Mr. SENSENBRENNER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

SOCIAL SECURITY PROGRAM PROTECTION ACT OF 2002

Mr. SHAW. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4070) to amend the Social Security Act and the Internal Revenue Code of 1986 to provide additional safeguards for Social Security and Supplemental Security Income beneficiaries with representative payees, to enhance program protections, and for other purposes, as amended.

The Clerk read as follows:

H.R. 4070

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Social Security Program Protection Act of 2002''.

(b) TABLE OF CONTENTS.—The table of contents is as follows:

Sec. 1. Short title and table of contents.

TITLE I—PROTECTION OF BENEFICIARIES

Subtitle A—Representative Payees

Sec. 101. Authority to reissue benefits misused by organizational representative payees.
Sec. 102. Oversight of representative payees.
Sec. 103. Disqualification from service as representative payee upon conviction of offenses resulting in imprisonment for more than 1 year and upon fugitive felon status.
Sec. 104. Fee forfeiture in case of benefit misuse by representative payees.
Sec. 105. Liability of representative payees for misused benefits.
Sec. 106. Authority to redirect delivery of benefit payments when a representative payee fails to provide required accounting.

Subtitle B—Enforcement

Sec. 111. Civil monetary penalty authority with respect to wrongful conversions by representative payees.

TITLE II—PROGRAM PROTECTIONS

Sec. 201. Civil monetary penalty authority with respect to knowing withholding of material facts.
Sec. 202. Denial of title II benefits to fugitive felons and persons fleeing prosecution.
Sec. 203. Requirements relating to offers to provide for a fee a product or service available without charge from the Social Security Administration.
Sec. 204. Refusal to recognize certain individuals as claimant representatives.
Sec. 205. Penalty for corrupt or forcible interference with administration of Social Security Act.
Sec. 206. Use of symbols, emblems, or names in reference to social security or medicare.

TITLE III—ATTORNEY FEE PAYMENT SYSTEM IMPROVEMENTS

Sec. 301. Cap on attorney assessments.
Sec. 302. Extension of attorney fee payment system to title XVI claims.

TITLE IV—MISCELLANEOUS AND TECHNICAL AMENDMENTS

Subtitle A—Amendments Relating to the Ticket to Work and Work Incentives Improvement Act of 1999

Sec. 401. Application of demonstration authority sunset date to new projects.
Sec. 402. Expansion of waiver authority available in connection with demonstration projects providing for reductions in disability insurance benefits based on earnings.
Sec. 403. Funding of demonstration projects provided for reductions in disability insurance benefits based on earnings.
Sec. 404. Availability of Federal and State work incentive services to additional individuals.
Sec. 405. Technical amendment clarifying treatment for certain purposes of individual work plans under the Ticket to Work and Self-Sufficiency Program.

Subtitle B—Miscellaneous Amendments

Sec. 411. Elimination of transcript requirement in remand cases fully favorable to the claimant.
Sec. 412. Nonpayment of benefits upon removal from the United States.
Sec. 413. Reinstatement of certain reporting requirements.
Sec. 414. Clarification of definitions regarding certain survivor benefits.
Sec. 415. Clarification respecting the FICA and SECA tax exemptions for an individual whose earnings are subject to the laws of a totalization agreement partner.
Sec. 416. Coverage under divided retirement system for public employees in Kentucky.
Sec. 417. Compensation for the Social Security Advisory Board.

Subtitle C—Technical Amendments

Sec. 431. Technical correction relating to responsible agency head.
Sec. 432. Technical correction relating to retirement benefits of ministers.
Sec. 433. Technical corrections relating to domestic employment.
Sec. 434. Technical corrections of outdated references.
Sec. 435. Technical correction respecting self-employment income in community property States.

TITLE I—PROTECTION OF BENEFICIARIES

Subtitle A—Representative Payees

SEC. 101. AUTHORITY TO REISSUE BENEFITS MISUSED BY ORGANIZATIONAL REPRESENTATIVE PAYEES.

(a) TITLE II AMENDMENTS.—

(1) REISSUANCE OF BENEFITS.—Section 205(j)(5) of the Social Security Act (42 U.S.C. 405(j)(5)) is amended by inserting after the first sentence the following new sentences: ''In any case in which a representative payee—

''(A) that is not an individual (regardless of whether it is a 'qualified organization' within the meaning of paragraph (4)(B)); or

''(B) is an individual who, for any month during a period when misuse occurs, serves 15 or more individuals who are beneficiaries under this title, title VIII, title XVI, or any combination of such titles;

misuses all or part of an individual's benefit paid to such representative payee, the Commissioner of Social Security shall certify for payment to the beneficiary or the beneficiary's alternative representative payee an amount equal to the amount of such benefit so misused. The provisions of this paragraph are subject to the limitations of paragraph (7)(B).''.

(2) MISUSE OF BENEFITS DEFINED.—Section 205(j) of such Act (42 U.S.C. 405(j)) is amended by adding at the end the following new paragraph:

''(8) For purposes of this subsection, misuse of benefits by a representative payee occurs in any case in which the representative payee receives payment under this title for the use and benefit of another person and converts such payment, or any part thereof, to a use other than for the use and benefit of such other person. The Commissioner of Social Security may prescribe by regulation the meaning of the term 'use and benefit' for purposes of this paragraph.''.

(b) TITLE VIII AMENDMENTS.—

(1) REISSUANCE OF BENEFITS.—Section 807(i) of the Social Security Act (42 U.S.C. 1007(i)) is amended by inserting after the first sentence the following new sentences: ''In any case in which a representative payee—

''(1) that is not an individual; or

''(2) is an individual who, for any month during a period when misuse occurs, serves 15 or more individuals who are beneficiaries under this title, title II, title XVI, or any combination of such titles;

misuses all or part of an individual's benefit paid to such representative payee, the Commissioner of Social Security shall pay to the beneficiary or the beneficiary's alternative representative payee an amount equal to the amount of such benefit so misused. The provisions of this paragraph are subject to the limitations of subsection (l)(2).''.

(2) MISUSE OF BENEFITS DEFINED.—Section 807 of such Act (42 U.S.C. 1007) is amended by adding at the end the following new subsection:

''(j) MISUSE OF BENEFITS.—For purposes of this title, misuse of benefits by a representative payee occurs in any case in which the representative payee receives payment under this title for the use and benefit of another person and converts such payment, or any part thereof, to a use other than for the use and benefit of such other person. The Commissioner of Social Security may prescribe by regulation the meaning of the term 'use and benefit' for purposes of this subsection.''.

(3) TECHNICAL AMENDMENT.—Section 807(a) of such Act (42 U.S.C. 1007(a)) is amended, in the first sentence, by striking ''for his or her benefit'' and inserting ''for his or her use and benefit''.

(c) TITLE XVI AMENDMENTS.—

(1) REISSUANCE OF BENEFITS.—Section 1631(a)(2)(E) of such Act (42 U.S.C. 1383(a)(2)(E)) is amended by inserting after the first sentence the following new sentences: ''In any case in which a representative payee—

''(i) that is not an individual (regardless of whether it is a 'qualified organization' within the meaning of subparagraph (D)(ii)); or

''(ii) is an individual who, for any month during a period when misuse occurs, serves 15 or more individuals who are beneficiaries under this title, title II, title VIII, or any combination of such titles;

misuses all or part of an individual's benefit paid to the representative payee, the Commissioner of Social Security shall make payment to the beneficiary or the beneficiary's alternative representative payee of an amount equal to the amount of the benefit so misused. The provisions of this subparagraph are subject to the limitations of subparagraph (H)(ii).''.

(2) EXCLUSION OF REISSUED BENEFITS FROM RESOURCES.—Section 1613(a) of such Act (42 U.S.C. 1382b(a)) is amended—

(A) in paragraph (12), by striking ''and'' at the end;

(B) in paragraph (13), by striking the period and inserting ''; and''; and

(C) by inserting after paragraph (13) the following new paragraph:

''(14) for the 9-month period beginning after the month in which received, any amount received by such individual (or spouse) or any other person whose income is deemed to be included in such individual's (or spouse's) income for purposes of this title as restitution for benefits under this title, title II, or title VIII that a representative payee of such individual (or spouse) or such other person under section 205(j), 807, or 1631(a)(2) has misused.''.

(3) MISUSE OF BENEFITS DEFINED.—Section 1631(a)(2)(A) of such Act (42 U.S.C. 1383(a)(2)(A)) is amended by adding at the end the following new clause:

''(iv) For purposes of this paragraph, misuse of benefits by a representative payee occurs in any case in which the representative payee receives payment under this title for the use and benefit of another person and converts such payment, or any part thereof, to a use other than for the use and benefit of such other person. The Commissioner of Social Security may prescribe by regulation the meaning of the term 'use and benefit' for purposes of this clause.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to any case of benefit misuse by a representative payee with respect to which the Commissioner makes the determination of misuse on or after January 1, 1995.

SEC. 102. OVERSIGHT OF REPRESENTATIVE PAYEES.

(a) CERTIFICATION OF BONDING AND LICENSING REQUIREMENTS FOR NONGOVERNMENTAL ORGANIZATIONAL REPRESENTATIVE PAYEES.—

(1) TITLE II AMENDMENTS.—Section 205(j) of the Social Security Act (42 U.S.C. 405(j)) is amended—

(A) in paragraph (2)(C)(v), by striking ''a community-based nonprofit social service agency licensed or bonded by the State'' in subclause (I) and inserting ''a certified community-based nonprofit social service agency (as defined in paragraph (9))'';

(B) in paragraph (3)(F), by striking ''community-based nonprofit social service agencies'' and inserting ''certified community-based nonprofit social service agencies (as defined in paragraph (9))'';

(C) in paragraph (4)(B), by striking ''any community-based nonprofit social service agency which is bonded or licensed in each State in which it serves as a representative payee'' and inserting ''any certified community-based nonprofit social service agency (as defined in paragraph (9))''; and

(D) by adding after paragraph (8) (as added by section 101(a)(2) of this Act) the following new paragraph:

''(9) For purposes of this subsection, the term 'certified community-based nonprofit social service agency' means a community based nonprofit social service agency which is in compliance with requirements, under regulations which shall be prescribed by the Commissioner, for annual certification to the Commissioner that it is bonded in accordance with requirements specified by the Commissioner and that it is licensed in each State in which it serves as a representative payee (if licensing is available in such State) in accordance with requirements specified by the Commissioner. Any such annual certification shall include a copy of any independent audit on such agency which may have been performed since the previous certification.''.

(2) TITLE XVI AMENDMENTS.—Section 1631(a)(2) of such Act (42 U.S.C. 1383(a)(2)) is amended—

(A) in subparagraph (B)(vii), by striking ''a community-based nonprofit social service agency licensed or bonded by the State'' in subclause (I) and inserting ''a certified community-based nonprofit social service agency (as defined in subparagraph (I))'';

(B) in subparagraph (D)(ii)—

(i) by striking ''or any community-based'' and all that follows through ''in accordance'' in subclause (II) and inserting ''or any certified community-based nonprofit social service agency (as defined in subparagraph (I)), if the agency, in accordance'';

(ii) by redesignating items (aa) and (bb) as subclauses (I) and (II), respectively (and adjusting the margination accordingly); and

(iii) by striking ''subclause (II)(bb)'' and inserting ''subclause (II)''; and

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

''(I) For purposes of this paragraph, the term 'certified community-based nonprofit social service agency' means a community based nonprofit social service agency which is in compliance with requirements, under regulations which shall be prescribed by the Commissioner, for annual certification to the Commissioner that it is bonded in accordance with requirements specified by the Commissioner and that it is licensed in each State in which it serves as a representative payee (if licensing is available in the State) in accordance with requirements specified by the Commissioner. Any such annual certification shall include a copy of any independent audit on the agency which may have been performed since the previous certification.''.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on the first day of the thirteenth month beginning after the date of the enactment of this Act.

(b) PERIODIC ONSITE REVIEW.—

(1) TITLE II AMENDMENT.—Section 205(j)(6) of such Act (42 U.S.C. 405(j)(6)) is amended to read as follows:

''(6)(A) In addition to such other reviews of representative payees as the Commissioner of Social Security may otherwise conduct, the Commissioner shall provide for the periodic onsite review of any person or agency located in the United States that receives the benefits payable under this title (alone or in combination with benefits payable under title VIII or title XVI) to another individual pursuant to the appointment of such person or agency as a representative payee under this subsection, section 807, or section 1631(a)(2) in any case in which—

''(i) the representative payee is a person who serves in that capacity with respect to 15 or more such individuals;

''(ii) the representative payee is a certified community-based nonprofit social service agency (as defined in paragraph (9) of this subsection or section 1631(a)(2)(I)); or

''(iii) the representative payee is an agency (other than an agency described in clause (ii)) that serves in that capacity with respect to 50 or more such individuals.

