successes in increasing adoptions in FY 1998, adoption incentive payments will need to be pro-	No provision	Increases the authorization level for the adoption incentive program to \$43 million in FY 2000. Specifies that up to \$23 million of the FY 2000 appropriation may be used to make up the FY 1999 shortfall in adoption incentives.	No provision.

Comparison of Current and Proposed Independent Living Legislation - draft 9/3/99				
Issues	Current Law	Administration Bill	House-Passed Bill (H.R. 1802)	Senate Introduced Bill (S. 1327)
Welfare-to-Work Amendment	Section 403(a)(5) of the Social Security Act authorizes the Welfare-to-Work program. The program consists of formula grants to States and competitive grants to support work activities such as community service and work experience programs and on-the-job training. The statute includes a provision that allows grantees to spend up to 30% of the funds on targeted individuals associated with long-term welfare dependence. Currently, targeted recipients are welfare recipients, and noncustodial parents of minors whose custodial parent is a welfare recipient, who have certain characteristics such as poor work history, school dropout, or teenage pregnancy. Young adults formerly in	No provision.	No provision.	Specifically adds to the target group young adults over 18 and under 25 who, on the day before their 18 th birthday, were in foster care (title IV-E or non-title IV-E).

Comparison of Current and Proposed Independent Living Legislation - draft 9/3/99

Issues	Current Law	Administration Bill	House-Passed Bill (H.R. 1802)	Senate Introduced Bill (S. 1327)
Child Support Enforcement Provisions	Section 455(a)(1)(C) provides a 90 percent enhanced matching rate for laboratory costs related to paternity establishment.	No provision.	No provision.	Would repeal the 90 percent enhanced matching rate for laboratory costs related to paternity, effective October 1, 1999.
	Section 457(d) provides that the States' share of child support collections to reimburse the assistance paid by the State to families will at least be no less than FY 1995 amounts.	No provision.	Effective October 1, 1998, provides that States will get 50 percent of their hold harmless payment if they: 1) pass through all current support for TANF families during the preceding fiscal year and disregarded at least the lesser of \$150 or all current support for TANF families; or 2) pass through at least 50% of tax offset collections during the preceding fiscal year related to arrearages accrued after the family ceased receiving assistance.	Effective October 1, 1999, would eliminate the Child Support "hold harmless" provision that protects States from receiving collection shares less than 1995 amounts.

Comparison of Current and Proposed Independent Living Legislation - draft 9/3/99				
Issues	Current Law	Administration Bill	House-Passed Bill (H.R. 1802)	Senate Introduced Bill (S. 1327)
Tribal TANF	Section 404(e) specifies that States may reserve TANF funds for any fiscal year for providing assistance. However, section 412(b) requires three year family assistance plan for Tribal TANF.	No Provision.	Under technical amendments, adds tribes to section 404(e) allowing Tribal TANF grantees to also reserve funds for any fiscal year for providing assistance, effective upon enactment.	No Provision.

Draft 14, 8/17/99

for Thurs. markup

The Honorable Nancy L. Johnson
Chairman
Subcommittee on Human Resources
Committee on Ways and Means
U.S. House of Representatives
Washington, D.C. 20515

Dear Madam Chairman:

I take this opportunity to inform you of the Department's views on H.R.1802, the "Foster Care Independence Act of 1999." The Administration supports the work of your Subcommittee to develop bipartisan legislation to expand and improve the services and supports available to older youth leaving foster care as they make the transition to self-sufficiency.

The number of young people ages 16 and over in foster care has increased from approximately 62,000 in FY 1992 to 77,000 in FY 1998. Each year, nearly 20,000 youth who have passed their eighteenth birthday are emancipated from foster care and must assume the full responsibilities of adulthood without the benefit of the financial or emotional support of a family. We are pleased that your bill includes a number of provisions, similar to those in the Administration's proposed "Independent Living Program Improvement Act of 1999," that will assist these youth to become independent, productive adults. In particular, we support:

- Expanding the resources available through the Independent Living Program to enable the States to expand the quantity and improve the quality of educational, vocational, practical and emotional supports to youth in foster care, enabling them to complete a high school diploma, prepare for and participate in postsecondary education or vocational training, find employment and plan for a career, locate housing, manage their personal finances effectively, and establish healthy, mature relationships with peers, mentors and other adults.
- Providing financial assistance for room and board for former foster care youth between the ages of 18 and 21, who are no longer eligible for foster care maintenance payments.
- Providing Medicaid coverage to enable youth aging out of foster care retain access to health care up until the age of 21.
- Supporting evaluation and technical assistance, so that we can learn about the approaches that are most successful in helping youth transition from foster care to self-sufficiency and share information about best practices among the States.

Page 2 – The Honorable Nancy L. Johnson

There are several technical issues related to reallocation of unspent funds, assessment of penalties and other matters that we hope to clarify with your staff. We look forward to working with your Committee and your colleagues on the Committee on Commerce to ensure strong support for the Foster Care Independence Act of 1999 and its critical Medicaid provisions.

The Office of Management and Budget has advised that there is no objection to the transmission of this letter from the standpoint of the Administration's program.

Sincerely,

Donna E. Shalala

FIRST LADY HILLARY RODHAM CLINTON ANNOUNCES NEW EFFORTS TO SUPPORT TRANSITIONING FOSTER CARE YOUTH

January 29, 1999

Today at the White House, First Lady Hillary Rodham Clinton, accompanied by Mrs. Tipper Gore and Secretary Donna Shalala, announces that the President's FY 2000 budget will include \$280 million over five years in new support for young people who leave our nation's public foster care system at age 18 without an adoptive family or other permanent relationship.

Foster Care Youth Reaching Adulthood Face Tough Challenges. Nearly 20,000 young people leave foster care each year having reached the age of 18 without an adoptive family or other permanent relationship. Today, federal financial support for these young people ends just as they are making the critical transition to independence. Without the emotional, social and financial support that families provide, many of these youth are not adequately prepared for life on their own. Studies show that within two to four years of leaving foster care, only half have completed high school, fewer than half are employed, one-fourth have been homeless for at least one night, 30 percent did not have access to needed health care, 60 percent of the young women have given birth, and less than one-in-five are completely self-supporting.

New Support For Youth Leaving Foster Care. The President's FY 2000 budget will include \$280 million over five years to provide a framework for enhanced federal support to these young people:

Increasing the Federal Independent Living Program by 50 Percent. The Independent Living Program, run through the States, assists older foster care children to prepare for independence by helping them to earn a high school diploma, participate in vocational training or education, and learn daily living skills such as budgeting, career planning and securing housing and employment. Since 1992, the program's funding has been frozen at \$70 million. The President's budget will increase the program by 50 percent, investing \$175 million over five years in these services.

Offering Time Limited Economic Support. Young people often transition from foster care with no economic support. The President's budget will include \$50 million over four years to create new competitive grants to States to complement the Independent Living program services by providing time-limited financial support for these young people as they develop the skills and education needed to move into the workforce.

Providing Health Insurance. Today, when young people emancipate from foster care, they face numerous health risks, but too often lose their health insurance. The President's budget will propose that these young people remain eligible for Medicaid up to age 21. His budget will include \$50 million over five years for this purpose.

Increasing the Transitional Living Program. The President's budget will include a 33 percent increase in the Transitional Living program, which provides competitive funds to local community-based organizations for residential care, life skills training, and other support services to homeless adolescents, ages 16-21. The program is currently funded at \$15 million; the President's budget will increase that funding by \$5 million for FY 2000.

THE WHITE HOUSE

Office of the Press Secretary

For Immediate Release

September 24, 1999

REMARKS BY THE PRESIDENT
AND THE FIRST LADY
AT ADOPTION EVENT

Presidential Hall

10:00 A.M. EDT

MRS. CLINTON: Thank you, and please be seated. And welcome to the White House for a celebration and a wonderful announcement for so many children and families around our country.

I'm delighted that we've been joined by members of Congress, including Senator Carl Levin and Representative Dave Camp and Representative Nancy Johnson and Representative Tom DeLay and Representative Ben Cardin and Representative Maxine Waters.

This is an issue that has been at the real heart of our efforts in the last several years to do what we could to give every child a chance to have a permanent loving home. And there are many people who have played a role in bringing us to this day. I want to acknowledge Olivia Golden and Pat Montoya, from HHS. I want to acknowledge the Brown, the Manis, the Keane and the Vasquez family. Carol Williams, the former Children's Bureau director and a champion of adoption; the many adoption advocates who are here.

And there's one very special champion of foster children who I would like to introduce to you. She is an eight-year-old girl who heard about how many foster children could not afford to use anything but garbage bags for luggage when they were told they had to move. So she decided to collect suitcases for them, and so far she has collected 1,000. And I'd like to ask MacKenzi Snyder to stand, please. (Applause.)

This summer I saw a photograph that reminded me why the work we're doing to promote adoption in our country is so vitally important. It was a picture of a young woman in a green silk evening gown, with high heels and a lace shawl, and you could see the anticipation

and excitement in her eyes. That was a picture of 17-year-old Deanna Collins. It was taken by her parents, her adoptive parents, on the night of her high school prom.

Looking at that picture, it was difficult for me to believe that the smiling, confident young woman was the same girl I had welcomed to the White House just four years ago. Back then, she was 13, and she'd already spent eight years in foster care. With her shoulders slumped forward, and her eyes downcast, she told the audience gathered in the East Room for National Adoption Month about her dreams of living in a place she could call home, with a room of her own and a family she could love.

Not long after that visit, Deanna's dream came true. And it's been my privilege to watch this young woman's life transformed by her adoption. With the love of her parents and the confidence that comes from knowing that, indeed, she always will have a place to call home, no matter what else happens to her in life, she is thriving. She's a senior in high school, now, and plans to go to college and major in social work.

Every time I need inspiration for our fight to strengthen and increase adoption in America, I think of Deanna. I think of so many of the other children whom I've know. I think of the adult adoptees, who are telling us their stories, including Washington D.C.'s own Mayor, Tony Williams, who told us at another Adoption Month commemoration last year how, at the age of three, he was about to be declared unadoptable, and institutionalized by the state, when Virginia Williams opened her arms and welcomed him into her family.

Mrs. Williams is here today, and all of us are grateful for the love you gave that young three-year-old boy, and the second chance you gave to him. And I'd like to ask Mrs. Williams to please stand. (Applause.)

But we can't gather today and celebrate Dianna or Mayor Williams without thinking of the thousands of foster children in America who are still waiting for the same chance, either to go back safely to their own families where they will be given the love and the attention and the discipline that every child needs, or be given the chance in a new family.

For more than 25 years, as an advocate and an attorney, I have tried to work with so many others to address the challenges of foster care and adoption. I've represented perspective parents in court. I've represented foster children. I've worked on behalf of changes in legislation. I've listened to the frustrations that social workers and judges and police officers and parents and others feel about the red tape that so often keeps them from sharing their lives with children who badly need their love.

I've met foster children who have spent childhoods feeling alone and unloved, moving from home to home. Children such as the teenage boy the President and I met in the Oval Office two years ago. When we asked him where he lived, he looked down and he said, "All over Fairfax County."

In many ways, giving more of our children the chance to know the love and support of a family is a personal crusade for us. I know that many of you have been at the

meetings and the roundtables and the celebrations of National Adoption Month that we've held here at the White House. And I've been very pleased and grateful to work with so many advocates like Wendy's founder, or Dave Thomas, who as an adopted child himself has dedicated much of his time and personal resources to promoting adoption.

With each meeting I became, along with all of you, more and more convinced that it was past time to reform our foster care system, to identify and eliminate the obstacles to change the placement procedures so that we could expedite the movement of children either home or into new homes.

We've made a lot of progress. We've helped adoptive parents carve out the time they need to care for their new children. The first bill the President signed into law was the Family and Medical Leave Act, which allows new parents -- including adoptive parents -- to take time off and care for their children without fear of losing their jobs or health insurance.

We've put an end to racial discrimination in adoption. The President signed and strengthened the Multiethnic Placement Act, prohibiting adoption agencies from keeping children of one race from the safe and loving arms of parents of another. We have made adoptions more affordable, putting in place tax credits for new adoptive families. And we're taking steps to use the Internet to help match waiting children with loving homes.

And most importantly, we've crafted legislation to dramatically reduce the amount of time a child spends in foster care. We've said that no child would have to wait longer than 12 months -- down from 18 months -- before the court considered his or her permanent placement. For the first time, we have offered states financial incentives to move more children out of foster care and into permanent homes. And we have given states the flexibility to try new strategies to accomplish that goal.

And we set an ambitious national goal of doubling the number of children adopted annually, from 28,000 to 56,000, by the year 2002. And though there were some moments when it looked like it wouldn't pass, we fought hard to make the Adoption and Safe Families Act the law of the land in 1997. In a few minutes, the President will offer new evidence of our continued success.

But we still have more to do. Two weeks after the President signed the Adoption and Safe Families Act, I went to California to meet with a group of young people, who were aging or had already aged out of foster care. They told me about their struggles -- about being forced out of foster homes on their 18th birthdays; about living in homeless shelters, seeking sleep in emergency rooms while trying to finish school; about getting sick and having no one to turn to for medical care or comfort. These young people are our responsibility. We cannot ignore the potential of any one of these children.

One of the young women I met that day in California is now a student at the Yale Law School. And that's why I was pleased to announce a new proposal in the President's balanced budget, to help former foster children make the transition to independence. And I'm very happy that the House, under the bipartisan leadership of Representative Nancy Johnson and

Representative Ben Cardin, both of whom are with us today, has passed the bill that will allow former foster children to remain on Medicaid until age 21 and will -- (applause) -- and will give them the extra help they need to finish high school, find work and a place to live.

Now I would call on the Senate to take action on the companion bill that is sponsored by Senators Chafee and Rockefeller. There is no reason we cannot pass this bill this year for the good of all of our children. And I hope every one of us here will do everything we can to make sure that the Senate does that, and then we can have, I think, another celebration to sign a bill that will make such a difference in the lives of older children in foster care.

The progress we celebrate today is due to the work of countless people, and many of you are here, and others are working on the front lines around our country and others are caring for children who are newly adopted in their homes.

I remember very well that a few years ago on Mothers Day, we had a roundtable for mothers and their adopted children. And at the end of the discussion, I went around the room asking the children if they had anything else to say, because some of them had not yet spoken up, and I didn't want them to leave and not have been heard. The final boy to speak looked up at the woman sitting next to him and said quietly, "I just want to thank my mother."

With that simple statement, and that adoring look, he summarized what all of us had been trying to say all afternoon. So, to all of those of you who have been the mothers and fathers that have helped move our children into homes, and into a sense of love and security, we say thank you -- for opening your homes and your hearts.

And now it's my privilege to introduce someone who has done just that -- who with her husband, Steven, and her son Sean, have just finalized the adoptions of Sarah and Brian. Please join me in welcoming Dawn Keane. (Applause.)

* * * * *

THE PRESIDENT: Thank you very much. When we have events here in this room, with people who have come to share their experiences, very often I feel like a fifth wheel. I think everything that needs to be said has already been said. (Laughter.) But I want to begin by thanking Dawn Keane for her wonderful statement; her husband, Steve; and Sean, Brian and Sarah. They're beautiful children. They did a good job at the microphone, didn't they? (Laughter.) I want to thank Olivia Golden and Pat Montoya for their work at HHS on this important issue.

I'd like to thank this remarkable bipartisan delegation from the House of Representatives here -- Dave Camp and Nancy Johnson and Ben Cardin and Maxine Waters, Sandy Levin and Congressman DeLay. This may be the only issue all six of these people agree on. (Laughter.) And -- Tom's nodding his head up and down. (Laughter.)

I'll tell you a funny story -- this is a true story. The other day I was reading a profile of Tom DeLay in the newspaper. And I got about halfway through, and he was giving me

the devil for something; you know, he's very good at that. (Laughter.) And he started grinding on my golf game and saying that I didn't count my scores and all this, and I was getting really angry. (Laughter.) And then I get to the next part of the story, and it talks all about his experience and his commitment to adoption and to foster children, and the personal experience that he and his wife had. And my heart just melted. And all of a sudden, I didn't care what he said about my golf game. (Laughter.)

And I say that to make this point: The Keane family -- the Manis, the Brown, the Vasquez families who are behind me today -- they represent what we all know is basic and fundamental about our families and our country -- more important than anything else we can think of. And they open their homes and their hearts to children, and they open our hearts to them -- and to each other as we work for more stories like those we celebrate today.

I'd also like to say a special hello to the Badeau family. Some of you may remember this. Two years ago, almost, Sue and Hector Badeau joined us at the White House when I signed the Adoption and Safe Families Act. They brought 18 of the 22 children they have adopted. Now, you need to know that, as if they didn't have enough to deal with, this summer they also welcomed into their home a family of eight Kosovar refugees. So if you ever need proof that there's no limit to human goodness, you can look at Sue and Hector Badeau.

I'd like for them to stand. Where are they? There you go. They've got some of their kids here. Stand up. (Applause.) Thank you. God bless you. Thank you. (Applause.)

I would also like to say just a very brief word to Hillary. You heard her tell the story of her involvement in this, but when we were in law school together, before we were married, she was talking to me about how messed up the foster care and adoption laws were in the country, how many ridiculous barriers there were. And not long after we moved to Little Rock and I became Attorney General of our state, she took a case for a young couple who had had a child from foster care for three years that they desperately wanted to adopt -- this is over 20 years ago. And together they changed the law in our state so that foster parents could be considered for adoption, something that used to be verboten in most states in the country.

So I've watched her work on these issues now for almost 30 years, and I am very grateful that one of the many blessings of our time in the White House has been the chance to make a difference on these adoption and foster care issues, and I thank her for making it possible. (Applause.)

Finally, let me say, again, I want to say a special word of thanks to the members of Congress in both parties who have come to this event today. We have had a raging, often stimulating, occasionally maddening, debate on what should be the role of government over the last five years in this town. But we have all agreed that government has a role to try to protect children, but to facilitate the most rapid, reasonable, orderly process for both foster care and for transition to adoption.

Hillary said that the House had adopted this provision to let kids coming out of foster care keep their Medicaid until they're 21. I'll just give you one more example of how these

issues unify us. Within a 36-hour period, about six months ago, my cousin, who runs the public housing unit in the little town where I was born in Arkansas -- which has 8,000 or 10,000 people -- came up to a HUD conference. And she spent the night with me and were having breakfast, drinking coffee, and she says, you know, you've got to do something about these foster kids. They keep going out of the -- they come out of the foster homes and they've got no money and they need to do some things. And then the next day, literally within 36 hours, I'm talking to these people from New York City who tell me it's maybe the biggest social problem they have now, with all these kids coming out of foster care.

So this is an issue that spans the experience of America, the whole sweep of it. And I'm very grateful -- I'm grateful that we have this consensus and I'm grateful that they've acted on it. I urge the Senate to follow suit.

