

REQUIRING THE COMMISSIONER OF SOCIAL SECURITY TO TAKE CERTAIN ACTIONS

Mr. CRAIG. I ask unanimous consent that the Agriculture Committee be discharged from further consideration of S. 1733, and the Senate then proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 1733) to require the Commissioner of Social Security and food stamp State agencies to take certain actions to ensure that food stamp coupons are not issued for deceased individuals.

The PRESIDING OFFICER (Mr. COATS). Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

AMENDMENT NO. 3822

(Purpose: To provide a complete substitute)

Mr. CRAIG. Mr. President, Senator LUGAR and Senator HARKIN have a substitute amendment at the desk, and I ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Idaho [Mr. CRAIG] for Mr. LUGAR, for himself and Mr. HARKIN, proposes an amendment numbered 3822.

The amendment is as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. DENIAL OF FOOD STAMPS FOR DECEASED INDIVIDUALS.

(a) IN GENERAL.—Section 11 of the Food Stamp Act of 1977 (7 U.S.C. 2020) is amended by adding at the end the following:

“(r) DENIAL OF FOOD STAMPS FOR DECEASED INDIVIDUALS.—Each State agency shall—

“(1) enter into a cooperative arrangement with the Commissioner of Social Security, pursuant to the authority of the Commissioner under section 205(r)(3) of the Social Security Act (42 U.S.C. 405(r)(3)), to obtain information on individuals who are deceased; and

“(2) use the information to verify and otherwise ensure that benefits are not issued to individuals who are deceased.”.

(b) REPORT.—Not later than September 1, 2000, the Secretary of Agriculture shall submit a report regarding the progress and effectiveness of the cooperative arrangements entered into by State agencies under section 11(r) of the Food Stamp Act of 1977 (7 U.S.C. 2020(r)) (as added by subsection (a)) to—

(1) the Committee on Agriculture of the House of Representatives;

(2) the Committee on Agriculture, Nutrition, and Forestry of the Senate;

(3) the Committee on Ways and Means of the House of Representatives;

(4) the Committee on Finance of the Senate; and

(5) the Secretary of the Treasury.

(d) EFFECTIVE DATE.—This section and the amendments made by this section take effect on June 1, 2000.

SEC. 2. STUDY OF NATIONAL DATABASE FOR FEDERAL MEANS-TESTED PUBLIC ASSISTANCE PROGRAMS.

(a) IN GENERAL.—The Secretary of Agriculture shall conduct a study of options for the design, development, implementation, and operation of a national database to

track participation in Federal means-tested public assistance programs.

(b) ADMINISTRATION.—In conducting the study, the Secretary shall—

(1) analyze available data to determine—

(A) whether the data have addressed the needs of the food stamp program established under the Food Stamp Act of 1977 (7 U.S.C. 2011 et seq.);

(B) whether additional or unique data need to be developed to address the needs of the food stamp program; and

(C) the feasibility and cost-benefit ratio of each available option for a national database;

(2) survey the States to determine how the States are enforcing the prohibition on recipients receiving assistance in more than 1 State under Federal means-tested public assistance programs;

(3) determine the functional requirements of each available option for a national database; and

(4) ensure that all options provide safeguards to protect against the unauthorized use or disclosure of information in the national database.

(c) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to Congress a report on the results of the study conducted under this section.

(d) FUNDING.—Out of any moneys in the Treasury not otherwise appropriated, the Secretary of the Treasury shall provide to the Secretary of Agriculture \$500,000 to carry out this section. The Secretary shall be entitled to receive the funds and shall accept the funds, without further appropriation.

Amend the title so as to read: “A bill to amend the Food Stamp Act of 1977 to require food stamp State agencies to take certain actions to ensure that food stamp coupons are not issued for deceased individuals, to require the Secretary of Agriculture to conduct a study of options for the design, development, implementation, and operation of a national database to track participation in Federal means-tested public assistance programs, and for other purposes.”.

Mr. LUGAR. Mr. President, I rise today to support S. 1733, as amended, a bill to combat fraud and waste in the food stamp program. This bill will do two things. First, it will require food stamp offices to match food stamp files with Social Security data to identify overpayments to deceased food stamp participants. Second, it will require the Secretary of the U.S. Department of Agriculture to explore data on the development of a national database to identify overpayments resulting from individuals receiving benefits in two or more states at the same time and implement other program interstate requirements.

This bill is the result of the last two General Accounting Office studies that I requested dealing with groups of ineligible people receiving food stamps. In the first report, the GAO reported that 26,000 deceased individuals in four states were counted as members of a food stamp household. According to the GAO, this resulted in overpayments of an estimated \$8.6 million. In the second report, the GAO identified over 20,000 individuals who received benefits in at least two states at the same time during 1996. Using administrative records from four states (California, Texas, New York, and Florida), the GAO esti-

mates overpayments of \$3.9 million in those states alone.

Last year the GAO reported to the Agriculture Committee that over \$3 million in food stamp benefits were overpaid to prisoners' households. In response, we passed legislation to stop prisoners from receiving benefits.