''(B) Within 120 days after the end of each fiscal year, the Commissioner shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a report on the results of periodic onsite reviews conducted during the fiscal year pursuant to subparagraph (A) and of any other reviews of representative payees conducted during such fiscal year in connection with benefits under this title. Each such report shall describe in detail all problems identified in such reviews and any corrective action taken or planned to be taken to correct such problems, and shall include—

''(i) the number of such reviews;

''(ii) the results of such reviews;

''(iii) the number of cases in which the representative payee was changed and why;

''(iv) the number of cases involving the exercise of expedited, targeted oversight of the representative payee by the Commissioner conducted upon receipt of an allegation of misuse of funds, failure to pay a vendor, or a similar irregularity;

''(v) the number of cases discovered in which there was a misuse of funds;

''(vi) how any such cases of misuse of funds were dealt with by the Commissioner;

''(vii) the final disposition of such cases of misuse of funds, including any criminal penalties imposed; and

''(viii) such other information as the Commissioner deems appropriate.''.

(2) TITLE VIII AMENDMENT.—Section 807 of such Act (as amended by section 101(b)(2) of this Act) is amended further by adding at the end the following new subsection:

''(k) PERIODIC ONSITE REVIEW.—(1) In addition to such other reviews of representative payees as the Commissioner of Social Security may otherwise conduct, the Commissioner may provide for the periodic onsite review of any person or agency that receives the benefits payable under this title (alone or in combination with benefits payable under title II or title XVI) to another individual pursuant to the appointment of such person or agency as a representative payee under this section, section 205(j), or section 1631(a)(2) in any case in which—

''(A) the representative payee is a person who serves in that capacity with respect to 15 or more such individuals; or

''(B) the representative payee is an agency that serves in that capacity with respect to 50 or more such individuals.

''(2) Within 120 days after the end of each fiscal year, the Commissioner shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a report on the results of periodic onsite reviews conducted during the fiscal year pursuant to paragraph (1) and of any other reviews of representative payees conducted during such fiscal year in connection with benefits under this title. Each such report shall describe in detail all problems identified in such reviews and any corrective action taken or planned to be taken to correct such problems, and shall include—

''(A) the number of such reviews;

''(B) the results of such reviews;

''(C) the number of cases in which the representative payee was changed and why;

''(D) the number of cases involving the exercise of expedited, targeted oversight of the representative payee by the Commissioner conducted upon receipt of an allegation of misuse of funds, failure to pay a vendor, or a similar irregularity;

''(E) the number of cases discovered in which there was a misuse of funds;

''(F) how any such cases of misuse of funds were dealt with by the Commissioner;

''(G) the final disposition of such cases of misuse of funds, including any criminal penalties imposed; and

''(H) such other information as the Commissioner deems appropriate.''.

(3) TITLE XVI AMENDMENT.—Section 1631(a)(2)(G) of such Act (42 U.S.C. 1383(a)(2)(G)) is amended to read as follows:

''(G)(i) In addition to such other reviews of representative payees as the Commissioner of Social Security may otherwise conduct, the Commissioner shall provide for the periodic onsite review of any person or agency that receives the benefits payable under this title (alone or in combination with benefits

payable under title II or title VIII) to another individual pursuant to the appointment of the person or agency as a representative payee under this paragraph, section 205(j), or section 807 in any case in which—

''(I) the representative payee is a person who serves in that capacity with respect to 15 or more such individuals;

''(II) the representative payee is a certified community-based nonprofit social service agency (as defined in subparagraph (I) of this paragraph or section 205(j)(9)); or

''(III) the representative payee is an agency (other than an agency described in subclause (II)) that serves in that capacity with respect to 50 or more such individuals.

''(ii) Within 120 days after the end of each fiscal year, the Commissioner shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a report on the results of periodic onsite reviews conducted during the fiscal year pursuant to clause (i) and of any other reviews of representative payees conducted during such fiscal year in connection with benefits under this title. Each such report shall describe in detail all problems identified in the reviews and any corrective action taken or planned to be taken to correct the problems, and shall include—

''(I) the number of the reviews;

''(II) the results of such reviews;

''(III) the number of cases in which the representative payee was changed and why;

''(IV) the number of cases involving the exercise of expedited, targeted oversight of the representative payee by the Commissioner conducted upon receipt of an allegation of misuse of funds, failure to pay a vendor, or a similar irregularity;

''(V) the number of cases discovered in which there was a misuse of funds;

''(VI) how any such cases of misuse of funds were dealt with by the Commissioner;

''(VII) the final disposition of such cases of misuse of funds, including any criminal penalties imposed; and

''(VIII) such other information as the Commissioner deems appropriate.''.

SEC. 103. DISQUALIFICATION FROM SERVICE AS REPRESENTATIVE PAYEE UPON CONVICTION OF OFFENSES RESULTING IN IMPRISONMENT FOR MORE THAN 1 YEAR AND UPON FUGITIVE FELON STATUS.

(a) TITLE II AMENDMENTS.—Section 205(j)(2) of the Social Security Act (42 U.S.C. 405(j)(2)) is amended—

(1) in subparagraph (B)(i)—

(A) by striking ''and'' at the end of subclause (III);

(B) by redesignating subclause (IV) as subclause (VI); and

(C) by inserting after subclause (III) the following new subclauses:

''(IV) obtain information concerning whether such person has been convicted of any other offense under Federal or State law which resulted in imprisonment for more than 1 year,

''(V) obtain information concerning whether such person is a fugitive felon as described in section 1611(e)(4), and''.

(2) in subparagraph (C)(i)(II), by striking ''subparagraph (B)(i)(IV),,'' and inserting ''subparagraph (B)(i)(VI)'' and striking ''section 1631(a)(2)(B)(ii)(IV)'' and inserting ''section 1631(a)(2)(B)(ii)(VI)''; and

(3) in subparagraph (C)(i)—

(A) by striking ''or'' at the end of subclause (II);

(B) by striking the period at the end of subclause (III) and inserting a comma; and

(C) by adding at the end the following new subclauses:

''(IV) such person has previously been convicted as described in subparagraph (B)(i)(IV), unless the Commissioner determines that such certification would be appropriate notwithstanding such conviction, or

''(V) such person is in fugitive felon status as described in section 1611(e)(4).''.

(b) TITLE VIII AMENDMENTS.—Section 807 of such Act (42 U.S.C. 1007) is amended—

(1) in subsection (b)(2)—

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

(B) by redesignating subparagraph (D) as subparagraph (F); and

(C) by inserting after subparagraph (C) the following new subparagraphs:

''(D) obtain information concerning whether such person has been convicted of any other offense under a law of the United States or of any State of the United States which resulted in imprisonment for more than 1 year;

''(E) obtain information concerning whether such person is a fugitive felon as described in section 804(a)(2); and''; and

(2) in subsection (d)(1)—

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

(B) by striking the period at the end of subparagraph (C) and inserting a semicolon; and

(C) by adding at the end the following new subparagraphs:

''(D) such person has previously been convicted as described in subsection (b)(2)(D), unless the Commissioner determines that such payment would be appropriate notwithstanding such conviction; or

''(E) such person is in fugitive felon status as described in section 804(a)(2).''.

(c) TITLE XVI AMENDMENTS.—Section 1631(a)(2)(B) of such Act (42 U.S.C. 1383(a)(2)(B)) is amended—

(1) in clause (ii)—

(A) by striking ''and'' at the end of subclause (III);

(B) by redesignating subclause (IV) as subclause (VI); and

(C) by inserting after subclause (III) the following new subclauses:

''(IV) obtain information concerning whether the person has been convicted of any other offense under Federal or State law which resulted in imprisonment for more than 1 year;

''(V) obtain information concerning whether such person is a fugitive felon as described in section 1611(e)(4); and'';

(2) in clause (iii)(II)—

(A) by striking ''clause (ii)(IV)'' and inserting ''clause (ii)(VI)''; and

(B) by striking ''section 205(j)(2)(B)(i)(IV)'' and inserting ''section 205(j)(2)(B)(i)(VI)''; and

(3) in clause (iii)—

(A) by striking ''or'' at the end of subclause (II);

(B) by striking the period at the end of subclause (III) and inserting a semicolon; and

(C) by adding at the end the following new subclauses:

''(IV) if the person has previously been convicted as described in clause (ii)(IV) of this subparagraph, unless the Commissioner determines that the payment would be appropriate notwithstanding the conviction; or

''(V) such person is in fugitive felon status as described in section 1611(e)(4).''.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on the first day of the thirteenth month beginning after the date of the enactment of this Act.

(e) REPORT TO THE CONGRESS.—The Commissioner of Social Security, in consultation with the Inspector General of the Social Security Administration, shall prepare a report evaluating whether the existing procedures and reviews for the qualification (including disqualification) of representative payees are sufficient to enable the Commissioner to protect benefits from being misused by representative payees. The Commissioner shall submit the report to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate no later than 270 days after the date of the enactment of this Act. The Commissioner shall include in such report any recommendations that the Commissioner considers appropriate.

SEC. 104. FEE FORFEITURE IN CASE OF BENEFIT MISUSE BY REPRESENTATIVE PAYEES.

(a) TITLE II AMENDMENTS.—Section 205(j)(4)(A)(i) of the Social Security Act (42 U.S.C. 405(j)(4)(A)(i)) is amended—

(1) in the first sentence, by striking ''A'' and inserting ''Except as provided in the next sentence, a''; and

(2) in the second sentence, by striking ''The Secretary'' and inserting the following: ''A qualified organization may not collect a fee from an individual for any month with respect to which the Commissioner of Social Security or a court of competent jurisdiction has determined that the organization misused all or part of the individual's benefit, and any amount so collected by the qualified organization for such month shall be treated as a misused part of the individual's benefit for purposes of paragraphs (5) and (6). The Commissioner''.

(b) TITLE XVI AMENDMENTS.—Section 1631(a)(2)(D)(i) of such Act (42 U.S.C. 1383(a)(2)(D)(i)) is amended—

(1) in the first sentence, by striking ''A'' and inserting ''Except as provided in the next sentence, a''; and

(2) in the second sentence, by striking ''The Commissioner'' and inserting the following: ''A qualified organization may not collect a fee from an individual for any month with respect to which the Commissioner of Social Security or a court of competent jurisdiction has determined that the organization misused all or part of the individual's benefit, and any amount so collected by the qualified organization for such month shall be treated as a misused part of the individual's benefit for purposes of subparagraphs (E) and (F). The Commissioner''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to any month involving benefit misuse by a representative payee in any case with respect to which the Commissioner makes the determination of misuse after December 31, 2002.

SEC. 105. LIABILITY OF REPRESENTATIVE PAYEES FOR MISUSED BENEFITS.

(a) TITLE II AMENDMENTS.—Section 205(j) of the Social Security Act (42 U.S.C. 405(j)) (as amended by sections 101 and 102 of this Act) is amended further—

(1) by redesignating paragraphs (7), (8), and (9) as paragraphs (8), (9), and (10), respectively;

(2) in paragraphs (2)(C)(v), (3)(F), and (4)(B), by striking ''paragraph (9)'' and inserting ''paragraph (10)'';

(3) in paragraph (6)(A)(ii), by striking ''paragraph (9)'' and inserting ''paragraph (10)''; and

(4) by inserting after paragraph (6) the following new paragraph:

''(7)(A) If the Commissioner of Social Security or a court of competent jurisdiction determines that a representative payee that is not a Federal, State, or local government agency has misused all or part of an individual's benefit that was paid to such representative payee under this subsection, the representative payee shall be liable for the amount misused, and such amount (to the extent not repaid by the representative payee) shall be treated as an overpayment of

benefits under this title to the representative payee for all purposes of this Act and related laws pertaining to the recovery of such overpayments. Subject to subparagraph (B), upon recovering all or any part of such amount, the Commissioner shall certify an amount equal to the recovered amount for payment to such individual or such individual's alternative representative payee.

''(B) The total of the amount certified for payment to such individual or such individual's alternative representative payee under subparagraph (A) of this paragraph and the amount certified for payment under paragraph (5) may not exceed the total benefit amount misused by the representative payee with respect to such individual.''.

