

FILIPINO AMNESTY AND IMMIGRATION REFORMS

(F.A.I.R.), 198 BROADWAY, SUITE 500, NEW YORK, NEW YORK 10038-2525 U.S.A.

TELEPHONE: (212) 285-9575 / 285-9577 FAX: (212) 285-9832

Date: _____

*"Pope John Paul called on nations to grant amnesty to illegal immigrants within their borders as concrete gesture and forgiveness during the year 2000."**Cindy Wooden, Tablet*

Name _____

Address _____

**REQUEST FOR AMNESTY IN BEHALF
OF ALL UNDOCUMENTED FILIPINOS**

Dear _____:

The undersigned hereby most respectfully prays for your assistance in granting **AMNESTY** to all undocumented Filipinos in the United States for the following reasons:

1. Congress granted the Cubans Amnesty but not the Filipinos!
2. Congress granted the Nicaraguans Amnesty but not the Filipinos!
3. The people of Haiti were granted Deferred Enforced Departure (DED) status by President Clinton but not the Filipinos!
4. The Russians are enjoying the most liberal cancellation of removal rules but the Filipinos are not!
5. Many countries are included in the INS lottery programs but the Filipinos are not!
6. Half American Filipinos are excluded from the Amerasian Law of 1982!
7. The Japanese, Italians, and Germans are entitled to automatic visas to America but Filipinos are not!

Yet — historically — the Filipinos are the most loyal to the United States of America. They were the first Asians to fight side by side with American soldiers to uphold the interest of the United States of America. And not a single State in America — nor any country in the world — can match the number of Filipinos who sacrificed their lives to defend and uphold the very essence of American democracy and its way of life! They fought for America in a thousands battlefields in the Philippines; in Vietnam; in Korea; and in the bloody fields of Europe!

But they have always been excluded from the benefits which the US Congress has been granting upon America's former enemies! What we want is not a preferential treatment in exchange for our supreme sacrifices for the United States. We simply want is to be treated fairly: to be afforded the privileges that are being enjoyed by America's former enemies.

Knowing your attachment to the Filipino people — and having faith in your deep sense of fairness — we humbly come to you for assistance! And we pray you will never let us down.

Yours very sincerely,

Signature: _____ Phone Number: () _____

Printed Name: _____ Address: _____

(Note: Please write to other Congressmen and Senators in your district!)

Committee on
FILIPINO AMNESTY AND IMMIGRATION REFORMS
(FAIR)

91-19 182nd Place, Hollis, New York 11423 Telephone: (718) 526 1406

April 5, 1999

SENATOR BLAS F. OPLE
GSIS BUILDING, 6th Floor
Financial Center
Roxas Blvd., Pasay City, Metro Manila
Republic of the Philippines

*"If America is great today, if America is free today,
a part of that greatness, and a part of that freedom
has been paid for by the lives, blood, sweat and
tears of the Filipino people."*

Elly Velez Pamatong, Esq., New York, 1996

**RE: THE VFA AND THE UNDOCUMENTED
FILIPINOS IN THE UNITED STATES**

Dear Senator Ople:

This letter is my vote in favor of the VFA provided, however, that the following conditions be met in the interest of fair play and mutual respect, meaning: That the Filipinos in the United States must also be welcomed by the United States and, at the same time, granted the same privileges which she is giving to her former enemies.

More specifically -- and as a *quid pro quo* for reducing the whole Philippine archipelago into a U.S. military base which would make it a target for nuclear warheads -- we want the following:

1. The grant of the same amnesty which America is currently granting the nationals of Cuba and Nicaragua, respectively current and former enemy countries of America.
2. The grant of the same automatic 90-day visa which America is currently granting to the nationals of Japan, Italy and Germany, former enemy countries.

