

basis to spy on an innocent American citizen who was with the Trump campaign.

#### RECOGNIZING THE RETIREMENT OF DONNA MCCLOSKEY

(Mr. FITZPATRICK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FITZPATRICK. Mr. Speaker, I rise today to recognize the retirement of Donna McCloskey, a constituent of mine from Bristol Borough, Bucks County, Pennsylvania, after a 42-year career of community service as an employee of the Grundy Foundation. Starting in 1975, Donna worked at the Grundy Library, eventually assisting the Grundy Foundation's executive director until Donna was appointed the Grundy Museum administrator, a position which she held for the past 12 years.

As the museum administrator, Donna is credited with updating the museum's strategic plan, creating best practices for all of the museum's programs and services, and building up partnerships between the museum and the community. Under Donna's leadership, the number of visitors to the museum increased exponentially, and the 40th and 50th anniversary events were great successes.

I want to express my deep gratitude and the gratitude of our entire community for Donna's commitment to preserving the history of our community. While her retirement is well deserved, her exit is already felt.

Thank you, Donna.

#### NORTH CAROLINIANS ON THE WORLD STAGE

(Ms. FOXX asked and was given permission to address the House for 1 minute.)

Ms. FOXX. Mr. Speaker, today I rise to congratulate the 242 athletes who made the 2018 United States Winter Olympic team. This is the largest delegation of athletes from any nation attending the Winter Olympic Games in history.

While reviewing the roster, I was pleased to see that the world will get to know something I have known for a long time: North Carolinians are strong competitors, three of whom I would like to salute.

I offer my well wishes and congratulations to Heather Bergsma of High Point, North Carolina, who will compete in long track speed skating; Kimani Griffin from Winston-Salem, North Carolina, who will compete in long track speed skating; and Bobby Sanguinetti from Wilmington, North Carolina, who will compete in ice hockey.

The Olympic Games remain one of the only avenues in which the world's community may come together despite resounding differences. I wish these North Carolinians the very best as they

compete on the world stage, along with their fellow United States athletes, and will look forward to cheering all of them on.

#### RECESS

The SPEAKER pro tempore (Mr. SMITH of Nebraska). Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until approximately 4 p.m. today.

Accordingly (at 2 o'clock and 10 minutes p.m.), the House stood in recess.

□ 1600

#### AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. FERGUSON) at 4 p.m.

#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or votes objected to under clause 6 of rule XX.

The House will resume proceedings on postponed questions at a later time.

#### STRENGTHENING PROTECTIONS FOR SOCIAL SECURITY BENEFICIARIES ACT OF 2018

Mr. BRADY of Texas. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4547) to amend titles II, VIII, and XVI of the Social Security Act to improve and strengthen the representative payment program, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 4547

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

##### SECTION 1. SHORT TITLE.

This Act may be cited as the "Strengthening Protections for Social Security Beneficiaries Act of 2018".

##### SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

Sec. 1. Short title.

Sec. 2. Table of contents.

#### TITLE I—STRENGTHENING OVERSIGHT AND BENEFICIARY PROTECTION

Sec. 101. Stronger monitoring of representative payees.

Sec. 102. Reducing the burden on families.

Sec. 103. Protecting beneficiaries through information sharing.

Sec. 104. Clarifying overpayment liability for child in child welfare system.

Sec. 105. Reports.

#### TITLE II—IMPROVING PAYEE SELECTION AND QUALITY

Sec. 201. Advance designation of representative payees.

Sec. 202. Prohibition on individuals convicted of certain crimes serving as representative payees.

Sec. 203. Prohibition on individuals with representative payees serving as representative payees.

Sec. 204. Reassessment of payee selection and replacement policies.

#### TITLE I—STRENGTHENING OVERSIGHT AND BENEFICIARY PROTECTION

##### SEC. 101. STRONGER MONITORING OF REPRESENTATIVE PAYEES.

(a) PROTECTION AND ADVOCACY FOR BENEFICIARIES WITH REPRESENTATIVE PAYEES.—Section 205(j)(6) of the Social Security Act (42 U.S.C. 405(j)(6)) is amended by adding at the end the following:

"(C)(i) The Commissioner of Social Security shall make annual grants directly to the protection and advocacy system serving each of the States and the American Indian consortium for the purpose of conducting reviews of representative payees in accordance with this subparagraph. The total amount used by the Commissioner for such grants each year—

"(I) shall be an amount sufficient, as determined by the Commissioner in consultation with each of the protection and advocacy systems, to carry out all of the activities described in clause (ii); and

"(II) shall not be less than \$25,000,000.

"(ii) A protection and advocacy system awarded a grant under this subparagraph shall use the grant funds to—

"(I) conduct all periodic onsite reviews pursuant to this paragraph and such other reviews of representative payees as the Commissioner may request, including reviews conducted in response to allegations or concerns about the performance or suitability of the payee;

"(II) conduct additional reviews that the protection and advocacy system has reason to believe are warranted;

"(III) develop corrective action plans to assist representative payees in conforming to requirements specified by the Commissioner;

"(IV) submit a report to the Commissioner on each completed review containing such information as the Commissioner shall require; and

"(V) conduct an initial onsite assessment of any organization that begins collecting a fee for its services as a representative payee to ensure that such organization is established as such a representative payee in accordance with requirements specified by the Commissioner.

A protection and advocacy system may refer beneficiaries to other programs or services as the protection and advocacy system considers appropriate.

"(iii) To be eligible to receive grants under this section, a protection and advocacy system shall submit an initial application to the Commissioner at such time, in such form and manner, and accompanied by such information and assurances as the Commissioner may require.

"(iv)(I) Subject to subclause (II), the Commissioner shall ensure that any funds used for grants under clause (i) shall be allocated to the protection and advocacy systems serving each of the States and the American Indian consortium in a manner such that the amount provided to each protection and advocacy system bears the same ratio to the total of such funds as the number of represented beneficiaries in the State or American Indian consortium in which such protection and advocacy system is located bears to the total number of represented beneficiaries.

"(II) The amount of an annual grant to a protection and advocacy system under clause (i) shall—

"(aa) in the case of a protection and advocacy system serving American Samoa, Guam, the United States Virgin Islands, or

the Commonwealth of the Northern Mariana Islands, or the American Indian consortium, not be less than \$30,000; and

“(bb) in the case of a protection and advocacy system serving any other State, not be less than \$60,000.

“(III) Funds provided to a protection and advocacy system through a grant under clause (i) for a one-year period shall remain available through the end of the following one-year period.

“(IV) For purposes of this clause, the term ‘represented beneficiary’ means an individual—

“(aa) who is entitled to benefits under this title, title VIII, or title XVI; and

“(bb) whose benefits have been certified for payment to a representative payee.

“(v)(I) The Commissioner shall make annual grants, in an amount equal to 4 percent of the total amount of grants awarded each year under clause (i), to an eligible national association for the provision of training and technical assistance, administrative support, and data collection services to protection and advocacy systems in connection with grants awarded under clause (i).

“(II) In this clause, the term ‘eligible national association’ means a national disability association with extensive knowledge and demonstrated experience in providing training, technical assistance, and administrative oversight to protection and advocacy systems that monitor representative payees.

“(vi) In conducting reviews under this section, a protection and advocacy system shall have the same authorities, including access to records, facilities, and persons, as such system would have for purposes of providing services under subtitle C of title I of the Developmental Disabilities Assistance and Bill of Rights Act of 2000 (42 U.S.C. 15041 et seq.).

“(vii) Whenever benefit amounts under this title are increased by any percentage effective with any month after November 2018 as a result of a determination made under section 215(i), each of the dollar amounts specified in clauses (i)(II) and (iv)(II) shall be increased by the same percentage.

“(viii) No additional funds are authorized to be appropriated to carry out the requirements of this subparagraph. Such requirements shall be carried out using amounts otherwise authorized.

“(ix) In this subparagraph:

“(I) The term ‘American Indian consortium’ means a consortium established under subtitle C of title I of the Developmental Disabilities Assistance and Bill of Rights Act of 2000 (42 U.S.C. 15041 et seq.).

“(II) The term ‘protection and advocacy system’ means a protection and advocacy system established under subtitle C of title I of the Developmental Disabilities Assistance and Bill of Rights Act of 2000 (42 U.S.C. 15041 et seq.).

“(III) The term ‘State’ means the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.”.