(b) TITLE VIII AMENDMENT.—Section 807 of such Act (as amended by section 102(b)(2)) is amended further by adding at the end the following new subsection:

''(l) LIABILITY FOR MISUSED AMOUNTS.—

''(1) IN GENERAL.—If the Commissioner of Social Security or a court of competent jurisdiction determines that a representative payee that is not a Federal, State, or local government agency has misused all or part of an individual's benefit that was paid to such representative payee under this section, the representative payee shall be liable for the amount misused, and such amount (to the extent not repaid by the representative payee) shall be treated as an overpayment of benefits under this title to the representative payee for all purposes of this Act and related laws pertaining to the recovery of such overpayments. Subject to paragraph (2), upon recovering all or any part of such amount, the Commissioner shall make payment of an amount equal to the recovered amount to such individual or such individual's alternative representative payee.

''(2) LIMITATION.—The total of the amount paid to such individual or such individual's alternative representative payee under paragraph (1) of this subsection and the amount paid under subsection (i) may not exceed the total benefit amount misused by the representative payee with respect to such individual.''.

(c) TITLE XVI AMENDMENTS.—Section 1631(a)(2) of such Act (42 U.S.C. 1383(a)(2)) (as amended by section 102 of this Act) is amended further—

(1) in subparagraph (G)(i)(II), by striking ''section 205(j)(9)'' and inserting ''section 205(j)(10)''; and

(2) by striking subparagraph (H) and inserting the following:

''(H)(i) If the Commissioner of Social Security or a court of competent jurisdiction determines that a representative payee that is not a Federal, State, or local government agency has misused all or part of an individual's benefit that was paid to the representative payee under this paragraph, the representative payee shall be liable for the amount misused, and the amount (to the extent not repaid by the representative payee) shall be treated as an overpayment of benefits under this title to the representative payee for all purposes of this Act and related laws pertaining to the recovery of the overpayments. Subject to clause (ii), upon recovering all or any part of the amount, the Commissioner shall make payment of an amount equal to the recovered amount to such individual or such individual's alternative representative payee.

''(ii) The total of the amount paid to such individual or such individual's alternative representative payee under clause (i) of this subparagraph and the amount paid under subparagraph (E) may not exceed the total benefit amount misused by the representative payee with respect to such individual.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to benefit misuse by a representative payee in any case with respect to which the Commissioner makes the determination of misuse after December 31, 2002.

SEC. 106. AUTHORITY TO REDIRECT DELIVERY OF BENEFIT PAYMENTS WHEN A REPRESENTATIVE PAYEE FAILS TO PROVIDE REQUIRED ACCOUNTING.

(a) TITLE II AMENDMENTS.—Section 205(j)(3) of the Social Security Act (42 U.S.C. 405(j)(3)) (as amended by sections 102(a)(1)(B) and 105(a)(2)) is amended—

(1) by redesignating subparagraphs (E) and (F) as subparagraphs (F) and (G), respectively; and

(2) by inserting after subparagraph (D) the following new subparagraph:

''(E) In any case in which the person described in subparagraph (A) or (D) receiving payments on behalf of another fails to submit a report required by the Commissioner of Social Security under subparagraph (A) or (D), the Commissioner may, after furnishing notice to such person and the individual entitled to such payment, require that such person appear in person at a field office of the Social Security Administration serving the area in which the individual resides in order to receive such payments.''.

(b) TITLE VIII AMENDMENTS.—Section 807(h) of such Act (42 U.S.C. 1007(h)) is amended—

(1) by redesignating paragraphs (3) and (4) as paragraphs (4) and (5), respectively; and

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

''(3) AUTHORITY TO REDIRECT DELIVERY OF BENEFIT PAYMENTS WHEN A REPRESENTATIVE PAYEE FAILS TO PROVIDE REQUIRED ACCOUNTING.—In any case in which the person described in paragraph (1) or (2) receiving benefit payments on behalf of a qualified individual fails to submit a report required by the Commissioner of Social Security under paragraph (1) or (2), the Commissioner may, after furnishing notice to such person and the qualified individual, require that such person appear in person at a United States Government facility designated by the Social Security Administration as serving the area in which the qualified individual resides in order to receive such benefit payments.''.

(c) TITLE XVI AMENDMENT.—Section 1631(a)(2)(C) of such Act (42 U.S.C. 1383(a)(2)(C)) is amended by adding at the end the following new clause:

''(v) In any case in which the person described in clause (i) or (iv) receiving payments on behalf of another fails to submit a report required by the Commissioner of Social Security under clause (i) or (iv), the Commissioner may, after furnishing notice to the person and the individual entitled to the payment, require that such person appear in person at a field office of the Social Security Administration serving the area in which the individual resides in order to receive such payments.''.

(d) EFFECTIVE DATE.—The amendment made by this section shall take effect 180 days after the date of the enactment of this Act.

Subtitle B—Enforcement

SEC. 111. CIVIL MONETARY PENALTY AUTHORITY WITH RESPECT TO WRONGFUL CONVERSIONS BY REPRESENTATIVE PAYEES.

(a) IN GENERAL.—Section 1129(a) of the Social Security Act (42 U.S.C. 1320a–8) is amended by adding at the end the following new paragraph:

''(3) Any person (including an organization, agency, or other entity) who, having received, while acting in the capacity of a representative payee pursuant to section 205(j), 807, or 1631(a)(2), a payment under title II, VIII, or XVI for the use and benefit of another individual, converts such payment, or any part thereof, to a use that such person knows or should know is other than for the use and benefit of such other individual shall be subject to, in addition to any other penalties that may be prescribed by law, a civil money penalty of not more than $5,000 for each such conversion. Such person shall also be subject to an assessment, in lieu of damages sustained by the United States resulting from the conversion, of not more than twice the amount of any payments so converted.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply with respect to violations committed after the date of the enactment of this Act.

TITLE II—PROGRAM PROTECTIONS

SEC. 201. CIVIL MONETARY PENALTY AUTHORITY WITH RESPECT TO KNOWING WITHHOLDING OF MATERIAL FACTS.

(a) TREATMENT OF WITHHOLDING OF MATERIAL FACTS.—

(1) CIVIL PENALTIES.—Section 1129(a)(1) of the Social Security Act (42 U.S.C. 1320a–8(a)(1)) is amended—

(A) by striking ''who'' in the first sentence and inserting ''who—'';

(B) by striking ''makes'' in the first sentence and all that follows through ''shall be subject to'' and inserting the following:

''(A) makes, or causes to be made, a statement or representation of a material fact, for use in determining any initial or continuing right to or the amount of monthly insurance benefits under title II or benefits or payments under title VIII or XVI, that the person knows or should know is false or misleading,

''(B) makes such a statement or representation for such use with knowing disregard for the truth,

''(C) omits from a statement or representation for such use, or otherwise withholds disclosure of, a fact which the person knows or should know is material to the determination of any initial or continuing right to or the amount of monthly insurance benefits under title II or benefits or payments under title VIII or XVI, if the person knows, or should know, that the statement or representation with such omission is false or misleading or that the withholding of such disclosure is misleading, or

''(D) conceals or fails to disclose the occurrence of any event that the person knows, or should know, is material to the determination of any initial or continuing right to the amount of monthly insurance benefits under title II or benefits or payments under title VIII or XVI,

shall be subject to'';

(C) by inserting ''or each receipt of such benefits or payments while withholding disclosure of such fact'' after ''each such statement or representation'' in the first sentence;

(D) by inserting ''or because of such withholding of disclosure of a material fact'' after ''because of such statement or representation'' in the second sentence; and

(E) by inserting ''or such a withholding of disclosure'' after ''such a statement or representation'' in the second sentence.

(2) ADMINISTRATIVE PROCEDURE FOR IMPOSING PENALTIES.—Section 1129A(a) of such Act (42 U.S.C. 1320a–8a(a)) is amended—

(A) by striking ''who'' the first place it appears and inserting ''who—''; and

(B) by striking ''makes'' and all that follows through ''shall be subject to,'' and inserting the following:

''(1) makes, or causes to be made, a statement or representation of a material fact, for use in determining any initial or continuing right to or the amount of monthly insurance benefits under title II or benefits or payments under title VIII or XVI that the

person knows or should know is false or misleading,

''(2) makes such a statement or representation for such use with knowing disregard for the truth,

''(3) omits from a statement or representation for such use, or otherwise withholds disclosure of, a fact which the person knows or should know is material to the determination of any initial or continuing right to or the amount of monthly insurance benefits under title II or benefits or payments under title VIII or XVI, if the person knows, or should know, that the statement or representation with such omission is false or misleading or that the withholding of such disclosure is misleading, or

''(4) conceals or fails to disclose the occurrence of any event that the person knows, or should know, is material to the determination of any initial or continuing right to the amount of monthly insurance benefits under title II or benefits or payments under title VIII or XVI,

shall be subject to,''.

(b) CLARIFICATION OF TREATMENT OF RECOVERED AMOUNTS.—Section 1129(e)(2)(B) of such Act (42 U.S.C. 1320a–8(e)(2)(B)) is amended by striking ''In the case of amounts recovered arising out of a determination relating to title VIII or XVI,'' and inserting ''In the case of any other amounts recovered under this section,''.

(c) CONFORMING AMENDMENTS.—

(1) Section 1129(b)(3)(A) of such Act (42 U.S.C. 1320a–8(b)(3)(A)) is amended by striking ''charging fraud or false statements''.

(2) Section 1129(c)(1) of such Act (42 U.S.C. 1320a–8(c)(1)) is amended by striking ''and representations'' and inserting '', representations, or actions''.

(3) Section 1129(e)(1)(A) of such Act (42 U.S.C. 1320a–8(e)(1)(A)) is amended by striking ''statement or representation referred to in subsection (a) was made'' and inserting ''violation occurred''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to violations committed after the later of—

(1) 180 days after the date of the enactment of this Act, or

(2) the earlier of the date on which the Commissioner of Social Security implements the system for issuing the receipts required under subsection (e) of this section or the date on which the Commissioner implements the centralized computer file described in such subsection.

(e) ISSUANCE BY COMMISSIONER OF RECEIPTS TO ACKNOWLEDGE SUBMISSION OF REPORTS OF CHANGES IN EARNING OR WORK STATUS.—Effective 180 days after the date of the enactment of this Act, until such time as the Commissioner of Social Security implements a centralized computer file recording the date of the submission of information by a beneficiary (or representative) regarding a change in the beneficiary's earning or work status, the Commissioner shall issue a receipt to the beneficiary (or representative) each time he or she submits documentation, or otherwise reports to the Commissioner, on a change in such status.

SEC. 202. DENIAL OF TITLE II BENEFITS TO FUGITIVE FELONS AND PERSONS FLEEING PROSECUTION.

(a) IN GENERAL.—Section 202(x) of the Social Security Act (42 U.S.C. 402(x)) is amended—

(1) in the heading, by striking ''Prisoners'' and all that follows and inserting the following: ''Prisoners, Certain Other Inmates of Publicly Funded Institutions, and Fugitives'';

(2) in paragraph (1)(A)(ii)(IV), by striking ''or'' at the end;

(3) in paragraph (1)(A)(iii), by striking the period at the end and inserting a comma;

(4) by inserting after paragraph (1)(A)(iii) the following:

''(iv) is fleeing to avoid prosecution, or custody or confinement after conviction, under the laws of the place from which the person flees, for a crime, or an attempt to commit a crime, which is a felony under the laws of the place from which the person flees, or which, in the case of the State of New Jersey, is a high misdemeanor under the laws of such State, or

''(v) is violating a condition of probation or parole imposed under Federal or State law.

In the case of an individual from whom such monthly benefits have been withheld pursuant to clause (iv), the Commissioner may, for good cause shown, pay such withheld benefits to the individual.''; and

(5) in paragraph (3), by adding at the end the following new subparagraph:

''(C) Notwithstanding the provisions of section 552a of title 5, United States Code, or any other provision of Federal or State law (other than section 6103 of the Internal Revenue Code of 1986 and section 1106(c) of this Act), the Commissioner shall furnish any Federal, State, or local law enforcement officer, upon the written request of the officer, with the current address, Social Security number, and photograph (if applicable) of any beneficiary under this title, if the officer furnishes the Commissioner with the name of the beneficiary, and other identifying information as reasonably required by the Commissioner to establish the unique identity of the beneficiary, and notifies the Commissioner that—

''(i) the beneficiary—

''(I) is described in clause (iv) or (v) of paragraph (1)(A); and

''(II) has information that is necessary for the officer to conduct the officer's official duties; and

''(ii) the location or apprehension of the beneficiary is within the officer's official duties.''.