If America wants her soldiers and military equipment to be welcomed in the Philippines, she (America) must also welcome the undocumented Filipinos in America by granting them the same privileges currently enjoyed by her former enemies; meaning, the U.S. must welcome them by granting them amnesty or giving them automatic visas. **That is the least America must do in return for the ratification of the VFA.** Otherwise, it can be said that -- in the eyes of the American people -- former enemies of America deserve more respect and friendship than the Filipinos who fought for the United States in a thousand battlefields in the Philippines, Europe, Vietnam, and Korea.

In short, the refusal of the United States to grant these privileges which are available to her former enemies simply means the American people have ceased to be true friends of the Filipinos and, as such, they are not also entitled to a special treatment in our country.

With this, I most respectfully pray that the dignity of the Filipino people, and the memory of the overseas workers who are sending 8 to 10 billions dollars to the Philippines annually, will play a part in your decision to vote for or against the VFA.

Yours very sincerely,

Signature: _____ Printed name: _____

Address: _____

Telephone: () _____

(Names of Senators: Blas F. Ople, Aquilino Q. Pimentel, Jr., Gregorio Honasan, Miriam Defensor-Santiago, John Henry R. Osmena; Sergio R. Osmena III; Raul Roco, Robert Z. Barbers, Francisco Tatad, Franklin Drilon, Teopisto Guingona, Jr., Marcelo B. Fernan, Rodolfo G. Biazon, Loren Legarda-Leviste, Teresa Aquino-Oreta, Ramon Magsaysay, Jr., Juan M. Flavie, Anna Domique M.L. Coseteng, Juan Ponce Enrile, Ramon Revilla, and Vicente Sotto.)

F L P O AMNESTY AND I GRAT ON REFOR S

198 Broadway, Fifth Floor, Suite 500
 New York, New York 10038 - Telephone: (212) 285 9577

Date _____

**PRES. WILLIAM J. CLINTON
 UNITED STATES OF AMERICA
 WHITE HOUSE, 1600 PENNSYLVANIA AV.
 WASHINGTON, D.C. 20500**

"If America is great today, if America is free today: a part of that greatness and part of that freedom have been paid for by the blood, sweat, and tears of the Filipino people. They have been paid for by the more than one million Filipinos who lost their lives for America. Yet, today, the Filipino people are being consigned into a dark and deepening shadow of ingratitude."

ELLY VELEZ PAMATONG, ESQ., ORGANIZER, F.A.I.R.

**RE: AMNESTY FOR ALL FILIPINOS
 IN THE UNITED STATES OF AMERICA**

MR. PRESIDENT:

We are writing you in behalf of the Filipino people who - in four bloody wars - so bravely and nobly fought for the United States of America. They were the first Asians who fought for America in a thousand battlefields in the Philippines, particularly in Bataan and Corregidor. They fought for America in the forbidding jungles of Vietnam. They fought for America in the wintry lands of Korea. They fought for America in Europe. They fought for America in the Persian Gulf. Today, there are still thousands of Filipinos serving in the armed forces of America - and willing to die for America.

Indeed, more than a million Filipinos either fought or perished for America during the Second World War. And they did so because they believed in the ideals that America stood and lived for. Unfortunately, and much to their disappointment, America later showed more kindness to its enemies than to the loyal people of the Philippines. Former enemies like the Japanese, Italians, and Germans are being given automatic visas; the Vietnamese and Japanese are enjoying the benefits under the Amerasian Law of 1982; and the Cubans and Nicaraguans - including the Haitians - have been recently granted amnesty.

Mr. President, why is the United States giving all the benefits to its former enemies? How about the unparalleled loyalty of the Filipino people? Are the Filipinos not entitled to - at least - the same benefits that America is extending to its former enemies? What have the Filipinos done to deserve this dehumanizing expression of abandonment or neglect?

Mr. President, you have in your hands the power to rectify the errors of the past. You can, if you so desire, also grant the Filipinos the same privilege that you recently extended to the Haitians; and that is, Deferred Enforced Departure (DED).