(b) EXPANSION OF PERIODIC ONSITE REVIEW REQUIREMENTS.—Section 205(j)(6)(A) of the Social Security Act (42 U.S.C. 405(j)(6)(A)) is amended—

(1) in clause (ii), by striking “or”;

(2) in clause (iii), by striking the period and inserting “; or”;

(3) by adding after clause (iii) the following:

“(iv) the representative payee collects a fee for its services.”; and

(4) by adding after clause (iv) (as added by paragraph (3)) the following flush text:

“The Commissioner shall also conduct periodic onsite reviews of individual and organizational payees, including payees who are re-

lated to the beneficiary and primarily reside in the same household, selected on the basis of risk-factors for potential misuse or unsuitability associated with such payees or beneficiaries.”.

(c) AVAILABILITY OF GRANT FUNDS.—

(1) PROTECTION AND ADVOCACY SYSTEM GRANTS.—Grants described under clause (i) of subparagraph (C) of section 205(j)(6) of the Social Security Act (as added by subsection (a)) shall be awarded on August 1, 2018, and annually thereafter, and funds provided by such grants to a protection and advocacy system may be used to reimburse the protection and advocacy system for amounts expended by the protection and advocacy system during the period beginning on May 1, 2018, and ending on such date for hiring and start-up costs in preparation to carry out reviews of representative payees in accordance with such subparagraph.

(2) NATIONAL ASSOCIATION GRANTS.—Grants described under clause (v) of such subparagraph shall be awarded on May 1, 2018, and annually thereafter.

#### SEC. 102. REDUCING THE BURDEN ON FAMILIES.

(a) TITLE II.—Section 205(j)(3) of the Social Security Act (42 U.S.C. 405(j)(3)) is amended—

(1) by redesignating subparagraphs (D) through (G) as subparagraphs (E) through (H), respectively;

(2) by inserting after subparagraph (C) the following:

“(D)(i) Subparagraph (A) shall not apply in any case where the other person to whom such payment is made is—

“(I) a parent, or other individual who is a legal guardian of, a minor child entitled to such payment who primarily resides in the same household;

“(II) a parent of an individual entitled to such payment who is under a disability (as defined in section 223(d)) who primarily resides in the same household; or

“(III) the spouse of the individual entitled to such payment.

“(ii) The Commissioner of Social Security shall establish and implement procedures as necessary for the Commissioner to determine the eligibility of such parties for the exemption provided in clause (i). The Commissioner shall prescribe such regulations as may be necessary to determine eligibility for such exemption.”;

(3) in subparagraph (E) (as so redesignated), by striking “and (C)” and inserting “(C), and (D)”;

(4) in subparagraph (F) (as so redesignated), by striking “(D)” each place it appears and inserting “(E)”.

(b) TITLE VIII.—Section 807(h) of the Social Security Act (42 U.S.C. 1007(h)) is amended—

(1) by redesignating paragraphs (3) through (5) as paragraphs (4) through (6), respectively; and

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

“(3)(A) Paragraph (1) shall not apply in any case where the other person to whom such payment is made is the spouse of the individual entitled to such payment.

“(B) The Commissioner of Social Security shall establish and implement procedures as necessary for the Commissioner to determine the eligibility of such parties for the exemption provided in subparagraph (A). The Commissioner shall prescribe such regulations as may be necessary to determine eligibility for such exemption.”.

(c) TITLE XVI.—Section 1631(a)(2)(C) of the Social Security Act (42 U.S.C. 1383(a)(2)(C)) is amended—

(1) by redesignating clauses (iv) and (v) as clauses (v) and (vi), respectively;

(2) by inserting after clause (iii) the following:

“(iv)(I) Clause (i) shall not apply in any case where the representative payee is—

“(aa) a parent, or other individual who is a legal guardian of, a minor child entitled to such payment who primarily resides in the same household;

“(bb) a parent of an individual entitled to such payment who is under a disability who primarily resides in the same household; or

“(cc) the spouse of the individual entitled to such payment.

“(II) The Commissioner of Social Security shall establish and implement procedures as necessary for the Commissioner to determine the eligibility of such parties for the exemption provided in subclause (I). The Commissioner shall prescribe such regulations as may be necessary to determine eligibility for such exemption.”;

(3) in clause (v) (as so redesignated), by striking “and (iii)” and inserting “(iii), and (iv)”;

(4) in clause (vi) (as so redesignated), by striking “(iv)” each time it appears and inserting “(v)”.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

#### SEC. 103. PROTECTING BENEFICIARIES THROUGH INFORMATION SHARING.

(a) INFORMATION SHARING TO DETERMINE STATE FOSTER CARE STATUS.—

(1) IN GENERAL.—Section 205(j) of the Social Security Act (42 U.S.C. 405(j)) is amended by adding at the end the following:

“(1)(A) The Commissioner of Social Security shall—

“(i) enter into agreements with each State with a plan approved under part E of title IV for the purpose of sharing and matching data, on an automated monthly basis, in the system of records of the Social Security Administration with each Statewide and Tribal Automated Child Welfare Information System to identify represented minor beneficiaries who are in foster care under the responsibility of the State for such month; and

“(ii) in any case in which a represented minor beneficiary has entered or exited foster care or changed foster care placement in such month, redetermine the appropriate representative payee for such individual.

“(B) For purposes of this paragraph—

“(i) the term ‘State’ has the meaning given such term for purposes of part E of title IV;

“(ii) the term ‘Statewide and Tribal Automated Child Welfare Information System’ means a statewide mechanized data collection and information retrieval system described in section 474(a)(3)(C); and

“(iii) the term ‘represented minor beneficiary’, with respect to an individual for a month, means a child (as defined for purposes of section 475(8)) entitled to benefits under this title for such month whose benefits are certified for payment to a representative payee.”.

(2) CONFORMING CHANGE.—Section 471(a)(8)(A) of the Social Security Act (42 U.S.C. 671(a)(8)(A)) is amended by inserting “the program established by title II,” after “XX.”.

(3) GAO STUDY AND REPORT.—

(A) EVALUATION.—As soon as possible after the date of the enactment of this Act, the Comptroller General shall evaluate—

(i) the number of represented minor beneficiaries in foster care under the responsibility of a State for each month during the previous year;

(ii) whether the representative payee for each represented minor beneficiary is—

(I) a governmental child welfare agency;

(II) an organizational payee that is not a governmental child welfare agency;

(III) a foster parent or child-care institution (within the meaning of part E of title IV); or

(IV) another individual; and

(iii) whether funds were conserved, used for direct expenses of the minor beneficiary, or used to reimburse the State for foster care maintenance costs.

(B) **REPORT TO CONGRESS.**—Not later than 36 months after the date of enactment of this Act, the Comptroller General shall submit to Congress a report on the results of the evaluation required under subparagraph (A).

(C) **DEFINITIONS.**—For purposes of this paragraph—

(i) the term “State” has the meaning given such term for purposes of part E of title IV of the Social Security Act; and

(ii) the term “represented minor beneficiary”, with respect to an individual for a month, means a child (as defined for purposes of section 475(8) of the Social Security Act) entitled to benefits under title II of such Act for such month whose benefits are certified for payment to a representative payee.

(4) **EFFECTIVE DATE.**—

(A) **IN GENERAL.**—The amendments made by this subsection shall apply with respect to months beginning on or after the date that is 1 year after the date of the enactment of this Act.

(B) **EXCEPTION IF STATE LEGISLATION REQUIRED.**—In the case of a State plan under part E of title IV of the Social Security Act that the Secretary of Health and Human Services determines requires State legislation (other than legislation appropriating funds) in order for the plan to meet the additional requirement imposed by the amendments made under this subsection, such plan shall not be regarded as failing to comply with the requirements of such title solely on the basis of its failure to meet this additional requirement before the first day of the first calendar quarter beginning after the close of the first regular session of the State legislature that begins after the date of the enactment of this Act. For purposes of the previous sentence, in the case of a State that has a 2-year legislative session, each year of such session shall be deemed to be a separate regular session of the State legislature.

(b) **IMPROVING COORDINATION WITH ADULT PROTECTIVE SERVICES.**—

(1) **IN GENERAL.**—The Commissioner of Social Security shall study and test the administrative feasibility of improving information sharing, in partnership with State agencies that provide adult protective services, with respect to—

(A) the assessment of an individual's need for a representative payee in connection with benefits to which the individual is entitled under title II or title XVI of the Social Security Act; and

(B) oversight of individuals and organizations serving as representative payees.

(2) **REPORT.**—Not later than June 30, 2022, the Commissioner of Social Security shall conclude the study described in paragraph (1) and 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 such study.