My bill will require state food stamp agencies to use the Social Security Administration's Death Master file to verify that no deceased individuals are counted as members of food stamp households, either increasing a household's benefits or allowing an individual to illegally receive benefits in the deceased person's name. To give SAA enough time to iron out Year 2000 problems, this provision will not be effective until June 1, 2000.

Current law requires that households notify their local welfare office of any changes in the makeup of the household within ten days. The GAO report showed that the deceased individuals were counted in food stamp households for an average of four months; and, in a few instances, the deceased individuals were counted as beneficiaries for the full two years the review was counted. This is unacceptable, particularly since this type of fraud can easily be prevented.

Mr. President, one federal agency has the information to prevent this fraud and abuse, but is not sharing it with other agencies issuing federal benefits. The Social Security Administration (SSA) has a Death Master File that compiles death information available in the federal government. According to the GAO, a match using SSA's Death Master File information could be a cost-effective method for identifying such individuals in food stamp households and eliminating these overpayments. States already rely on the SSA to verify the social security numbers of food stamp applicants. Therefore, a system already exists in one branch of the federal government that, with some modifications, could stop these overpayments.

My bill will also require the United States Department of Agriculture to conduct a study to identify options for a national database to track food stamp participants and combat interstate fraud. The GAO's report validates a Department of Health and Human Services computer match of 15 states which found 18,000 potential duplicated Temporary Assistance for Needy Families (TANF) cases. At present there is no appropriate national database that tracks in means-tested benefit programs. States have been working individually on the problem of benefits paid in multiple jurisdictions. For example, some states have developed cooperative agreements with neighboring states to share data. Current state efforts are effective, but anything short of a national system is inefficient.

Mr. President, the welfare reform bill required states to guard against fraud

and abuse, and specifically prohibited participants from receiving benefits in two states. However, the bill did not give states tools to combat this type of fraud. HHS has already fulfilled a congressional mandate to look into some of these issues, so I expect the USDA to use the completed HHS report to Congress as a base upon which to build.

Further, I believe that the study should explore the possibility of a "real time" database, so that eligibility workers will instantly know if there are any problems with an application. This will avoid the "pay-and-chase" problem that forces states to recoup overpayments from beneficiaries after the fact—sometimes years later. This method of fraud enforcement is inefficient, and often a burden on the recipient as well. A national database should not be seen as purely an enforcement tool. There are many cross program benefits for the poor, benefits which may not be apparent today. As with any large governmental database, the study should address how the system will safeguard recipients' privacy and limit unauthorized use and disclosure of data.

Means-tested benefits, including food stamps, provide a safety net for millions of people. We cannot allow fraud and abuse to undermine the food stamp program and welfare reform. Integrity is essential to ensure a program that can serve those in need. It is our responsibility to help end fraud and abuse in all federally funded programs. This legislation is an important step in that direction and will help ensure that welfare reform is a success.

Mr. President, I urge my colleagues to join Senator HARKIN and me in supporting this bill.

Mr. CRAIG. Mr. President, I ask unanimous consent that the amendment be agreed to, the bill be read the third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill appear at this point in the record.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 3822) was agreed to.

The bill (S. 1733), as amended, was read the third time and passed.

NATIVE AMERICAN PROGRAMS ACT AMENDMENTS OF 1999

Mr. CRAIG. Mr. President, I ask the Chair lay before the Senate a message from the House of Representatives on the bill (S. 459) to amend the Native American Programs Act of 1974 to extend certain authorizations, and for other purposes.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the bill from the Senate (S. 459) entitled "An Act to amend the Native American Programs Act of 1974 to extend certain authorizations, and for other purposes", do pass the following amendments:

Page 2, beginning on line 8, strike "1997, 1998, 1999, and 2000." and insert: "1999, 2000, 2001, and 2002."

Page 2, beginning on line 12, strike "1997, 1998, 1999, and 2000." and insert: "1999, 2000, 2001, and 2002."

Page 2, line 18, strike "1997, 1998, 1999, and 2000." and insert: "1999, 2000, 2001, and 2002."

Page 4, strike lines 5 through 10, and insert:

"(3) in subsection (f)(1), by striking '1992, 1993, and 1994, and inserting 2000 and 2001.'"

Mr. CRAIG. Mr. President, I ask unanimous consent that the Senate agree to the amendment of the House.

The PRESIDING OFFICER. Without objection, it is so ordered.

MISSISSIPPI SIOUX TRIBES JUDGMENT FUND DISTRIBUTION ACT OF 1998

Mr. CRAIG. Mr. President, I ask the Chair lay before the Senate a message from the House of Representatives on the bill (S. 391) to provide for the disposition of certain funds appropriated to pay judgment in favor of the Mississippi Sioux Indians, and for other purposes.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the bill from the Senate (S. 391) entitled "An Act to provide for the disposition of certain funds appropriated to pay judgment in favor of the Mississippi Sioux Indians, and for other purposes", do pass with the following amendment:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Mississippi Sioux Tribes Judgment Fund Distribution Act of 1998".

SEC. 2. DEFINITIONS.