With this, we pray that God shall grant you the courage to be fair, and to remember the Filipinos who have been so loyal to America.

Yours very sincerely,

 PRINTED NAME _____

Address: _____

PHONE () _____

Committee on
FILIPINO AMNESTY AND IMMIGRATION REFORMS
(FAIR)

91-19 182nd Place, Hollis, New York 11423 Telephone: (718) 526 1406

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Elly Velez Pamatong, Esq., New York, 1996

Date: _____

The Officer In Charge
Committee on Filipino Amnesty and Immigration Reforms (FAIR)

**REFERENCE: REGISTRATION FORM AND PROOF
OF PRESENCE IN THE UNITED STATES ON THE
DATE STATED ABOVE**

Ladies and Gentlemen: :

This letter is my vote in favor of the VFA provided, however, that the following conditions be met in the interest of fair play and **mutual respect**, meaning: That the Filipinos in the United States shall **also** be welcomed by the United States and, at the same, granted the same privileges which it is giving to its former enemies.

More specifically, we want the following as **quid pro quo** to the VFA:

1. The grant of **the same amnesty** which America is currently granting the nationals of Cuba and Nicaragua, respectively current and former enemy countries of America.
2. The grant of **the same automatic 90-day visa** which America is currently granting to the nationals of Japan, Italy and Germany, former enemy countries.

In this connection, I wish that this letter will serve as a proof of my presence in the United States on the date herein stated.

To help achieve our crusade for AMNESTY AND AUTOMATIC VISAS, I am hereby donating
\$ _____.

Yours very sincerely,

Signature: _____ Printed name: _____

Address: _____

Telephone: () _____



MS SERENA N DEALCA
PO BOX 172
TALLMAN, NEW YORK 10982

OPEN LETTER

TO : U.S. PRESIDENT WILLIAM BILL CLINTON

RE : CRIMINAL WAR-SLAVERY AND UNCONSTITUTIONAL DENIAL
OF AMERICAN-PILIPINO-WAR- HEROES' JUSTICE

FR : REV.FR. PRISCO E. ENTINES - ORPHAN OF A WAR-CASUALTY
AMERICAN-PILIPINO VETERAN

DEAR PRESIDENT CLINTON:

DUE TO THE CLEAR UNMISTAKABLE EXCLUSION (CUE) OF AMERICAN-PILIPINO-WAR-HERO-VETERANS (APPALLINGLY) FROM INSTANT/AUTOMATIC U.S. CITIZENSHIP AND FROM ALL FULL AND EQUAL WAR PAYS, ALLOWANCES AND VA BENEFITS (DESPITE THE WAR-CONSCRIPTED, FEDERAL SERVICE CONTRACT) I GOT COURAGE TO WRITE YOU ON THIS VERY IMPORTANT JUBILEE YEAR CELEBRATION'S JUSTICE ISSUE.

ALLOW ME TO TELL YOU, MR. PRESIDENT THAT THE CASE OF THE AMERICAN-PILIPINO VETERANS, MORE THAN AN ISSUE OF A FATALLY-FLAWED AND RACIST LAW, IT IS A VERY, VERY SERIOUS ISSUE OF JUSTICE. NOT TO MENTION THE COLOR OF WAR-SLAVERY IN THE CONSCRIPTION TO A FEDERAL WAR-SERVICE DUTY UNDER ARTICLES OF WAR NO.58 WHICH WOULD MAKE A PILIPINO, 18 YEARS OF AGE TO FACE A FIRING SQUAD, IF HE WERE TO DEFEY THE CRIMINAL, MILITARY ORDER OF U.S. PRESIDENT ROOSEVELT.

SINCE THE JUBILEE YEAR 2000 BY THE WHOLE CATHOLIC WORLD CENTERS ON JUSTICE, IT IS VERY OPPORTUNE TO BRING THIS VERY, VERY IMPORTANT ISSUE OF THE JUBILEE JUSTICE (MORE THAN A LAW'S FATALITY) AND TO WAR-HEROES, AT THAT.