(c) **STUDY ON POTENTIAL TO COORDINATE WITH STATE COURTS.**—

(1) **IN GENERAL.**—The Commissioner of Social Security shall enter into an agreement with the Administrative Conference of the United States to conduct a study that includes—

(A) an overview of potential opportunities for information sharing between the Social Security Administration and State courts and relevant State agencies;

(B) a detailed analysis of the barriers to such information sharing, including any Federal or State statutory barriers;

(C) a description of how such information sharing would be implemented, including any additional infrastructure needed; and

(D) a description of any risks or other factors that the Social Security Administration and the Congress should consider before implementing such information sharing.

(2) **REPORT.**—Not later than June 30, 2020, the Commissioner of Social Security shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate and make publicly available a report on the results of the study conducted under paragraph (1).

#### **SEC. 104. CLARIFYING OVERPAYMENT LIABILITY FOR CHILD IN CHILD WELFARE SYSTEM.**

(a) **AMENDMENT TO TITLE II.**—Section 204(a) of the Social Security Act (42 U.S.C. 404(a)) is amended by adding at the end the following:

“(3)(A) When any payment of more than the correct amount is made on behalf of an individual who is a represented minor beneficiary for a month in which such individual is in foster care under the responsibility of a State and the State is the representative payee of such individual, the State shall be liable for the repayment of the overpayment, and there shall be no adjustment of payments to, or recovery by the United States from, such individual.

“(B) For purposes of this paragraph, the term ‘represented minor beneficiary’ has the meaning given such term in subsection (j)(11)(B)(iii).”.

(b) **AMENDMENT TO TITLE XVI.**—Section 1631(b) of the Social Security Act (42 U.S.C. 1683(b)) is amended—

(1) by redesignating paragraphs (3) through (7) as paragraphs (4) through (8), respectively; and

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

“(3)(A) When any payment of more than the correct amount is made on behalf of an individual who is a represented minor beneficiary for a month in which such individual is in foster care under the responsibility of a State and the State is the representative payee of such individual, the State shall be liable for the repayment of the overpayment, and there shall be no adjustment of payments to, or recovery by the United States from, such individual.

“(B) For purposes of this paragraph, the term ‘represented minor beneficiary’, with respect to an individual for a month, means a child (as defined for purposes of section 475(8)) entitled to benefits under this title for such month whose benefits are certified for payment to a representative payee.”.

(c) **EFFECTIVE DATE.**—The amendment made by subsection (a) shall apply with respect to overpayment determinations made on or after the date of the enactment of this Act and to any other overpaid amounts that have not been recovered as of such date.

#### **SEC. 105. REPORTS.**

(a) **REPORT ON BENEFITS MISUSED.**—Section 205(j) of the Social Security Act (42 U.S.C. 405(j)), as amended by section 103(a), is further amended—

(1) in paragraph (6)—

(A) by striking “(A) In addition to” and inserting “In addition to”; and

(B) by striking subparagraph (B); and

(2) by adding at the end the following:

“(12)(A) Not later than January 31 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 total number of individuals entitled to benefits under titles II, VIII, and XVI, respectively, (and the number of individuals con-

currently entitled to benefits under more than one such title) who have a representative payee, the total number of such representative payees, and the results of all reviews of representative payees conducted during the previous fiscal year in connection with benefits under this title, title VIII, or title XVI. Such report shall summarize problems identified in such reviews and corrective actions 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 reviews conducted in response to allegations or concerns about the performance or suitability of the payee;

“(v) the number of cases discovered in which there was a misuse of funds, and the total dollar amount of benefits determined by the Commissioner during such fiscal year to have been misused by a representative payee (regardless of the fiscal year in which such misuse occurred);

“(vi) the number of cases discovered in which such misuse of funds resulted from the negligent failure of the Commissioner to investigate or monitor a representative payee;

“(vii) the final disposition of such cases of misuse of funds, including—

“(I) any criminal, civil, and administrative penalties imposed;

“(II) the total dollar amount of misused benefits repaid to beneficiaries and alternative representative payees under each of—

“(aa) paragraph (5) (on the basis of a negligent failure of the Commissioner described in such paragraph);

“(bb) paragraph (5) (on any other basis); and

“(cc) paragraph (7);

“(III) the total dollar amount of misused benefits recovered under each of—

“(aa) paragraph (5); and

“(bb) paragraph (7);

“(viii) any updates to prior year reports necessary to reflect subsequent recoveries and repayments pertaining to misuse determinations made in prior years; and

“(ix) such other information as the Commissioner deems appropriate.

“(B) Each report required under this paragraph for a fiscal year shall include the information described in clauses (i) through (ix) of subparagraph (A) with respect to—

“(i) all representative payees reviewed during such fiscal year;

“(ii) all such representative payees that are organizations, separated by whether such organization collects a fee for its services as a representative payee;

“(iii) all such representative payees that are individuals serving 15 or more individuals; and

“(iv) all such representative payees that are individuals serving less than 15 individuals, separated by whether such representative payee is a family member.”.

(b) **REPORT ON ELIMINATION OF THE ACCOUNTING FORM.**—The Commissioner shall—

(1) conduct a study on the changes made by the amendments made by section 102 of the Strengthening Protections for Social Security Beneficiaries Act of 2018, which shall include the impact of such changes on families, beneficiaries, and the operations of the Social Security Administration; and

(2) not later than January 1, 2021, submit a report on the results of such study to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate.

(c) **REPORT ON THE ADVANCED DESIGNATION POLICY.**—The Commissioner shall—

(1) conduct a study on the changes made by the amendments made by section 201 of the

Strengthening Protections for Social Security Beneficiaries Act of 2018, which shall include the impact of such changes on beneficiaries and the operations of the Social Security Administration; and

(2) not later than January 1, 2025, submit a report on the results of such study to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate.

## **TITLE II—IMPROVING PAYEE SELECTION AND QUALITY**

### **SEC. 201. ADVANCE DESIGNATION OF REPRESENTATIVE PAYEES.**

(a) IN GENERAL.—Section 205(j)(1) of the Social Security Act (42 U.S.C. 405(j)(1)) is amended by adding at the end the following:

“(C)(i) An individual who is entitled to or is an applicant for a benefit under this title, title VIII, or title XVI, who has attained 18 years of age or is an emancipated minor, may, at any time, designate 1 or more other individuals to serve as a representative payee for such individual in the event that the Commissioner of Social Security determines under subparagraph (A) that the interest of such individual would be served by certification for payment of such benefits to which the individual is entitled to a representative payee. If the Commissioner of Social Security makes such a determination with respect to such individual at any time after such designation has been made, the Commissioner shall—

“(I) certify payment of such benefits to the designated individual, subject to the requirements of paragraph (2); or

“(II) if the Commissioner determines that certification for payment of such benefits to the designated individual would not satisfy the requirements of paragraph (2), that the designated individual is unwilling or unable to serve as representative payee, or that other good cause exists, certify payment of such benefits to another individual or organization, in accordance with paragraph (1).

“(ii) An organization may not be designated to serve as a representative payee under this subparagraph.”.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date that is 2 years after the date of the enactment of this section.

(c) REGULATIONS.—Not later than 18 months after the date of the enactment of this section, the Commissioner of Social Security shall promulgate regulations specifying the information an individual is required to provide to the Commissioner in order to designate another individual to serve as the individual's representative payee under section 205(j)(1)(C) of the Social Security Act (as added by subsection (a)).

(d) NOTIFICATION TO BENEFICIARIES.—Not later than January 1, 2020, and annually thereafter, the Commissioner of Social Security shall notify each individual entitled to a benefit under title II, VIII, or XVI of the Social Security Act of the name of any individual designated to serve as the individual's representative payee under section 205(j)(1)(C) of such Act (as added by subsection (a)).

### **SEC. 202. PROHIBITION ON INDIVIDUALS CONVICTED OF CERTAIN CRIMES SERVING AS REPRESENTATIVE PAYEES.**

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

(1) in subparagraph (B)—

(A) in clause (i)—

(i) in subclause (V), by striking “and” at the end;

(ii) in subclause (VI), by striking the period and inserting “, and”; and

(iii) by adding at the end the following:

“(VII) determine whether such person has been convicted (and not subsequently exonerated), under Federal or State law, of a felony provided under clause (iv), or of an attempt or a conspiracy to commit such a felony.”; and

(B) by adding at the end the following:

“(iv) The felony crimes provided under this clause, whether an offense under State or Federal law, are the following:

“(I) Human trafficking, including as prohibited under sections 1590 and 1591 of title 18, United States Code.