Now, you've already heard about the things that we're doing to try to double the number of children we help move into permanent homes. We have new evidence that these efforts are bearing fruit. The Department of Health and Human Services has just given me a report that tracks our progress in meeting our adoption goals. It shows that the number of adoptions from the foster care system increased from 28,000 in 1996, to 36,000 in 1998. That is the first significant increase in adoptions since the National Foster Care Program was created almost 20 years ago.

Now, that's an amazing thing. That's more than -- it's about a 30-percent increase. That's a very impressive increase in two years. And we are well on our way to meeting our goal of 56,000 in 2002, doubling the number. For all of you that had anything to do with that, I say thank you. You should be very proud of yourselves.

Now, if you look at this HHS report -- and I urge those of you who are interested in it to actually get it and scan it, at least -- you will see how much this bipartisan cooperation I talked about and the work that's being done by people in the trenches to clear away the barriers is making a difference -- a stunning example of what we can do when we put our children first. You will see that we have acted on each and every one of the 11 recommendations set forth in the original Adoption 2002 report. Breaking down barriers to adoptions, ensuring accountability, rewarding innovation, supporting adoptive families themselves.

One of the key recommendations we adopted into law in 1997 was to give states, for the first time, financial incentives to help children move from foster to adoptive homes. Under the new bonus system, states are entitled to up to \$4,000 or \$6,000, depending on whether the child has special needs, for each adoption above their previous average.

Today, I have the honor of presenting the first round of these awards, worth \$20 million, to 35 of our 50 states. The good news is that these states did this, using creative new approaches and exceeding their own high goals. Illinois, for example -- listen to this -- the state of Illinois increased its options by 112 percent -- 112 -- yes, you can clap for Illinois. That's good. (Applause.)

Now, the bad news, if you can call it that, is that even though we believed this would work, we didn't think it would work this well this quickly -- (laughter) -- and we didn't put enough money in to give all the states all the money to which they're entitled. So I hope we can rectify that, because I think we all think that we want to give the states the incentives to figure out how best to do this.

But the fact is, I think all of us are very proud of what these states have done for some of their most vulnerable citizens. And I look forward to working with the Congress to make up this shortfall and get the other 15 states above their goals as well.

Today, I am also awarding \$5.5 million in adoption opportunity grants to outstanding public and private organizations in 16 of our states to help fund research and new ways of increasing inter-state adoptions, and adoptions of minority children. Together these efforts will help to accelerate the remarkable progress we've seen.

Now, again let me say, I think the big goal we ought to have for this legislative session is to get the Senate to follow the lead of the House, and schedule a vote on the Chafee-Rockefeller bill to ensure that the foster children are not cast out in the cold when their time in foster care ends. I hope -- I know if we can get it up and get it on the calendar, it will pass with the same overwhelming bipartisan support that we've seen in the House. So I urge all of you to do what you can to make sure that that is a big priority for the Senate, and I will do my part.

Together, we can help our foster children -- all of them -- first grow up in good homes, and, if they turn 18 as foster children, to make a good transition from transit to independence -- with health care, education, counseling and housing.

Now, ultimately, let me say the credit in all this does not really belong to all of the political leaders, even though they've worked very hard, all of us have together. It does not belong to all the public servants, even though there is a real new attitude, I think, in the organizations, the social services organizations, to try to do the right thing and move this along.

But none of this will work if there aren't good people in every community like the Keanes, the Manises, the Browns, the Vasquezes, the Badeaus, who are willing to give a child unconditional love and a good upbringing. They are the proof of the unlimited goodness of the human heart. All the rest of us are trying to do is to unleash it. And we need to keep right on doing that.

Thank you and God bless you all. (Applause.)

END

10:30 A.M. EDT

DRAFT statement by the President on Passage of final bill.

STATEMENT BY THE PRESIDENT

Hillary and I are very pleased that the Congress, [by an overwhelming bipartisan margin, today approved H.R. 1802, the Foster Care Independence Act of 1999.] This legislation recognizes that we have a responsibility to ensure that youth in foster care have the tools they need to make the most of their lives. I am pleased that the measure builds on the proposals in my budget request to provide those leaving foster care with access to health care and to expand and improve educational opportunities, training, housing assistance, counseling, and other support and services.

For our nation's foster youth, their eighteenth birthday can be the start of a very tough road alone. Each year, approximately 20,000 young people leave our nation's foster care system at age eighteen without an adoptive family or other permanent family relationship, but federal financial support ends just as they are making the critical transition to independence. Without the emotional, social, and financial support that families provide, many of these young people are not adequately prepared for life on their own. This bill is an important step forward to help them in their struggle to become successful, independent adults.

This legislation is a fitting tribute to the late Senator John Chafee, who was a chief sponsor of the Act. A fierce champion of children, Senator Chafee paid particular attention to our nation's most vulnerable young people. I would also like to thank Senator Rockefeller and Representatives Nancy Johnson and Ben Cardin for their hard work and dedication to this issue. I look forward to signing this bill into law.



U.S. Senator
John D. Rockefeller

www.senate.gov/rockefeller

Fax Cover Sheet

To: Nicole

From: Barbara

Date: _____

of Pages (Including Cover) _____

Message:

Please treat as confidential
we are not done yet.

**Problems with transmission call
(202) 224-6472**

Draft - 10/19/99

Offer #2

DETERMINED TO BE AN
ADMINISTRATIVE MARKING
INITIAL WA DATE 09/27/12~~Confidential~~*phrases in italics indicate changes from Offer #1 (10/12/99)**phrases in italics and underlined are taken directly from the language of the Grassley plan.***Insert for S. 1327, the Foster Care Independence Act**

Strike Section 477(f) and insert the following as a substitute....

"(f) OUTCOME AND PERFORMANCE MEASUREMENT.--

(1) *The effectiveness and efficiency of all programs established under this section shall be determined by each State recording and reporting upon outcome measures and performance standards.* The Secretary shall require states to use outcome and performance measures for the Independent Living program by developing such measures to assess the performance of States in operating independent living programs. The Secretary, in consultation with State and local public officials responsible for administering independent living and other child welfare programs, child welfare advocates, *including representatives of independent foster care review boards*, members of Congress, youth services providers, and researchers, shall develop outcome measures *within 12 months of the enactment of this legislation.*

(2) The measures shall include, but not be limited to, the following --

- (a) the proportion of youths participating in independent living programs who have graduated from high school, or obtained [G.E.D.s], at the time they leave an independent living program;
- (b) the proportion of youths participating in independent living programs who are homeless *during the* six months after leaving an independent living program;
- (c) the proportion of youths participating in independent living programs who are employed *during the* six months after leaving an independent living program; and
- (d) the proportion of youths participating in independent living programs who are incarcerated *during the* six months after leaving an independent living program.

(3) The Secretary shall issue regulations that shall prescribe assessment methods permitting States to submit data gathered by statistically valid sampling methods. The Secretary shall ensure that the data collection of outcome measures described in (2) will be coordinated with the development and other data collection efforts required under the Adoption and Safe Families Act of 1997 and the Adoption and Foster Care Reporting System and the Statewide Automated Child Welfare Information Systems.

(4) The Secretary shall submit annual outcome reports based on the data required in (2) to the congressional authorizing committee, and make such reports available to independent foster care review boards for their areas of oversight.

(5) The Secretary shall develop a mechanism for employing the outcome measures described in (2) for holding states accountable for performance and improvements of their programs based on each outcome measure. *Assurance shall be made that each state shall document their outcomes within 24 months after publication of the final regulations as described in paragraph (1), and annually thereafter, and that*

(a) the State agency submits to the Secretary, in such form and manner as the

Secretary may prescribe, a description of all programs established under this section together with documentation of the outcome measures described in paragraph (2) for the preceding fiscal year; and

(b) such documentation demonstrates how said State intends to achieve improvements in the outcomes for children and youth in the Independent Living program.

The mechanism could involve:

- (i) bonus payments for states with programs demonstrating high performance or state improvements; or
- (ii) financial penalties for states with programs demonstrating inadequate performance; or
- (iv) corrective action plans, including technical assistance for states with programs found to need improvement.

- **Making Adoption Affordable for Families.** The Small Business Job Protection Act of 1996, signed by the President in 1996, provides a \$5,000 tax credit to families adopting children and a \$6,000 tax credit for families adopting children with special needs. This provision helps middle class families for whom adoption - particularly of children with special needs - might have been prohibitively expensive.
- **Giving States More Flexibility and Support.** The Administration has granted waivers to 20 states and the District of Columbia to test innovative strategies for improving child welfare systems. In addition, it has secured new funds to support state implementation of the 1997 law and has, through the Adoption Opportunities program, supported local initiatives to promote adoption and provide post-adoptive services.
- **Using the Internet to Make Adoption Easier.** In 1998, the President directed HHS to develop Internet tools to link children in foster care more quickly to possible adoptive families. Secretary Shalala reported that HHS will launch a national web site by September 2001 to break down geographic barriers to adoption.
- **Removing Racial and Ethnic Barriers to Adoption.** New inter-ethnic adoption provisions, passed as a part of the Small Business Job Protection Act of 1996, help ensure that the adoption process is free of delays and discriminatory practices driven by race, culture and ethnicity. These provisions strengthened the Multi-Ethnic Placement Act, which the President signed in 1994.
- **Providing Supports for Child Protection and Adoption.** The Family and Medical Leave Act, signed by the President in 1993, enables working parents to take time off to adopt a child without losing their jobs or health insurance coverage. The 1996 welfare reform law signed by the President also maintains child protection and adoption guarantees.

NOW IS THE TIME TO TAKE IMPORTANT NEXT STEPS. To follow through on this record of achievement, the President and First Lady today will urge Congress to provide new support for young people leaving foster care. Under the current system, federal financial assistance for young people in foster care ends just as they are making the critical transition to independence. The President's FY 2000 budget request increases funding by nearly \$300 million to help these youth secure health care, life skills training, and educational opportunities. With the Administration's strong support, the House has already passed bipartisan legislation to address these needs. The President today urged the Senate to take prompt action on the companion measure and to safeguard the interests of vulnerable young people leaving foster care.

###

PRESIDENT CLINTON ANNOUNCES FIRST ADOPTION BONUS AWARDS TO STATES AND UNVEILS REPORT THAT SHOWS ADMINISTRATION STRATEGY IS WORKING

September 24, 1999

Today, the President and First Lady will announce bonus awards of \$20 million to 35 states that have increased the number of children adopted from the public foster care system. These bonuses, awarded for the first time today, were first proposed by President Clinton's Adoption 2002 initiative and included in the Adoption and Safe Families Act of 1997.

The President also will announce \$5.5 million in grants to innovative programs that remove barriers to adoption, and he unveiled a national progress report on adoption that documents the success of the Administration's strategy. From 1996 to 1998, the number of adoptions nationwide rose 29 percent - from 28,000 to 36,000 - and is on a pace to meet the President's goal of 56,000 adoptions in 2002. This is the first significant increase in adoptions since the national foster care program was established nearly 20 years ago.

INCENTIVE AWARDS SUCCEED IN INCREASING ADOPTIONS. In the Administration's Adoption 2002 proposal and the adoption law of 1997, the President created the first-ever financial incentive for states to increase adoptions of children from the foster care system. Today, the President will release \$20 million in bonus awards to 35 states that in 1998 exceeded their average adoption rate from 1995 to 1997. The \$20 million in bonuses provide for up to \$4,000 per adopted child, and \$6,000 for each child with special needs. In fact, the states' performance in 1998 was so strong that it would have entitled them, under the law, to an additional \$22.5 million.

INNOVATIVE GRANTS REDUCE BARRIERS TO ADOPTION. The President today also will announce \$5.5 million in new awards under the Adoption Opportunities program. This program provides grants to public and private organizations to eliminate barriers to adoption, particularly for children with special needs. This year's grants reward a variety of initiatives, including efforts to increase adoptions of minority children, targeted field research, and awards for collaborative planning to increase adoptions across jurisdictional lines.

REPORT SHOWS CLINTON ADMINISTRATION STRATEGY IS WORKING. Since taking office, the President has championed efforts to make foster care work better, to find and assist adoptive families, and to break down barriers to adoption. Today, the President will receive a progress report from the Department of Health and Human Services that documents the effectiveness of the Administration's strategy.

- **Reforming the Child Welfare System.** In 1997, the President signed the Adoption and Safe Families Act. This landmark law was based largely on recommendations from the Administration's Adoption 2002 report, which the President requested by executive memorandum in order to meet his goal of doubling adoptions by 2002. The law expedited permanent placement decisions for children, ensured health insurance coverage for all special-needs children in subsidized adoptions, and created the bonus awards released today.

Draft 4, 8/17/99

for Thurs. markup

The Honorable Nancy L. Johnson
Chairman
Subcommittee on Human Resources
Committee on Ways and Means
U.S. House of Representatives
Washington, D.C. 20515

Dear Madam Chairman:

I take this opportunity to inform you of the Department's views on H.R.1802, the "Foster Care Independence Act of 1999." The Administration supports the work of your Subcommittee to develop bipartisan legislation to expand and improve the services and supports available to older youth leaving foster care as they make the transition to self-sufficiency.

The number of young people ages 16 and over in foster care has increased from approximately 62,000 in FY 1992 to 77,000 in FY 1998. Each year, nearly 20,000 youth who have passed their eighteenth birthday are emancipated from foster care and must assume the full responsibilities of adulthood without the benefit of the financial or emotional support of a family. We are pleased that your bill includes a number of provisions, similar to those in the Administration's proposed "Independent Living Program Improvement Act of 1999," that will assist these youth to become independent, productive adults. In particular, we support:

- Expanding the resources available through the Independent Living Program to enable the States to expand the quantity and improve the quality of educational, vocational, practical and emotional supports to youth in foster care, enabling them to complete a high school diploma, prepare for and participate in postsecondary education or vocational training, find employment and plan for a career, locate housing, manage their personal finances effectively, and establish healthy, mature relationships with peers, mentors and other adults.
- Providing financial assistance for room and board for former foster care youth between the ages of 18 and 21, who are no longer eligible for foster care maintenance payments.
- Providing Medicaid coverage to enable youth aging out of foster care retain access to health care up until the age of 21.
- Supporting evaluation and technical assistance, so that we can learn about the approaches that are most successful in helping youth transition from foster care to self-sufficiency and share information about best practices among the States.

Page 2 – The Honorable Nancy L. Johnson

There are several technical issues related to reallocation of unspent funds, assessment of penalties and other matters that we hope to clarify with your staff. We look forward to working with your Committee and your colleagues on the Committee on Commerce to ensure strong support for the Foster Care Independence Act of 1999 and its critical Medicaid provisions.

The Office of Management and Budget has advised that there is no objection to the transmission of this letter from the standpoint of the Administration's program.

Sincerely,

Donna E. Shalala

FIRST LADY HILLARY RODHAM CLINTON ANNOUNCES NEW EFFORTS TO SUPPORT TRANSITIONING FOSTER CARE YOUTH

January 29, 1999

Today at the White House, First Lady Hillary Rodham Clinton, accompanied by Mrs. Tipper Gore and Secretary Donna Shalala, announces that the President's FY 2000 budget will include \$280 million over five years in new support for young people who leave our nation's public foster care system at age 18 without an adoptive family or other permanent relationship.

Foster Care Youth Reaching Adulthood Face Tough Challenges. Nearly 20,000 young people leave foster care each year having reached the age of 18 without an adoptive family or other permanent relationship. Today, federal financial support for these young people ends just as they are making the critical transition to independence. Without the emotional, social and financial support that families provide, many of these youth are not adequately prepared for life on their own. Studies show that within two to four years of leaving foster care, only half have completed high school, fewer than half are employed, one-fourth have been homeless for at least one night, 30 percent did not have access to needed health care, 60 percent of the young women have given birth, and less than one-in-five are completely self-supporting.

New Support For Youth Leaving Foster Care. The President's FY 2000 budget will include \$280 million over five years to provide a framework for enhanced federal support to these young people:

Increasing the Federal Independent Living Program by 50 Percent. The Independent Living Program, run through the States, assists older foster care children to prepare for independence by helping them to earn a high school diploma, participate in vocational training or education, and learn daily living skills such as budgeting, career planning and securing housing and employment. Since 1992, the program's funding has been frozen at \$70 million. The President's budget will increase the program by 50 percent, investing \$175 million over five years in these services.

Offering Time Limited Economic Support. Young people often transition from foster care with no economic support. The President's budget will include \$50 million over four years to create new competitive grants to States to complement the Independent Living program services by providing time-limited financial support for these young people as they develop the skills and education needed to move into the workforce.

Providing Health Insurance. Today, when young people emancipate from foster care, they face numerous health risks, but too often lose their health insurance. The President's budget will propose that these young people remain eligible for Medicaid up to age 21. His budget will include \$50 million over five years for this purpose.

Increasing the Transitional Living Program. The President's budget will include a 33 percent increase in the Transitional Living program, which provides competitive funds to local community-based organizations for residential care, life skills training, and other support services to homeless adolescents, ages 16-21. The program is currently funded at \$15 million; the President's budget will increase that funding by \$5 million for FY 2000.

THE WHITE HOUSE
Office of the Press Secretary

For Immediate Release

September 24, 1999

REMARKS BY THE PRESIDENT
AND THE FIRST LADY
AT ADOPTION EVENT

Presidential Hall

10:00 A.M. EDT

MRS. CLINTON: Thank you, and please be seated. And welcome to the White House for a celebration and a wonderful announcement for so many children and families around our country.

I'm delighted that we've been joined by members of Congress, including Senator Carl Levin and Representative Dave Camp and Representative Nancy Johnson and Representative Tom DeLay and Representative Ben Cardin and Representative Maxine Waters.

This is an issue that has been at the real heart of our efforts in the last several years to do what we could to give every child a chance to have a permanent loving home. And there are many people who have played a role in bringing us to this day. I want to acknowledge Olivia Golden and Pat Montoya, from HHS. I want to acknowledge the Brown, the Manis, the Keane and the Vasquez family. Carol Williams, the former Children's Bureau director and a champion of adoption; the many adoption advocates who are here.

And there's one very special champion of foster children who I would like to introduce to you. She is an eight-year-old girl who heard about how many foster children could not afford to use anything but garbage bags for luggage when they were told they had to move. So she decided to collect suitcases for them, and so far she has collected 1,000. And I'd like to ask MacKenzi Snyder to stand, please. (Applause.)

This summer I saw a photograph that reminded me why the work we're doing to promote adoption in our country is so vitally important. It was a picture of a young woman in a green silk evening gown, with high heels and a lace shawl, and you could see the anticipation

and excitement in her eyes. That was a picture of 17-year-old Deanna Collins. It was taken by her parents, her adoptive parents, on the night of her high school prom.

