

# Union Calendar No. 465

105<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 3511

**[Report No. 105-772, Part I]**

To amend title XI of the Social Security Act to authorize the Secretary of Health and Human Services to provide additional exceptions to the imposition of civil money penalties in cases of payments to beneficiaries.

---

## IN THE HOUSE OF REPRESENTATIVES

MARCH 19, 1998

Mr. THOMAS (for himself, Mr. STARK, Mr. BILIRAKIS, Mr. WAXMAN, Mr. HOUGHTON, Mr. ENSIGN, Mr. MCCRERY, Mr. KLECZKA, Mr. LEWIS of Georgia, Mrs. THURMAN, Mr. CAMP, Mr. LINDER, Mr. HAYWORTH, Mr. CHRISTENSEN, Mr. SAM JOHNSON, and Mr. TOWNS) introduced the following bill; which was referred to the Committee on Ways and Means, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

OCTOBER 5, 1998

Reported from the Committee on Ways and Means with an amendment

[Strike out all after the enacting clause and insert the part printed in *italic*]

OCTOBER 5, 1998

Referral to the Committee on Commerce extended for a period ending not later than October 9, 1998

OCTOBER 9, 1998

Referral to the Committee on Commerce extended for a period ending not later than October 16, 1998

OCTOBER 16, 1998

Referral to the Committee on Commerce extended for a period ending not later than October 20, 1998

OCTOBER 20, 1998

Additional sponsors: Ms. DUNN, Mrs. JOHNSON of Connecticut, Mr. ENGLISH

of Pennsylvania, Mr. STRICKLAND, Mr. CARDIN, Mr. MANZULLO, Mr. BURR of North Carolina, Mr. RANGEL, Mr. BECERRA, Mr. BROWN of Ohio, Mr. CRAMER, Mr. CHAMBLISS, Ms. KAPTUR, Mr. PAUL, Ms. DEGETTE, Mr. OBERSTAR, Mr. WELDON of Florida, Mr. INGLIS of South Carolina, Mr. HULSHOF, Mrs. MINK of Hawaii, and Mr. STUPAK

OCTOBER 20, 1998

Committee on Commerce discharged; committed to the Committee of the Whole House on the State of the Union and ordered to be printed

---

## A BILL

To amend title XI of the Social Security Act to authorize the Secretary of Health and Human Services to provide additional exceptions to the imposition of civil money penalties in cases of payments to beneficiaries.

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. AUTHORIZATION OF ADDITIONAL EXCEPTIONS**  
 4 **TO IMPOSITION OF PENALTIES FOR PROVID-**  
 5 **ING INDUCEMENTS TO BENEFICIARIES.**

6 (a) **IN GENERAL.**—Subparagraph (B) of section  
 7 1128A(i)(6) of the Social Security Act (42 U.S.C. 1320a-  
 8 7a(i)(6)) is amended to read as follows:

9 “(B) any permissible payment practice as  
 10 specified in section 1128B(b)(3) or in regula-  
 11 tions issued by the Secretary;”.

12 (b) **EXTENSION OF ADVISORY OPINION AUTHOR-**  
 13 **ITY.**—Section 1128D(b)(2)(A) of such Act (42 U.S.C.

1 ~~1320a-7d(b)(2)(A))~~ is amended by inserting “or section  
2 1128A(i)(6)(A)”.

3 (c) **EFFECTIVE DATE.**—The amendments made by  
4 this section shall take effect on the date of the enactment  
5 of this Act.

6 (d) **INTERIM FINAL RULEMAKING AUTHORITY.**—The  
7 Secretary of Health and Human Services may promulgate  
8 regulations that take effect on an interim basis, after no-  
9 tice and pending opportunity for public comment, in order  
10 to implement the amendments made by this section in a  
11 timely manner.

12 **SECTION 1. AUTHORIZATION OF ADDITIONAL EXCEPTIONS**  
13 **TO IMPOSITION OF PENALTIES FOR PROVID-**  
14 **ING INDUCEMENTS TO BENEFICIARIES.**

15 (a) **IN GENERAL.**—Subparagraph (B) of section  
16 1128A(i)(6) of the Social Security Act (42 U.S.C. 1320a-  
17 7a(i)(6)) is amended to read as follows:

18 “(B) any permissible practice described in  
19 any subparagraph of section 1128B(b)(3) or in  
20 regulations issued by the Secretary;”.

21 (b) **EXTENSION OF ADVISORY OPINION AUTHORITY.**—  
22 Section 1128D(b)(2)(A) of such Act (42 U.S.C. 1320a-  
23 7d(b)(2)(A)) is amended by inserting “or section  
24 1128A(i)(6)” after “1128B(b)”.

1       (c) *EFFECTIVE DATE.*—*The amendments made by this*  
2 *section shall take effect on the date of the enactment of this*  
3 *Act.*

4       (d) *INTERIM FINAL RULEMAKING AUTHORITY.*—*The*  
5 *Secretary of Health and Human Services may promulgate*  
6 *regulations that take effect on an interim basis, after notice*  
7 *and pending opportunity for public comment, in order to*  
8 *implement the amendments made by this section in a time-*  
9 *ly manner.*



Union Calendar No. 465

105<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

**H. R. 3511**

[Report No. 105-772, Part I]

---

---

**A BILL**

To amend title XI of the Social Security Act to authorize the Secretary of Health and Human Services to provide additional exceptions to the imposition of civil money penalties in cases of payments to beneficiaries.

---

---

OCTOBER 20, 1998

Committee on Commerce discharged; committed to the Committee of the Whole House on the State of the Union and ordered to be printed