“(II) False imprisonment, including as prohibited under section 1201 of title 18, United States Code.

“(III) Kidnapping, including as prohibited under section 1201 of title 18, United States Code.

“(IV) Rape and sexual assault, including as prohibited under sections 2241, 2242, 2243, and 2244 of title 18, United States Code.

“(V) First-degree homicide, including as prohibited under section 1111 of title 18, United States Code.

“(VI) Robbery, including as prohibited under section 2111 of title 18, United States Code.

“(VII) Fraud to obtain access to government assistance, including as prohibited under sections 287, 1001, and 1343 of title 18, United States Code.

“(VIII) Fraud by scheme, including as prohibited under section 1343 of title 18, United States Code.

“(IX) Theft of government funds or property, including as prohibited under section 641 of title 18, United States Code.

“(X) Abuse or neglect, including as prohibited under sections 111, 113, 114, 115, 116, or 117 of title 18, United States Code.

“(XI) Forgery, including as prohibited under section 642 and chapter 25 (except section 512) of title 18, United States Code.

“(XII) Identity theft or identity fraud, including as prohibited under sections 1028 and 1028A of title 18, United States Code. The Commissioner of Social Security may promulgate regulations to provide for additional felony crimes under this clause.

“(v)(I) For the purpose of carrying out the activities required under subparagraph (B)(i) as part of the investigation under subparagraph (A)(i), the Commissioner may conduct a background check of any individual seeking to serve as a representative payee under this subsection and may disqualify from service as a representative payee any such individual who fails to grant permission for the Commissioner to conduct such a background check.

“(II) The Commissioner may revoke certification of payment of benefits under this subsection to any individual serving as a representative payee on or after January 1, 2019 who fails to grant permission for the Commissioner to conduct such a background check.”; and

(2) in subparagraph (C)—

(A) in clause (i)—

(i) in subclause (IV), by striking “or” at the end;

(ii) in subclause (V), by striking the period at the end and inserting “, or”; and

(iii) by adding at the end the following:

“(VI) except as provided in clause (vi), such person has previously been convicted (and not subsequently exonerated) as described in subparagraph (B)(i)(VII).”; and

(B) by adding at the end the following:

“(vi)(I) With respect to any person described in subclause (II)—

“(aa) subparagraph (B)(i)(VII) shall not apply; and

“(bb) the Commissioner may grant an exemption from the provisions of clause (i)(VI) if the Commissioner determines that such exemption is in the best interest of the individual entitled to benefits.

“(II) A person is described in this subclause if the person—

“(aa) is the custodial parent of a minor child for whom the person applies to serve,

“(bb) is the custodial spouse of the beneficiary for whom the person applies to serve,

“(cc) is the custodial parent of a beneficiary who is under a disability (as defined in section 223(d)) which began before the beneficiary attained the age of 22, for whom the person applies to serve,

“(dd) is the custodial court appointed guardian of the beneficiary for whom the person applies to serve,

“(ee) is the custodial grandparent of a minor grandchild for whom the person applies to serve,

“(ff) is the parent who was previously representative payee for his or her minor child who has since turned 18 and continues to be eligible for such benefit, or

“(gg) received a presidential or gubernatorial pardon for the relevant conviction.”.

(b) AMENDMENTS TO TITLE VIII.—Section 807 of the Social Security Act (42 U.S.C. 1007) is amended—

(1) in subsection (b)—

(A) in paragraph (2)—

(i) in subparagraph (E), by striking “and” at the end;

(ii) in subparagraph (F), by striking the period and inserting “, and”; and

(iii) by adding at the end the following:

“(G) determine whether such person has been convicted (and not subsequently exonerated), under Federal or State law, of a felony provided under paragraph (4), or of an attempt or a conspiracy to commit such a felony.”; and

(B) by adding at the end the following:

“(4) The felony crimes provided under this paragraph, whether an offense under State or Federal law, are the following:

“(A) Human trafficking, including as prohibited under sections 1590 and 1591 of title 18, United States Code.

“(B) False imprisonment, including as prohibited under section 1201 of title 18, United States Code.

“(C) Kidnapping, including as prohibited under section 1201 of title 18, United States Code.

“(D) Rape and sexual assault, including as prohibited under sections 2241, 2242, 2243, and 2244 of title 18, United States Code.

“(E) First-degree homicide, including as prohibited under section 1111 of title 18, United States Code.

“(F) Robbery, including as prohibited under section 2111 of title 18, United States Code.

“(G) Fraud to obtain access to government assistance, including as prohibited under sections 287, 1001, and 1343 of title 18, United States Code.

“(H) Fraud by scheme, including as prohibited under section 1343 of title 18, United States Code.

“(I) Theft of government funds or property, including as prohibited under section 641 of title 18, United States Code.

“(J) Abuse or neglect, including as prohibited under sections 111, 113, 114, 115, 116, or 117 of title 18, United States Code.

“(K) Forgery, including as prohibited under section 642 and chapter 25 (except section 512) of title 18, United States Code.

“(L) Identity theft or identity fraud, including as prohibited under sections 1028 and 1028A of title 18, United States Code.

The Commissioner of Social Security may promulgate regulations to provide for additional felony crimes under this clause.

“(5)(A) For the purpose of carrying out the activities required under paragraph (2) as part of the investigation under paragraph (1)(A), the Commissioner may conduct a background check of any individual seeking to serve as a representative payee under this

subsection and may disqualify from service as a representative payee any such individual who fails to grant permission for the Commissioner to conduct such a background check.

“(B) The Commissioner may revoke certification of payment of benefits under this subsection to any individual serving as a representative payee on or after January 1, 2019 who fails to grant permission for the Commissioner to conduct such a background check.”; and

(2) in subsection (d)—

(A) in paragraph (1)—

(i) in subparagraph (D), by striking “or” at the end;

(ii) in subparagraph (E), by striking the period at the end and inserting “, or”; and

(iii) by adding at the end the following:

“(F) except as provided in paragraph (2)(D), such person has previously been convicted (and not subsequently exonerated) as described in subsection (b)(2)(G).”; and

(B) in paragraph (2), by adding at the end the following:

“(D)(i) With respect to any person described in clause (II)—

“(I) subsection (b)(2)(G) shall not apply; and

“(II) the Commissioner may grant an exemption from the provisions of paragraph (1)(F) if the Commissioner determines that such exemption is in the best interest of the individual entitled to benefits.

“(ii) A person is described in this clause if the person—

“(I) is the custodial spouse of the beneficiary for whom the person applies to serve,

“(II) is the custodial court appointed guardian of the beneficiary for whom the person applies to serve; or

“(III) received a presidential or gubernatorial pardon for the relevant conviction.”.

(C) AMENDMENTS TO TITLE XVI.—Section 1631(a)(2)(B) of the Social Security Act (42 U.S.C. 1383(a)(2)(B)) is amended—

(1) in clause (ii)—

(A) in subclause (V), by striking “and” at the end;

(B) in subclause (VI), by striking the period at the end and inserting “, and”; and

(C) by adding at the end the following:

“(VII) determine whether such person has been convicted (and not subsequently exonerated), under Federal or State law, of a felony provided under clause (xv), or of an attempt or a conspiracy to commit such a felony.”;

(2) in clause (iii)—

(A) in subclause (IV), by striking “or” at the end;

(B) in subclause (V), by striking the period at the end and inserting “, or”; and

(C) by adding at the end the following:

“(VI) except as provided in clause (xvii), such person has previously been convicted (and not subsequently exonerated) as described in clause (ii)(VII).”; and

(3) by adding at the end the following:

“(xv) The felony crimes provided under this clause, whether an offense under State or Federal law, are the following:

“(I) Human trafficking, including as prohibited under sections 1590 and 1591 of title 18, United States Code.

“(II) False imprisonment, including as prohibited under section 1201 of title 18, United States Code.

“(III) Kidnapping, including as prohibited under section 1201 of title 18, United States Code.

“(IV) Rape and sexual assault, including as prohibited under sections 2241, 2242, 2243, and 2244 of title 18, United States Code.

“(V) First-degree homicide, including as prohibited under section 1111 of title 18, United States Code.

“(VI) Robbery, including as prohibited under section 2111 of title 18, United States Code.

“(VII) Fraud to obtain access to government assistance, including as prohibited under sections 287, 1001, and 1343 of title 18, United States Code.