Looking at that picture, it was difficult for me to believe that the smiling, confident young woman was the same girl I had welcomed to the White House just four years ago. Back then, she was 13, and she'd already spent eight years in foster care. With her shoulders slumped forward, and her eyes downcast, she told the audience gathered in the East Room for National Adoption Month about her dreams of living in a place she could call home, with a room of her own and a family she could love.

Not long after that visit, Deanna's dream came true. And it's been my privilege to watch this young woman's life transformed by her adoption. With the love of her parents and the confidence that comes from knowing that, indeed, she always will have a place to call home, no matter what else happens to her in life, she is thriving. She's a senior in high school, now, and plans to go to college and major in social work.

Every time I need inspiration for our fight to strengthen and increase adoption in America, I think of Deanna. I think of so many of the other children whom I've known. I think of the adult adoptees, who are telling us their stories, including Washington D.C.'s own Mayor, Tony Williams, who told us at another Adoption Month commemoration last year how, at the age of three, he was about to be declared unadoptable, and institutionalized by the state, when Virginia Williams opened her arms and welcomed him into her family.

Mrs. Williams is here today, and all of us are grateful for the love you gave that young three-year-old boy, and the second chance you gave to him. And I'd like to ask Mrs. Williams to please stand. (Applause.)

But we can't gather today and celebrate Dianna or Mayor Williams without thinking of the thousands of foster children in America who are still waiting for the same chance, either to go back safely to their own families where they will be given the love and the attention and the discipline that every child needs, or be given the chance in a new family.

For more than 25 years, as an advocate and an attorney, I have tried to work with so many others to address the challenges of foster care and adoption. I've represented perspective parents in court. I've represented foster children. I've worked on behalf of changes in legislation. I've listened to the frustrations that social workers and judges and police officers and parents and others feel about the red tape that so often keeps them from sharing their lives with children who badly need their love.

I've met foster children who have spent childhoods feeling alone and unloved, moving from home to home. Children such as the teenage boy the President and I met in the Oval Office two years ago. When we asked him where he lived, he looked down and he said, "All over Fairfax County."

In many ways, giving more of our children the chance to know the love and support of a family is a personal crusade for us. I know that many of you have been at the

meetings and the roundtables and the celebrations of National Adoption Month that we've held here at the White House. And I've been very pleased and grateful to work with so many advocates like Wendy's founder, or Dave Thomas, who as an adopted child himself has dedicated much of his time and personal resources to promoting adoption.

With each meeting I became, along with all of you, more and more convinced that it was past time to reform our foster care system, to identify and eliminate the obstacles to change the placement procedures so that we could expedite the movement of children either home or into new homes.

We've made a lot of progress. We've helped adoptive parents carve out the time they need to care for their new children. The first bill the President signed into law was the Family and Medical Leave Act, which allows new parents -- including adoptive parents -- to take time off and care for their children without fear of losing their jobs or health insurance.

We've put an end to racial discrimination in adoption. The President signed and strengthened the Multiethnic Placement Act, prohibiting adoption agencies from keeping children of one race from the safe and loving arms of parents of another. We have made adoptions more affordable, putting in place tax credits for new adoptive families. And we're taking steps to use the Internet to help match waiting children with loving homes.

And most importantly, we've crafted legislation to dramatically reduce the amount of time a child spends in foster care. We've said that no child would have to wait longer than 12 months -- down from 18 months -- before the court considered his or her permanent placement. For the first time, we have offered states financial incentives to move more children out of foster care and into permanent homes. And we have given states the flexibility to try new strategies to accomplish that goal.

And we set an ambitious national goal of doubling the number of children adopted annually, from 28,000 to 56,000, by the year 2002. And though there were some moments when it looked like it wouldn't pass, we fought hard to make the Adoption and Safe Families Act the law of the land in 1997. In a few minutes, the President will offer new evidence of our continued success.

But we still have more to do. Two weeks after the President signed the Adoption and Safe Families Act, I went to California to meet with a group of young people, who were aging or had already aged out of foster care. They told me about their struggles -- about being forced out of foster homes on their 18th birthdays; about living in homeless shelters, seeking sleep in emergency rooms while trying to finish school; about getting sick and having no one to turn to for medical care or comfort. These young people are our responsibility. We cannot ignore the potential of any one of these children.

One of the young women I met that day in California is now a student at the Yale Law School. And that's why I was pleased to announce a new proposal in the President's balanced budget, to help former foster children make the transition to independence. And I'm very happy that the House, under the bipartisan leadership of Representative Nancy Johnson and

Representative Ben Cardin, both of whom are with us today, has passed the bill that will allow former foster children to remain on Medicaid until age 21 and will -- (applause) -- and will give them the extra help they need to finish high school, find work and a place to live.

Now I would call on the Senate to take action on the companion bill that is sponsored by Senators Chafee and Rockefeller. There is no reason we cannot pass this bill this year for the good of all of our children. And I hope every one of us here will do everything we can to make sure that the Senate does that, and then we can have, I think, another celebration to sign a bill that will make such a difference in the lives of older children in foster care.

The progress we celebrate today is due to the work of countless people, and many of you are here, and others are working on the front lines around our country and others are caring for children who are newly adopted in their homes.

I remember very well that a few years ago on Mothers Day, we had a roundtable for mothers and their adopted children. And at the end of the discussion, I went around the room asking the children if they had anything else to say, because some of them had not yet spoken up, and I didn't want them to leave and not have been heard. The final boy to speak looked up at the woman sitting next to him and said quietly, "I just want to thank my mother."

With that simple statement, and that adoring look, he summarized what all of us had been trying to say all afternoon. So, to all of those of you who have been the mothers and fathers that have helped move our children into homes, and into a sense of love and security, we say thank you -- for opening your homes and your hearts.

And now it's my privilege to introduce someone who has done just that -- who with her husband, Steven, and her son Sean, have just finalized the adoptions of Sarah and Brian. Please join me in welcoming Dawn Keane. (Applause.)

* * * * *

THE PRESIDENT: Thank you very much. When we have events here in this room, with people who have come to share their experiences, very often I feel like a fifth wheel. I think everything that needs to be said has already been said. (Laughter.) But I want to begin by thanking Dawn Keane for her wonderful statement; her husband, Steve; and Sean, Brian and Sarah. They're beautiful children. They did a good job at the microphone, didn't they? (Laughter.) I want to thank Olivia Golden and Pat Montoya for their work at HHS on this important issue.

I'd like to thank this remarkable bipartisan delegation from the House of Representatives here -- Dave Camp and Nancy Johnson and Ben Cardin and Maxine Waters, Sandy Levin and Congressman DeLay. This may be the only issue all six of these people agree on. (Laughter.) And -- Tom's nodding his head up and down. (Laughter.)

I'll tell you a funny story -- this is a true story. The other day I was reading a profile of Tom DeLay in the newspaper. And I got about halfway through, and he was giving me

the devil for something; you know, he's very good at that. (Laughter.) And he started grinding on my golf game and saying that I didn't count my scores and all this, and I was getting really angry. (Laughter.) And then I get to the next part of the story, and it talks all about his experience and his commitment to adoption and to foster children, and the personal experience that he and his wife had. And my heart just melted. And all of a sudden, I didn't care what he said about my golf game. (Laughter.)

And I say that to make this point: The Keane family -- the Manis, the Brown, the Vasquez families who are behind me today -- they represent what we all know is basic and fundamental about our families and our country -- more important than anything else we can think of. And they open their homes and their hearts to children, and they open our hearts to them -- and to each other as we work for more stories like those we celebrate today.

I'd also like to say a special hello to the Badeau family. Some of you may remember this. Two years ago, almost, Sue and Hector Badeau joined us at the White House when I signed the Adoption and Safe Families Act. They brought 18 of the 22 children they have adopted. Now, you need to know that, as if they didn't have enough to deal with, this summer they also welcomed into their home a family of eight Kosovar refugees. So if you ever need proof that there's no limit to human goodness, you can look at Sue and Hector Badeau.

I'd like for them to stand. Where are they? There you go. They've got some of their kids here. Stand up. (Applause.) Thank you. God bless you. Thank you. (Applause.)

I would also like to say just a very brief word to Hillary. You heard her tell the story of her involvement in this, but when we were in law school together, before we were married, she was talking to me about how messed up the foster care and adoption laws were in the country, how many ridiculous barriers there were. And not long after we moved to Little Rock and I became Attorney General of our state, she took a case for a young couple who had had a child from foster care for three years that they desperately wanted to adopt -- this is over 20 years ago. And together they changed the law in our state so that foster parents could be considered for adoption, something that used to be verboten in most states in the country.

So I've watched her work on these issues now for almost 30 years, and I am very grateful that one of the many blessings of our time in the White House has been the chance to make a difference on these adoption and foster care issues, and I thank her for making it possible. (Applause.)

Finally, let me say, again, I want to say a special word of thanks to the members of Congress in both parties who have come to this event today. We have had a raging, often stimulating, occasionally maddening, debate on what should be the role of government over the last five years in this town. But we have all agreed that government has a role to try to protect children, but to facilitate the most rapid, reasonable, orderly process for both foster care and for transition to adoption.

Hillary said that the House had adopted this provision to let kids coming out of foster care keep their Medicaid until they're 21. I'll just give you one more example of how these

issues unify us. Within a 36-hour period, about six months ago, my cousin, who runs the public housing unit in the little town where I was born in Arkansas -- which has 8,000 or 10,000 people -- came up to a HUD conference. And she spent the night with me and were having breakfast, drinking coffee, and she says, you know, you've got to do something about these foster kids. They keep going out of the -- they come out of the foster homes and they've got no money and they need to do some things. And then the next day, literally within 36 hours, I'm talking to these people from New York City who tell me it's maybe the biggest social problem they have now, with all these kids coming out of foster care.

So this is an issue that spans the experience of America, the whole sweep of it. And I'm very grateful -- I'm grateful that we have this consensus and I'm grateful that they've acted on it. I urge the Senate to follow suit.

Now, you've already heard about the things that we're doing to try to double the number of children we help move into permanent homes. We have new evidence that these efforts are bearing fruit. The Department of Health and Human Services has just given me a report that tracks our progress in meeting our adoption goals. It shows that the number of adoptions from the foster care system increased from 28,000 in 1996, to 36,000 in 1998. That is the first significant increase in adoptions since the National Foster Care Program was created almost 20 years ago.

Now, that's an amazing thing. That's more than -- it's about a 30-percent increase. That's a very impressive increase in two years. And we are well on our way to meeting our goal of 56,000 in 2002, doubling the number. For all of you that had anything to do with that, I say thank you. You should be very proud of yourselves.

Now, if you look at this HHS report -- and I urge those of you who are interested in it to actually get it and scan it, at least -- you will see how much this bipartisan cooperation I talked about and the work that's being done by people in the trenches to clear away the barriers is making a difference -- a stunning example of what we can do when we put our children first. You will see that we have acted on each and every one of the 11 recommendations set forth in the original Adoption 2002 report. Breaking down barriers to adoptions, ensuring accountability, rewarding innovation, supporting adoptive families themselves.

One of the key recommendations we adopted into law in 1997 was to give states, for the first time, financial incentives to help children move from foster to adoptive homes. Under the new bonus system, states are entitled to up to \$4,000 or \$6,000, depending on whether the child has special needs, for each adoption above their previous average.

Today, I have the honor of presenting the first round of these awards, worth \$20 million, to 35 of our 50 states. The good news is that these states did this, using creative new approaches and exceeding their own high goals. Illinois, for example -- listen to this -- the state of Illinois increased its options by 112 percent -- 112 -- yes, you can clap for Illinois. That's good. (Applause.)

Now, the bad news, if you can call it that, is that even though we believed this would work, we didn't think it would work this well this quickly -- (laughter) -- and we didn't put enough money in to give all the states all the money to which they're entitled. So I hope we can rectify that, because I think we all think that we want to give the states the incentives to figure out how best to do this.

But the fact is, I think all of us are very proud of what these states have done for some of their most vulnerable citizens. And I look forward to working with the Congress to make up this shortfall and get the other 15 states above their goals as well.

Today, I am also awarding \$5.5 million in adoption opportunity grants to outstanding public and private organizations in 16 of our states to help fund research and new ways of increasing inter-state adoptions, and adoptions of minority children. Together these efforts will help to accelerate the remarkable progress we've seen.

Now, again let me say, I think the big goal we ought to have for this legislative session is to get the Senate to follow the lead of the House, and schedule a vote on the Chafee-Rockefeller bill to ensure that the foster children are not cast out in the cold when their time in foster care ends. I hope -- I know if we can get it up and get it on the calendar, it will pass with the same overwhelming bipartisan support that we've seen in the House. So I urge all of you to do what you can to make sure that that is a big priority for the Senate, and I will do my part.

Together, we can help our foster children -- all of them -- first grow up in good homes, and, if they turn 18 as foster children, to make a good transition from transit to independence -- with health care, education, counseling and housing.

Now, ultimately, let me say the credit in all this does not really belong to all of the political leaders, even though they've worked very hard, all of us have together. It does not belong to all the public servants, even though there is a real new attitude, I think, in the organizations, the social services organizations, to try to do the right thing and move this along.

But none of this will work if there aren't good people in every community like the Keanes, the Manises, the Browns, the Vasquezes, the Badeaus, who are willing to give a child unconditional love and a good upbringing. They are the proof of the unlimited goodness of the human heart. All the rest of us are trying to do is to unleash it. And we need to keep right on doing that.

Thank you and God bless you all. (Applause.)

END

10:30 A.M. EDT

106TH CONGRESS
1ST SESSION

H. R. 1802

AN ACT

To amend part E 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.

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

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) **SHORT TITLE.**—This Act may be cited as the
 5 “Foster Care Independence Act of 1999”.

6 (b) **TABLE OF CONTENTS.**—The table of contents of
 7 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.

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.

Sec. 205. Rules relating to collection of overpayments from individuals convicted of crimes.

Sec. 206. Treatment of assets held in trust under the SSI program.

Sec. 207. Disposal of resources for less than fair market value under the SSI program.

Sec. 208. Administrative procedure for imposing penalties for false or misleading statements.

Sec. 209. Exclusion of representatives and health care providers convicted of violations from participation in social security programs.

Sec. 210. State data exchanges.

Sec. 211. Study on possible measures to improve fraud prevention and administrative processing.

Sec. 212. Annual report on amounts necessary to combat fraud.

Sec. 213. Computer matches with Medicare and Medicaid institutionalization data.

Sec. 214. Access to information held by financial institutions.

Subtitle B—Special Benefits For Certain World War II Veterans

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

Subtitle C—Study

Sec. 261. 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.

1 TITLE I—IMPROVED INDE- 2 PENDENT LIVING PROGRAM 3 Subtitle A—Improved Independent 4 Living Program

5 SEC. 101. IMPROVED INDEPENDENT LIVING PROGRAM.

6 (a) FINDINGS.—The Congress finds the following:

7 (1) States are required to make reasonable ef-
8 forts to find adoptive families for all children, in-
9 cluding older children, for whom reunification with
10 their biological family is not in the best interests of
11 the child. However, some older children will continue
12 to live in foster care. These children should be en-
13 rolled in an Independent Living program designed
14 and conducted by State and local government to help

1 prepare them for employment, postsecondary edu-
2 cation, and successful management of adult respon-
3 sibilities.

4 (2) About 20,000 adolescents leave the Nation's
5 foster care system each year because they have
6 reached 18 years of age and are expected to support
7 themselves.

8 (3) Congress has received extensive information
9 that adolescents leaving foster care have significant
10 difficulty making a successful transition to adult-
11 hood; this information shows that children aging out
12 of foster care show high rates of homelessness, non-
13 marital childbearing, poverty, and delinquent or
14 criminal behavior; they are also frequently the target
15 of crime and physical assaults.

16 (4) The Nation's State and local governments,
17 with financial support from the Federal Government,
18 should offer an extensive program of education,
19 training, employment, and financial support for
20 young adults leaving foster care, with participation
21 in such program beginning several years before high
22 school graduation and continuing, as needed, until
23 the young adults emancipated from foster care es-
24 tablish independence or reach 21 years of age.

1 (b) IMPROVED INDEPENDENT LIVING PROGRAM.—
2 Section 477 of the Social Security Act (42 U.S.C. 677)
3 is amended to read as follows:

4 **“SEC. 477. INDEPENDENT LIVING PROGRAM.**

5 “(a) PURPOSE.—The purpose of this section is to
6 provide States with flexible funding that will enable pro-
7 grams to be designed and conducted—

8 “(1) to identify children who are likely to re-
9 main in foster care until 18 years of age and to help
10 these children make the transition to self-sufficiency
11 by providing services such as assistance in obtaining
12 a high school diploma, career exploration, vocational
13 training, job placement and retention, training in
14 daily living skills, training in budgeting and financial
15 management skills, substance abuse prevention, and
16 preventive health activities (including smoking avoid-
17 ance, nutrition education, and pregnancy preven-
18 tion);

19 “(2) to help children who are likely to remain
20 in foster care until 18 years of age receive the edu-
21 cation, training, and services necessary to obtain em-
22 ployment;

23 “(3) to help children who are likely to remain
24 in foster care until 18 years of age prepare for and

1 enter postsecondary training and education institu-
2 tions;

3 “(4) to provide personal and emotional support
4 to children aging out of foster care, through mentors
5 and the promotion of interactions with dedicated
6 adults; and

7 “(5) to provide financial, housing, counseling,
8 employment, education, and other appropriate sup-
9 port and services to former foster care recipients be-
10 tween 18 and 21 years of age to complement their
11 own efforts to achieve self-sufficiency and to assure
12 that program participants recognize and accept their
13 personal responsibility for preparing for and then
14 making the transition from adolescence to adult-
15 hood.

16 “(b) APPLICATIONS.—

17 “(1) IN GENERAL.—A State may apply for
18 funds from its allotment under subsection (c) for a
19 period of five consecutive fiscal years by submitting
20 to the Secretary, in writing, a plan that meets the
21 requirements of paragraph (2) and the certifications
22 required by paragraph (3) with respect to the plan.

23 “(2) STATE PLAN.—A plan meets the require-
24 ments of this paragraph if the plan specifies which
25 State agency or agencies will administer, supervise,

1 or oversee the programs carried out under the plan,
2 and describes how the State intends to do the fol-
3 lowing:

4 “(A) Design and deliver programs to
5 achieve the purposes of this section.

6 “(B) Ensure that all political subdivisions
7 in the State are served by the program, though
8 not necessarily in a uniform manner.

9 “(C) Ensure that the programs serve chil-
10 dren of various ages and at various stages of
11 achieving independence.

12 “(D) Involve the public and private sectors
13 in helping adolescents in foster care achieve
14 independence.

15 “(E) Use objective criteria for determining
16 eligibility for benefits and services under the
17 programs, and for ensuring fair and equitable
18 treatment of benefit recipients.

19 “(F) Cooperate in national evaluations of
20 the effects of the programs in achieving the
21 purposes of this section.