PERMIT ME, TOO, TO VERY STRONGLY EMPHASIZE THE FACT THAT EVEN UNDER SECTION 322 OF OCTOBER 14, 1940 ACT, THE PILIPINO CONSCRIPTED SOLDIERS, FORCED INTO THE LAST TEST OF CITIZENRY AND PAYING THE HIGHEST PRICE OF LIFE-TAX FOR THE COUNTRY (MORE THAN THE RICHEST'S TAXES OF A CENTURY WITHOUT SOLDIERY) IS A MILLION TIMES ENTITLED TO INSTANT OR "NUNC PRO TUNC" U.S. CITIZENSHIP MORE THAN A CHILD, BORN IN PUERTO RICO BUT OF ALIEN PARENTS.

TO DISQUALIFY AN ALLEGED U.S. NATIONAL-PILIPINO, CONSCRIPTED INTO A FEDERAL WAR SERVICE FROM "AUTOMATIC" U.S. CITIZENSHIP, THAT (CITIZENSHIP) IS GIVEN TO THE AFORECITED CHILD OF ALIEN PARENTS, BORN IN PUERTO RICO (BECAUSE OF "JUS SOLI" INTERNATIONAL AND CONSTITUTIONAL LAW PRINCIPLES) (IT) WOULD SMACK OF A GROSSLY, IF NOT HEARTLESSLY CONSPIRED WAR-SLAVERY, AGGRAVATED EGREGIOUSLY. AND THIS WOULD RESULT IN GROSS ELDERLY ABUSE OF OUR AMERICAN-PILIPINO WAR-HEROES. WOULD THEN, A PRESIDENT TOLERATE THIS GROSS INJUSTICE TO WAR-HEROES GO UNCORRECTED? WILL YOU NOT BE BLAMED FOR GROSS NEGLIGENCE? PERHAPS INCOMPETENCE?

HERE IS A PUBLISHED REMINDER (XEROX) FOR YOU MR. PRESIDENT. THANK YOU VERY MUCH FOR YOUR PRECIOUS ATTENTION AND VERY URGENT ACTION FOR A MEANINGFUL JUBILEE CELEBRATION. INDEED, PEACE IS A FRUIT OF JUSTICE! (IS.32:17)

4950 Santa Monica Blvd., Los Angeles, CA. 90029. Tel.323-660-0034/35

*Rev. Fr. Prisco E. Entines
17 November 1999*

FOR IMMEDIATE PRESS RELEASE

CONSPIRED UNCONSTITUTIONAL EXCLUSION?

22 November 1999 - Washington, D.C. - Due to a change of the Government's Attorney - Mr. William Beachley - with a certain lady lawyer Mdme. Elizabeth Candler, the "Briefing Schedule" originally ordered by Claims Court Judge Mdme. NANCY B. FIRESTONE, likewise suffered a substantial change of schedule. Hence, instead of the Defendant-government filing its "Dispositive Motion" last October 22, it has been reset to November 22. The Plaintiff's response would be after thirty days upon receipt of the said 'dispositive motion' with the government to file its reply brief to Plaintiff's response within fifteen days after receipt of the latter (the plaintiff's response). And hopefully, if and when there is no more motion for extension of time for both the response and/or reply brief, then the Judge could set a conference and/or after a short deliberation on the case could decide on the merits of the case or order its dismissal. (Case No. 99-163CV).

The herein-cited case entitled Gonzalez v. U.S. is a suit filed last March 24, 1999 in the U.S. Federal Claims Court. It seeks for the payment of Subsistence and Quarters Allowance pay of Juan Gonzales, a World War II Veteran, who, must be paid per Section 654 of Public Law 105-85, 111 Stat. 1804-1805, passed and signed into law last November 18, 1997 due to his being: (1) captured within the territory of the Philippines by Japanese forces; (2) escaped from Captivity; and (3) served as a guerrilla fighter in the Philippines during the period from January 1942 to February 1945. Yet the racist and infamous rider-provision - Section 107, 38 U.S.C. reared its ugly head again to disqualify him with the only DISCRIMINATORY REASON - he is a PILIPINO from a PHILIPPINE NATION.