“(VIII) Fraud by scheme, including as prohibited under section 1343 of title 18, United States Code.

“(IX) Theft of government funds or property, including as prohibited under section 641 of title 18, United States Code.

“(X) Abuse or neglect, including as prohibited under sections 111, 113, 114, 115, 116, or 117 of title 18, United States Code.

“(XI) Forgery, including as prohibited under section 642 and chapter 25 (except section 512) of title 18, United States Code.

“(XII) Identity theft or identity fraud, including as prohibited under sections 1028 and 1028A of title 18, United States Code.

The Commissioner of Social Security may promulgate regulations to provide for additional felony crimes under this clause.

“(xvi)(I) For the purpose of carrying out the activities required under clause (ii) as part of the investigation under clause (i)(I), the Commissioner may conduct a background check of any individual seeking to serve as a representative payee under this subsection and may disqualify from service as a representative payee any such individual who fails to grant permission for the Commissioner to conduct such a background check.

“(II) The Commissioner may revoke certification of payment of benefits under this subsection to any individual serving as a representative payee on or after January 1, 2019 who fails to grant permission for the Commissioner to conduct such a background check.

“(xvii)(I) With respect to any person described in subclause (II)—

“(aa) clause (ii)(VII) shall not apply; and

“(bb) the Commissioner may grant an exemption from the provisions of clause (iii)(VI) if the Commissioner determines that such exemption is in the best interest of the individual entitled to benefits.

“(II) A person is described in this subclause if the person—

“(aa) is the custodial parent of a minor child for whom the person applies to serve,

“(bb) is the custodial spouse of the beneficiary for whom the person applies to serve,

“(cc) is the custodial parent of a beneficiary who is under a disability which began before the beneficiary attained the age of 22, for whom the person applies to serve,

“(dd) is the custodial court appointed guardian of the beneficiary for whom the person applies to serve,

“(ee) is the custodial grandparent of a minor grandchild for whom the person applies to serve,

“(ff) is the parent who was previously representative payee for his or her minor child who has since turned 18 and continues to be eligible for such benefit, or

“(gg) received a presidential or gubernatorial pardon for the relevant conviction.”.

(d) APPLICATION TO NEW APPOINTMENTS.—Subject to subsection (e), the amendments made by subsections (a), (b), and (c) shall apply with respect to any individual appointed to serve as a representative payee pursuant to section 205(j), 807, or 1631(a)(2) of the Social Security Act on or after January 1, 2019.

(e) APPLICATION TO PRIOR APPOINTMENTS.—

(1) IN GENERAL.—Not later than January 1, 2024, the Commissioner of Social Security shall conduct a review of each individual serving as a representative payee pursuant to 205(j), 807, or 1631(a)(2) of the Social Security Act, to determine whether such individual has been convicted of a felony as described in section 205(j)(2)(B)(i)(VII), 807(b)(2)(G), or 1631(a)(2)(B)(ii)(VII), respectively (as such provisions are added by this section). Except as provided in section 205(j)(2)(C)(vi), 807(d)(2)(D), or 1631(a)(2)(B)(xvii) (as so added), any individual determined by the Commissioner to have been so convicted may not serve as a representative payee on or after the date of such determination.

(2) PRIORITY.—In conducting reviews under paragraph (1), the Commissioner shall prioritize reviews of the following categories of individuals, in the following order:

(A) An individual serving as representative payee for 15 or more individuals.

(B) An individual serving as representative payee for an individual who is not related to the representative payee.

(C) An individual serving as representative payee for an individual who has attained the age of 18 and is not the spouse of the representative payee.

(f) PERIODIC REVIEW.—Not later than 1 year after the date of enactment of this section, the Commissioner of Social Security shall issue regulations to establish a process for reviewing each individual serving as a representative payee pursuant to section 205(j), 807, or 1631(a)(2) of the Social Security Act (other than individuals with respect to whom an exemption has been granted under section 205(j)(2)(C)(vi), 807(d)(2)(D), or 1631(a)(2)(B)(xvii)) not less than once every 5 years to determine whether any such individual has been convicted of a felony as described in subsection (e)(1) of this section.

SECTION 203. PROHIBITION ON INDIVIDUALS WITH REPRESENTATIVE PAYEES SERVING AS REPRESENTATIVE PAYEES.

(a) AMENDMENT TO TITLE II.—Section 205(j)(2)(C)(i) of the Social Security Act (42 U.S.C. 405(j)(2)(C)(i)), as amended by section 202(a)(2), is further amended—

(1) in subclause (V), by striking “or” at the end;

(2) in subclause (VI), by striking the period at the end and inserting “, or”; and

(3) by adding at the end the following:

“(VII) such person’s benefits under this title, title VIII, or title XVI are certified for payment to a representative payee during the period for which the individual’s benefits would be certified for payment to another person.”.

(b) AMENDMENT TO TITLE VIII.—Section 807(d)(1) of the Social Security Act (42 U.S.C. 1007(d)(1)), as amended by section 202(b)(2), is further amended—

(1) in subparagraph (E), by striking “or” at the end;

(2) in subparagraph (F), by striking the period at the end and inserting “, or”; and

(3) by adding at the end the following:

“(G) such person’s benefits under this title, title II, or title XVI are certified for payment to a representative payee during the period for which the individual’s benefits would be certified for payment to another person.”.

(c) AMENDMENT TO TITLE XVI.—Section 1631(a)(2)(B)(iii) of the Social Security Act (42 U.S.C. 1383(a)(2)(B)(iii)), as amended by section 202(c)(2), is further amended—

(1) in subclause (V), by striking “or” at the end;

(2) in subclause (VI), by striking the period at the end and inserting “, or”; and

(3) by adding at the end the following:

“(G) such person’s benefits under this title, title II, or title XVI are certified for payment to a representative payee during the period for which the individual’s benefits would be certified for payment to another person.”.

(d) AMENDMENT TO TITLE XVI.—Section 1631(a)(2)(B)(iii) of the Social Security Act (42 U.S.C. 1383(a)(2)(B)(iii)), as amended by section 202(c)(2), is further amended—

(1) in subclause (V), by striking “or” at the end;

(2) in subclause (VI), by striking the period at the end and inserting “, or”; and

(3) by adding at the end the following:

“(G) such person’s benefits under this title, title II, or title XVI are certified for payment to a representative payee during the period for which the individual’s benefits would be certified for payment to another person.”.

(e) AMENDMENT TO TITLE XVI.—Section 1631(a)(2)(B)(iii) of the Social Security Act (42 U.S.C. 1383(a)(2)(B)(iii)), as amended by section 202(c)(2), is further amended—

(1) in subclause (V), by striking “or” at the end;

(2) in subclause (VI), by striking the period at the end and inserting “, or”; and

(3) by adding at the end the following:

“(G) such person’s benefits under this title, title II, or title XVI are certified for payment to a representative payee during the period for which the individual’s benefits would be certified for payment to another person.”.

(d) EFFECTIVE DATE.—

(1) NEW APPOINTMENTS.—Subject to paragraph (2), the amendments made by this section shall apply with respect to any individual appointed to serve as a representative payee under title II, title VIII, or title XVI of the Social Security Act on or after January 1, 2019.

(2) PRIOR APPOINTMENTS.—With respect to individuals serving as a representative payee whose benefits under this title, title VIII, or title XVI are certified for payment to another representative payee as of January 1, 2019, the Commissioner shall take any steps necessary to terminate such individual's service as a representative payee as soon as possible, but no later than January 1, 2024.

#### SEC. 204. REASSESSMENT OF PAYEE SELECTION AND REPLACEMENT POLICIES.

(a) IN GENERAL.—The Commissioner of Social Security shall conduct, with opportunity for public comment, a review and reassessment of—

(1) the appropriateness of its order of preference for selecting representative payees, including payees who may be creditors of the beneficiary or who are private, for-profit institutions; and

(2) the effectiveness of its policy and operational procedures in properly determining when to change a representative payee, including—

(A) from a payee that has a higher order of preference (such as a family member) to a payee that has a lower order of preference (such as a creditor); or

(B) when a request to change payees arises from someone other than the beneficiary.

(b) REPORT.—Not later than 18 months after the date of the enactment of this Act, the Commissioner of Social Security shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate and make publicly available a report on the results of the review and reassessment under subsection (a).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. BRADY) and the gentleman from Connecticut (Mr. LARSON) each will control 20 minutes.