22 “(3) CERTIFICATIONS.—The certifications re-
23 quired by this paragraph with respect to a plan are
24 the following:

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

7 “(B) A certification by the chief executive
8 officer of the State that not more than 30 per-
9 cent of the amounts paid to the State from its
10 allotment under subsection (c) for a fiscal year
11 will be expended for room or board for children
12 who have left foster care because they have at-
13 tained 18 years of age, and who have not at-
14 tained 21 years of age.

15 “(C) A certification by the chief executive
16 officer of the State that none of the amounts
17 paid to the State from its allotment under sub-
18 section (c) will be expended for room or board
19 for any child who has not attained 18 years of
20 age.

21 “(D) A certification by the chief executive
22 officer of the State that the State will use train-
23 ing funds provided under the program of Fed-
24 eral payments for foster care and adoption as-
25 sistance to provide training to help foster par-

1 ents, workers in group homes, and case man-
2 agers understand and address the issues con-
3 fronting adolescents preparing for independent
4 living, and will, to the extent possible, coordi-
5 nate such training with the independent living
6 program conducted for adolescents.

7 “(E) A certification by the chief executive
8 officer of the State that the State has consulted
9 widely with public and private organizations in
10 developing the plan and that the State has
11 given all interested members of the public at
12 least 30 days to submit comments on the plan.

13 “(F) A certification by the chief executive
14 officer of the State that the State will make
15 every effort to coordinate the State programs
16 receiving funds provided from an allotment
17 made to the State under subsection (c) with
18 other Federal and State programs for youth
19 (especially transitional living youth projects
20 funded under part B of title III of the Juvenile
21 Justice and Delinquency Prevention Act of
22 1974), abstinence education programs, local
23 housing programs, programs for disabled youth
24 (especially sheltered workshops), and school-to-

1 work programs offered by high schools or local
2 workforce agencies.

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

12 “(H) A certification by the chief executive
13 officer of the State that the State will ensure
14 that adolescents participating in the program
15 under this section participate directly in design-
16 ing their own program activities that prepare
17 them for independent living and that the ado-
18 lescents accept personal responsibility for living
19 up to their part of the program.

20 “(I) A certification by the chief executive
21 officer of the State that the State has estab-
22 lished and will enforce standards and proce-
23 dures to prevent fraud and abuse in the pro-
24 grams carried out under the plan.

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

4 “(A) the application is submitted on or be-
5 fore June 30 of the calendar year in which such
6 period begins; and

7 “(B) the Secretary finds that the applica-
8 tion contains the material required by para-
9 graph (1).

10 “(5) AUTHORITY TO IMPLEMENT CERTAIN
11 AMENDMENTS; NOTIFICATION.—A State with an ap-
12 plication approved under paragraph (4) may imple-
13 ment any amendment to the plan contained in the
14 application if the application, incorporating the
15 amendment, would be approvable under paragraph
16 (4). Within 30 days after a State implements any
17 such amendment, the State shall notify the Sec-
18 retary of the amendment.

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

23 “(c) ALLOTMENTS TO STATES.—

24 “(1) IN GENERAL.—From the amount specified
25 in subsection (h) that remains after applying sub-

1 section (g)(2) for a fiscal year, the Secretary shall
2 allot to each State with an application approved
3 under subsection (b) for the fiscal year the amount
4 which bears the same ratio to such remaining
5 amount as the number of children in foster care
6 under a program of the State in the most recent fis-
7 cal year for which such information is available
8 bears to the total number of children in foster care
9 in all States for such most recent fiscal year, as ad-
10 justed in accordance with paragraph (2).

11 “(2) HOLD HARMLESS PROVISION.—

12 “(A) IN GENERAL.—The Secretary shall
13 allot to each State whose allotment for a fiscal
14 year under paragraph (1) is less than the
15 amount payable to the State under this section
16 for fiscal year 1998 an additional amount equal
17 to the difference.”.

18 “(B) RATABLE REDUCTION OF CERTAIN
19 ALLOTMENTS.—In the case of a State not de-
20 scribed in subparagraph (A) for a fiscal year,
21 the Secretary shall reduce the amount allotted
22 to the State for the fiscal year under paragraph
23 (1) by the amount that bears the same ratio to
24 the sum of the differences determined under
25 subparagraph (A) for the fiscal year as the

1 amount so allotted bears to the sum of the
2 amounts allotted to all States not so described.

3 “(d) USE OF FUNDS.—

4 “(1) IN GENERAL.—A State to which an
5 amount is paid from its allotment under subsection
6 (c) may use the amount in any manner that is rea-
7 sonably calculated to accomplish the purposes of this
8 section.

9 “(2) NO SUPPLANTATION OF OTHER FUNDS
10 AVAILABLE FOR SAME GENERAL PURPOSES.—The
11 amounts paid to a State from its allotment under
12 subsection (c) shall be used to supplement and not
13 supplant any other funds which are available for the
14 same general purposes in the State.

15 “(3) TWO-YEAR AVAILABILITY OF FUNDS.—
16 Payments made to a State under this section for a
17 fiscal year shall be expended by the State in the fis-
18 cal year or in the succeeding fiscal year.

19 “(e) PENALTIES.—

20 “(1) USE OF GRANT IN VIOLATION OF THIS
21 PART.—If the Secretary is made aware, by an audit
22 conducted under chapter 75 of title 31, United
23 States Code, or by any other means, that a program
24 receiving funds from an allotment made to a State
25 under subsection (c) has been operated in a manner

1 that is inconsistent with, or not disclosed in the
2 State application approved under subsection (b), the
3 Secretary shall assess a penalty against the State in
4 an amount equal to not less than 1 percent and not
5 more than 5 percent of the amount of the allotment.

6 “(2) FAILURE TO COMPLY WITH DATA REPORT-
7 ING REQUIREMENT.—The Secretary shall assess a
8 penalty against a State that fails during a fiscal
9 year to comply with an information collection plan
10 implemented under subsection (f) in an amount
11 equal to not less than 1 percent and not more than
12 5 percent of the amount allotted to the State for the
13 fiscal year.

14 “(3) PENALTIES BASED ON DEGREE OF NON-
15 COMPLIANCE.—The Secretary shall assess penalties
16 under this subsection based on the degree of non-
17 compliance.

18 “(f) DATA COLLECTION AND PERFORMANCE MEAS-
19 UREMENT.—

20 “(1) IN GENERAL.—The Secretary, in consulta-
21 tion with State and local public officials responsible
22 for administering independent living and other child
23 welfare programs, child welfare advocates, members
24 of Congress, youth service providers, and research-
25 ers, shall—

1 “(A) develop outcome measures (including
2 measures of educational attainment, employ-
3 ment, avoidance of dependency, homelessness,
4 nonmarital childbirth, and high-risk behaviors)
5 that can be used to assess the performance of
6 States in operating independent living pro-
7 grams;

8 “(B) identify data elements needed to
9 track—

10 “(i) the number and characteristics of
11 children receiving services under this sec-
12 tion;

13 “(ii) the type and quantity of services
14 being provided; and

15 “(iii) State performance on the out-
16 come measures; and

17 “(C) develop and implement a plan to col-
18 lect the needed information beginning with the
19 second fiscal year beginning after the date of
20 the enactment of this section.

21 “(2) REPORT TO THE CONGRESS.—Within 12
22 months after the date of the enactment of this sec-
23 tion, the Secretary shall submit to the Committee on
24 Ways and Means of the House of Representatives
25 and the Committee on Finance of the Senate a re-

1 port detailing the plans and timetable for collecting
2 from the States the information described in para-
3 graph (1).

4 “(g) EVALUATIONS.—

5 “(1) IN GENERAL.—The Secretary shall con-
6 duct evaluations of such State programs funded
7 under this section as the Secretary deems to be in-
8 novative or of potential national significance. The
9 evaluation of any such program shall include infor-
10 mation on the effects of the program on education,
11 employment, and personal development. To the max-
12 imum extent practicable, the evaluations shall be
13 based on rigorous scientific standards including ran-
14 dom assignment to treatment and control groups.
15 The Secretary is encouraged to work directly with
16 State and local governments to design methods for
17 conducting the evaluations, directly or by grant, con-
18 tract, or cooperative agreement.

19 “(2) FUNDING OF EVALUATIONS.—The Sec-
20 retary shall reserve 1.5 percent of the amount speci-
21 fied in subsection (h) for a fiscal year to carry out,
22 during the fiscal year, evaluation, technical assist-
23 ance, performance measurement, and data collection
24 activities related to this section, directly or through

1 grants, contracts, or cooperative agreements with
2 appropriate entities.

3 “(h) LIMITATIONS ON AUTHORIZATION OF APPRO-
4 PRIATIONS.—To carry out this section and for payments
5 to States under section 474(a)(4), there are authorized to
6 be appropriated to the Secretary \$140,000,000 for each
7 fiscal year.”.

8 (c) PAYMENTS TO STATES.—Section 474(a)(4) of
9 such Act (42 U.S.C. 674(a)(4)) is amended to read as fol-
10 lows:

11 “(4) the lesser of—

12 “(A) 80 percent of the amount (if any) by
13 which—

14 “(i) the total amount expended by the
15 State during the fiscal year in which the
16 quarter occurs to carry out programs in
17 accordance with the State application ap-
18 proved under section 477(b) for the period
19 in which the quarter occurs (including any
20 amendment that meets the requirements of
21 section 477(b)(5)); exceeds

22 “(ii) the total amount of any penalties
23 assessed against the State under section
24 477(e) during the fiscal year in which the
25 quarter occurs; or

1 “(B) the amount allotted to the State
 2 under section 477 for the fiscal year in which
 3 the quarter occurs, reduced by the total of the
 4 amounts payable to the State under this para-
 5 graph for all prior quarters in the fiscal year.”.

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

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

16 **Subtitle B—Related Foster Care** 17 **Provision**

18 **SEC. 111. INCREASE IN AMOUNT OF ASSETS ALLOWABLE** 19 **FOR CHILDREN IN FOSTER CARE.**

20 Section 472(a) of the Social Security Act (42 U.S.C.
 21 672(a)) is amended by adding at the end the following:
 22 “In determining whether a child would have received aid
 23 under a State plan approved under section 402 (as in ef-
 24 fect on July 16, 1996), a child whose resources (deter-
 25 mined pursuant to section 402(a)(7)(B), as so in effect)

1 have a combined value of not more than \$10,000 shall
2 be considered to be a child whose resources have a com-
3 bined value of not more than \$1,000 (or such lower
4 amount as the State may determine for purposes of such
5 section 402(a)(7)(B)).”.

6 **SEC. 112. PREPARATION OF FOSTER PARENTS TO PROVIDE**
7 **FOR THE NEEDS OF CHILDREN IN STATE**
8 **CARE.**

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

11 (1) by striking “and” at the end of paragraph
12 (22);

13 (2) by striking the period at the end of para-
14 graph (23) and inserting “; and”; and

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

16 “(24) include a certification that, before a child
17 in foster care under the responsibility of the State
18 is placed with prospective foster parents, the pro-
19 spective foster parents will be prepared adequately
20 with the appropriate knowledge and skills to provide
21 for the needs of the child, and that such preparation
22 will be continued, as necessary, after the placement
23 of the child.”.

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

1 **Subtitle C—Medicaid Amendments**

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

4 (a) IN GENERAL.—Title XIX of the Social Security
5 Act is amended—

6 (1) in section 1902(a)(10)(A)(ii) (42 U.S.C.
7 1396a(a)(10)(A)(ii))—

8 (A) by striking “or” at the end of sub-
9 clause (XIII);

10 (B) by adding “or” at the end of subclause
11 (XIV); and

12 (C) by adding at the end the following new sub-
13 clause:

14 “(XV) who are independent fos-
15 ter care adolescents (as defined in
16 (section 1905(v)(1)), or who are with-
17 in any reasonable categories of such
18 adolescents specified by the State;”;
19 and

20 (2) by adding at the end of section 1905 (42
21 U.S.C. 1396d) the following new subsection:

22 “(v)(1) For purposes of this title, the term ‘inde-
23 pendent foster care adolescent’ means an individual—

24 “(A) who is under 21 years of age;

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

4 “(C) whose assets, resources, and income do
5 not exceed such levels (if any) as the State may es-
6 tablish consistent with paragraph (2).

7 “(2) The levels established by a State under para-
8 graph (1)(C) may not be less than the corresponding levels
9 applied by the State under section 1931(b).

10 “(3) A State may limit the eligibility of independent
11 foster care adolescents under section
12 1902(a)(10)(A)(ii)(XV) to those individuals with respect
13 to whom foster care maintenance payments or inde-
14 pendent living services were furnished under a program
15 funded under part E of title IV before the date the individ-
16 uals attained 18 years of age.”.

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

**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:

“(j) SUPPLEMENTAL GRANTS.—

“(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 grant 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 (d)(2) if sufficient funds had been available for the payment; exceeds

“(ii) the amount that, before the enactment of this subsection, was payable to

1 the State under this section during fiscal
2 year 1999 (on such basis); or

3 “(B) the amount that bears the same ratio
4 to the dollar amount specified in paragraph (2)
5 as the amount described by subparagraph (A)
6 for the State bears to the aggregate of the
7 amounts described by subparagraph (A) for all
8 States that are incentive-eligible States for fis-
9 cal year 1998.

10 “(2) FUNDING.—\$23,000,000 of the amounts
11 appropriated under subsection (h)(1) for fiscal year
12 2000 may be used for grants under paragraph (1)
13 of this subsection.”.

14 (b) LIMITATION ON AUTHORIZATION OF APPROPRIA-
15 TIONS.—Section 473A(h)(1) of the Social Security Act
16 (42 U.S.C. 673b(h)(1)) is amended to read as follows:

17 “(1) IN GENERAL.—For grants under sub-
18 section (a), there are authorized to be appropriated
19 to the Secretary—

20 “(A) \$20,000,000 for fiscal year 1999;

21 “(B) \$43,000,000 for fiscal year 2000; and

22 “(C) \$20,000,000 for each of fiscal years
23 2001 through 2003.”.

1 **TITLE II—SSI FRAUD**
2 **PREVENTION**
3 **Subtitle A—Fraud Prevention and**
4 **Related Provisions**

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

7 (a) AMENDMENT TO TITLE II.—Section 204(a)(2) of
8 the Social Security Act (42 U.S.C. 404(a)(2)) is amended
9 by adding at the end the following new sentence: “If any
10 payment of more than the correct amount is made to a
11 representative payee on behalf of an individual after the
12 individual’s death, the representative payee shall be liable
13 for the repayment of the overpayment, and the Commis-
14 sioner of Social Security shall establish an overpayment
15 control record under the social security account number
16 of the representative payee.”.

17 (b) AMENDMENT TO TITLE XVI.—Section
18 1631(b)(2) of such Act (42 U.S.C. 1383(b)(2)) is amend-
19 ed by adding at the end the following new sentence: “If
20 any payment of more than the correct amount is made
21 to a representative payee on behalf of an individual after
22 the individual’s death, the representative payee shall be
23 liable for the repayment of the overpayment, and the Com-
24 missioner of Social Security shall establish an overpay-

1 ment control record under the social security account
2 number of the representative payee.”.

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

6 **SEC. 202. RECOVERY OF OVERPAYMENTS OF SSI BENEFITS**
7 **FROM LUMP SUM SSI BENEFIT PAYMENTS.**

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

11 (1) by inserting “monthly” before “benefit pay-
12 ments”; and

13 (2) by inserting “and in the case of an indi-
14 vidual or eligible spouse to whom a lump sum is pay-
15 able under this title (including under section
16 1616(a) of this Act or under an agreement entered
17 into under section 212(a) of Public Law 93–66)
18 shall, as at least one means of recovering such over-
19 payment, make the adjustment or recovery from the
20 lump sum payment in an amount equal to not less
21 than the lesser of the amount of the overpayment or
22 50 percent of the lump sum payment,” before “un-
23 less fraud”.

24 (b) EFFECTIVE DATE.—The amendments made by
25 this section shall take effect 12 months after the date of

1 the enactment of this Act and shall apply to amounts in-
2 correctly paid which remain outstanding on or after such
3 date.

4 **SEC. 203. ADDITIONAL DEBT COLLECTION PRACTICES.**

5 (a) IN GENERAL.—Section 1631(b) of the Social Se-
6 curity Act (42 U.S.C. 1383(b)) is amended—

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

9 (2) by inserting after paragraph (3) the fol-
10 lowing:

11 “(4)(A) With respect to any delinquent amount, the
12 Commissioner of Social Security may use the collection
13 practices described in sections 3711(f), 3716, 3717, and
14 3718 of title 31, United States Code, and in section 5514
15 of title 5, United States Code, all as in effect immediately
16 after the enactment of the Debt Collection Improvement
17 Act of 1996.

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

20 “(i) in excess of the correct amount of payment
21 under this title;

22 “(ii) paid to a person after such person has at-
23 tained 18 years of age; and

24 “(iii) determined by the Commissioner of Social
25 Security, under regulations, to be otherwise unre-

1 coverable under this section after such person ceases
2 to be a beneficiary under this title.”.

3 (b) CONFORMING AMENDMENTS.—Section
4 3701(d)(2) of title 31, United States Code, is amended
5 by striking “section 204(f)” and inserting “sections 204(f)
6 and 1631(b)(4)”.

7 (c) TECHNICAL AMENDMENTS.—Section 204(f) of
8 the Social Security Act (42 U.S.C. 404(f)) is amended—

9 (1) by striking “3711(e)” and inserting
10 “3711(f)”; and

11 (2) by inserting “all” before “as in effect”.

12 (d) EFFECTIVE DATE.—The amendments made by
13 this section shall apply to debt outstanding on or after
14 the date of the enactment of this Act.

15 **SEC. 204. REQUIREMENT TO PROVIDE STATE PRISONER IN-**
16 **FORMATION TO FEDERAL AND FEDERALLY**
17 **ASSISTED BENEFIT PROGRAMS.**

18 Section 1611(e)(1)(I)(ii)(II) of the Social Security
19 Act (42 U.S.C. 1382(e)(1)(I)(ii)(II)) is amended by strik-
20 ing “is authorized to” and inserting “shall”.

1 **SEC. 205. RULES RELATING TO COLLECTION OF OVERPAY-**
2 **MENTS FROM INDIVIDUALS CONVICTED OF**
3 **CRIMES.**

4 (a) **WAIVERS INAPPLICABLE TO OVERPAYMENTS BY**
5 **REASON OF PAYMENT IN MONTHS IN WHICH BENE-**
6 **FICIARY IS A PRISONER OR A FUGITIVE.—**

7 (1) **AMENDMENT TO TITLE II.—**Section 204(b)
8 of the Social Security Act (42 U.S.C. 404(b)) is
9 amended—

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

11 (B) by adding at the end the following:

12 “(2) Paragraph (1) shall not apply with respect to
13 any payment to any person made during a month in which
14 such benefit was not payable under section 202(x).”.