In this Act:

(1) COVERED INDIAN TRIBE.—The term "covered Indian tribe" means an Indian tribe listed in section 4(a).

(2) FUND ACCOUNT.—The term "Fund Account" means the consolidated account for tribal trust funds in the Treasury of the United States that is managed by the Secretary—

(A) through the Office of Trust Fund Management of the Department of the Interior; and
(B) in accordance with the American Indian Trust Fund Management Reform Act of 1994 (25 U.S.C. 4001 et seq.).

(3) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(4) TRIBAL GOVERNING BODY.—The term "tribal governing body" means the duly elected governing body of a covered Indian tribe.

SEC. 3. DISTRIBUTION TO, AND USE OF CERTAIN FUNDS BY, THE SISSETON AND WAHPETON TRIBES OF SIOUX INDIANS.

Notwithstanding any other provision of law, including Public Law 92-555 (25 U.S.C. 1300d et seq.), any funds made available by appropriations under chapter II of Public Law 90-352 (82 Stat. 239) to the Sisseton and Wahpeton Tribes of Sioux Indians to pay a judgment in favor of those Indian tribes in Indian Claims Commission dockets numbered 142 and 359, including interest, that, as of the date of enactment of this Act, have not been distributed, shall be distributed and used in accordance with this Act.

SEC. 4. DISTRIBUTION OF FUNDS TO TRIBES.

(a) IN GENERAL.—

(1) AMOUNT DISTRIBUTED.—

(A) IN GENERAL.—Subject to section 8(e) and if no action is filed in a timely manner (as determined under section 8(d)) raising any claim identified in section 8(a), not earlier than 365 days after the date of enactment of this Act and

not later than 415 days after the date of enactment of this Act, the Secretary shall transfer to the Fund Account to be credited to accounts established in the Fund Account for the benefit of the applicable governing bodies under paragraph (2) an aggregate amount determined under subparagraph (B).

(B) AGGREGATE AMOUNT.—The aggregate amount referred to in subparagraph (A) is an amount equal to the remainder of—

(i) the funds described in section 3; minus
(ii) an amount equal to 71.6005 percent of the funds described in section 3.

(2) DISTRIBUTION OF FUNDS TO ACCOUNTS IN THE FUND ACCOUNT.—The Secretary shall ensure that the aggregate amount transferred under paragraph (1) is allocated to the accounts established in the Fund Account as follows:

(A) 28.9276 percent of that amount shall be allocated to the account established for the benefit of the tribal governing body of the Spirit Lake Tribe of North Dakota.

(B) 57.3145 percent of that amount, after payment of any applicable attorneys' fees and expenses by the Secretary under the contract numbered A00C14202991, approved by the Secretary on August 16, 1988, shall be allocated to the account established for the benefit of the tribal governing body of the Sisseton and Wahpeton Sioux Tribe of South Dakota.

(C) 13.7579 percent of that amount shall be allocated to the account established for the benefit of the tribal governing body of the Assiniboine and Sioux Tribes of the Fort Peck Reservation in Montana, as designated under subsection (c).

(b) USE.—Amounts distributed under this section to accounts referred to in subsection (d) for the benefit of a tribal governing body shall be distributed and used in a manner consistent with section 5.

(c) TRIBAL GOVERNING BODY OF ASSINIBOINE AND SIOUX TRIBES OF FORT PECK RESERVATION.—For purposes of making distributions of funds pursuant to this Act, the Sisseton and Wahpeton Sioux Council of the Assiniboine and Sioux Tribes shall act as the governing body of the Assiniboine and Sioux Tribes of the Fort Peck Reservation.

(d) TRIBAL TRUST FUND ACCOUNTS.—The Secretary of the Treasury, in cooperation with the Secretary of the Interior, acting through the Office of Trust Fund Management of the Department of the Interior, shall ensure that such accounts as are necessary are established in the Fund Account to provide for the distribution of funds under subsection (a)(2).

SEC. 5. USE OF DISTRIBUTED FUNDS.

(a) PROHIBITION.—No funds allocated for a covered Indian tribe under section 4 may be used to make per capita payments to members of the covered Indian tribe.

(b) PURPOSES.—The funds allocated under section 4 may be used, administered, and managed by a tribal governing body referred to in section 4(a)(2) only for the purpose of making investments or expenditures that the tribal governing body determines to be reasonably related to—

(1) economic development that is beneficial to the covered Indian tribe;

(2) the development of resources of the covered Indian tribe;

(3) the development of programs that are beneficial to members of the covered Indian tribe, including educational and social welfare programs;

(4) the payment of any existing obligation or debt (existing as of the date of the distribution of the funds) arising out of any activity referred to in paragraph (1), (2), or (3);

(5)(A) the payment of attorneys' fees or expenses of any covered Indian tribe referred to in subparagraph (A) or (C) of section 4(a)(2) for litigation or other representation for matters arising out of the enactment of Public Law 92-555 (25 U.S.C. 1300d et seq.); except that

(B) the amount of attorneys' fees paid by a covered Indian tribe under this paragraph with