The Chair recognizes the gentleman from Texas.

#### GENERAL LEAVE

Mr. BRADY of Texas. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 4547, currently under consideration.

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

There was no objection.

Mr. BRADY of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, today we have an opportunity to take action on bipartisan legislation to help those receiving Social Security. This bill, led by Congressmen SAM JOHNSON of Texas and JOHN LARSON of Connecticut, the chairman and ranking member of the Ways and Means Social Security Subcommittee, takes actions to improve the representative payee program.

Today, when someone on Social Security is not able to manage their own benefits, the Social Security Administration will assign them what is called

a representative payee. These are individuals or organizations that have a vital responsibility to be helping some of our most vulnerable people on Social Security: children, seniors, and folks with disabilities. The payee receives benefits on behalf of these Americans, and they are required to use the money to fulfill those needs.

Here is the problem: The Representative Payee Program just isn't working the way it should. As the Committee on Ways and Means has learned from the work of our Social Security Subcommittee, the Social Security Administration has serious challenges knowing when someone needs help managing their benefits and also in making sure that those who provide that help are doing a good job.

This puts some of our most vulnerable receivers of Social Security at risk, and that is completely unacceptable. We have a responsibility to fix it. That is why this legislation is so important.

With this bipartisan bill, we can make the representative payee program more effective and more accountable for the Americans who depend upon it. This bill strengthens oversight; it increases protections for those on Social Security; it reduces burdens on families; and it puts greater focus on the needs of Social Security families, giving Americans more of a say in selecting the payee of their choice and, more importantly, ensuring they have a payee they can trust.

Although our committee did not mark up this bill, we have held multiple subcommittee hearings on the issue and meetings among Members from both sides of the aisle. We have heard from stakeholders about the challenges they face. This bill is a long time coming and is going to make important, much-needed changes to the representative payee program.

To further solidify the committee's understanding and our legislative intent, I am sending the Acting Commissioner of Social Security a letter signed by myself and Congressmen RICHARD NEAL, SAM JOHNSON, and JOHN LARSON.

Mr. Speaker, I include in the RECORD this letter which transmits a technical explanation of the bill. We have asked the Acting Commissioner to make that letter and technical explanation available on the agency's website.

HOUSE OF REPRESENTATIVES,  
COMMITTEE ON WAYS AND MEANS,  
Washington, DC, February 5, 2018.

NANCY BERRYHILL,  
Acting Commissioner, Social Security Administration  
Baltimore, MD.

DEAR ACTING COMMISSIONER BERRYHILL: The attached document outlines the Committee's understanding and legislative intent of H.R. 4547, the Strengthening Protections for Social Security Beneficiaries Act of 2018, in lieu of a Committee Report from the Committee on Ways and Means. We ask that you make this letter and attached document publicly available on the agency's website.

In 1939, Congress first authorized the Social Security Administration (SSA) to make benefit payments to another person or orga-

nization—called a representative payee—in cases where a beneficiary is not capable of managing their own benefits. Reports from government watchdogs and stakeholders have raised repeated concerns about how the SSA administers the representative payee program. H.R. 4547 takes important steps to address these concerns.

Over time, the SSA's payee monitoring program has strengthened, adding both statutory and discretionary on-site reviews to oversee payee performance, and leveraging predictive models to focus additional reviews on the highest-risk payees. Most payees also file an annual report of how the benefits were used, but it has become clear that the accounting form is not an effective protection, with little misuse identified from the submissions. H.R. 4547 builds on the current framework by requiring additional on-site reviews and improving the effectiveness of reviews by requiring state Protection and Advocacy systems to conduct the reviews on behalf of the SSA. We expect this legislation will allow the SSA to greatly expand reviews of payees and better focus oversight on the highest-risk payees, while eliminating the burden of the accounting form for certain family members, who will remain subject to review under the predictive models.

In addition to strengthening oversight, H.R. 4547 takes important steps to address the serious shortcomings with payee selection. This bill makes sure that individuals with significant felony convictions and those who have a payee themselves cannot serve as payees. The bill also allows beneficiaries to designate their preferred payee in advance and requires the SSA to assess the appropriateness of the order-of-preference list it uses to select payees, particularly in cases where there is a change in payee.

By strengthening oversight of payees as well as the safeguards around who may serve as a payee, these commonsense provisions in H.R. 4547 make much-needed improvements to the representative payee program to protect vulnerable beneficiaries.

Sincerely,

KEVIN BRADY,  
Chairman.  
RICHARD E. NEAL,  
Ranking Member.  
SAM JOHNSON,  
Chairman, Sub-  
committee on Social  
Security.  
JOHN B. LARSON,  
Ranking Member,  
Subcommittee on So-  
cial Security.

Mr. BRADY of Texas. Mr. Speaker, I want to thank all the Members for their hard work and leadership on this important issue. Particularly, I want to express my gratitude to Chairman JOHNSON and Ranking Member LARSON for their dedication to improving the representative payee program. This is a very important bill that has strong bipartisan support. I urge my colleagues to join me in supporting its passage.

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

Mr. LARSON of Connecticut. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of H.R. 4547, the Strengthening Protections for Social Security Beneficiaries Act of 2018, which the distinguished chairman, the gentleman from Texas (Mr. SAM JOHNSON) and I have introduced and on which the committee has held several hearings.



Before I begin, I would like to acknowledge our distinguished chairman. We on the Committee on Ways and Means are fortunate that we, in our midst, get to work daily with two iconic American heroes: JOHN LEWIS of Georgia and SAM JOHNSON of Texas. It has been my high honor to serve as the ranking member with this great American hero and dedicated public servant.

We all know that Mr. JOHNSON is indicating that he will not be seeking reelection again. That is a great loss to the Congress and a great homecoming for people in Plano, Texas, and his family, who richly deserve this great American hero. He demonstrates that heroism daily in the committee by his compassion and concern for his fellow Americans. Much as he defended them in his service to the military, he defends them daily here in the United States Congress.

As Chairman BRADY pointed out, there is a great need within the payee system to address a number of the concerns, as the hearings which Mr. JOHNSON conducted revealed many of the inadequacies that existed. There are currently 8 million Social Security beneficiaries who have a representative payee to help manage their benefits, nearly half of whom are children. In many cases, we are talking about the most vulnerable of our citizens, many of whom cannot advocate for themselves.

That is why our bill strengthens the number of quality-of-performance reviews by entrusting them to protection and advocacy organizations in each State. These organizations are embedded in the communities they serve and will be best equipped to flag and investigate instances where payees may be abusing their beneficiaries.

Many of the State organizations have written letters of support for H.R. 4547, including Disability Rights Connecticut. Mr. Speaker, I include that letter in the RECORD.

DISABILITY RIGHTS CONNECTICUT,  
Hartford, CT, December 13, 2017.

Representative SAM JOHNSON,  
Chairman, Social Security Subcommittee, Committee on Ways and Means, Washington, DC.

Representative JOHN B. LARSON,  
Ranking Member, Social Security Subcommittee, Committee on Ways and Means, Washington, DC.

DEAR CHAIRMAN JOHNSON AND RANKING MEMBER LARSON: Thank you for introducing the Strengthening Protections for Social Security Beneficiaries Act of 2017 (H.R. 4547), bipartisan legislation to improve and strengthen the Social Security Administration's (SSA) representative payee program. This legislation is necessary to create a permanent, independent system of oversight to protect Social Security beneficiaries from fraud and exploitation. It also addresses issues of choice by beneficiaries and decreases reporting burdens on families.

As an employee of the Connecticut protection and advocacy system during the previous iteration of Representative Payee reviews, I experienced how important it was to conduct on site reviews of financial accounts but even more invaluable to meet Social Security recipients, interview them and see

where they live. The reviews also informed other areas of advocacy conducted by the agency and would be an asset to Disability Rights Connecticut, the new protection and advocacy system for Connecticut.

Disability Rights Connecticut's mission is to advocate, educate, investigate and litigate to advance and protect the civil rights of people with disabilities to participate, equally and fully in the social and economic life of Connecticut. As a protection and advocacy system we do this through information and referral, technical assistance, investigation, monitoring and advocacy. We also provide training, education and outreach to empower individuals to advocate for themselves and others.

Again, thank you for your sponsorship of H.R. 4547. Please do not hesitate to contact me or refer your Connecticut inquiries to Disability Rights Connecticut.

Sincerely,

GRETCHEN KNAUFF,  
Executive Director.