15 (2) **AMENDMENT TO TITLE XVI.—**Section
16 1631(b)(1)(B)(i) of such Act (42 U.S.C.
17 1383(b)(1)(B)(i)) is amended by inserting “unless
18 (I) section 1611(e)(1) prohibits payment to the per-
19 son of a benefit under this title for the month by
20 reason of confinement of a type described in clause
21 (i) or (ii) of section 202(x)(1)(A), or (II) section
22 1611(e)(5) prohibits payment to the person of a
23 benefit under this title for the month,” after “ad-
24 ministration of this title,”.

25 (b) **TEN-YEAR PERIOD OF INELIGIBILITY FOR PER-**
26 **SONS FAILING TO NOTIFY COMMISSIONER OF OVERPAY-**

1 MENTS IN MONTHS IN WHICH BENEFICIARY IS A PRIS-
2 ONER OR A FUGITIVE OR FAILING TO COMPLY WITH RE-
3 PAYMENT SCHEDULE FOR SUCH OVERPAYMENTS.—

4 (1) AMENDMENT TO TITLE II.—Section 202(x)
5 of such Act (42 U.S.C. 402(x)) is amended by add-
6 ing at the end the following:

7 “(4)(A) No person shall be considered entitled to
8 monthly insurance benefits under this section based on the
9 person’s disability or to disability insurance benefits under
10 section 223 otherwise payable during the 10-year period
11 that begins on the date the person—

12 “(i) knowingly fails to timely notify the Com-
13 missioner of Social Security, in connection with any
14 application for benefits under this title, of any prior
15 receipt by such person of any benefit under this title
16 or title XVI in any month in which such benefit was
17 not payable under the preceding provisions of this
18 subsection; or

19 “(ii) knowingly fails to comply with any sched-
20 ule imposed by the Commissioner which is for repay-
21 ment of overpayments comprised of payments de-
22 scribed in subparagraph (A) and which is in compli-
23 ance with section 204.

24 “(B) The Commissioner of Social Security shall, in
25 addition to any other relevant factors, take into account

1 any mental or linguistic limitations of a person (including
2 any lack of facility with the English language) in deter-
3 mining whether the person has knowingly failed to comply
4 with a requirement of clause (i) or (ii) of subparagraph
5 (A).”.

6 (2) AMENDMENT TO TITLE XVI.—Section
7 1611(e)(1) of such Act (42 U.S.C. 1382(e)(1)) is
8 amended by adding at the end the following:

9 “(J)(i) A person shall not be considered an eligible
10 individual or eligible spouse for purposes of benefits under
11 this title by reason of disability, during the 10-year period
12 that begins on the date the person—

13 “(I) knowingly fails to timely notify the Com-
14 missioner of Social Security, in an application for
15 benefits under this title, of any prior receipt by the
16 person of a benefit under this title or title II in a
17 month in which payment to the person of a benefit
18 under this title was prohibited by—

19 “(aa) the preceding provisions of this para-
20 graph by reason of confinement of a type de-
21 scribed in clause (i) or (ii) of section
22 202(x)(1)(A); or

23 “(bb) section 1611(e)(4); or

24 “(II) knowingly fails to comply with any sched-
25 ule imposed by the Commissioner which is for repay-

1 ment of overpayments comprised of payments de-
2 scribed in clause (i) of this subparagraph and which
3 is in compliance with section 1631(b).

4 “(ii) The Commissioner of Social Security shall, in
5 addition to any other relevant factors, take into account
6 any mental or linguistic limitations of a person (including
7 any lack of facility with the English language) in deter-
8 mining whether the person has knowingly failed to comply
9 with a requirement of subclause (I) or (II) of clause (i).”.

10 (c) CONTINUED COLLECTION EFFORTS AGAINST
11 PRISONERS.—

12 (1) AMENDMENT TO TITLE II.—Section 204(b)
13 of such Act (42 U.S.C. 404(b)), as amended by sub-
14 section (a)(1) of this section, is amended further by
15 adding at the end the following new paragraph:

16 “(3) The Commissioner shall not refrain from recov-
17 ering overpayments from resources currently available to
18 any overpaid person or to such person’s estate solely be-
19 cause such individual is confined as described in clause
20 (i) or (ii) of section 202(x)(1)(A).”.

21 (2) AMENDMENT TO TITLE XVI.—Section
22 1631(b)(1)(A) of such Act (42 U.S.C.
23 1383(b)(1)(A)) is amended by adding after and
24 below clause (ii) the following flush left sentence:

1 “The Commissioner shall not refrain from recovering over-
 2 payments from resources currently available to any indi-
 3 vidual solely because the individual is confined as de-
 4 scribed in clause (i) or (ii) of section 202(x)(1)(A).”.

5 (d) EFFECTIVE DATE.—The amendments made by
 6 this section shall apply to overpayments made in, and to
 7 benefits payable for, months beginning 24 months or more
 8 after the date of the enactment of this Act.

9 **SEC. 206. TREATMENT OF ASSETS HELD IN TRUST UNDER**
 10 **THE SSI PROGRAM.**

11 (a) TREATMENT AS RESOURCE.—Section 1613 of the
 12 Social Security Act (42 U.S.C. 1382b) is amended by add-
 13 ing at the end the following:

14 “Trusts

15 “(e)(1) In determining the resources of an individual,
 16 paragraph (3) shall apply to a trust (other than a trust
 17 described in paragraph (5)) established by the individual.

18 “(2)(A) For purposes of this subsection, an individual
 19 shall be considered to have established a trust if any assets
 20 of the individual (or of the individual’s spouse) are trans-
 21 ferred to the trust other than by will.

22 “(B) In the case of an irrevocable trust to which are
 23 transferred the assets of an individual (or of the individ-
 24 ual’s spouse) and the assets of any other person, this sub-
 25 section shall apply to the portion of the trust attributable

1 to the assets of the individual (or of the individual's
2 spouse).

3 “(C) This subsection shall apply to a trust without
4 regard to—

5 “(i) the purposes for which the trust is estab-
6 lished;

7 “(ii) whether the trustees have or exercise any
8 discretion under the trust;

9 “(iii) any restrictions on when or whether dis-
10 tributions may be made from the trust; or

11 “(iv) any restrictions on the use of distributions
12 from the trust.

13 “(3)(A) In the case of a revocable trust established
14 by an individual, the corpus of the trust shall be consid-
15 ered a resource available to the individual.

16 “(B) In the case of an irrevocable trust established
17 by an individual, if there are any circumstances under
18 which payment from the trust could be made to or for
19 the benefit of the individual or the individual's spouse, the
20 portion of the corpus from which payment to or for the
21 benefit of the individual or the individual's spouse could
22 be made shall be considered a resource available to the
23 individual.

24 “(4) The Commissioner of Social Security may waive
25 the application of this subsection with respect to an indi-

1 vidual if the Commissioner determines that such applica-
2 tion would work an undue hardship (as determined on the
3 basis of criteria established by the Commissioner) on the
4 individual.

5 “(5) This subsection shall not apply to a trust de-
6 scribed in subparagraph (A) or (C) of section 1917(d)(4).

7 “(6) For purposes of this subsection—

8 “(A) the term ‘trust’ includes any legal instru-
9 ment or device that is similar to a trust;

10 “(B) the term ‘corpus’ means, with respect to
11 a trust, all property and other interests held by the
12 trust, including accumulated earnings and any other
13 addition to the trust after its establishment (except
14 that such term does not include any such earnings
15 or addition in the month in which the earnings or
16 addition is credited or otherwise transferred to the
17 trust); and

18 “(C) the term ‘asset’ includes any income or re-
19 source of the individual or of the individual’s spouse,
20 including—

21 “(i) any income excluded by section
22 1612(b);

23 “(ii) any resource otherwise excluded by
24 this section; and

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

5 “(I) the individual or spouse;

6 “(II) a person or entity (including a
7 court) with legal authority to act in place
8 of, or on behalf of, the individual or
9 spouse; or

10 “(III) a person or entity (including a
11 court) acting at the direction of, or on the
12 request of, the individual or spouse.”.

13 (b) TREATMENT AS INCOME.—Section 1612(a)(2) of
14 such Act (42 U.S.C. 1382a(a)(2)) is amended—

15 (1) by striking “and” at the end of subpara-
16 graph (E);

17 (2) by striking the period at the end of sub-
18 paragraph (F) and inserting “; and”; and

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

20 “(G) any earnings of, and additions to, the cor-
21 pus of a trust established by an individual (within
22 the meaning of section 1613(e)), of which the indi-
23 vidual is a beneficiary, to which section 1613(e) ap-
24 plies, and, in the case of an irrevocable trust, with
25 respect to which circumstances exist under which a

1 payment from the earnings or additions could be
2 made to or for the benefit of the individual.”.

3 (c) CONFORMING AMENDMENTS.—Section
4 1902(a)(10) of the Social Security Act (42 U.S.C.
5 1396a(a)(10)) is amended—

6 (1) by striking “and” at the end of subpara-
7 graph (E);

8 (2) by adding “and” at the end of subpara-
9 graph (F); and

10 (3) by inserting after subparagraph (F) the fol-
11 lowing:

12 “(G) that, in applying eligibility criteria of
13 the supplemental security income program
14 under title XVI for purposes of determining eli-
15 gibility for medical assistance under the State
16 plan of an individual who is not receiving sup-
17 plemental security income, the State will dis-
18 regard the provisions of section 1613(e);”.

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

22 **SEC. 207. DISPOSAL OF RESOURCES FOR LESS THAN FAIR**
23 **MARKET VALUE UNDER THE SSI PROGRAM.**

24 (a) IN GENERAL.—Section 1613(c) of the Social Se-
25 curity Act (42 U.S.C. 1382b(c)) is amended—

1 (1) in the caption, by striking “Notification of
2 Medicaid Policy Restricting Eligibility of Institu-
3 tionalized Individuals for Benefits Based on”;

4 (2) in paragraph (1)—

5 (A) in subparagraph (A)—

6 (i) by inserting “paragraph (1) and”
7 after “provisions of”;

8 (ii) by striking “title XIX” the first
9 place it appears and inserting “this title
10 and title XIX, respectively,”;

11 (iii) by striking “subparagraph (B)”
12 and inserting “clause (ii)”;

13 (iv) by striking “paragraph (2)” and
14 inserting “subparagraph (B)”;

15 (B) in subparagraph (B)—

16 (i) by striking “by the State agency”;
17 and

18 (ii) by striking “section 1917(c)” and
19 all that follows and inserting “paragraph
20 (1) or section 1917(c).”; and

21 (C) by redesignating subparagraphs (A)
22 and (B) as clauses (i) and (ii), respectively;

23 (3) in paragraph (2)—

24 (A) by striking “(2)” and inserting “(B)”;

25 and

1 (B) by striking “paragraph (1)(B)” and
2 inserting “subparagraph (A)(ii)”;

3 (4) by striking “(c)(1)” and inserting “(2)(A)”;
4 and

5 (5) by inserting before paragraph (2) (as so re-
6 designated by paragraph (4) of this subsection) the
7 following:

8 “(c)(1)(A)(i) If an individual or the spouse of an indi-
9 vidual disposes of resources for less than fair market value
10 on or after the look-back date described in clause (ii)(I),
11 the individual is ineligible for benefits under this title for
12 months during the period beginning on the date described
13 in clause (iii) and equal to the number of months cal-
14 culated as provided in clause (iv).

15 “(ii)(I) The look-back date described in this sub-
16 clause is a date that is 36 months before the date de-
17 scribed in subclause (II).

18 “(II) The date described in this subclause is the date
19 on which the individual applies for benefits under this title
20 or, if later, the date on which the individual (or the spouse
21 of the individual) disposes of resources for less than fair
22 market value.

23 “(iii) The date described in this clause is the first
24 day of the first month in or after which resources were
25 disposed of for less than fair market value and which does

1 not occur in any other period of ineligibility under this
2 paragraph.

3 “(iv) The number of months calculated under this
4 clause shall be equal to—

5 “(I) the total, cumulative uncompensated value
6 of all resources so disposed of by the individual (or
7 the spouse of the individual) on or after the look-
8 back date described in clause (ii)(I); divided by

9 “(II) the amount of the maximum monthly ben-
10 efit payable under section 1611(b), plus the amount
11 (if any) of the maximum State supplementary pay-
12 ment corresponding to the State’s payment level ap-
13 plicable to the individual’s living arrangement and
14 eligibility category that would otherwise be payable
15 to the individual by the Commissioner pursuant to
16 an agreement under section 1616(a) of this Act or
17 section 212(b) of Public Law 93-66, for the month
18 in which occurs the date described in clause (ii)(II),
19 rounded, in the case of any fraction, to the nearest whole
20 number, but shall not in any case exceed 36 months.

21 “(B)(i) Notwithstanding subparagraph (A), this sub-
22 section shall not apply to a transfer of a resource to a
23 trust if the portion of the trust attributable to the resource
24 is considered a resource available to the individual pursu-

1 ant to subsection (e)(3) (or would be so considered but
2 for the application of subsection (e)(4)).

3 “(ii) In the case of a trust established by an indi-
4 vidual or an individual’s spouse (within the meaning of
5 subsection (e)), if from such portion of the trust, if any,
6 that is considered a resource available to the individual
7 pursuant to subsection (e)(3) (or would be so considered
8 but for the application of subsection (e)(4)) or the residue
9 of the portion on the termination of the trust—

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

12 “(II) no payment could under any circumstance
13 be made to the individual,

14 then, for purposes of this subsection, the payment de-
15 scribed in clause (I) or the foreclosure of payment de-
16 scribed in clause (II) shall be considered a transfer of re-
17 sources by the individual or the individual’s spouse as of
18 the date of the payment or foreclosure, as the case may
19 be.

20 “(C) An individual shall not be ineligible for benefits
21 under this title by reason of the application of this para-
22 graph to a disposal of resources by the individual or the
23 spouse of the individual, to the extent that—

24 “(i) the resources are a home and title to the
25 home was transferred to—

1 “(I) the spouse of the transferor;

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

4 “(III) a sibling of the transferor who has
5 an equity interest in such home and who was
6 residing in the transferor’s home for a period of
7 at least 1 year immediately before the date the
8 transferor becomes an institutionalized indi-
9 vidual; or

10 “(IV) a son or daughter of the transferor
11 (other than a child described in subclause (II))
12 who was residing in the transferor’s home for
13 a period of at least 2 years immediately before
14 the date the transferor becomes an institu-
15 tionalized individual, and who provided care to
16 the transferor which permitted the transferor to
17 reside at home rather than in such an institu-
18 tion or facility;

19 “(ii) the resources—

20 “(I) were transferred to the transferor’s
21 spouse or to another for the sole benefit of the
22 transferor’s spouse;

23 “(II) were transferred from the trans-
24 feror’s spouse to another for the sole benefit of
25 the transferor’s spouse;

1 “(III) were transferred to, or to a trust
2 (including a trust described in section
3 1917(d)(4)) established solely for the benefit of,
4 the transferor’s child who is blind or disabled;
5 or

6 “(IV) were transferred to a trust (includ-
7 ing a trust described in section 1917(d)(4)) es-
8 tablished solely for the benefit of an individual
9 who has not attained 65 years of age and who
10 is disabled;

11 “(iii) a satisfactory showing is made to the
12 Commissioner of Social Security (in accordance with
13 regulations promulgated by the Commissioner)
14 that—

15 “(I) the individual who disposed of the re-
16 sources intended to dispose of the resources ei-
17 ther at fair market value, or for other valuable
18 consideration;

19 “(II) the resources were transferred exclu-
20 sively for a purpose other than to qualify for
21 benefits under this title; or

22 “(III) all resources transferred for less
23 than fair market value have been returned to
24 the transferor; or

1 “(iv) the Commissioner determines, under pro-
2 cedures established by the Commissioner, that the
3 denial of eligibility would work an undue hardship as
4 determined on the basis of criteria established by the
5 Commissioner.

6 “(D) For purposes of this subsection, in the case of
7 a resource held by an individual in common with another
8 person or persons in a joint tenancy, tenancy in common,
9 or similar arrangement, the resource (or the affected por-
10 tion of such resource) shall be considered to be disposed
11 of by the individual when any action is taken, either by
12 the individual or by any other person, that reduces or
13 eliminates the individual’s ownership or control of such re-
14 source.

15 “(E) In the case of a transfer by the spouse of an
16 individual that results in a period of ineligibility for the
17 individual under this subsection, the Commissioner shall
18 apportion the period (or any portion of the period) among
19 the individual and the individual’s spouse if the spouse be-
20 comes eligible for benefits under this title.

21 “(F) For purposes of this paragraph—

22 “(i) the term ‘benefits under this title’ includes
23 payments of the type described in section 1616(a) of
24 this Act and of the type described in section 212(b)
25 of Public Law 93–66;

1 “(ii) the term ‘institutionalized individual’ has
2 the meaning given such term in section 1917(e)(3);
3 and

4 “(iii) the term ‘trust’ has the meaning given
5 such term in subsection (e)(6)(A) of this section.”.

6 (b) CONFORMING AMENDMENT.—Section
7 1902(a)(10) of the Social Security Act (42 U.S.C.
8 1396a(a)(10)), as amended by section 206(c) of this Act,
9 is amended by striking “section 1613(e)” and inserting
10 “subsections (c) and (e) of section 1613”.

11 (c) EFFECTIVE DATE.—The amendments made by
12 this section shall be effective with respect to disposals
13 made on or after the date of the enactment of this Act.

14 **SEC. 208. ADMINISTRATIVE PROCEDURE FOR IMPOSING**
15 **PENALTIES FOR FALSE OR MISLEADING**
16 **STATEMENTS.**

17 (a) IN GENERAL.—Part A of title XI of the Social
18 Security Act (42 U.S.C. 1301 et seq.) is amended by in-
19 serting after section 1129 the following:

20 **“SEC. 1129A. ADMINISTRATIVE PROCEDURE FOR IMPOSING**
21 **PENALTIES FOR FALSE OR MISLEADING**
22 **STATEMENTS.**

23 “(a) IN GENERAL.—Any person who makes, or
24 causes to be made, a statement or representation of a ma-

1 terial fact for use in determining any initial or continuing
2 right to or the amount of—

3 “(1) monthly insurance benefits under title II;
4 or

5 “(2) benefits or payments under title XVI,
6 that the person knows or should know is false or mis-
7 leading or knows or should know omits a material fact
8 or makes such a statement with knowing disregard for the
9 truth shall be subject to, in addition to any other penalties
10 that may be prescribed by law, a penalty described in sub-
11 section (b) to be imposed by the Commissioner of Social
12 Security.

13 “(b) PENALTY.—The penalty described in this sub-
14 section is—

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

17 “(2) ineligibility for cash benefits under title
18 XVI,

19 for each month that begins during the applicable period
20 described in subsection (c).