(b) REGULATIONS.—Not later than 1 year after the date of the enactment of this Act, the Commissioner of Social Security shall promulgate regulations governing payment by the Commissioner, for good cause shown, of withheld benefits, pursuant to the last sentence of section 202(x)(1)(A) of the Social Security Act (as amended by subsection (a)).

SEC. 203. REQUIREMENTS RELATING TO OFFERS TO PROVIDE FOR A FEE A PRODUCT OR SERVICE AVAILABLE WITHOUT CHARGE FROM THE SOCIAL SECURITY ADMINISTRATION.

(a) IN GENERAL.—Section 1140 of the Social Security Act (42 U.S.C. 1320b–10) is amended—

(1) in subsection (a), by adding at the end the following new paragraph:

''(4)(A) No person shall offer, for a fee, to assist an individual to obtain a product or service that the person knows or should know is provided free of charge by the Social Security Administration unless, at the time the offer is made, the person provides to the individual to whom the offer is tendered a notice that—

''(i) explains that the product or service is available free of charge from the Social Security Administration, and

''(ii) complies with standards prescribed by the Commissioner of Social Security respecting content of such notice and its placement, visibility, and legibility.

''(B) Subparagraph (A) shall not apply to any offer—

''(i) to serve as a claimant representative in connection with a claim arising under title II, title VIII, or title XVI; or

''(ii) to prepare, or assist in the preparation of, an individual's plan for achieving self-support under title XVI.''; and

(2) in the heading, by striking ''PROHIBITION OF MISUSE OF SYMBOLS, EMBLEMS, OR NAMES IN REFERENCE'' and inserting ''PROHIBITIONS RELATING TO REFERENCES''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to offers of assistance made after the sixth month ending after the Commissioner of Social Security promulgates final regulations prescribing the standards applicable to the notice required to be provided in connection with such offer. The Commissioner shall promulgate such final regulations within one year after the date of the enactment of this Act.

SEC. 204. REFUSAL TO RECOGNIZE CERTAIN INDIVIDUALS AS CLAIMANT REPRESENTATIVES.

Section 206(a)(1) of the Social Security Act (42 U.S.C. 406(a)(1)) is amended by inserting after the second sentence the following: ''Notwithstanding the preceding sentences, the Commissioner (A) may refuse to recognize as a representative, and may disqualify a representative already recognized, any attorney who has been disbarred or suspended from any court or bar to which he or she was previously admitted to practice or who has been disqualified from participating in or appearing before any Federal program or agency, and (B) may refuse to recognize, and may disqualify, as a non-attorney representative any attorney who has been disbarred or suspended from any court or bar to which he or she was previously admitted to practice. A representative who has been disqualified or suspended pursuant to this section from appearing before the Social Security Administration as a result of collecting or receiving a fee in excess of the amount authorized shall be barred from appearing before the Social Security Administration as a representative until full restitution is made to the claimant and, thereafter, may be considered for reinstatement only under such rules as the Commissioner may prescribe.''.

SEC. 205. PENALTY FOR CORRUPT OR FORCIBLE INTERFERENCE WITH ADMINISTRATION OF SOCIAL SECURITY ACT.

Part A of title XI of the Social Security Act (42 U.S.C. 1301 et seq.) is amended by inserting after section 1134 the following new section:

''ATTEMPTS TO INTERFERE WITH ADMINISTRATION OF SOCIAL SECURITY ACT

''SEC. 1135. CORRUPT OR FORCIBLE INTERFERENCE.—Whoever corruptly or by force or threats of force (including any threatening letter or communication) attempts to intimidate or impede any officer, employee, or contractor of the social security administration (including any State employee of a disability determination service or any other individual designated by the commissioner of social security) acting in an official capacity to carry out a duty under this act, or in any other way corruptly or by force or threats of force (including any threatening letter or communication) obstructs or impedes, or attempts to obstruct or impede, the due administration of this act, shall be fined not more than $5,000, imprisoned not more than 3 years, or both, except that if the offense is committed only by threats of force, the person shall be fined not more than $3,000, imprisoned not more than 1 year, or both. In this subsection, the term 'threats of force' means threats of harm to the officer or employee of the United States or to a member of the family of such an officer or employee.''.

SEC. 206. USE OF SYMBOLS, EMBLEMS, OR NAMES IN REFERENCE TO SOCIAL SECURITY OR MEDICARE.

(a) IN GENERAL.—Section 1140(a)(1) of the Social Security Act (42 U.S.C. 1320b–10(a)(1)) is amended—

(1) in subparagraph (A), by inserting '' 'Centers for Medicare & Medicaid Services',''

after '' 'Health Care Financing Administration','', by striking ''or 'Medicaid', '' and inserting '' 'Medicaid', 'Death Benefits Update', 'Federal Benefit Information', 'Funeral Expenses', or 'Final Supplemental Plan','' and by inserting '' 'CMS','' after '' 'HCFA','';

(2) in subparagraph (B), by inserting ''Centers for Medicare & Medicaid Services,'' after ''Health Care Financing Administration,'' each place it appears; and

(3) in the matter following subparagraph (B), by striking ''the Health Care Financing Administration,'' each place it appears and inserting ''the Centers for Medicare & Medicaid Services,''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to items sent after 180 days after the date of the enactment of this Act.

TITLE III—ATTORNEY FEE PAYMENT SYSTEM IMPROVEMENTS

SEC. 301. CAP ON ATTORNEY ASSESSMENTS.

(a) IN GENERAL.—Section 206(d)(2)(A) of the Social Security Act (42 U.S.C. 406(d)(2)(A)) is amended by inserting '', except that the maximum amount of the assessment may not exceed $100'' after ''subparagraph (B)''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply with respect to fees for representation of claimants which are first required to be certified or paid under section 206 of the Social Security Act on or after the first day of the first month that begins after 180 days after the date of the enactment of this Act.

SEC. 302. EXTENSION OF ATTORNEY FEE PAYMENT SYSTEM TO TITLE XVI CLAIMS.

(a) IN GENERAL.—Section 1631(d)(2) of the Social Security Act (42 U.S.C. 1383(d)(2)) is amended—

(1) in subparagraph (A), in the matter preceding clause (i)—

(A) by striking ''section 206(a)'' and inserting ''section 206'';

(B) by striking ''(other than paragraph (4) thereof)'' and inserting ''(other than subsections (a)(4) and (d) thereof)''; and

(C) by striking ''paragraph (2) thereof'' and inserting ''such section'';

(2) in subparagraph (A)(i), by striking ''in subparagraphs (A)(ii)(I) and (C)(i),'' and inserting ''in subparagraphs (A)(ii)(I) and (D)(i) of subsection (a)(2)'', and by striking ''and'' at the end;

(3) by striking subparagraph (A)(ii) and inserting the following:

''(ii) by substituting, in subsections (a)(2)(B) and (b)(1)(B)(i), the phrase 'section 1631(a)(7)(A) or the requirements of due process of law' for the phrase 'subsection (g) or (h) of section 223';

''(iii) by substituting, in subsection (a)(2)(C)(i), the phrase 'under title II' for the phrase 'under title XVI';

''(iv) by substituting, in subsection (b)(1)(A), the phrase 'pay the amount of such fee' for the phrase 'certify the amount of such fee for payment' and by striking, in subsection (b)(1)(A), the phrase 'or certified for payment'; and

''(v) by substituting, in subsection (b)(1)(B)(ii), the phrase 'deemed to be such amounts as determined before any applicable reduction under section 1631(g), and reduced by the amount of any reduction in benefits under this title or title II made pursuant to section 1127(a)' for the phrase 'determined before any applicable reduction under section 1127(a))'.''; and

(4) by striking subparagraph (B) and inserting the following new subparagraphs:

''(B) Subject to subparagraph (C), if the claimant is determined to be entitled to past-due benefits under this title and the person representing the claimant is an attorney, the Commissioner of Social Security shall pay out of such past-due benefits to such attorney an amount equal to the lesser of—

''(i) so much of the maximum fee as does not exceed 25 percent of such past-due benefits (as determined before any applicable reduction under section 1631(g) and reduced by the amount of any reduction in benefits under this title or title II pursuant to section 1127(a)), or

''(ii) the amount of past-due benefits available after any applicable reductions under sections 1631(g) and 1127(a).

''(C)(i) Whenever a fee for services is required to be paid to an attorney from a claimant's past-due benefits pursuant to subparagraph (B), the Commissioner shall impose on the attorney an assessment calculated in accordance with clause (ii).

''(ii)(I) The amount of an assessment under clause (i) shall be equal to the product obtained by multiplying the amount of the representative's fee that would be required to be paid by subparagraph (B) before the application of this subparagraph, by the percentage specified in subclause (II), except that the maximum amount of the assessment may not exceed $100.

''(II) The percentage specified in this subclause is such percentage rate as the Commissioner determines is necessary in order to achieve full recovery of the costs of determining and approving fees to attorneys from the past-due benefits of claimants, but not in excess of 6.3 percent.

''(iii) The Commissioner may collect the assessment imposed on an attorney under clause (i) by offset from the amount of the fee otherwise required by subparagraph (B) to be paid to the attorney from a claimant's past-due benefits.

''(iv) An attorney subject to an assessment under clause (i) may not, directly or indirectly, request or otherwise obtain reimbursement for such assessment from the claimant whose claim gave rise to the assessment.

''(v) Assessments on attorneys collected under this subparagraph shall be deposited in the Treasury in a separate fund created for this purpose.

''(vi) The assessments authorized under this subparagraph shall be collected and available for obligation only to the extent and in the amount provided in advance in appropriations Acts. Amounts so appropriated are authorized to remain available until expended, for administrative expenses in carrying out this title and related laws.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to fees for representation of claimants which are first required to be certified or paid under section 1631(d)(2) of the Social Security Act on or after the first day of the first month that begins after 270 days after the date of the enactment of this Act.

(c) REPORT TO THE CONGRESS.—The Commissioner of Social Security, after consulting with representatives of affected beneficiaries and other interested persons, shall prepare a report evaluating the feasibility of extending to non-attorney representatives the fee withholding procedures that apply under titles II and XVI of the Social Security Act for the payment of attorney fees. The Commissioner shall submit the report to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate no later than 270 days after the date of the enactment of this Act, and the Commissioner shall include in such report any recommendations that the Commissioner considers appropriate.

TITLE IV—MISCELLANEOUS AND TECHNICAL AMENDMENTS

Subtitle A—Amendments Relating to the Ticket to Work and Work Incentives Improvement Act of 1999

SEC. 401. APPLICATION OF DEMONSTRATION AUTHORITY SUNSET DATE TO NEW PROJECTS.

Section 234 of the Social Security Act (42 U.S.C. 434) is amended—

(1) in the first sentence of subsection (c), by striking ''conducted under subsection (a)'' and inserting ''initiated under subsection (a) on or before December 17, 2004''; and

(2) in subsection (d)(2), by amending the first sentence to read as follows: ''The authority to initiate projects under the preceding provisions of this section shall terminate on December 18, 2004.''.

SEC. 402. EXPANSION OF WAIVER AUTHORITY AVAILABLE IN CONNECTION WITH DEMONSTRATION PROJECTS PROVIDING FOR REDUCTIONS IN DISABILITY INSURANCE BENEFITS BASED ON EARNINGS.

Section 302(c) of the Ticket to Work and Work Incentives Improvement Act of 1999 (42 U.S.C. 434 note) is amended by striking ''(42 U.S.C. 401 et seq.),'' and inserting ''(42 U.S.C. 401 et seq.) and the requirements of section 1148 of such Act (42 U.S.C. 1320b–19) as they relate to the program established under title II of such Act,''.

SEC. 403. FUNDING OF DEMONSTRATION PROJECTS PROVIDED FOR REDUCTIONS IN DISABILITY INSURANCE BENEFITS BASED ON EARNINGS.

Section 302(f) of the Ticket to Work and Work Incentives Improvement Act of 1999 (42 U.S.C. 434 note) is amended to read as follows:

''(f) EXPENDITURES.—Administrative expenses for demonstration projects under this section shall be paid from funds available for the administration of title II or title XVIII of the Social Security Act, as appropriate. Benefits payable to or on behalf of individuals by reason of participation in projects under this section shall be made from the Federal Disability Insurance Trust Fund and the Federal Old-Age and Survivors Insurance Trust Fund, as determined appropriate by the Commissioner of Social Security, and from the Federal Hospital Insurance Trust Fund and the Federal Supplementary Medical Insurance Trust Fund, as determined appropriate by the Secretary of Health and Human Services, from funds available for benefits under such title II or title XVIII.''.