Mr. LARSON of Connecticut. Mr. Speaker, aside from that and because of Mr. JOHNSON's leadership, the bill before us today has the support of many advocacy groups, including the AARP, the National Committee to Preserve Social Security & Medicare, the National Disability Rights Network, the Association of Mature American Citizens, and the National Alliance on Mental Illness. I therefore urge my colleagues on both sides, as Chairman BRADY has indicated, to join us in voting "yes" on this very important piece of legislation.

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

Mr. BRADY of Texas. Mr. Speaker, I yield the balance of my time to the gentleman from Texas (Mr. SAM JOHNSON), and I ask unanimous consent that he may control that time.

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

There was no objection.

Mr. SAM JOHNSON of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, today I rise as chairman of the Ways and Means Subcommittee on Social Security in support of the Strengthening Protections for Social Security Beneficiaries Act of 2018.

My good friend from Connecticut (Mr. LARSON) and I introduced this legislation to make much-needed reforms to the Social Security representative payee programs. Congress first authorized Social Security to designate representative payees all the way back in 1939. The program was last updated in 2004.

For those unfamiliar, the Social Security representative payee program designates a payee to help manage the benefits of those who need assistance managing their benefits. We are talking about quite a few. In fact, you may be surprised to learn that there are about 8 million beneficiaries with payees. In my home State of Texas, we are talking about more than 625,000 people with payees. To put a face on this program, we are talking about folks like

the aging relative or the elderly neighbor next door, people you may know but didn't realize had a representative payee.

With 10,000 Americans retiring every day, this vitally important program is only going to grow in demand. But here is the problem: multiple reports have raised serious concerns about how Social Security administers this program.

In light of these reports, we held two hearings on the representative payee program last year. The first hearing looked at how Social Security decides who needs a payee. The second hearing looked at how Social Security selects and oversees payees.

During the hearing, Social Security told us the greatest challenge that they face is monitoring representative payee behavior. We also learned from Social Security's inspector general that Social Security needs to do a better job of screening payees so that only qualified people are serving as payees. And we heard from State courts that they are concerned about the lack of information sharing between Social Security and States.

We can and must do better for the millions of folks who need some help managing their Social Security benefits. This is why I have been working with Ranking Member LARSON on the bill and we are voting on it today.

This bipartisan bill does the following: it strengthens monitoring of payees; it reduces the burden of unnecessary forms for families; it increases beneficiary protections; and it improves payee selection and quality.

This commonsense legislation is supported by over 45 organizations, including AARP, the National Council of Social Security Management Associations, the National Disability Rights Network, the National Committee to Preserve Social Security & Medicare, and many others.

Mr. Speaker, I include the National Council of Social Security Management Associations and the National Disability Rights Network letters in the RECORD.

NATIONAL COUNCIL OF SOCIAL SECURITY MANAGEMENT ASSOCIATIONS,  
INC.,

Arlington, VA, December 6, 2017.

Hon. SAM JOHNSON, Chairman,  
Hon. JOHN B. LARSON, Ranking Member,  
House of Representatives, Subcommittee on Social Security, Committee on Ways and Means, Washington, DC.

DEAR CHAIRMAN JOHNSON AND RANKING MEMBER LARSON: On behalf of the National Council of Social Security Management Associations (NCSSMA) and our members throughout the nation, I would like to thank you for your introduction of H.R. 4547, the Strengthening Protections for Social Security Beneficiaries Act of 2017. We very much appreciate your leadership on this important legislation and the hard work and dedication of the Subcommittee staff in engaging NCSSMA and other stakeholders to ensure such a commonsense measure that will not only benefit and protect the American public, but also ease the administrative burden on the hardworking employees of the Social Security Administration (SSA).

We firmly believe this legislation will better protect those individuals who most need

our assistance while relieving the administrative burden both for families and SSA, ensuring that resources are focused on programs, policies and workloads that make sense.

We sincerely appreciate the ongoing discussions we have had with the Subcommittee regarding the Representative Payee program and are encouraged that H.R. 4547 addresses so many of the issues and concerns we have raised. We enthusiastically support this legislation and look forward to working with you to advance it through the legislative process.

Thank you for your willingness to work with NCSSMA and the opportunity for our organization to provide feedback not only related to the Representative Payee program, but also on so many other important issues related to SSA and the programs we administer.

Thank you again for your leadership. Please do not hesitate to contact me if you have any questions or if we can provide additional assistance.

Sincerely,

CHRISTOPHER DETZLER,  
NCSSMA President.

NATIONAL DISABILITY RIGHTS NETWORK,  
Washington, DC, December 6, 2017.

Representative SAM JOHNSON,  
Chairman, Social Security Subcommittee, House  
Ways and Means Committee, Washington,  
DC.

DEAR CHAIRMAN JOHNSON: On behalf of the National Disability Rights Network (NDRN) and the nationwide network of fifty-seven Protection and Advocacy systems we represent, I write in strong support of H.R. 4547, the Strengthening Protections for Social Security Beneficiaries Act of 2017. Enactment of this legislation will provide critical protections for Social Security beneficiaries as well as needed reforms to the crucial representative payee program.

NDRN is the non-profit membership organization for the federally mandated Protection and Advocacy (P&A) and Client Assistance Program (CAP) systems for individuals with disabilities. The P&A and CAP systems were established by the United States Congress to protect the rights of people with disabilities and their families through legal support, advocacy, referral, and education. P&As and CAPs are in all 50 states, the District of Columbia, Puerto Rico, and the U.S. Territories (American Samoa, Guam, Northern Mariana Islands, and the US Virgin Islands), and there is a P&A and CAP affiliated with the Native American Consortium which includes the Hopi, Navajo and San Juan Southern Paiute Nations in the Four Corners region of the Southwest. Collectively, the P&A and CAP Network is the largest provider of legally based advocacy services to people with disabilities in the United States.

News stories, Office of Inspector General and Government Accountability Office reports, and hearings held by the House Ways and Means Committee have demonstrated the need for changes in the representative payee program. Your legislation proposes many important and needed changes that will streamline the program as well as take important steps to increase oversight of the representative payee program by funding the nationwide network of P&A systems to monitor how representative payees are administering the Social Security funds received by beneficiaries.

This legislation recognizes the important oversight work that the nationwide network of P&A systems performed for the Social Security Administration (SSA) starting in 2009 after it was revealed dozens of men with developmental disabilities were abused and financially exploited at a turkey processing

plant known as Henry's Turkey Service. The company acted as the workers' representative payee which gave them access to the men's social security disability benefits. It was found that in addition to physically and verbally assaulting the men, Henry's was fraudulently using funds from the men's social security payments.

To the Social Security Administration's (SSA) credit, following the discovery of this theft, SSA increased monitoring beyond reviews that they are statutorily required to perform and began investigating whether other organizational representative payees were exploiting the beneficiaries they were appointed to serve. As part of this effort, SSA turned to the federally mandated P&A system to conduct monitoring on representative payees. The collaboration between SSA and the P&A systems allowed SSA to meet its goal of ensuring that payees meet the fiduciary responsibilities they accepted when they applied to act as a payee. The partnership not only allowed SSA to meet their responsibilities, but also allowed the P&A systems to address health and safety issues and other issues important to the beneficiary but that fall outside of SSA's purview (for more information and statistics on this program, see this report: [http://www.ndrn.org/images/Documents/Resources/NDRN\\_Rep\\_Payee\\_Overview\\_-\\_July\\_2016.pdf](http://www.ndrn.org/images/Documents/Resources/NDRN_Rep_Payee_Overview_-_July_2016.pdf)). H.R. 4547 recognizes the benefits provided by the nationwide network of P&A systems to monitor representative payees and how they are administering the social security benefits received by beneficiaries.

Again, we greatly appreciate your work on this important issue culminating in the introduction of this critical legislation. We stand ready to work with you to quickly get this important legislation enacted into law. Should you have any questions or need more information, please be in touch with Eric Buehlmann, Deputy Executive Director for Public Policy.

Sincerely,

CURT DECKER,  
Executive Director.

Mr. SAM JOHNSON of Texas. Mr. Speaker, I urge all Members of the House to vote "yes" on this and pass the Strengthening Protections for Social Security Beneficiaries Act of 2018 today. As I have said before, this is too important not to get right.

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

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

Mr. SAM JOHNSON of Texas. Mr. Speaker, I yield 2 minutes to the gentleman from Nebraska (Mr. SMITH).