21 “(c) DURATION OF PENALTY.—The duration of the
22 applicable period, with respect to a determination by the
23 Commissioner under subsection (a) that a person has en-
24 gaged in conduct described in subsection (a), shall be—

1 “(1) six consecutive months, in the case of a
2 first such determination with respect to the person;

3 “(2) twelve consecutive months, in the case of
4 a second such determination with respect to the per-
5 son; and

6 “(3) twenty-four consecutive months, in the
7 case of a third or subsequent such determination
8 with respect to the person.

9 “(d) EFFECT ON OTHER ASSISTANCE.—A person
10 subject to a period of nonpayment of benefits under title
11 II or ineligibility for title XVI benefits by reason of this
12 section nevertheless shall be considered to be eligible for
13 and receiving such benefits, to the extent that the person
14 would be receiving or eligible for such benefits but for the
15 imposition of the penalty, for purposes of—

16 “(1) determination of the eligibility of the per-
17 son for benefits under titles XVIII and XIX; and

18 “(2) determination of the eligibility or amount
19 of benefits payable under title II or XVI to another
20 person.

21 “(e) DEFINITION.—In this section, the term ‘benefits
22 under title XVI’ includes State supplementary payments
23 made by the Commissioner pursuant to an agreement
24 under section 1616(a) of this Act or section 212(b) of
25 Public Law 93–66.

1 “(f) CONSULTATIONS.—The Commissioner of Social
2 Security shall consult with the Inspector General of the
3 Social Security Administration regarding initiating actions
4 under this section.”.

5 (b) CONFORMING AMENDMENT PRECLUDING DE-
6 LAYED RETIREMENT CREDIT FOR ANY MONTH TO WHICH
7 A NONPAYMENT OF BENEFITS PENALTY APPLIES.—Sec-
8 tion 202(w)(2)(B) of such Act (42 U.S.C. 402(w)(2)(B))
9 is amended—

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

11 (2) by striking the period at the end of clause

12 (ii) and inserting “, and”; and

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

14 “(iii) such individual was not subject to a
15 penalty imposed under section 1129A.”.

16 (c) ELIMINATION OF REDUNDANT PROVISION.—Sec-
17 tion 1611(e) of such Act (42 U.S.C. 1382(e)) is
18 amended—

19 (1) by striking paragraph (4);

20 (2) in paragraph (6)(A)(i), by striking “(5)”
21 and inserting “(4)”; and

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

24 (d) REGULATIONS.—Within 6 months after the date
25 of the enactment of this Act, the Commissioner of Social

1 Security shall develop regulations that prescribe the ad-
 2 ministrative process for making determinations under sec-
 3 tion 1129A of the Social Security Act (including when the
 4 applicable period in subsection (c) of such section shall
 5 commence), and shall provide guidance on the exercise of
 6 discretion as to whether the penalty should be imposed
 7 in particular cases.

8 (e) EFFECTIVE DATE.—The amendments made by
 9 this section shall apply to statements and representations
 10 made on or after the date of the enactment of this Act.

11 **SEC. 209. EXCLUSION OF REPRESENTATIVES AND HEALTH**
 12 **CARE PROVIDERS CONVICTED OF VIOLA-**
 13 **TIONS FROM PARTICIPATION IN SOCIAL SE-**
 14 **CURITY PROGRAMS.**

15 (a) IN GENERAL.—Part A of title XI of the Social
 16 Security Act (42 U.S.C. 1301–1320b–17) is amended by
 17 adding at the end the following:

18 “EXCLUSION OF REPRESENTATIVES AND HEALTH CARE
 19 PROVIDERS CONVICTED OF VIOLATIONS FROM PAR-
 20 TICIPATION IN SOCIAL SECURITY PROGRAMS

21 “SEC. 1148. (a) IN GENERAL.—The Commissioner
 22 of Social Security shall exclude from participation in the
 23 social security programs any representative or health care
 24 provider—

25 “(1) who is convicted of a violation of section
 26 208 or 1632 of this Act;

1 “(2) who is convicted of any violation under
2 title 18, United States Code, relating to an initial
3 application for or continuing entitlement to, or
4 amount of, benefits under title II of this Act, or an
5 initial application for or continuing eligibility for, or
6 amount of, benefits under title XVI of this Act; or

7 “(3) who the Commissioner determines has
8 committed an offense described in section
9 1129(a)(1) of this Act.

10 “(b) NOTICE, EFFECTIVE DATE, AND PERIOD OF
11 EXCLUSION.—(1) An exclusion under this section shall be
12 effective at such time, for such period, and upon such rea-
13 sonable notice to the public and to the individual excluded
14 as may be specified in regulations consistent with para-
15 graph (2).

16 “(2) Such an exclusion shall be effective with respect
17 to services furnished to any individual on or after the ef-
18 fective date of the exclusion. Nothing in this section may
19 be construed to preclude, in determining disability under
20 title II or title XVI, consideration of any medical evidence
21 derived from services provided by a health care provider
22 before the effective date of the exclusion of the health care
23 provider under this section.

1 “(3)(A) The Commissioner shall specify, in the notice
2 of exclusion under paragraph (1), the period of the exclu-
3 sion.

4 “(B) Subject to subparagraph (C), in the case of an
5 exclusion under subsection (a), the minimum period of ex-
6 clusion shall be five years, except that the Commissioner
7 may waive the exclusion in the case of an individual who
8 is the sole source of essential services in a community. The
9 Commissioner’s decision whether to waive the exclusion
10 shall not be reviewable.

11 “(C) In the case of an exclusion of an individual
12 under subsection (a) based on a conviction or a determina-
13 tion described in subsection (a)(3) occurring on or after
14 the date of the enactment of this section, if the individual
15 has (before, on, or after such date of the enactment) been
16 convicted, or if such a determination has been made with
17 respect to the individual—

18 “(i) on one previous occasion of one or more of-
19 fenses for which an exclusion may be effected under
20 such subsection, the period of the exclusion shall be
21 not less than 10 years; or

22 “(ii) on two or more previous occasions of one
23 or more offenses for which an exclusion may be ef-
24 fected under such subsection, the period of the ex-
25 clusion shall be permanent.

1 “(c) NOTICE TO STATE AGENCIES.—The Commis-
2 sioner shall promptly notify each appropriate State agency
3 employed for the purpose of making disability determina-
4 tions under section 221 or 1633(a)—

5 “(1) of the fact and circumstances of each ex-
6 clusion effected against an individual under this sec-
7 tion; and

8 “(2) of the period (described in subsection
9 (b)(3)) for which the State agency is directed to ex-
10 clude the individual from participation in the activi-
11 ties of the State agency in the course of its employ-
12 ment.

13 “(d) NOTICE TO STATE LICENSING AGENCIES.—The
14 Commissioner shall—

15 “(1) promptly notify the appropriate State or
16 local agency or authority having responsibility for
17 the licensing or certification of an individual ex-
18 cluded from participation under this section of the
19 fact and circumstances of the exclusion;

20 “(2) request that appropriate investigations be
21 made and sanctions invoked in accordance with ap-
22 plicable State law and policy; and

23 “(3) request that the State or local agency or
24 authority keep the Commissioner and the Inspector
25 General of the Social Security Administration fully

1 and currently informed with respect to any actions
2 taken in response to the request.

3 “(e) NOTICE, HEARING, AND JUDICIAL REVIEW.—

4 (1) Any individual who is excluded (or directed to be ex-
5 cluded) from participation under this section is entitled
6 to reasonable notice and opportunity for a hearing thereon
7 by the Commissioner to the same extent as is provided
8 in section 205(b), and to judicial review of the Commis-
9 sioner’s final decision after such hearing as is provided
10 in section 205(g).

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

14 “(f) APPLICATION FOR TERMINATION OF EXCLU-
15 SION.—(1) An individual excluded from participation
16 under this section may apply to the Commissioner, in the
17 manner specified by the Commissioner in regulations and
18 at the end of the minimum period of exclusion provided
19 under subsection (b)(3) and at such other times as the
20 Commissioner may provide, for termination of the exclu-
21 sion effected under this section.

22 “(2) The Commissioner may terminate the exclusion
23 if the Commissioner determines, on the basis of the con-
24 duct of the applicant which occurred after the date of the

1 notice of exclusion or which was unknown to the Commis-
2 sioner at the time of the exclusion, that—

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

5 “(B) there are reasonable assurances that the
6 types of actions which formed the basis for the origi-
7 nal exclusion have not recurred and will not recur.

8 “(3) The Commissioner shall promptly notify each
9 State agency employed for the purpose of making dis-
10 ability determinations under section 221 or 1633(a) of the
11 fact and circumstances of each termination of exclusion
12 made under this subsection.

13 “(g) AVAILABILITY OF RECORDS OF EXCLUDED
14 REPRESENTATIVES AND HEALTH CARE PROVIDERS.—
15 Nothing in this section shall be construed to have the ef-
16 fect of limiting access by any applicant or beneficiary
17 under title II or XVI, any State agency acting under sec-
18 tion 221 or 1633(a), or the Commissioner to records main-
19 tained by any representative or health care provider in
20 connection with services provided to the applicant or bene-
21 ficiary prior to the exclusion of such representative or
22 health care provider under this section.

23 “(h) REPORTING REQUIREMENT.—Any representa-
24 tive or health care provider participating in, or seeking
25 to participate in, a social security program shall inform

1 the Commissioner, in such form and manner as the Com-
2 missioner shall prescribe by regulation, whether such rep-
3 resentative or health care provider has been convicted of
4 a violation described in subsection (a).

5 “(i) DELEGATION OF AUTHORITY.—The Commis-
6 sioner may delegate authority granted by this section to
7 the Inspector General.

8 “(j) DEFINITIONS.—For purposes of this section:

9 “(1) EXCLUDE.—The term ‘exclude’ from par-
10 ticipation means—

11 “(A) in connection with a representative,
12 to prohibit from engaging in representation of
13 an applicant for, or recipient of, benefits, as a
14 representative payee under section 205(j) or
15 1631(a)(2)(A)(ii), or otherwise as a representa-
16 tive, in any hearing or other proceeding relating
17 to entitlement to benefits; and

18 “(B) in connection with a health care pro-
19 vider, to prohibit from providing items or serv-
20 ices to an applicant for, or recipient of, benefits
21 for the purpose of assisting such applicant or
22 recipient in demonstrating disability.

23 “(2) SOCIAL SECURITY PROGRAM.—The term
24 ‘social security programs’ means the program pro-
25 viding for monthly insurance benefits under title II,

1 and the program providing for monthly supplemental
2 security income benefits to individuals under title
3 XVI (including State supplementary payments made
4 by the Commissioner pursuant to an agreement
5 under section 1616(a) of this Act or section 212(b)
6 of Public Law 93-66).

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

9 “(A) when a judgment of conviction has
10 been entered against the individual by a Fed-
11 eral, State, or local court, except if the judg-
12 ment of conviction has been set aside or ex-
13 punged;

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

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

20 “(D) when the individual has entered into
21 participation in a first offender, deferred adju-
22 dication, or other arrangement or program
23 where judgment of conviction has been with-
24 held.”.

1 (b) EFFECTIVE DATE.—The amendment made by
2 this section shall apply with respect to convictions of viola-
3 tions described in paragraphs (1) and (2) of section
4 1148(a) of the Social Security Act and determinations de-
5 scribed in paragraph (3) of such section occurring on or
6 after the date of the enactment of this Act.

7 **SEC. 210. STATE DATA EXCHANGES.**

8 Whenever the Commissioner of Social Security re-
9 quests information from a State for the purpose of
10 ascertaining an individual's eligibility for benefits (or the
11 correct amount of such benefits) under title II or XVI of
12 the Social Security Act, the standards of the Commis-
13 sioner promulgated pursuant to section 1106 of such Act
14 or any other Federal law for the use, safeguarding, and
15 disclosure of information are deemed to meet any stand-
16 ards of the State that would otherwise apply to the disclo-
17 sure of information by the State to the Commissioner.

18 **SEC. 211. STUDY ON POSSIBLE MEASURES TO IMPROVE**
19 **FRAUD PREVENTION AND ADMINISTRATIVE**
20 **PROCESSING.**

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

1 (1) prevention of fraud on the part of individ-
2 uals entitled to disability benefits under section 223
3 of the Social Security Act or benefits under section
4 202 of such Act based on the beneficiary's disability,
5 individuals eligible for supplemental security income
6 benefits under title XVI of such Act, and applicants
7 for any such benefits; and

8 (2) timely processing of reported income
9 changes by individuals receiving such benefits.

10 (b) REPORT.—Not later than 1 year after the date
11 of the enactment of this Act, the Commissioner shall sub-
12 mit to the Committee on Ways and Means of the House
13 of Representatives and the Committee on Finance of the
14 Senate a written report that contains the results of the
15 Commissioner's study under subsection (a). The report
16 shall contain such recommendations for legislative and ad-
17 ministrative changes as the Commissioner considers ap-
18 propriate.

19 **SEC. 212. ANNUAL REPORT ON AMOUNTS NECESSARY TO**
20 **COMBAT FRAUD.**

21 (a) IN GENERAL.—Section 704(b)(1) of the Social
22 Security Act (42 U.S.C. 904(b)(1)) is amended—

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

24 (2) by adding at the end the following new sub-
25 paragraph:

1 “(B) The Commissioner shall include in the annual
2 budget prepared pursuant to subparagraph (A) an
3 itemization of the amount of funds required by the Social
4 Security Administration for the fiscal year covered by the
5 budget to support efforts to combat fraud committed by
6 applicants and beneficiaries.”.

7 (b) EFFECTIVE DATE.—The amendments made by
8 this section shall apply with respect to annual budgets pre-
9 pared for fiscal years after fiscal year 1999.

10 **SEC. 213. COMPUTER MATCHES WITH MEDICARE AND MED-**
11 **ICAID INSTITUTIONALIZATION DATA.**

12 (a) IN GENERAL.—Section 1611(e)(1) of the Social
13 Security Act (42 U.S.C. 1382(e)(1)), as amended by sec-
14 tion 205(b)(2) of this Act, is further amended by adding
15 at the end the following:

16 “(K) For the purpose of carrying out this paragraph,
17 the Commissioner of Social Security shall conduct periodic
18 computer matches with data maintained by the Secretary
19 of Health and Human Services under title XVIII or XIX.
20 The Secretary shall furnish to the Commissioner, in such
21 form and manner and under such terms as the Commis-
22 sioner and the Secretary shall mutually agree, such infor-
23 mation as the Commissioner may request for this purpose.
24 Information obtained pursuant to such a match may be

1 substituted for the physician's certification otherwise re-
2 quired under subparagraph (G)(i).”.

3 (b) CONFORMING AMENDMENT.—Section
4 1611(e)(1)(G) of such Act (42 U.S.C. 1382(e)(1)(G)) is
5 amended by striking “subparagraph (H)” and inserting
6 “subparagraph (H) or (K)”.

7 **SEC. 214. ACCESS TO INFORMATION HELD BY FINANCIAL**
8 **INSTITUTIONS.**

9 Section 1631(e)(1)(B) of the Social Security Act (42
10 U.S.C. 1383(e)(1)(B)) is amended—

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

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

15 “(ii)(I) The Commissioner of Social Security may re-
16 quire each applicant for, or recipient of, benefits under
17 this title to provide authorization by the applicant or re-
18 cipient (or by any other person whose income or resources
19 are material to the determination of the eligibility of the
20 applicant or recipient for such benefits) for the Commis-
21 sioner to obtain (subject to the cost reimbursement re-
22 quirements of section 1115(a) of the Right to Financial
23 Privacy Act) from any financial institution (within the
24 meaning of section 1101(1) of such Act) any financial
25 record (within the meaning of section 1101(2) of such

1 Act) held by the institution with respect to the applicant
2 or recipient (or any such other person) whenever the Com-
3 missioner determines the record is needed in connection
4 with a determination with respect to such eligibility or the
5 amount of such benefits.

6 “(II) Notwithstanding section 1104(a)(1) of the
7 Right to Financial Privacy Act, an authorization provided
8 by an applicant or recipient (or any other person whose
9 income or resources are material to the determination of
10 the eligibility of the applicant or recipient) pursuant to
11 subclause (I) of this clause shall remain effective until the
12 earliest of—

13 “(aa) the rendering of a final adverse decision
14 on the applicant’s application for eligibility for bene-
15 fits under this title;

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

18 “(cc) the express revocation by the applicant or
19 recipient (or such other person referred to in sub-
20 clause (I)) of the authorization, in a written notifica-
21 tion to the Commissioner.

22 “(III)(aa) An authorization obtained by the Commis-
23 sioner of Social Security pursuant to this clause shall be
24 considered to meet the requirements of the Right to Fi-
25 nancial Privacy Act for purposes of section 1103(a) of

1 such Act, and need not be furnished to the financial insti-
2 tution, notwithstanding section 1104(a) of such Act.

3 “(bb) The certification requirements of section
4 1103(b) of the Right to Financial Privacy Act shall not
5 apply to requests by the Commissioner of Social Security
6 pursuant to an authorization provided under this clause.

7 “(cc) A request by the Commissioner pursuant to an
8 authorization provided under this clause is deemed to meet
9 the requirements of section 1104(a)(3) of the Right to Fi-
10 nancial Privacy Act and the flush language of section
11 1102 of such Act.

12 “(IV) The Commissioner shall inform any person who
13 provides authorization pursuant to this clause of the dura-
14 tion and scope of the authorization.

15 “(V) If an applicant for, or recipient of, benefits
16 under this title (or any such other person referred to in
17 subclause (I)) refuses to provide, or revokes, any author-
18 ization made by the applicant or recipient for the Commis-
19 sioner of Social Security to obtain from any financial insti-
20 tution any financial record, the Commissioner may, on
21 that basis, determine that the applicant or recipient is in-
22 eligible for benefits under this title.”.

1 **Subtitle B—Special Benefits For**
 2 **Certain World War II Veterans**

3 **SEC. 251. ESTABLISHMENT OF PROGRAM OF SPECIAL BEN-**
 4 **EFITS FOR CERTAIN WORLD WAR II VET-**
 5 **ERANS.**

6 (a) IN GENERAL.—The Social Security Act is amend-
 7 ed by inserting after title VII the following:

8 **“TITLE VIII—SPECIAL BENEFITS**
 9 **FOR CERTAIN WORLD WAR II**
 10 **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. 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.

11 **“SEC. 801. BASIC ENTITLEMENT TO BENEFITS.**

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

1 **“SEC. 802. QUALIFIED INDIVIDUALS.**

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

4 “(1) who has attained the age of 65 on or be-
5 fore the date of the enactment of this title;

6 “(2) who is a World War II veteran;

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

9 “(A) the month in which this title is en-
10 acted; and

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

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

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

17 “(6) who is in compliance with all requirements
18 imposed by the Commissioner of Social Security
19 under this title,

20 shall be a qualified individual for purposes of this title.