In another vein in the New Philippine Scouts' case entitled NERY et als. v. U.S. (#98-56247) currently with the 9th Circuit of Appeals, the Plaintiffs' Attorney - William J. Salica - brilliantly presented the blatant Unconstitutionality of Section 107(b) and its predecessor (Section 107(a)) for its patent DISCRIMINATORY character in giving "parenthetically, the same treatment the United States gave to its black troops in the civil war (paying them less than the white soldiers)", invoking the incorporation of the Quiban lower Courts' arguments in the Circuit Court's "findings and hold 38 USC 107(b) and its predecessor statutes unconstitutional." Conclusively, the brilliant lawyer chided the government's "excuses for the racial discrimination over the last 50 years are not worthy of our government and it is time to correct the injustice." Hence, "time has come to give these valiant old soldiers back their dignity, their pay and their benefits."

By: Fr. Prisco E. Entines

Tel. (323) 660-0034/35 Fax: 323-660-8127 / Orphan of World War II
4950 Santa Monica Blvd., Hollywood, CA. 90029

*Do. Fr. Prisco E. Entines
17 November 1999*

Date: Nov 10, 1994 Newspaper: Pinoy Tribune

Issue: _____

Tatad: Clinton should correct injustice to veterans

BENG NOVELLA

US PRESIDENT Bill Clinton must rectify the injustices committed against Filipino World War II veterans by giving benefits due them for 50 years, sen. Francisco Tatad said yesterday.

Tatad said in a privilege speech President Ramos should re-open the negotiation on the veterans' benefits when Clinton visits the country this month.

"Ramos must utilize the Clinton visit in Manila and ask him to give full benefits to the veterans to rectify 50 years of injustice," Tatad said.

Tatad also proposed the two presidents take up the issue of cleaning up the former military bases of toxic waste and giving Filipino-Americans the same rights as other Americans under US immigration law.

It was noted Filipino veterans were receiving only half of the benefits given by the US government to other WWII veterans.

There are some 400,000 Filipino soldiers who fought in WW II as

members of the US army and about 103,000 of these are still alive.

"They are in the twilight of their lives and could all be lost to history in another 15-20 years, that's why they have to receive the full benefits

due them," Tatad said.

In 1946, Pres. Harry Truman said the US remained morally bound "to provide for the heroic Filipino veterans who have sacrificed so much for the common cause during war."

THE WHITE HOUSE
WASHINGTON

May 18, 1946

Dear General Bradley:

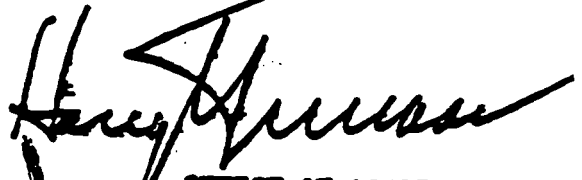
I have today sent to the President of the Senate and to the Speaker of the House of Representatives the proposed legislation drafted by you, the Secretary of War and the High Commissioner to the Philippines, which would lessen the discrimination against Filipino veterans which exists by virtue of the First Supplemental Surplus Appropriation Recission Act of 1946. I urged early introduction, consideration and enactment of such legislation.

In my letter of transmittal, I called attention to the fact that these veterans fought courageously side by side with the American soldier and were a part of the uniformed forces of the United States by virtue of an Executive Order dated July 26, 1941. I stated further that you, the Secretary of War and the High Commissioner were being directed to explore the possibility of providing some form of educational and employment benefits and to report to me with reference thereto at the earliest practicable date.