Mr. SMITH of Nebraska. Mr. Speaker, I rise today in support of H.R. 4547, the Strengthening Protections for Social Security Beneficiaries Act of 2018. This bill is important to two program areas under the jurisdiction of the Subcommittee on Human Resources, which I chair: Supplemental Security Income and child welfare.

Thank you to Chairman JOHNSON and Ranking Member LARSON for their work on this bill and for including Supplemental Security Income recipients.

All individuals receiving benefits through the Social Security Administration deserve to be protected, especially those who need the assistance of a representative payee to manage their finances.

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I would specifically like to highlight the important changes this bill would make for children involved with the foster care system, another vulnerable population in need of protection.

H.R. 4547 requires the Social Security Administration, or SSA, to enter into monthly data exchanges with State foster care programs to identify when a child receiving Social Security benefits has entered or exited foster care or changed foster care placement.

When a change occurs, SSA will now be required to redetermine the appropriate representative payee to ensure Social Security benefits follow the child. Additionally, the Government Accountability Office will be required to produce a report on minor beneficiaries in foster care and the representative payees to identify whether additional changes are needed.

H.R. 4547 also clarifies liability for overpayments when a child is in foster care. In cases where a Social Security beneficiary or Supplemental Security Income recipient is overpaid while in foster care and the State foster care agency is the payee, the beneficiary or recipient would not be liable for the overpayment. Instead, the State foster care agency would be required to repay SSA for the overpayment it received.

Foster youth exiting the system have enough challenges, and paying back an overpayment they never received should not have to be one of them.

I am proud to cosponsor this legislation, and I encourage my colleagues to support its passage.

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

Mr. SAM JOHNSON of Texas. Mr. Speaker, I yield 1 minute to the gentleman from Florida (Mr. CURBELO).

Mr. CURBELO of Florida. Mr. Speaker, I thank the Subcommittee Chairman JOHNSON and Ranking Member LARSON for their hard work on this legislation. I am proud to be a cosponsor of H.R. 4547, the Strengthening Protections for Social Security Beneficiaries Act of 2018.

As a member of the Ways and Means Committee, I had the opportunity to engage in this issue during hearings the committee held last year. I recognize the need for reform of the representative payee program in order to improve its integrity and ensure that beneficiaries are getting the assistance they need.

The representative payee program helps around 8 million Social Security beneficiaries manage their benefits. H.R. 4547 offers several reforms that will improve the program. These include provisions that will help better protect vulnerable beneficiaries, particularly those who are in foster care, by allowing for enhanced information sharing with State foster care programs. This will ensure that children in foster care have the appropriate representative payee if there is a change in placement. The bill also improves



oversight of representative payees by requiring State protection and advocacy programs to conduct reviews of payee performance.

Mr. Speaker, many Social Security beneficiaries require assistance in managing their benefits. I appreciate the work that the Ways and Means' Subcommittee on Social Security has done to improve the Social Security representative payee program, and I encourage my colleagues to vote in favor of H.R. 4547.

Mr. LARSON of Connecticut. Mr. Speaker, I continue to reserve the balance of my time.

Mr. SAM JOHNSON of Texas. Mr. Speaker, I yield 3 minutes to the gentleman from Kansas (Mr. ESTES).

Mr. ESTES of Kansas. Mr. Speaker, many Americans who are charged with managing Social Security benefits for their elderly parents or for their children struggle to make the system work. I have heard stories from my communities in Kansas of the burdensome process that can be involved with the representative payee program.

That is why I urge my colleagues to support H.R. 4547, the Strengthening Protections for Social Security Beneficiaries Act of 2018. This important bipartisan piece of legislation reduces the burdens on families by eliminating the requirement to file an annual payee accounting form for spouses and for parents who live with their children.

In addition, the bill protects the most vulnerable beneficiaries through improved information sharing between the Social Security Administration and their respective States' adult protective services, such as KDADS in Kansas.

This will help identify whether a beneficiary is in foster care, reassess whether the payee is appropriate, and ensure the beneficiaries are provided for. The Social Security Administration has a great responsibility to ensure that Americans who need help managing their Social Security benefits get that help.

I would like to thank Chairman JOHNSON and Ranking Member LARSON for putting this bill together that will strengthen the representative payee program so that it better protects beneficiaries and reduces burdensome government paperwork that rarely provides any real value to families. Too many Americans are counting on the Social Security Administration to get this right.

Mr. SAM JOHNSON of Texas. Mr. Speaker, I have no other speakers. I reserve the balance of my time.

Mr. LARSON of Connecticut. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I again want to thank the distinguished chairman from Texas for the very bipartisan nature of which this bill has come together, and that doesn't happen by accident. It happens because of the hard bipartisan work across the aisle of the staffs whom we work so closely with.

It also means that we want to recognize Amy Shuart, Lara Rosner, Matt Russell, Anne DeCesaro; and from my staff, Kathryn Olson, Jason Kanter, Morna Miller; and Jill Hunter-Williams, who is with Danny Davis' staff; and the irreplaceable Sylvia Lee from my office as well.

It is always an honor and pleasure to work with Mr. JOHNSON. He is, first and foremost, a gentleman. I look forward, later in this year, to traveling to Plano, Texas, where I hope we can have a hearing on Social Security in general.

Mr. JOHNSON has a bill and I have a bill that both have the same goals in mind, and while there may be different approaches, I know that his great bipartisan spirit and his gentleman nature will provide the kind of debate and dialogue that is necessary around an issue so vitally important to all Americans as Social Security.

This is America's greatest program and one that has never missed a payment and is often confused as being an entitlement when, in fact, it is the insurance that people have paid for and richly deserve. It hasn't been changed or modified significantly since Ronald Reagan and Tip O'Neill sat down and did that back in the early 1980s.

It is long overdue, and what better person who epitomizes the values and virtues of Ronald Reagan and who comes from Texas and who also has a heart as big as that great State, and I know that we will be able to come to a resolution about this very important issue that we face.

Mr. Speaker, I close by saying that it is not often, or perhaps more often than people would surmise, that we see this bipartisan cooperation. But it was Hubert Humphrey who said:

The ultimate moral test of any government is the way it treats those who are in the dawn of life, the children; those who are in the twilight of life, the elderly; and those who are in the shadows of life, the sick, the needy, and the handicapped.

What Mr. JOHNSON has done today is to epitomize those very comments of then-Vice President Humphrey, and the Congress is responding. I encourage everyone to vote "yes" on H.R. 4547, the Strengthening Protections for Social Security Beneficiaries Act.

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

Mr. SAM JOHNSON of Texas. Mr. Speaker, I yield myself such time as I may consume.

You know, without agreement from both sides, you can't get anything done; and without Mr. LARSON, I think we would have been in deep, serious trouble in Social Security, but he and I think alike. We are for the people, and everything we do is trying to improve the system over what it is today, and I thank him for his help.

Mr. Speaker, I again urge all Members of the House to vote "yes" and pass the Strengthening Protections for Social Security Beneficiaries Act today so that the Senate can take ac-

tion soon and that the President can sign it into law without delay.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. SAM JOHNSON) that the House suspend the rules and pass the bill, H.R. 4547, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. LARSON of Connecticut. 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, further proceedings on this motion will be postponed.

#### WESTERN AREA POWER ADMINISTRATION TRANSPARENCY ACT

Mr. GOSAR. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2371) to require the Administrator of the Western Area Power Administration to establish a pilot project to provide increased transparency for customers, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2371

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

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Western Area Power Administration Transparency Act".

#### SEC. 2. WESTERN AREA POWER ADMINISTRATION PILOT PROJECT.

(a) IN GENERAL.—Not later than 120 days after the date of enactment of this Act, the Administrator of the Western Area Power Administration (referred to in this section as the "Administrator") shall establish a pilot project, as part of the continuous process improvement program and to provide increased transparency for customers, to publish on a publicly available website of the Western Area Power Administration, a database of the following information, beginning with fiscal year 2008, relating to the Western Area Power Administration:

(1) By power system and in a consistent format, rates charged to customers for power and transmission service.

(2) By power system, the amount of capacity or energy sold.

(3) By region, a detailed accounting, at the functional level and the budget activity level, of all expenditures, capital costs, and staffing costs, including—

(A) indirect costs, including overhead costs;

(B) direct charges and direct allocations;

(C) the number of contract staff;

(D) costs related to independent consultants;

(E) the number of full-time equivalents; and

(F) charges to the region from the headquarters office of the Western Area Power Administration for all annual and capital costs.

(4) For the headquarters office of the Western Area Power Administration, a detailed