21 **“SEC. 803. RESIDENCE OUTSIDE THE UNITED STATES.**

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

1 **"SEC. 804. DISQUALIFICATIONS.**

2 "Notwithstanding section 802, an individual may not
3 be a qualified individual for any month—

4 “(1) that begins after the month in which the
5 Commissioner of Social Security is notified by the
6 Attorney General that the individual has been re-
7 moved from the United States pursuant to section
8 237(a) of the Immigration and Nationality Act and
9 before the month in which the Commissioner of So-
10 cial Security is notified by the Attorney General that
11 the individual is lawfully admitted to the United
12 States for permanent residence;

13 “(2) during any part of which the individual is
14 outside the United States due to flight to avoid pros-
15 ecution, or custody or confinement after conviction,
16 under the laws of the United States or the jurisdic-
17 tion within the United States from which the person
18 has fled, for a crime, or an attempt to commit a
19 crime, that is a felony under the laws of the place
20 from which the individual has fled, or which, in the
21 case of the State of New Jersey, is a high mis-
22 demeanor under the laws of such State;

23 “(3) during any part of which which the indi-
24 vidual violates a condition of probation or parole im-
25 posed under Federal or State law; or

1 “(4) during any part of which the individual is
2 confined in a jail, prison, or other penal institution
3 or correctional facility pursuant to a conviction of an
4 offense.

5 **“SEC. 805. BENEFIT AMOUNT.**

6 “The benefit under this title payable to a qualified
7 individual for any month shall be in an amount equal to
8 75 percent of the Federal benefit rate under title XVI for
9 the month, reduced by the amount of the qualified individ-
10 ual’s benefit income for the month.

11 **“SEC. 806. APPLICATIONS AND FURNISHING OF INFORMA-**
12 **TION.**

13 “(a) IN GENERAL.—The Commissioner of Social Se-
14 curity shall, subject to subsection (b), prescribe such re-
15 quirements with respect to the filing of applications, the
16 furnishing of information and other material, and the re-
17 porting of events and changes in circumstances, as may
18 be necessary for the effective and efficient administration
19 of this title.

20 “(b) VERIFICATION REQUIREMENT.—The require-
21 ments prescribed by the Commissioner of Social Security
22 under subsection (a) shall preclude any determination of
23 entitlement to benefits under this title solely on the basis
24 of declarations by the individual concerning qualifications
25 or other material facts, and shall provide for verification

1 of material information from independent or collateral
2 sources, and the procurement of additional information as
3 necessary in order to ensure that the benefits are provided
4 only to qualified individuals (or their representative pay-
5 ees) in correct amounts.

6 **"SEC. 807. REPRESENTATIVE PAYEES.**

7 “(a) IN GENERAL.—If the Commissioner of Social
8 Security determines that the interest of any qualified indi-
9 vidual under this title would be served thereby, payment
10 of the qualified individual’s benefit under this title may
11 be made, regardless of the legal competency or incom-
12 petency of the qualified individual, either directly to the
13 qualified individual, or for his or her benefit, to another
14 person (the meaning of which term, for purposes of this
15 section, includes an organization) with respect to whom
16 the requirements of subsection (b) have been met (in this
17 section referred to as the qualified individual’s ‘representa-
18 tive payee’). If the Commissioner of Social Security deter-
19 mines that a representative payee has misused any benefit
20 paid to the representative payee pursuant to this section,
21 section 205(j), or section 1631(a)(2), the Commissioner
22 of Social Security shall promptly revoke the person’s des-
23 ignation as the qualified individual’s representative payee
24 under this subsection, and shall make payment to an alter-
25 native representative payee or, if the interest of the quali-

1 fied individual under this title would be served thereby,
2 to the qualified individual.

3 “(b) EXAMINATION OF FITNESS OF PROSPECTIVE
4 REPRESENTATIVE PAYEE.—

5 “(1) Any determination under subsection (a) to
6 pay the benefits of a qualified individual to a rep-
7 resentative payee shall be made on the basis of—

8 “(A) an investigation by the Commissioner
9 of Social Security of the person to serve as rep-
10 resentative payee, which shall be conducted in
11 advance of the determination and shall, to the
12 extent practicable, include a face-to-face inter-
13 view with the person (or, in the case of an orga-
14 nization, a representative of the organization);
15 and

16 “(B) adequate evidence that the arrange-
17 ment is in the interest of the qualified indi-
18 vidual.

19 “(2) As part of the investigation referred to in
20 paragraph (1), the Commissioner of Social Security
21 shall—

22 “(A) require the person being investigated
23 to submit documented proof of the identity of
24 the person;

1 “(B) in the case of a person who has a so-
2 cial security account number issued for pur-
3 poses of the program under title II or an em-
4 ployer identification number issued for purposes
5 of the Internal Revenue Code of 1986, verify
6 the number;

7 “(C) determine whether the person has
8 been convicted of a violation of section 208,
9 811, or 1632; and

10 “(D) determine whether payment of bene-
11 fits to the person in the capacity as representa-
12 tive payee has been revoked or terminated pur-
13 suant to this section, section 205(j), or section
14 1631(a)(2)(A)(iii) by reason of misuse of funds
15 paid as benefits under this title, title II, or title
16 XVI, respectively.

17 “(e) REQUIREMENT FOR CENTRALIZED FILE.—The
18 Commissioner of Social Security shall establish and main-
19 tain a centralized file, which shall be updated periodically
20 and which shall be in a form that renders it readily retriev-
21 able by each servicing office of the Social Security Admin-
22 istration. The file shall consist of—

23 “(1) a list of the names and social security ac-
24 count numbers or employer identification numbers
25 (if issued) of all persons with respect to whom, in

1 the capacity of representative payee, the payment of
2 benefits has been revoked or terminated under this
3 section, section 205(j), or section 1631(a)(2)(A)(iii)
4 by reason of misuse of funds paid as benefits under
5 this title, title II, or title XVI, respectively; and

6 “(2) a list of the names and social security ac-
7 count numbers or employer identification numbers
8 (if issued) of all persons who have been convicted of
9 a violation of section 208, 811, or 1632.

10 “(d) PERSONS INELIGIBLE TO SERVE AS REP-
11 RESENTATIVE PAYEES.—

12 “(1) IN GENERAL.—The benefits of a qualified
13 individual may not be paid to any other person pur-
14 suant to this section if—

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

17 “(B) except as provided in paragraph (2),
18 payment of benefits to the person in the capac-
19 ity of representative payee has been revoked or
20 terminated under this section, section 205(j), or
21 section 1631(a)(2)(A)(ii) by reason of misuse of
22 funds paid as benefits under this title, title II,
23 or title XVI, respectively; or

24 “(C) except as provided in paragraph
25 (2)(B), the person is a creditor of the qualified

1 individual and provides the qualified individual
2 with goods or services for consideration.

3 “(2) EXEMPTIONS.—

4 “(A) The Commissioner of Social Security
5 may prescribe circumstances under which the
6 Commissioner of Social Security may grant an
7 exemption from paragraph (1) to any person on
8 a case-by-case basis if the exemption is in the
9 best interest of the qualified individual whose
10 benefits would be paid to the person pursuant
11 to this section.

12 “(B) Paragraph (1)(C) shall not apply
13 with respect to any person who is a creditor re-
14 ferred to in such paragraph if the creditor is—

15 “(i) a relative of the qualified indi-
16 vidual and the relative resides in the same
17 household as the qualified individual;

18 “(ii) a legal guardian or legal rep-
19 resentative of the individual;

20 “(iii) a facility that is licensed or cer-
21 tified as a care facility under the law of
22 the political jurisdiction in which the quali-
23 fied individual resides;

24 “(iv) a person who is an adminis-
25 trator, owner, or employee of a facility re-

1 ferred to in clause (iii), if the qualified in-
2 dividual resides in the facility, and the pay-
3 ment to the facility or the person is made
4 only after the Commissioner of Social Se-
5 curity has made a good faith effort to lo-
6 cate an alternative representative payee to
7 whom payment would serve the best inter-
8 ests of the qualified individual; or

9 “(v) a person who is determined by
10 the Commissioner of Social Security, on
11 the basis of written findings and pursuant
12 to procedures prescribed by the Commis-
13 sioner of Social Security, to be acceptable
14 to serve as a representative payee.

15 “(C) The procedures referred to in sub-
16 paragraph (B)(v) shall require the person who
17 will serve as representative payee to establish,
18 to the satisfaction of the Commissioner of So-
19 cial Security, that—

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

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

1 “(iii) no other more suitable rep-
2 resentative payee can be found.

3 “(e) DEFERRAL OF PAYMENT PENDING APPOINT-
4 MENT OF REPRESENTATIVE PAYEE.—

5 “(1) IN GENERAL.—Subject to paragraph (2),
6 if the Commissioner of Social Security makes a de-
7 termination described in the first sentence of sub-
8 section (a) with respect to any qualified individual’s
9 benefit and determines that direct payment of the
10 benefit to the qualified individual would cause sub-
11 stantial harm to the qualified individual, the Com-
12 missioner of Social Security may defer (in the case
13 of initial entitlement) or suspend (in the case of ex-
14 isting entitlement) direct payment of the benefit to
15 the qualified individual, until such time as the selec-
16 tion of a representative payee is made pursuant to
17 this section.

18 “(2) TIME LIMITATION.—

19 “(A) IN GENERAL.—Except as provided in
20 subparagraph (B), any deferral or suspension of
21 direct payment of a benefit pursuant to para-
22 graph (1) shall be for a period of not more than
23 1 month.

24 “(B) EXCEPTION IN THE CASE OF INCOM-
25 PETENCY.—Subparagraph (A) shall not apply

1 in any case in which the qualified individual is,
2 as of the date of the Commissioner of Social
3 Security's determination, legally incompetent
4 under the laws of the jurisdiction in which the
5 individual resides.

6 “(3) PAYMENT OF RETROACTIVE BENEFITS.—

7 Payment of any benefits which are deferred or sus-
8 pended pending the selection of a representative
9 payee shall be made to the qualified individual or the
10 representative payee as a single sum or over such
11 period of time as the Commissioner of Social Secu-
12 rity determines is in the best interest of the qualified
13 individual.

14 “(f) HEARING.—Any qualified individual who is dis-
15 satisfied with a determination by the Commissioner of So-
16 cial Security to make payment of the qualified individual's
17 benefit to a representative payee under subsection (a) of
18 this section or with the designation of a particular person
19 to serve as representative payee shall be entitled to a hear-
20 ing by the Commissioner of Social Security to the same
21 extent as is provided in section 809(a), and to judicial re-
22 view of the Commissioner of Social Security's final deci-
23 sion as is provided in section 809(b).

24 “(g) NOTICE REQUIREMENTS.—

1 “(1) IN GENERAL.—In advance of the payment
2 of a qualified individual’s benefit to a representative
3 payee under subsection (a), the Commissioner of So-
4 cial Security shall provide written notice of the Com-
5 missioner’s initial determination to so make the pay-
6 ment. The notice shall be provided to the qualified
7 individual, except that, if the qualified individual is
8 legally incompetent, then the notice shall be provided
9 solely to the legal guardian or legal representative of
10 the qualified individual.

11 “(2) SPECIFIC REQUIREMENTS.—Any notice re-
12 quired by paragraph (1) shall be clearly written in
13 language that is easily understandable to the reader,
14 shall identify the person to be designated as the
15 qualified individual’s representative payee, and shall
16 explain to the reader the right under subsection (f)
17 of the qualified individual or of the qualified individ-
18 ual’s legal guardian or legal representative—

19 “(A) to appeal a determination that a rep-
20 resentative payee is necessary for the qualified
21 individual;

22 “(B) to appeal the designation of a par-
23 ticular person to serve as the representative
24 payee of qualified individual; and

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

4 “(h) ACCOUNTABILITY MONITORING.—

5 “(1) In any case where payment under this title
6 is made to a person other than the qualified indi-
7 vidual entitled to the payment, the Commissioner of
8 Social Security shall establish a system of account-
9 ability monitoring under which the person shall re-
10 port not less often than annually with respect to the
11 use of the payments. The Commissioner of Social
12 Security shall establish and implement statistically
13 valid procedures for reviewing the reports in order to
14 identify instances in which persons are not properly
15 using the payments.

16 “(2) SPECIAL REPORTS.—Notwithstanding
17 paragraph (1), the Commissioner of Social Security
18 may require a report at any time from any person
19 receiving payments on behalf of a qualified indi-
20 vidual, if the Commissioner of Social Security has
21 reason to believe that the person receiving the pay-
22 ments is misusing the payments.

23 “(3) CENTRALIZED FILE.—The Commissioner
24 of Social Security shall maintain a centralized file,

1 which shall be updated periodically and which shall
2 be in a form that is readily retrievable, of—

3 “(A) the name, address, and (if issued) the
4 social security account number or employer
5 identification number of each representative
6 payee who is receiving benefit payments pursu-
7 ant to this section, section 205(j), or section
8 1631(a)(2); and

9 “(B) the name, address, and social security
10 account number of each individual for whom
11 each representative payee is reported to be pro-
12 viding services as representative payee pursuant
13 to this section, section 205(j), or section
14 1631(a)(2).

15 “(4) The Commissioner of Social Security shall
16 maintain a list, which shall be updated periodically,
17 of public agencies and community-based nonprofit
18 social service agencies which are qualified to serve as
19 representative payees pursuant to this section and
20 which are located in the jurisdiction in which any
21 qualified individual resides.

22 “(i) RESTITUTION.—In any case
23 where the negligent failure of the Commis-
24 sioner of Social Security to investigate or
25 monitor a representative payee results in

1 misuse of benefits by the representative
2 payee, the Commissioner of Social Security
3 shall make payment to the qualified indi-
4 vidual or the individual's alternative rep-
5 resentative payee of an amount equal to
6 the misused benefits. The Commissioner of
7 Social Security shall make a good faith ef-
8 fort to obtain restitution from the termi-
9 nated representative payee.

10 **"SEC. 808. OVERPAYMENTS AND UNDERPAYMENTS.**

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

16 "(1) With respect to payment to a person of
17 more than the correct amount, the Commissioner of
18 Social Security shall decrease any payment under
19 this title to which the overpaid person (if a qualified
20 individual) is entitled, or shall require the overpaid
21 person or his or her estate to refund the amount in
22 excess of the correct amount, or, if recovery is not
23 obtained under these two methods, shall seek or pur-
24 sue recovery by means of reduction in tax refunds
25 based on notice to the Secretary of the Treasury, as

1 authorized under section 3720A of title 31, United
2 States Code.

3 “(2) With respect to payment of less than the
4 correct amount to a qualified individual who, at the
5 time the Commissioner of Social Security is pre-
6 pared to take action with respect to the
7 underpayment—

8 “(A) is living, the Commissioner of Social
9 Security shall make payment to the qualified in-
10 dividual (or the qualified individual’s represent-
11 ative payee designated under section 807) of
12 the balance of the amount due the underpaid
13 qualified individual; or

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

17 “(b) WAIVER OF RECOVERY OF OVERPAYMENT.—In
18 any case in which more than the correct amount of pay-
19 ment has been made, there shall be no adjustment of pay-
20 ments to, or recovery by the United States from, any per-
21 son who is without fault if the Commissioner of Social Se-
22 curity determines that the adjustment or recovery would
23 defeat the purpose of this title or would be against equity
24 and good conscience.

1 “(c) LIMITED IMMUNITY FOR DISBURSING OFFI-
2 CERS.—A disbursing officer may not be held liable for any
3 amount paid by the officer if the adjustment or recovery
4 of the amount is waived under subsection (b), or adjust-
5 ment under subsection (a) is not completed before the
6 death of the qualified individual against whose benefits de-
7 ductions are authorized.

8 “(d) AUTHORIZED COLLECTION PRACTICES.—

9 “(1) IN GENERAL.—With respect to any delin-
10 quent amount, the Commissioner of Social Security
11 may use the collection practices described in sections
12 3711(e), 3716, and 3718 of title 31, United States
13 Code, as in effect on October 1, 1994.

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

17 “(A) in excess of the correct amount of the
18 payment under this title; and

19 “(B) determined by the Commissioner of
20 Social Security to be otherwise unrecoverable
21 under this section from a person who is not a
22 qualified individual under this title.

23 **“SEC. 809. HEARINGS AND REVIEW.**

24 “(a) HEARINGS.—

1 “(1) IN GENERAL.—The Commissioner of So-
2 cial Security shall make findings of fact and deci-
3 sions as to the rights of any individual applying for
4 payment under this title. The Commissioner of So-
5 cial Security shall provide reasonable notice and op-
6 portunity for a hearing to any individual who is or
7 claims to be a qualified individual and is in disagree-
8 ment with any determination under this title with
9 respect to entitlement to, or the amount of, benefits
10 under this title, if the individual requests a hearing
11 on the matter in disagreement within 60 days after
12 notice of the determination is received, and, if a
13 hearing is held, shall, on the basis of evidence ad-
14 duced at the hearing affirm, modify, or reverse the
15 Commissioner of Social Security’s findings of fact
16 and the decision. The Commissioner of Social Secu-
17 rity may, on the Commissioner of Social Security’s
18 own motion, hold such hearings and to conduct such
19 investigations and other proceedings as the Commis-
20 sioner of Social Security deems necessary or proper
21 for the administration of this title. In the course of
22 any hearing, investigation, or other proceeding, the
23 Commissioner may administer oaths and affirma-
24 tions, examine witnesses, and receive evidence. Evi-
25 dence may be received at any hearing before the

1 Commissioner of Social Security even though inad-
2 missible under the rules of evidence applicable to
3 court procedure. The Commissioner of Social Secu-
4 rity shall specifically take into account any physical,
5 mental, educational, or linguistic limitation of the in-
6 dividual (including any lack of facility with the
7 English language) in determining, with respect to
8 the entitlement of the individual for benefits under
9 this title, whether the individual acted in good faith
10 or was at fault, and in determining fraud, deception,
11 or intent.

12 “(2) EFFECT OF FAILURE TO TIMELY REQUEST
13 REVIEW.—A failure to timely request review of an
14 initial adverse determination with respect to an ap-
15 plication for any payment under this title or an ad-
16 verse determination on reconsideration of such an
17 initial determination shall not serve as a basis for
18 denial of a subsequent application for any payment
19 under this title if the applicant demonstrates that
20 the applicant failed to so request such a review act-
21 ing in good faith reliance upon incorrect, incomplete,
22 or misleading information, relating to the con-
23 sequences of reapplying for payments in lieu of seek-
24 ing review of an adverse determination, provided by

1 any officer or employee of the Social Security Ad-
2 ministration.

3 “(3) NOTICE REQUIREMENTS.—In any notice of
4 an adverse determination with respect to which a re-
5 view may be requested under paragraph (1), the
6 Commissioner of Social Security shall describe in
7 clear and specific language the effect on possible en-
8 titlement to benefits under this title of choosing to
9 reapply in lieu of requesting review of the deter-
10 mination.