SEC. 404. AVAILABILITY OF FEDERAL AND STATE WORK INCENTIVE SERVICES TO ADDITIONAL INDIVIDUALS.

(a) FEDERAL WORK INCENTIVES OUTREACH PROGRAM.—

(1) IN GENERAL.—Section 1149(c)(2) of the Social Security Act (42 U.S.C. 1320b–20(c)(2)) is amended to read as follows:

''(2) DISABLED BENEFICIARY.—The term 'disabled beneficiary' means an individual—

''(A) who is a disabled beneficiary as defined in section 1148(k)(2) of this Act;

''(B) who is receiving a cash payment described in section 1616(a) of this Act or a supplementary payment described in section 212(a)(3) of Public Law 93–66 (without regard to whether such payment is paid by the Commissioner pursuant to an agreement under section 1616(a) of this Act or under section 212(b) of Public Law 93–66);

''(C) who, pursuant to section 1619(b) of this Act, is considered to be receiving benefits under title XVI of this Act; or

''(D) who is entitled to benefits under part A of title XVIII of this Act by reason of the penultimate sentence of section 226(b) of this Act.''.

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply with respect to grants, cooperative agreements, or contracts entered into on or after the date of the enactment of this Act.

(b) STATE GRANTS FOR WORK INCENTIVES ASSISTANCE.—

(1) DEFINITION OF DISABLED BENEFICIARY.—Section 1150(g)(2) of such Act (42 U.S.C. 1320b–21(g)(2)) is amended to read as follows:

''(2) DISABLED BENEFICIARY.—The term 'disabled beneficiary' means an individual—

''(A) who is a disabled beneficiary as defined in section 1148(k)(2) of this Act;

''(B) who is receiving a cash payment described in section 1616(a) of this Act or a supplementary payment described in section 212(a)(3) of Public Law 93–66 (without regard to whether such payment is paid by the Commissioner pursuant to an agreement under section 1616(a) of this Act or under section 212(b) of Public Law 93–66);

''(C) who, pursuant to section 1619(b) of this Act, is considered to be receiving benefits under title XVI of this Act; or

''(D) who is entitled to benefits under part A of title XVIII of this Act by reason of the penultimate sentence of section 226(b) of this Act.''.

(2) ADVOCACY OR OTHER SERVICES NEEDED TO MAINTAIN GAINFUL EMPLOYMENT.—Section 1150(b)(2) of such Act (42 U.S.C. 1320b–21(b)(2)) is amended by striking ''secure or regain'' and inserting ''secure, maintain, or regain''.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply with respect to payments provided after the date of the enactment of this Act.

SEC. 405. TECHNICAL AMENDMENT CLARIFYING TREATMENT FOR CERTAIN PURPOSES OF INDIVIDUAL WORK PLANS UNDER THE TICKET TO WORK AND SELF-SUFFICIENCY PROGRAM.

(a) IN GENERAL.—Section 1148(g)(1) of the Social Security Act (42 U.S.C. 1320b–19) is amended by adding at the end, after and below subparagraph (E), the following new sentence:

''An individual work plan established pursuant to this subsection shall be treated, for purposes of section 51(d)(6)(B)(i) of the Internal Revenue Code of 1986, as an individualized written plan for employment under a State plan for vocational rehabilitation services approved under the Rehabilitation Act of 1973.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect as if included in section 505 of the Ticket to Work and Work Incentives Improvement Act of 1999 (Public Law 106-170; 113 Stat. 1921).

Subtitle B—Miscellaneous Amendments

SEC. 411. ELIMINATION OF TRANSCRIPT REQUIREMENT IN REMAND CASES FULLY FAVORABLE TO THE CLAIMANT.

(a) IN GENERAL.—Section 205(g) of the Social Security Act (42 U.S.C. 405(g)) is amended in the sixth sentence by striking ''and a transcript'' and inserting ''and, in any case in which the Commissioner has not made a decision fully favorable to the individual, a transcript''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply with respect to final determinations issued (upon remand) on or after the date of the enactment of this Act.

SEC. 412. NONPAYMENT OF BENEFITS UPON REMOVAL FROM THE UNITED STATES.

(a) IN GENERAL.—Paragraphs (1) and (2) of section 202(n) of the Social Security Act (42 U.S.C. 402(n)(1), (2)) are each amended by striking ''or (1)(E)''.

(b) EFFECTIVE DATE.—The amendment made by this section to section 202(n)(1) of the Social Security Act shall apply to individuals with respect to whom the Commissioner of Social Security receives a removal notice from the Attorney General after the date of the enactment of this Act. The amendment made by this section to section 202(n)(2) of the Social Security Act shall apply with respect to removals occurring after the date of the enactment of this Act.

SEC. 413. REINSTATEMENT OF CERTAIN REPORTING REQUIREMENTS.

Section 3003(a)(1) of the Federal Reports Elimination and Sunset Act of 1995 (31 U.S.C. 1113 note) does not apply to any report required to be submitted under any of the following provisions of law:

(1)(A) Section 201(c)(2) of the Social Security Act (42 U.S.C. 401(c)(2)).

(B) Section 1817(b)(2) of the Social Security Act (42 U.S.C. 1395i(b)(2)).

(C) Section 1841(b)(2) of the Social Security Act (42 U.S.C. 1395t(b)(2)).

(2)(A) Section 221(c)(3)(C) of the Social Security Act (42 U.S.C. 421(c)(3)(C)).

(B) Section 221(i)(3) of the Social Security Act (42 U.S.C. 421(i)(3)).

SEC. 414. CLARIFICATION OF DEFINITIONS REGARDING CERTAIN SURVIVOR BENEFITS.

(a) WIDOWS.—Section 216(c) of the Social Security Act (42 U.S.C. 416(c)) is amended—

(1) by redesignating subclauses (A) through (C) of clause (6) as subclauses (i) through (iii), respectively;

(2) by redesignating clauses (1) through (6) as clauses (A) through (F), respectively;

(3) in clause (E) (as redesignated), by inserting ''except as provided in paragraph (2),'' before ''she was married'';

(4) by inserting ''(1)'' after ''(c)''; and

(5) by adding at the end the following new paragraph:

''(2) The requirements of paragraph (1)(E) in connection with the surviving wife of an individual shall be treated as satisfied if—

''(A) the individual had been married prior to the individual's marriage to the surviving wife,

''(B) the prior wife was institutionalized during the individual's marriage to the prior wife due to mental incompetence or similar incapacity,

''(C) during the period of the prior wife's institutionalization, the individual would have divorced the prior wife and married the surviving wife, but the individual did not do so because such divorce would have been unlawful, by reason of the prior wife's institutionalization, under the laws of the State in which the individual was domiciled at the time (as determined based on evidence satisfactory to the Commissioner of Social Security),

''(D) the prior wife continued to remain institutionalized up to the time of her death, and

''(E) the individual married the surviving wife within 60 days after prior wife's death.''.

(b) WIDOWERS.—Section 216(g) of such Act (42 U.S.C. 416(g)) is amended—

(1) by redesignating subclauses (A) through (C) of clause (6) as subclauses (i) through (iii), respectively;

(2) by redesignating clauses (1) through (6) as clauses (A) through (F), respectively;

(3) in clause (E) (as redesignated), by inserting ''except as provided in paragraph (2),'' before ''he was married'';

(4) by inserting ''(1)'' after ''(g)''; and

(5) by adding at the end the following new paragraph:

''(2) The requirements of paragraph (1)(E) in connection with the surviving husband of an individual shall be treated as satisfied if—

''(A) the individual had been married prior to the individual's marriage to the surviving husband,

''(B) the prior husband was institutionalized during the individual's marriage to the prior husband due to mental incompetence or similar incapacity,

''(C) during the period of the prior husband's institutionalization, the individual would have divorced the prior husband and married the surviving husband, but the individual did not do so because such divorce would have been unlawful, by reason of the prior husband's institutionalization, under the laws of the State in which the individual was domiciled at the time (as determined based on evidence satisfactory to the Commissioner of Social Security),

''(D) the prior husband continued to remain institutionalized up to the time of his death, and

''(E) the individual married the surviving husband within 60 days after prior husband's death.''.

(c) CONFORMING AMENDMENT.—Section 216(k) of such Act (42 U.S.C. 416(k)) is amended by striking ''clause (5) of subsection (c) or clause (5) of subsection (g)'' and inserting ''clause (E) of subsection (c)(1) or clause (E) of subsection (g)(1)''.

(d) EFFECTIVE DATE.—The amendments made by this section shall be effective with respect to applications for benefits under title II of the Social Security Act filed during months ending after the date of the enactment of this Act.

SEC. 415. CLARIFICATION RESPECTING THE FICA AND SECA TAX EXEMPTIONS FOR AN INDIVIDUAL WHOSE EARNINGS ARE SUBJECT TO THE LAWS OF A TOTALIZATION AGREEMENT PARTNER.

Sections 1401(c), 3101(c), and 3111(c) of the Internal Revenue Code of 1986 are each amended by striking ''to taxes or contributions for similar purposes under'' and inserting ''exclusively to the laws applicable to''.

SEC. 416. COVERAGE UNDER DIVIDED RETIREMENT SYSTEM FOR PUBLIC EMPLOYEES IN KENTUCKY.

Section 218(d)(6)(C) of the Social Security Act (42 U.S.C. 418(d)(6)(C)) is amended by inserting ''Kentucky,'' after ''Illinois,''.

SEC. 417. COMPENSATION FOR THE SOCIAL SECURITY ADVISORY BOARD.

(a) IN GENERAL.—Subsection (f) of section 703 of the Social Security Act (42 U.S.C. 903(f)) is amended to read as follows:

''Compensation, Expenses, and Per Diem

''(f) A member of the Board shall, for each day (including traveltime) during which the member is attending meetings or conferences of the Board or otherwise engaged in the business of the Board, be compensated at the daily rate of basic pay for level IV of the Executive Schedule for each day during which the member is engaged in performing a function of the Board. While serving on business of the Board away from their homes or regular places of business, members may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons in the Government employed intermittently.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall be effective as of January 1, 2002.

Subtitle C—Technical Amendments

SEC. 431. TECHNICAL CORRECTION RELATING TO RESPONSIBLE AGENCY HEAD.

Section 1143 of the Social Security Act (42 U.S.C. 1320b–13) is amended—

(1) by striking ''Secretary'' the first place it appears and inserting ''Commissioner of Social Security''; and

(2) by striking ''Secretary'' each subsequent place it appears and inserting ''Commissioner''.

SEC. 432. TECHNICAL CORRECTION RELATING TO RETIREMENT BENEFITS OF MINISTERS.

(a) IN GENERAL.—Section 211(a)(7) of the Social Security Act (42 U.S.C. 411(a)(7)) is

amended by inserting '', but shall not include in any such net earnings from self-employment the rental value of any parsonage or any parsonage allowance (whether or not excluded under section 107 of the Internal Revenue Code of 1986) provided after the individual retires, or any other retirement benefit received by such individual from a church plan (as defined in section 414(e) of such Code) after the individual retires'' before the semicolon.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to years beginning before, on, or after December 31, 1994.

SEC. 433. TECHNICAL CORRECTIONS RELATING TO DOMESTIC EMPLOYMENT.

(a) AMENDMENT TO INTERNAL REVENUE CODE.—Section 3121(a)(7)(B) of the Internal Revenue Code of 1986 is amended by striking ''described in subsection (g)(5)'' and inserting ''on a farm operated for profit''.

(b) AMENDMENT TO SOCIAL SECURITY ACT.—Section 209(a)(6)(B) of the Social Security Act (42 U.S.C. 409(a)(6)(B)) is amended by striking ''described in section 210(f)(5)'' and inserting ''on a farm operated for profit''.

(c) CONFORMING AMENDMENT.—Section 3121(g)(5) of such Code and section 210(f)(5) of such Act (42 U.S.C. 410(f)(5)) are amended by striking ''or is domestic service in a private home of the employer''.

SEC. 434. TECHNICAL CORRECTIONS OF OUTDATED REFERENCES.

