

NLWJC - Kagan

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Social Security - Fraud

Social security -
fraud

Diana Fortuna

04/30/98 12:13:13

PM

Record Type: Record

To: Bruce N. Reed/OPD/EOP, Elena Kagan/OPD/EOP, Cynthia A. Rice/OPD/EOP

cc: Laura Emmett/WHO/EOP

Subject: Administration comments on Shaw's package of SSI crackdowns

Shaw wants SSA comments on a package to get tough on SSI fraud/overpayments. SSA, OMB, and I have developed positions on his 30-odd proposals. But there are 3 close calls where we might need to disagree with SSA/OMB and advocate a tougher stand. Do you agree?

- If someone gives information that they knew or should have known was false or misleading to get SSI benefits, Shaw wants penalties of 1 year for the 1st offense, 10 years for the 2nd, and lifetime ineligibility for the 3rd. SSA wants to say that lifetime sanctions are "too harsh and inflexible", and wants lesser penalties of 6 mos, 12 mos, and 24 mos.

But food stamps already has a penalty structure of 1 yr/10 yrs/lifetime sanctions, so I'm not sure how we justify opposing this for SSI. Do you agree? Yes - w/ Shaw


- Likewise, Shaw wants to impose a 10-year eligibility ban on someone who claims U.S. residency when they really live outside the U.S. SSA wants to oppose penalizing this false statement more harshly than other false statements. But I think Shaw's model is TANF's 10-year ban for those who claim residency in two states. w/ Shaw
- SSA wants to oppose Shaw's proposal to bar anyone convicted of 2 felonies from SSI for 10 years, and have a lifetime bar on anyone with 3 felony convictions. The best argument against this is someone who commits 3 felonies at 18, goes to jail and cleans up act, and then is injured 20 years later. I don't like this one, but I'm nervous about opposing. Maybe we should push for a modified version.

narrow to violent felonies?

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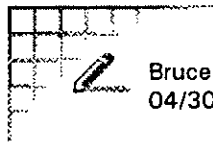
Diana Fortuna 05/04/98 10:25:49
AM

Record Type: Record

To: Bruce N. Reed/OPD/EOP, Elena Kagan/OPD/EOP
cc: Cynthia A. Rice/OPD/EOP, Laura Emmett/WHO/EOP
bcc:
Subject: Re: Administration comments on Shaw's package of SSI crackdowns 


We came up with a decent compromise on Shaw's proposal to ban 3-time felons from SSI: The penalties of 10 years ineligibility and a lifetime ban would apply only to felonies committed while the person is on SSI. This comports with Shaw's logic that if you can commit a crime, you should be able to work. It would be fair to the person who committed 3 felonies early in life and then rehabilitated himself, and it doesn't set a new precedent of banning people from benefit programs simply because they're felons.

Bruce N. Reed



Bruce N. Reed
04/30/98 02:35:13 PM

Record Type: Record

To: Diana Fortuna/OPD/EOP
cc: Elena Kagan/OPD/EOP, Cynthia A. Rice/OPD/EOP, Laura Emmett/WHO/EOP
Subject: Re: Administration comments on Shaw's package of SSI crackdowns 

I agree with Shaw on the first 2. Maybe you could narrow the 3rd one to violent felonies.

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Diana Fortuna

04/21/98 05:53:47

PM

Record Type: Record

To: Bruce N. Reed/OPD/EOP, Elena Kagan/OPD/EOP

cc: Laura Emmett/WHO/EOP, Cynthia A. Rice/OPD/EOP

Subject: Hearing on SSI reforms

FYI, Rep. Shaw held a hearing today on SSI as a high risk program. He is working on a package of proposals to toughen up on fraud and overpayment, a few of which cross the line into reducing benefits. SSA testified on what it's doing, and would also like our clearance of its bill to do things similar to Shaw -- tougher fraud penalties, more access to financial information about beneficiaries to prevent overpayments, etc. -- so we are working with OMB to evaluate them. If the radio address is still on, maybe they'll fit in there. Shaw may want to attach some of his proposals later this month to a "return to work" bill for people with disabilities that has no funding source at the moment.

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