11 “(b) JUDICIAL REVIEW.—The final determination of
12 the Commissioner of Social Security after a hearing under
13 subsection (a)(1) shall be subject to judicial review as pro-
14 vided in section 205(g) to the same extent as the Commis-
15 sioner of Social Security’s final determinations under sec-
16 tion 205.

17 **“SEC. 810. OTHER ADMINISTRATIVE PROVISIONS.**

18 “(a) REGULATIONS AND ADMINISTRATIVE ARRANGE-
19 MENTS.—The Commissioner of Social Security may pre-
20 scribe such regulations, and make such administrative and
21 other arrangements, as may be necessary or appropriate
22 to carry out this title.

23 “(b) PAYMENT OF BENEFITS.—Benefits under this
24 title shall be paid at such time or times and in such install-

1 ments as the Commissioner of Social Security determines
2 are in the interests of economy and efficiency.

3 “(c) **ENTITLEMENT REDETERMINATIONS.**—An indi-
4 vidual's entitlement to benefits under this title, and the
5 amount of the benefits, may be redetermined at such time
6 or times as the Commissioner of Social Security deter-
7 mines to be appropriate.

8 “(d) **SUSPENSION OF BENEFITS.**—Regulations pre-
9 scribed by the Commissioner of Social Security under sub-
10 section (a) may provide for the temporary suspension of
11 entitlement to benefits under this title as the Commis-
12 sioner determines is appropriate.

13 **“SEC. 811. PENALTIES FOR FRAUD.**

14 “(a) **IN GENERAL.**—Whoever—

15 “(1) knowingly and willfully makes or causes to
16 be made any false statement or representation of a
17 material fact in an application for benefits under
18 this title;

19 “(2) at any time knowingly and willfully makes
20 or causes to be made any false statement or rep-
21 resentation of a material fact for use in determining
22 any right to the benefits;

23 “(3) having knowledge of the occurrence of any
24 event affecting—

1 “(A) his or her initial or continued right to
2 the benefits; or

3 “(B) the initial or continued right to the
4 benefits of any other individual in whose behalf
5 he or she has applied for or is receiving the
6 benefit,

7 conceals or fails to disclose the event with an intent
8 fraudulently to secure the benefit either in a greater
9 amount or quantity than is due or when no such
10 benefit is authorized; or

11 “(4) having made application to receive any
12 such benefit for the use and benefit of another and
13 having received it, knowingly and willfully converts
14 the benefit or any part thereof to a use other than
15 for the use and benefit of the other individual,

16 shall be fined under title 18, United States Code, impris-
17 oned not more than 5 years, or both.

18 “(b) RESTITUTION BY REPRESENTATIVE PAYEE.—If
19 a person or organization violates subsection (a) in the per-
20 son’s or organization’s role as, or in applying to become,
21 a representative payee under section 807 on behalf of a
22 qualified individual, and the violation includes a willful
23 misuse of funds by the person or entity, the court may
24 also require that full or partial restitution of funds be
25 made to the qualified individual.

1 **"SEC. 812. DEFINITIONS.**

2 "In this title:

3 "(1) WORLD WAR II VETERAN.—The term
4 'World War II veteran' means a person who served
5 during World War II—

6 "(A) in the active military, naval, or air
7 service of the United States during World War
8 II, and who was discharged or released there-
9 from under conditions other than dishonorable
10 after service of 90 days or more; or

11 "(B) in the organized military forces of the
12 Government of the Commonwealth of the Phil-
13 ippines, while the forces were in the service of
14 the Armed Forces of the United States pursu-
15 ant to the military order of the President dated
16 July 26, 1941, including among the military
17 forces organized guerrilla forces under com-
18 manders appointed, designated, or subsequently
19 recognized by the Commander in Chief, South-
20 west Pacific Area, or other competent authority
21 in the Army of the United States, in any case
22 in which the service was rendered before De-
23 cember 31, 1946.

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

1 “(3) SUPPLEMENTAL SECURITY INCOME BEN-
2 EFIT UNDER TITLE XVI.—The term ‘supplemental
3 security income benefit under title XVI’, except as
4 otherwise provided, includes State supplementary
5 payments which are paid by the Commissioner of
6 Social Security pursuant to an agreement under sec-
7 tion 1616(a) of this Act or section 212(b) of Public
8 Law 93-66.

9 “(4) FEDERAL BENEFIT RATE UNDER TITLE
10 XVI.—The term ‘Federal benefit rate under title
11 XVI’ means, with respect to any month, the amount
12 of the supplemental security income cash benefit
13 (not including any State supplementary payment
14 which is paid by the Commissioner of Social Security
15 pursuant to an agreement under section 1616(a) of
16 this Act or section 212(b) of Public Law 93-66)
17 payable under title XVI for the month to an eligible
18 individual with no income.

19 “(5) UNITED STATES.—The term ‘United
20 States’ means, notwithstanding section 1101(a)(1),
21 only the 50 States, the District of Columbia, and the
22 Commonwealth of the Northern Mariana Islands.

23 “(6) BENEFIT INCOME.—The term ‘benefit in-
24 come’ means any recurring payment received by a
25 qualified individual as an annuity, pension, retire-

1 ment, or disability benefit (including any veterans'
2 compensation or pension, workmen's compensation
3 payment, old-age, survivors, or disability insurance
4 benefit, railroad retirement annuity or pension, and
5 unemployment insurance benefit), but only if a simi-
6 lar payment was received by the individual from the
7 same (or a related) source during the 12-month pe-
8 riod preceding the month in which the individual
9 files an application for benefits under this title.

10 **“SEC. 813. APPROPRIATIONS.**

11 “There are hereby appropriated for fiscal year 2001
12 and subsequent fiscal years such sums as may be nec-
13 essary to carry out this title.”.

14 (b) CONFORMING AMENDMENTS.—

15 (1) SOCIAL SECURITY TRUST FUNDS LAE AC-
16 COUNT.—Section 201(g) of such Act (42 U.S.C.
17 401(g)) is amended—

18 (A) in the fourth sentence of paragraph
19 (1)(A), by inserting after “this title,” the fol-
20 lowing: “title VIII,”;

21 (B) in paragraph (1)(B)(i)(I), by inserting
22 after “this title,” the following: “title VIII,”;
23 and

24 (C) in paragraph (1)(C)(i), by inserting
25 after “this title,” the following: “title VIII,”.

1 (2) REPRESENTATIVE PAYEE PROVISIONS OF
2 TITLE II.—Section 205(j) of such Act (42 U.S.C.
3 405(j)) is amended—

4 (A) in paragraph (1)(A), by inserting “807
5 or” before “1631(a)(2)”;

6 (B) in paragraph (2)(B)(i)(I), by inserting
7 “, title VIII,” before “or title XVI”;

8 (C) in paragraph (2)(B)(i)(III), by insert-
9 ing “, 811,” before “or 1632”;

10 (D) in paragraph (2)(B)(i)(IV)—

11 (i) by inserting “, the designation of
12 such person as a representative payee has
13 been revoked pursuant to section 807(a),”
14 before “or payment of benefits”; and

15 (ii) by inserting “, title VIII,” before
16 “or title XVI”;

17 (E) in paragraph (2)(B)(ii)(I)—

18 (i) by inserting “whose designation as
19 a representative payee has been revoked
20 pursuant to section 807(a),” before “or
21 with respect to whom”; and

22 (ii) by inserting “, title VIII,” before
23 “or title XVI”;

24 (F) in paragraph (2)(B)(i)(II), by insert-
25 ing “, 811,” before “or 1632”;

1 (G) in paragraph (2)(C)(i)(II) by inserting
 2 “, the designation of such person as a rep-
 3 resentative payee has been revoked pursuant to
 4 section 807(a),” before “or payment of bene-
 5 fits”;

6 (H) in each of clauses (i) and (ii) of para-
 7 graph (3)(E), by inserting “, section 807,” be-
 8 fore “or section 1631(a)(2)”;

9 (I) in paragraph (3)(F), by inserting “807
 10 or” before “1631(a)(2)”;

11 (J) in paragraph (4)(B)(i), by inserting
 12 “807 or” before “1631(a)(2)”.

13 (3) WITHHOLDING FOR CHILD SUPPORT AND
 14 ALIMONY OBLIGATIONS.—Section 459(h)(1)(A) of
 15 such Act (42 U.S.C. 659(h)(1)(A)) is amended—

16 (A) at the end of clause (iii), by striking
 17 “and”;

18 (B) at the end of clause (iv), by striking
 19 “but” and inserting “and”; and

20 (C) by adding at the end a new clause as
 21 follows:

22 “(v) special benefits for certain World
 23 War II veterans payable under title VIII;
 24 but”.

1 (4) SOCIAL SECURITY ADVISORY BOARD.—Sec-
 2 tion 703(b) of such Act (42 U.S.C. 903(b)) is
 3 amended by striking “title II” and inserting “title
 4 II, the program of special benefits for certain World
 5 War II veterans under title VIII,”.

6 (5) DELIVERY OF CHECKS.—Section 708 of
 7 such Act (42 U.S.C. 908) is amended—

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

10 (B) in subsection (b), by striking “title II”
 11 and inserting “title II, title VIII,”.

12 (6) CIVIL MONETARY PENALTIES.—Section
 13 1129 of such Act (42 U.S.C. 1320a-8) is
 14 amended—

15 (A) in the title, by striking “II” and in-
 16 serting “II, VIII”;

17 (B) in subsection (a)(1)—

18 (i) by striking “or” at the end of sub-
 19 paragraph (A);

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

22 (iii) by inserting after subparagraph
 23 (A) the following:

24 “(B) benefits or payments under title VIII,
 25 or”;

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

3 (D) in subsection (e)(1)(C)—

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

6 (ii) by redesignating clause (ii) as
7 clause (iii); and

8 (iii) by inserting after clause (i) the
9 following:

10 “(ii) by decrease of any payment
11 under title VIII to which the person is en-
12 titled, or”;

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

16 (F) in subsection (l), by striking “title
17 XVI” and inserting “title VIII or XVI”.

18 (7) RECOVERY OF SSI OVERPAYMENTS.—Sec-
19 tion 1147 of such Act (42 U.S.C. 1320b-17) is
20 amended—

21 (A) in subsection (a)(1)—

22 (i) by inserting “or VIII” after “title
23 II” the first place it appears; and

1 (ii) by striking “title II” the second
2 place it appears and inserting “such title”;
3 and

4 (B) in the title, by striking “SOCIAL SECUR-
5 RITY” and inserting “OTHER”.

6 (8) REPRESENTATIVE PAYEE PROVISIONS OF
7 TITLE XVI.—Section 1631(a)(2) of such Act (42
8 U.S.C. 1383(a)(2)) is amended—

9 (A) in subparagraph (A)(iii), by inserting
10 “or 807” after “205(j)(1)”;

11 (B) in subparagraph (B)(ii)(I), by insert-
12 ing “, title VIII,” before “or this title”;

13 (C) in subparagraph (B)(ii)(III), by insert-
14 ing “, 811,” before “or 1632”;

15 (D) in subparagraph (B)(ii)(IV)—

16 (i) by inserting “whether the designa-
17 tion of such person as a representative
18 payee has been revoked pursuant to section
19 807(a),” before “and whether certifi-
20 cation”; and

21 (ii) by inserting “, title VIII,” before
22 “or this title”;

23 (E) in subparagraph (B)(iii)(II), by insert-
24 ing “the designation of such person as a rep-

1 representative payee has been revoked pursuant to
2 section 807(a),” before “or certification”; and

3 (F) in subparagraph (D)(ii)(II)(aa), by in-
4 serting “or 807” after “205(j)(4)”.

5 (9) ADMINISTRATIVE OFFSET.—Section
6 3716(c)(3)(C) of title 31, United States Code, is
7 amended—

8 (A) by striking “sections 205(b)(1)” and
9 inserting “sections 205(b)(1), 809(a)(1),”; and

10 (B) by striking “either title II” and insert-
11 ing “title II, VIII,”.

12 **Subtitle C—Study**

13 **SEC. 261. STUDY OF DENIAL OF SSI BENEFITS FOR FAMILY** 14 **FARMERS.**

15 (a) IN GENERAL.—The Commissioner of Social Secu-
16 rity shall conduct a study of the reasons why family farm-
17 ers with resources of less than \$100,000 are denied sup-
18 plemental security income benefits under title XVI of the
19 Social Security Act, including whether the deeming proc-
20 ess unduly burdens and discriminates against family farm-
21 ers who do not institutionalize a disabled dependent, and
22 shall determine the number of such farmers who have been
23 denied such benefits during each of the preceding 10
24 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 FOR STATE SHARE OF 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 amounts collected which could be retained by the State in the fiscal year (to the extent necessary to reimburse the State for amounts paid to families as assistance by the State) are less than the State share of the amounts collected in fiscal year 1995 (determined in accordance with section 457 as in effect on the day before the date of the enactment of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996); and

“(2)(A)(i) the State has not retained any of the current support so collected during the preceding fis-

1 cal year on behalf of any family that is a recipient
2 of assistance under the State program funded under
3 part A (except any such family in a control group
4 required by a waiver granted to the State under sec-
5 tion 1115); and

6 “(ii) at least the lesser of \$150 or the total
7 amount of current support paid to such a family in
8 any month is disregarded in determining the amount
9 or type of assistance to be provided to the family for
10 the month under the State program funded under
11 part A; or

12 “(B) the State has distributed to families not
13 less than one-half of the child support arrearages
14 collected pursuant to section 464 during the pre-
15 ceding fiscal year, that accrued after the families
16 ceased to receive assistance from the State (as de-
17 fined in subsection (c)(1)),

18 then the State share otherwise determined for the fiscal
19 year shall be increased by an amount equal to one-half
20 of the amount (if any) by which the State share in fiscal
21 year 1995 exceeds the State share for the fiscal year (de-
22 termined without regard to this subsection).”.

23 (b) AUTHORITY OF STATE TO PASS THROUGH POR-
24 TION OF CHILD SUPPORT ARREARAGES COLLECTED
25 THROUGH TAX INTERCEPT.—Section 457(a)(2)(B)(iv) of

1 such Act (42 U.S.C. 657(a)(2)(B)(iv)) is amended in the
2 first sentence by inserting after the second sentence the
3 following: "After making such payment, the State may
4 distribute to the family not more than one-half of the re-
5 maining amount so retained."

6 (c) **EFFECTIVE DATE.**—The amendment made by
7 subsection (a) shall be effective with respect to calendar
8 quarters beginning on or after October 1, 1998.

9 (d) **REPEALER.**—Effective October 1, 2001, section
10 457 of the Social Security Act (42 U.S.C. 657) is amended
11 by striking subsection (d).

12 **TITLE IV—TECHNICAL** 13 **CORRECTIONS**

14 **SEC. 401. TECHNICAL CORRECTIONS RELATING TO AMEND-** 15 **MENTS MADE BY THE PERSONAL RESPONS-** 16 **BILITY AND WORK OPPORTUNITY REC-** 17 **ONCILIATION ACT OF 1996.**

18 (a) Section 402(a)(1)(B)(iv) of the Social Security
19 Act (42 U.S.C. 602(a)(1)(B)(iv)) is amended by striking
20 "Act" and inserting "section".

21 (b) Section 409(a)(7)(B)(i)(II) of the Social Security
22 Act (42 U.S.C. 609(a)(7)(B)(i)(II)) is amended by strik-
23 ing "part" and inserting "section".

1 (c) Section 413(g)(1) of the Social Security Act (42
2 U.S.C. 613(g)(1)) is amended by striking "Act" and in-
3 serting "section".

4 (d) Section 416 of the Social Security Act (42 U.S.C.
5 616) is amended by striking "Opportunity Act" and in-
6 serting "Opportunity Reconciliation Act" each place such
7 term appears.

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

10 (1) by inserting ", as in effect before August
11 22, 1986" after "482(i)(5)"; and

12 (2) by inserting ", as so in effect" after
13 "482(i)(7)(A)".

14 (f) Sections 452(a)(7) and 466(c)(2)(A)(i) of the So-
15 cial Security Act (42 U.S.C. 652(a)(7) and
16 666(c)(2)(A)(i)) are each amended by striking "Social Se-
17 curity" and inserting "social security".

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

20 (1) by striking ", or" at the end of each of
21 paragraphs (6)(E)(i) and (19)(B)(i) and inserting "
22 or";

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

1 (3) by striking “, and” at the end of each of
2 paragraphs (19)(A) and (24)(A) and inserting “;
3 and”.

4 (h) Section 454(24)(B) of the Social Security Act (42
5 U.S.C. 654(24)(B)) is amended by striking “Opportunity
6 Act” and inserting “Opportunity Reconciliation Act”.

7 (i) Section 344(b)(1)(A) of the Personal Responsi-
8 bility and Work Opportunity Reconciliation Act of 1996
9 (110 Stat. 2236) is amended to read as follows:

10 “(A) in paragraph (1), by striking sub-
11 paragraph (B) and inserting the following:

12 ‘(B) equal to the percent specified in para-
13 graph (3) of the sums expended during such
14 quarter that are attributable to the planning,
15 design, development, installation or enhance-
16 ment of an automatic data processing and in-
17 formation retrieval system (including in such
18 sums the full cost of the hardware components
19 of such system); and’; and”.

20 (j) Section 457(a)(2)(B)(i)(I) of the Social Security
21 Act (42 U.S.C. 657(a)(2)(B)(i)(I)) is amended by striking
22 “Act Reconciliation” and inserting “Reconciliation Act”.

23 (k) Section 457 of the Social Security Act (42 U.S.C.
24 657) is amended by striking “Opportunity Act” each place

1 it appears and inserting "Opportunity Reconciliation
2 Act".

3 (l) Effective on the date of the enactment of this Act,
4 section 404(e) of the Social Security Act (42 U.S.C.
5 604(e)) is amended by inserting "or tribe" after "State"
6 the first and second places it appears, and by inserting
7 "or tribal" after "State" the third place it appears.

8 (m) Section 466(a)(7) of the Social Security Act (42
9 U.S.C. 666(a)(7)) is amended by striking "1681a(f))" and
10 inserting "1681a(f)))".

11 (n) Section 466(b)(6)(A) of the Social Security Act
12 (42 U.S.C. 666(b)(6)(A)) is amended by striking "state"
13 and inserting "State".

14 (o) Section 471(a)(8) of the Social Security Act (42
15 U.S.C. 671(a)(8)) is amended by striking "(including ac-
16 tivities under part F)".

17 (p) Section 1137(a)(3) of the Social Security Act (42
18 U.S.C. 1320b-7(a)(3)) is amended by striking
19 "453A(a)(2)(B)(iii))" and inserting
20 "453A(a)(2)(B)(ii)))".

21 (q) Except as provided in subsection (l), the amend-
22 ments made by this section shall take effect as if included

- 1 in the enactment of the Personal Responsibility and Work
- 2 Opportunity Reconciliation Act of 1996.

Passed the House of Representatives June 25, 1999.

Attest:

Clerk.