(a) CORRECTION OF TERMINOLOGY AND CITATIONS RESPECTING REMOVAL FROM THE UNITED STATES.—Section 202(n) of the Social Security Act (42 U.S.C. 402(n)) (as amended by section 412) is amended further—

(1) by striking ''deportation'' each place it appears and inserting ''removal'';

(2) by striking ''deported'' each place it appears and inserting ''removed'';

(3) in paragraph (1) (in the matter preceding subparagraph (A)), by striking ''under section 241(a) (other than under paragraph (1)(C) thereof)'' and inserting ''under section 237(a) (other than paragraph (1)(C) thereof) or 212(a)(6)(A)'';

(4) in paragraph (2), by striking ''under any of the paragraphs of section 241(a) of the Immigration and Nationality Act (other than under paragraph (1)(C) thereof)'' and inserting ''under any of the paragraphs of section 237(a) of the Immigration and Nationality Act (other than paragraph (1)(C) thereof) or under section 212(a)(6)(A) of such Act'';

(5) in paragraph (3)—

(A) by striking ''paragraph (19) of section 241(a)'' and inserting ''subparagraph (D) of section 237(a)(4)''; and

(B) by striking ''paragraph (19)'' and inserting ''subparagraph (D)''; and

(6) in the heading, by striking ''Deportation'' and inserting ''Removal''.

(b) CORRECTION OF CITATION RESPECTING THE TAX DEDUCTION RELATING TO HEALTH INSURANCE COSTS OF SELF-EMPLOYED INDIVIDUALS.—Section 211(a)(15) of such Act (42 U.S.C. 411(a)(15)) is amended by striking ''section 162(m)'' and inserting ''section 162(1)''.

(c) ELIMINATION OF REFERENCE TO OBSOLETE 20-DAY AGRICULTURAL WORK TEST.—Section 3102(a) of the Internal Revenue Code of 1986 is amended by striking ''and the employee has not performed agricultural labor for the employer on 20 days or more in the calendar year for cash remuneration computed on a time basis''.

SEC. 435. TECHNICAL CORRECTION RESPECTING SELF-EMPLOYMENT INCOME IN COMMUNITY PROPERTY STATES.

(a) SOCIAL SECURITY ACT AMENDMENT.—Section 211(a)(5)(A) of the Social Security Act (42 U.S.C. 411(a)(5)(A)) is amended by striking ''all of the gross income'' and all that follows and inserting ''the gross income and deductions attributable to such trade or business shall be treated as the gross income and deductions of the spouse carrying on such trade or business or, if such trade or business is jointly operated, treated as the gross income and deductions of each spouse on the basis of their respective distributive share of the gross income and deductions;''.

(b) INTERNAL REVENUE CODE OF 1986 AMENDMENT.—Section 1402(a)(5)(A) of the Internal Revenue Code of 1986 is amended by striking ''all of the gross income'' and all that follows and inserting ''the gross income and deductions attributable to such trade or business shall be treated as the gross income and deductions of the spouse carrying on such trade or business or, if such trade or business is jointly operated, treated as the gross income and deductions of each spouse on the basis of their respective distributive share of the gross income and deductions; and''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida (Mr. SHAW) and the gentleman from California (Mr. MATSUI) each will control 20 minutes.

The Chair recognizes the gentleman from Florida (Mr. SHAW).

Mr. SHAW. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the House today will consider the Social Security Program Protection Act of 2002. It is legislation that would provide the Social Security Administration with the additional tools it needs to fight activities that drain program resources and undermine the financial security of beneficiaries.

Many Social Security and supplemental security income beneficiaries have individuals or organizations called representative payees appointed by the agency to help manage their financial affairs when they are not capable. Nearly 7 million beneficiaries entrust their finances to representative payees who help safeguard their income and make sure expenditures are made in their best interests. Most are conscientious and honest. However, some are not.

This bill raises the standard for representative payees and imposes stricter regulation and monetary penalties on those who take advantage of seniors. The bill also expands the existing prohibition against fugitive felons receiving benefits. In 1996, Congress denied supplemental security income benefits to persons fleeing prosecution or confinement. However, fugitive felons can still receive title II benefits. This is plain wrong, and H.R. 4070 denies benefits to those fleeing justice.

Furthermore, the protection act enhances the ability of the Inspector General to fight fraud through new civil monetary penalties. This will help prevent seniors from being taken advantage of by unscrupulous organizations and individuals who deceptively present themselves as part of the Social Security Administration.

While the bill cracks down on fraud and abuse, it also makes it easier for persons applying for disability benefits to obtain needed legal representation, and it improves the flexibility of the Ticket to Work program to enable more individuals with disabilities to seek and find jobs and achieve self-sufficiency. Also, the bill would amend the Social Security Act to include Kentucky among the States that may divide their retirement systems into two parts and thereby providing Social Security coverage under State agreement only for those State and local workers who choose it.

Ensuring the integrity of Social Security programs is a key responsibility of the agency and of Congress. Taxpayers must be confident that their hard-earned payroll dollars are being spent accurately and wisely. Those who apply for and who receive Social Security benefits must receive timely services and correct and fair decisions. On that we can all agree, and that is why this bill has bipartisan support and was approved unanimously by the Social Security subcommittee.

This bill is the culmination of extensive joint efforts by both the majority and minority Members of the Committee on Ways and Means and the full cooperation and support of the Social Security Administration and the Office of Inspector General. The legislation also benefited from the feedback provisions by advocacy groups and law enforcement agencies. Last, but certainly not least, this bill results in a small amount of savings for both the Social Security trust funds and general revenues.

Today, we have an opportunity to continue our long tradition of achievements on the Social Security program which has been built on a foundation of common ground. Working together over the years, we have removed barriers for individuals with disabilities to return to work. We ended the earnings penalty for seniors who have reached full retirement age; and most recently, the House approved legislation last month to enhance benefits for women.

Working together we can vote today to protect some of the most vulnerable beneficiaries and the integrity of the Social Security program. My hope is that we can continue to build on these important first steps and begin a constructive dialogue to strengthen Social Security for our children, our grandchildren, and for all future generations.

Mr. Speaker, I reserve the balance of my time.

Mr. MATSUI. Mr. Speaker, I yield myself such time as I may consume.

I rise in support of H.R. 4070, the Social Security Program Protection Act of 2002. At this time, I would like to congratulate and thank my colleague, the gentleman from Florida (Mr. SHAW), the Chair of the Subcommittee on Social Security of the Committee on Ways and Means, for his cooperation and his work on this particular piece of legislation.

□ 1500

Basically, there are three components of this legislation, Mr. Speaker. We have the representative payee issue

that the gentleman from Florida (Mr. SHAW) spoke about, the attorney's fees section as it pertains to supplemental security income, and there are a number of program protections that were added to the Social Security Administration's laws.

In terms of the representative payee, Mr. Speaker, as many people may not know, if a Social Security recipient has a mental disability, is young or perhaps is of extreme old age, oftentimes that individual needs somebody to care for his or her Social Security check, whether it is a disability check or whether it is a regular Social Security check. So we have under the law what is known as representative payees. This has been in existence for quite some time.

As our hearings and anecdotal information that many of us have received in our congressional districts can attest to, we have had problems with this program over the years because, oftentimes, if the representative payee is not somebody of good character, that person may take the Social Security check, abscond with it, and actually do damage to the normal recipient of the Social Security check.

I had that problem some 12 years ago when a woman, Dorothea Puente, had been a caretaker of a home in which about 15 people were living in and she was the representative payee for all these people. She did not need a bond or a license at that time. She actually murdered a number of these people and took their checks. Finally, when one of the relatives found out about the fact that one of the tenants of the rooming house was missing, that is when it was uncovered that many people had been murdered as a result of her activities and she was receiving these checks.

Basically, what this legislation would do is to tighten up the circumstances in which one could be qualified as a representative payee. If one is an organizational payee, it requires the organization to be both licensed and bonded. Right now, it only requires one or the other. And it would also require inspections of certain representative payees in terms of visiting with them, talking with them, and making sure that in fact they are carrying out their fiduciary responsibilities.

Also, if anyone has been convicted of an offense resulting in prison for more than a year, they would be disqualified, or, obviously, a fugitive or felon would be as well. And it would impose a monetary or civil penalty on a payee who misuses benefits, and there was some obvious ambiguity in the law before this time.

One of the most important provisions is that the beneficiary of the Social Security checks oftentimes lose their savings when the representative payee in fact has taken the money. This would, under a certain showing, would require the representative payee to pay the money back but also would allow the recipient of the benefits to be made whole under a showing of certain circumstances.

Under the second section of the law, the attorney's fee section, Mr. Speaker, many supplemental security recipients need representation, because oftentimes they must seek their claims through the normal administrative review system. This would allow these claimants to have an attorney. Oftentimes, it is hard to get lawyers to represent them because of the way the fee schedule is arranged and also because the attorneys can never be guaranteed they will receive compensation for their work. This would change that by allowing the Social Security Administration to withhold fees for the attorneys and, at the same time, cut the processing fee, which is currently 6.3 percent of the overall attorney fees, to no more than $100.

Lastly, the third element of this program, obviously, would deny benefits to fugitive felons, which is under current law, and persons fleeing prosecution. It would require companies that charge a fee for services under the Social Security Administration, if in fact the administration does not charge a fee, it requires the companies to state it; that, in fact, the Social Security Administration would provide the same services without any compensation or without fee.

There are a number of other provisions, like it bars attorneys who have been disbarred or otherwise disqualified from the practice of representing claimants under the Social Security Act. So this legislation would go a long ways in helping recipients, it would undoubtedly help recipients obtain representation, and it would build in a number of protections for claimants in this Social Security Administration Act.

I would urge support of H.R. 4070; and I want to commend my colleague, the gentleman from Florida (Mr. SHAW), for the work that he has done on this particular legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. SHAW. Mr. Speaker, I yield 2 minutes to the gentleman from Kentucky (Mr. LEWIS), a valued member of the subcommittee.

Mr. LEWIS of Kentucky. Mr. Speaker, I thank the gentleman for yielding me this time, and I rise today to register my strong support for the Social Security Protection Act of 2002.

Last month, the House passed a bill that would result in higher Social Security for women. It passed 418 to 0. I expect to see the same strong bipartisan support for the legislation we are considering today.

H.R. 4070 is a common-sense bill that provides the Social Security Administration with the necessary resources to fight fraud and abuse within the system. Along with other provisions, this will help save over $165 million over 5 years.

The bill also improves the landmark Ticket to Work bill to help people with disabilities find work. In addition, H.R. 4070 adds Kentucky to the list of States that offer divided retirement systems.

In just over 6 months from now, the governments of the City of Louisville and Jefferson County will merge. Since the merger was approved by the people of Jefferson County in November, 2000, local elected officials have been working to go to ensure a smooth transition.

One important issue that still needs to be addressed is how to provide Social Security and Medicare coverage to hazardous duty employees working for the county and city.

On January 6, 2003, all officers will be considered as a single group for Social Security coverage purposes. Currently, some police officers and firefighters contribute to Medicare but not Social Security, some contribute to both, others neither. Ensuring fair and equitable coverage presents a serious challenge to the new government.

After working with all interested parties, it was agreed a divided retirement system is the solution. Currently, 21 States use this system.

Under a divided retirement system, each employee will decide whether to pay into Social Security. All new employees hired after the system is in place would automatically be enrolled in Social Security.

The Kentucky Division of Social Security has already started the education process with representatives from SSA and the Louisville Fraternal Order of Police. And the Kentucky General Assembly has adopted a bill that allows this system to go forward as soon as Congress approves this legislation and President Bush signs it into law.

This provision is important to the police officers and firefighters in my district. I appreciate the gentleman from Florida (Mr. SHAW) and the gentleman from California (Mr. MATSUI) agreeing to include it in H.R. 4070.

In closing, I urge my colleagues to support this bill.

Mr. MATSUI. Mr. Speaker, I yield 2 minutes to the gentleman from New Jersey (Mr. ANDREWS).

(Mr. ANDREWS asked and was given permission to revise and extend his remarks.)

Mr. ANDREWS. Mr. Speaker, I thank the gentleman for yielding me this time.

I thank and commend the authors of this very worthy legislation for bringing it to the floor, but, Mr. Speaker, I must lament the questions that we are not answering about Social Security, which I think are far more fundamental.

As we speak today, for every $100 our government is spending, we are only bringing in about $90 worth of revenue. The way we are making up the $10 difference is to reach first into the Social Security Trust Fund to fund the operations of this government. That is the number one issue about Social Security, stopping that practice.

We need to bring together the leadership of the House and the Senate to sit around the kitchen table, as many American families did after the disaster of September 11 to figure out how to change their budget, we need to figure out how to change ours.

A second major Social Security question that is not being dealt with on this floor is the idea of privatizing all or part of the Social Security system. This is an idea that is worthy of debate. I think it has many flaws, many risks, and many pitfalls. There are those who in good faith disagree with my conclusions, but no one should disagree that, before this Congress adjourns for the year, ideas about the privatization of Social Security should be brought to this floor, debated, and voted upon, so the American people can see where the Members stand and what they believe about these very important questions.

So I commend the authors for this very worthy bill, but I must lament the fact we are not answering the fundamental fact about Social Security: How do we stop dipping into the fund to fund the operations of the United States Government? That is what we need to focus on.

Mr. SHAW. Mr. Speaker, I yield 2 minutes the gentleman from California (Mr. HERGER), a distinguished member of the Committee on Ways and Means.

Mr. HERGER. Mr. Speaker, I rise in strong support of H.R. 4070, the Social Security Program Protection Act. This legislation contains important provisions to better protect retired and disabled Americans. In particular, I want to congratulate the chairman, the gentleman from Florida (Mr. SHAW), for the changes in his bill designed to keep convicted fugitive felons from getting Social Security checks. These efforts build on legislation I authored in 1996 that blocks fugitives from getting supplemental security income, or SSI, checks.

According to the Social Security Inspector General, since the 1996 changes, over 65,000 fugitives have been identified and almost 7,000 have been arrested. As a result, American taxpayers have saved an estimated $200 million. The legislation before us today takes the next step by also barring fugitives from getting Social Security checks.

Some Americans receive both Social Security and SSI checks. Yet, under current law, the government stops SSI checks for fugitives while continuing to send Social Security checks, even to known fugitives. This legislation closes that fugitive loophole. Our law should help bring fugitives to justice, not subsidize their flights from justice. This bill does just that.

Over the years, the Committee on Ways and Means on which I serve has taken a number of steps to better protect Social Security recipients and other taxpayers. We ended SSI checks for prisoners and fugitives, and we stopped subsidizing addicts with disability checks. The changes in this legislation follow that same spirit, and I urge my colleagues to support this bill.

Mr. MATSUI. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from the State of North Dakota (Mr. POMEROY), a member of the Subcommittee on Social Security of the Committee on Ways and Means.

Mr. POMEROY. Mr. Speaker, I thank the gentleman for yielding me this time.

This is a fine little bill, contains some protections for people who, because of age and disability, need assistance in managing their financial affairs for a family member, friend, or community organization. I will vote for this bill, and I urge my colleagues to vote for this bill.

But in a broader sense, it is a little like the community fire department of Durango, Colorado, holding an open house today. They are not holding an open house today because they have a fire to fight. Bigger things to do.

Quite frankly, when it comes to the Social Security program, I think there are more pressing matters than this legislation, which admittedly is good. We have to do it. I am glad we are doing it. But to have this take the place of the broader debate is absolutely confounding.

Two principal questions hang over the Social Security program: the first involves its finances. We have gone from retiring debt held by the public, strengthening the financial condition of this country with those Social Security surplus dollars, to now running once again budget deficits. This means a raid on Social Security dollars, taking cash coming in for Social Security and spending it on other programs of government. That is wrong, and it makes our long-term funding problem for Social Security even harder.

Second major issue: privatization. We know the President wants to privatize Social Security. He has said so. He has had a commission that came out with recommendations to privatize Social Security. We know the majority has bills to privatize Social Security. We think we deserve to have debate on the floor of this House about that significant concept.

Count me against it. I believe the existing Social Security program provides vitally important guaranteed revenue to people in their retirement years, to people living on disability, or to individuals who have lost the primary breadwinner in their home. This is a program that has worked for six decades, perhaps better than any other Federal program. To have these plans afoot to so dramatically change the system but held quietly under the rug until the next election is just wrong. Let us get it out, let us debate it, and, in the end, let us strengthen Social Security.

Mr. SHAW. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. BRADY), a distinguished member of the Subcommittee on Social Security of the Committee on Ways and Means.

Mr. BRADY of Texas. Mr. Speaker, I thank the gentleman for yielding me this time, and I rise today in support of the Social Security Protection Act.

I want to thank Chairman Shaw for his work on this and other issues related to Social Security.

What we are debating today is a bill that will cut down on the waste, fraud, and abuse that surrounds the Social Security system today. This bill is needed to protect the 7 million people in this country who receive Social Security benefits but cannot manage them on their own. People like young, innocent children, people with Alzheimer's, and those with severe mental illness are just a few of the real-life examples we are trying to help.

We expect this bill to pass by a very broad bipartisan margin. That is how Social Security issues ought to pass, with Republicans and Democrats working together to reform this vital retirement system.

□ 1515

It surprises me that we are seeing such a lively debate on this bipartisan measure.

Mr. Speaker, we know if we do not reform Social Security in a bipartisan manner, it will go broke in 2017. Now is the time to get the ball rolling on reform by working together. Republicans have come up with a responsive plan that does not privatize Social Security as Members on the other side of the aisle would scare us with.

The question here is: Is there anyone in Washington who seriously believes we can preserve Social Security once and for all without putting some portion of our payroll taxes to work for us? Common sense tells us we must transition to a traditional retirement plan where money grows over time into a bigger nest egg. The only question is how we do it and how soon. Some would say that is privatizing; most would say that is common sense.

Mr. Speaker, I sincerely hope the rhetoric being heard on the floor is not an indicator for the debate that is to come on this issue. It is time for Republicans and Democrats to sit down and have a reasonable, rational discussion about saving Social Security once and for all.

Mr. MATSUI. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would just comment to the gentleman from Texas (Mr. BRADY) that perhaps the majority should just bring a bill on the floor on privatization, let us debate it, and vote on it. That way we can discuss it if the gentleman is in favor of it.

Mr. Speaker, I yield 2 minutes to the gentleman from Maine (Mr. ALLEN).

Mr. ALLEN. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I rise in strong support of H.R. 4070, the Social Security Program Protection Act of 2002. I commend the gentleman from Florida (Mr. SHAW) and the gentleman from California (Mr. MATSUI) for their work on this bill.

I want to speak regarding section 415, which will directly benefit one of my constituents, Mrs. Nancy Wilson of Bremen, Maine. In both the 105th and 106th Congresses, private legislation passed this House that I sponsored that would have helped Nancy Wilson, but it was not acted upon by the other body. In the 107th Congress, the Committee on Ways and Means raised objections to the private legislation. However, the committee has graciously worked with me to include in H.R. 4070 language from my bill, H.R. 319, that will help Mrs. Wilson.

She has been denied Social Security benefits for more than 10 years due to a quirk in the law. H.R. 4070 will fix that problem and give her relief. In 1950, Nancy and Al Wilson began living together in Massachusetts. Al Wilson's previous wife, Edna, had been committed to a mental institution and was never going to come out. Massachusetts law at that time prevented divorce on the grounds of insanity so Al could not divorce Edna. The law has since been changed. Al and Nancy lived together for 19 years, raised children together, but were not allowed to marry until Edna's death in 1969. Then they got married, but Al died of cancer 7 months later.

When Nancy tried to claim widow's benefits, she was denied because her marriage to Al had lasted only 7 months, not 9 months. She exhausted her options under the administrative appeals process and then came to her congressional delegation.

Well, Nancy Wilson is a tenacious battler. She will not give up. She will not let her elected representatives give up; and I hope and believe that with passage of this bill, she will finally get the relief to which she is entitled.

Mr. Speaker, I urge support for this legislation.

Mr. SHAW. Mr. Speaker, I yield myself such time as I may consume. I congratulate the gentleman from Maine (Mr. ALLEN) for his tenacious and unyielding involvement in that particular tragedy. I am delighted that we will at last be able to deliver relief.

Mr. Speaker, I reserve the balance of my time.

Mr. MATSUI. Mr. Speaker, I yield 2 minutes to the gentleman from Rhode Island (Mr. LANGEVIN).

Mr. LANGEVIN. Mr. Speaker, today I rise in support of H.R. 4070, the Social Security Program Protection Act, which will provide new safeguards for the nearly 7 million Social Security and SSI beneficiaries who use a representative payee to receive their benefits.

Social Security is among the most important and successful Federal programs ever created. In my home district alone, 110,000 people rely on this critical safety net for their livelihood.

When I was elected to Congress, I promised these Rhode Islanders that I would protect Social Security. While I am pleased by the consideration of H.R. 4070, I would be remiss if I did not voice any adamant opposition to the Republican leadership's privatization proposals which would jeopardize the benefits to which our Nation's seniors are entitled by subjecting them to the whims of the financial markets.

I urge Members to support this important legislation and to reject privatization proposals which fail to guarantee the continuation of benefits to the most vulnerable among us.

Mr. MATSUI. Mr. Speaker, I yield 3 minutes to the gentlewoman from North Carolina (Mrs. CLAYTON), who is retiring at the end of this Congress.

(Mrs. CLAYTON asked and was given permission to revise and extend her remarks.)

Mrs. CLAYTON. Mr. Speaker, I thank the gentleman for yielding me this time. I thank the gentleman from Florida (Mr. SHAW), as well as all Members, for this bill. I support this bill as a Democrat; but I oppose the undemocratic process, spelled with a small ''d.'' I support it because it is much needed; however, I oppose the process by which this bill comes to the floor. It did not allow many of the minority issues to come to the floor.

I support the bill because it really is an important bill. It added a lot of administrative provisions that are needed. It provides opportunity to assist loved ones manage their finances. It is an important bill that we all support.

But making these important, but modest, improvements to administrative procedures for the Social Security program is not what the American people expect. They really expect more of the Members of Congress and the President to provide, indeed, a reform of Social Security. We can and we should do much more.

In 2000, both Republican and Democratic candidates for the Presidency, as well as Members of the House and Senate, all said we were about strengthening Social Security; we would protect the Social Security trust fund; we would keep faith with our seniors and future generations. All of us without exception, both parties, were for protecting Social Security. A lot of talk was about the lockbox. There was a lot of legislation about the lockbox. We have voted on the lockbox. This indeed has now become a shell game instead of protecting it.

Why? That is a good question with a sad answer. Well, we should be protecting Social Security. If we can afford to have a tax bill that favors the wealthy, although we are adding new responsibilities, we need to protect our security. We should do more. I understand these are stressful times. We need to provide for homeland security, but we can do more.

There are additional bills that need to be brought forward. The majority bill does not address these programs. The minority had a discharge procedure so we could have a full debate. Some are asking why are we not bringing up the privatization bill. That is so fundamental to the structure and the survival of Social Security. Indeed, Social Security is one program that seniors are looking for us to protect. I urge support for this bill. It is worthy, but it is unworthy as to what we are not doing. I urge Congress to do more for the seniors of America.

Mr. Speaker, today I rise as a democrat—spelled with a small ''d''—in support of House Resolution Forty Seventy (H.R. 4070), The Social Security Program Protection Act of 2002; but oppose the process by which this bill comes to the floor for debate—in a manner most un-democratic, further encroaching on the minority's rights.

I support this bill because it adds important protections for people who, due to advanced age, infirmity or disability, could use the assistance of a loved one or a community service organization to manage their finances. It also strengthens antifraud provisions . . . and this I support very much.

But making modest improvements to administrative procedures for the Social Security Program is NOT what the American people expect of the House, the Senate, or the President of the United States. We can and should do such.

In 2000, both the Republican and Democratic candidates for the presidency—as well as members of the House and Senate—campaigned on a promise to safeguard, secure and enhance the life of the Social Security Trust Fund, and to keep faith with our seniors and future generations. There was a lot of talk of a lock-box, and we have voted several times on this lock-box, which has instead become a shell-game sham.

Why? That's a good question with a sad answer.

Having passed a tax bill weighted in favor of the wealthiest individuals and well-heeled corporations, the majority have taken us ''back to the future''—of deficit spending and an increase in the debt ceiling—another issue they don't want to debate.

I am not up for re-election in November . . . but I think the American people have a right to ask why—with two years having gone by—the majority has failed to reform Social Security and to protect the Social Security Trust Fund. They have a right to wonder why the future of Social Security is not being debated on this floor at this very moment.

Instead, the majority has only addressed program administrative issues through bills like the one before us, yet they refuse to deal with the most overarching administrative issue: the lack of adequate funding to provide the customer services that workers have already paid for through their FICA contributions.

Rather than having a real debate on important issues, the majority are closing down debate. They have refused to even bring up their privatization bills—bills which have been introduced by the leaders of their party. Democratic members recently filed a discharge petition to try to force debate on this issue and provide for some legislative remedies before the election.

The public has a right to know about the true effects of privatization—cuts in guaranteed benefits, massive raids on the Social Security Trust Funds, huge subsidies for those who have private accounts, and the threat that privatization poses to the ability of the system to keep paying benefits to today's retirees.

The future of Social Security and the retirement income of millions of Americans are too important not to debate and act on. I implore my friends on the other side of the aisle to do the right thing—let's debate this before the election, so the American people can make an informed choice.

Mr. MATSUI. Mr. Speaker, I yield 2½ minutes to the gentlewoman from Florida (Mrs. THURMAN), a member of the Committee on Ways and Means.

Mrs. THURMAN. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I commend the Committee on Ways and Means for bringing forward this legislation, H.R. 4070, today. I have heard the debate this afternoon about folks that have been injured because of the misuses. And people that have been taken advantage of by folks that in fact should not be taken advantage of, are those whom I believe are our most fragile and needed members of our society, and those are those who receive Social Security.

I would say on the other side of this, and I know this is a series of pieces of legislation that we have been dealing with in Social Security, and I noted that we have been talking about some legislation that was passed a couple of weeks ago to help women and others, and I believe that begs the question that there are issues within our Social Security system that we ought to be looking at.

Another area that I have great concern over is in the area of disability, how many folks and how long it takes for them to receive disability, and the idea that so many people will end up losing their homes and cars before we get any place.

I am very supportive of the discharge petition that this House has the opportunity to sign. It would give us a full and thorough debate on the issues of Social Security and particularly on the issues that have been brought forward by the commission and other Members of this House on ways that they think privatization would, in fact, be better. I think we should have that debate.

When I say that, I would also like to say that I think there are six areas that I feel very strongly about, and I would just like to list those six issues. I think it increases the financial risk for Social Security beneficiaries, requiring potentially severe cuts in benefits, the harm on women, harm on minorities, and undermining Social Security disability and survivor's benefits; and I believe it would eat away at the value of workers' accounts and significantly reduce the payments that they would receive from them.

Mr. Speaker, while I favor the antifraud provisions in H.R. 4070, I hope we have an opportunity to look at all of Social Security and the concerns that we have.

Mr. MATSUI. Mr. Speaker, I yield 1 minute to the gentleman from North Carolina (Mr. ETHERIDGE).

(Mr. ETHERIDGE asked and was given permission to revise and extend his remarks.)

Mr. ETHERIDGE. Mr. Speaker, I rise in support of H.R. 4070, the Social Security Program Protection Act. It provides and contains important protections for those folks who need assistance managing their financial affairs. It also improves access to legal representation for disability claimants and strengthens protections against fraud.

Mr. Speaker, we should also be debating the Republican leadership's plan to privatize Social Security. Social Security represents a compact with our seniors that says if they work hard all their life, they will not spend their golden years in poverty. We have no right to break that. No one has a right. I am willing to roll up my sleeves and work with anyone who is willing to do it; but privatization will not save Social Security. In fact, it jeopardizes the retirement security of our seniors and working families. Privatization of Social Security will destroy the system's financial stability, and threaten the benefits of millions of seniors, disabled Americans, and their families.

□ 1530

I urge my colleagues to support this bill. I hope this is not the last Social Security debate we have on this floor this year.

I urge my colleagues to support H.R. 4070, and am hopeful that this will not be the last Social Security debate we have this year. I call on my colleagues to demand an open debate on the Republican privatization plans, and urge them to join me in working to protect Social Security's promise to America by opposing privatization.

Mr. MATSUI. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. SHAW. Mr. Speaker, I yield myself such time as I may consume.

Very briefly, I would like to close with just a few observations. I would like to commend both sides of the aisle for I think a very good and factual debate, looking at the legislation and showing that there are areas pertaining to Social Security where we can come together.

I think a few things, though, need to be said in response to some of the arguments that I have heard from the other side of the aisle. I think the gentlewoman from North Carolina, and I think she has left the floor now, brings a certain level of common sense to this debate that I think should be listened to. I think she is going to be missed, and I am very sorry that she is retiring as a member of the minority party in this Chamber.

There have been some comments regarding raiding the Social Security trust fund. I think it is very important that Congress exercise self-control and not spend the Social Security surplus. But I think the American people have to know that the Social Security trust fund contains promises, not dollars. Those promises are in the form of Treasury bills. Those promises stay there, they are not taken from the Social Security trust fund, and nobody can debate that issue.

But it is debatable, and I think it is something of great concern to both political parties here, that we do have a concern as to the expenditures which are going into the Social Security surplus. I think it is a goal of both political parties to stop spending that surplus as soon as we get through this war effort, as soon as we get totally out of this recession and as soon as we rebuild after the natural disaster that we had in New York. There is a question of debate on that. Whether we can say it is because of overspending or undertaxing, I think the question is certainly debatable and is subject to debate.

But nobody should stand before this Congress or before the American people and say we are raiding the Social Security trust fund which only has promises. It does not have dollars.

But, also, I think it is important to realize that, in going forward to decide what exactly we are going to do with Social Security, when we are coming together; and I would say to the members of the minority side who are trying to get some kind of a discharge petition to get their interpretation of the President's bill before this Congress or getting the two or three other bills before the Congress to have an open debate on it, as soon as I sense any real feeling on the minority party that they want to solve the problem rather than taking a few bills, some fictitious and some real, and crafting them into weapons, as soon as I get the sense that they want to move ahead, I am prepared to move ahead, because I think it is very important.

I am concerned about my grandkids. I have a grandchild by the name of Wyatt who lives in DeLand, Florida. He is 13 years old. He is going to face benefit cuts of 28 percent by the time he is 62 years old. He will get less than $3 for every $4 of benefits that are promised to him. We have got to remember we do not only represent seniors of today. We represent our kids and our grandkids. If we are going to take $1 out of every $4 that they are entitled to receive, that is, I think, a national tragedy and that is something that is certainly less and far below the mission for which the American people sent us here to the Congress. They did not send us here to misrepresent facts, they did not send us here to hold steady to political beliefs, and they did not send us here, frankly, to privatize Social Security.

And no one is trying to privatize Social Security. In fact, the bill that I have filed leaves the Social Security system totally intact. It does not touch $1 of it, and it saves Social Security for all time according to the Clinton administration as well as according to the current administration.

Mr. Speaker, again, I would like to thank this Chamber and Members of both sides of the aisle for the debate that we had. I apologize for my voice, but I am in about the third or fourth

day of a cold which I am hopeful that it is no longer contagious.

Mr. GILMAN. Mr. Speaker, I rise today in strong support of H.R. 4070, the Social Security Program Protection Act of 2002. I urge my colleagues to support this badly needed measure.

Every year, Social Security provides benefits to over 50 million retired and disabled workers, their families and SSI recipients. Of this total, more than 7 million are beneficiaries who cannot manage their own financial affairs and have a ''Representative Payee'' appointed to guard their monthly benefits.

While the majority of these arrangements are above board, a significant number are subject to fraud and abuse. In these cases, the beneficiary is being cheated out of their Social Security income, which they desperately need, and the taxpayers are being cheated by government funds being diverted to unauthorized recipients.

This legislation protects vulnerable beneficiaries by tightening oversight and regulation of the ''Representative Payee'' system. Penalties for the misuse of the system are enhanced, and new regulations governing who is eligible for a ''Representative Payee'' status are further qualified by prohibiting anyone convicted and imprisoned for more than one year from serving in this capacity. Moreover, this measure permits the reissuance of benefits to individuals who have been cheated by their ''Representative Payee,'' and further directs that the recovery of misused benefits from those persons may be undertaken.

This measure also makes a number of modifications to shore up the integrity of the Social Security system by denying benefits to fugitive felons, imposing penalties on recipients who fail to notify SSA of any change in their status and clarifies which attorneys the SS commissioner may refuse to recognize in the handling of specific cases.

Mr. Speaker, this measure helps protect the interests of those who are unable to manage their financial affairs, including their Social Security benefits. In doing this, it addresses an unmet need. Accordingly, I strongly support its passage.

Mr. CRANE. Mr. Speaker, I rise today in support of the Social Security Program Protection Act of 2002.

This legislation gives the Social Security Administration the enhanced tools it needs to help fight fraud and abuse activities that drain program resources and undermine the financial security of beneficiaries.

This legislation also helps individuals with disabilities gain access to representation to help them navigate through complex application process to receive benefit.

Preliminary CBO estimates show this legislation saves the budget $534 million over 10 years.

The program protections and improvements in this bill are bipartisan and have the support of the Federal Bar Association, the Association of Administrative Law Judges, and the National Organization of Social Security Claimants' Representatives.

I am saddened that the minority has spent today in the same manner they usually choose to spend very other October: scaring our senior citizens.

It is easy for the minority to sit back and cry foul, but I would ask all of my colleagues the following questions: has the minority done anything but misrepresent our plans to save Social Security?

Have they come to the table with any serious ideas themselves on how to save the program?

The answer to this question, regrettably, is ''no.''

Mr. DAVIS of Illinois. Mr. Speaker, I rise in support of H.R. 4070, the Social Security Program Protection Act of 2002. This legislation provides needed safeguards for the over 6 million Social Security and Supplemental Security Income beneficiaries who cannot manage their own financial affairs and need a ''representative Payee.'' I fully support increased oversight of Representative Payees to prevent abuse, and the mis-allocation of taxpayer money. I also agree with this bill's provision that allows for the re-issuance of benefit payments that have been taken from the rightful beneficiaries and the recovery of these funds from unscrupulous Representative Payees.

I want to underscore the importance of one of the items in the bill's final section containing miscellaneous and technical provisions. This is the provision that improves the effectiveness of the Ticket to Work and Work Incentives Improvement Act of 1999. It will ensure that employers who hire individuals with disabilities through referral by an employer network also qualify for the Work Opportunity Tax Credit. Americans with disabilities experience an unemployment rate of 70 percent, and we must do everything in our power to make sure that incentives exist to open the doors of opportunity wider to these individuals.

Finally, I want to draw attention to this bill's provision that disqualifies those who have been convicted and imprisoned more than a year from serving as Representative Payees. The bill also allows the Commissioner of Social Security to exercise judgment in determining cases where certain ex-offenders may be certified as Representative Payees despite this prohibition. While we must do everything possible to protect Social Security and Supplemental Security Income beneficiaries from being taken advantage of by unscrupulous individuals, we also must not unjustly condemn ex-offenders who have paid their dues and need to re-gain their ability to participate fully in society.

Mr. SHAW. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. LINDER). The question is on the motion offered by the gentleman from Florida (Mr. SHAW) that the House suspend the rules and pass the bill, H.R. 4070, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. SHAW. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

GENERAL LEAVE

Mr. SHAW. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to include extraneous material on the subject of H.R. 4070, the bill just considered.

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

There was no objection.

COMMENDING CONTRIBUTIONS OF ROOFING PROFESSIONALS INVOLVED IN REBUILDING OF PENTAGON

Mr. SULLIVAN. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 424) commending the patriotic contributions of the roofing professionals who replaced, at no cost to the Federal Government, the section of the Pentagon's slate roof that was destroyed as a result of the terrorist attacks against the United States that occurred on September 11, 2001.

The Clerk read as follows:

H. CON. RES. 424

Whereas the damage to the Pentagon that resulted from the terrorist attacks against the United States that occurred on September 11, 2001, included the destruction of more than an acre of the Pentagon's slate roof;

Whereas roofing professionals from throughout the United States, mostly from small businesses, volunteered to work together to replace the destroyed section of the Pentagon's roof;

Whereas these roofing professionals donated approximately $450,000 worth of labor and materials to the replacement effort; and

Whereas these roofing professionals successfully replaced 60,000 square feet of the Pentagon's slate roof before September 11, 2002, and at no cost to the Federal Government: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That Congress commends the patriotic contributions of the roofing professionals who replaced, at no cost to the Federal Government, the section of the Pentagon's slate roof that was destroyed as a result of the terrorist attacks against the United States that occurred on September 11, 2001.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Oklahoma (Mr. SULLIVAN) and the gentleman from Illinois (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentleman from Oklahoma (Mr. SULLIVAN).

GENERAL LEAVE

Mr. SULLIVAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on House Concurrent Resolution 424.

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

There was no objection.

Mr. SULLIVAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, House Concurrent Resolution 424, introduced by my distinguished colleagues, the gentleman