I likewise pointed out that if the proposed legislation should become law and a practical method for providing educational and employment benefits were created, in my judgment, the discrimination now existing would be substantially removed.

I am writing a similar letter to the Secretary of War and to the High Commissioner with the request that they collaborate with you with reference to this matter of education and employment, and report to me as promptly as practicable.

Very sincerely yours,



General Omar N. Bradley
Administrator of Veterans' Affairs
Veterans' Administration
Washington 25, D. C.

OFFICE OF ASS'T.
ADMIN. FOR LEGISLATION

AUG 8 1946



The Washington Post

FEB 24, 1998 AN INDEPENDENT NEWSPAPER

LETTERS TO THE EDITOR

U.S. Nationals, U.S. Veterans

Rep. Bob Stump's Jan. 23 op-ed piece, "Filipino Vets and Fairness," describes the Filipino World War II veterans' demands for "an increase in payments of U.S. veterans' benefits." He fails to mention that what the Filipino Veterans Equity Act seeks is to reestablish benefits granted to these veterans that were terminated upon passage of the Recission Act of 1946. In fact, the Equity Act seeks only to amend the Recission Act in order to reinstate the benefits. This is not retroactive, therefore the benefits denied to the veterans since the Recission Act are not being sought.

Mr. Stump argues that the Philippine government bears the responsibility for its veterans and that the records of President Roosevelt, Gen. MacArthur and the War Department "clearly show no intent to offer Filipinos full U.S. benefits." Why, then, did the United States

send envoys to the Philippines after World War II to help process citizenship papers? Why was there a need for the Recission Act, signed by President Truman, which terminated both the rights to apply for citizenship and to receive benefits?

What Mr. Stump also doesn't mention is that during World War II, the Philippines was a U.S. colony and had been since the United States acquired the Philippines from Spain in the Treaty of Paris in 1898. Filipinos were considered U.S. "nationals" upon colonization. They could immigrate freely to America, but were denied eligibility to apply for U.S. citizenship once working and living here.

During World War II, the United States had not yet granted independence to the Philippines, so this "soon-to-be independent" nation was in fact still U.S. property.

Mr. Stump also describes as "gen-

erous" the one-half rate that the Filipino veterans who do have benefits receive. He justifies this by comparing it to the per capita income in the Philippines. However, he did not make the case for why these former soldiers deserve only half the usual World War II benefits for the same service, nor does he argue that these benefits should be raised if the veterans who are U.S. citizens choose to reside in the United States.

Perhaps in his next piece he will admit that the real issue is cost. Mr. Stump also outlined the amounts (more than \$53 million) already paid to the Filipino veterans and their survivors.

Mr. Stump ends his piece with the statement, "I believe we have been fair." In what sense is this so? By not mentioning that:

(1) The United States was still the colonizing power over the Philippines during World War II.

(2) That 1 million Filipinos died during World War II.

(3) That Manila suffered more damage during the war than any Allied city except Warsaw.

(4) That the Philippines received only loans after the war, not grants like the Marshall Plan for Europe.

(5) That the Recission Act was passed to terminate the benefits to those who fought for the United States.

There seems to be a lot of conflicting information that Mr. Stump has not addressed. The veterans deserve the respect and dignity of such a reply.

MARGARET HAWLEY
Bethesda



...the reasons why these veterans have not been granted the same benefits as those who fought for the U.S. before the U.S. Court of Appeals...

UNCONSTITUTIONAL DISCRIMINATION BASED ON RACE & NATIONAL ORIGIN

THE U.S. NATIONALITY CASE AND THE
U.S. POLICY OF APARTHEID AGAINST
THE FILIPINO PEOPLE

SUBSTANTIVE PROVISIONS

ELIGIBILITY FOR NATURALIZATION

Sex or marriage no
bar.

SEC. 302. The right of a person to become a naturalized citizen of the United States shall not be denied or abridged because of sex or because such person is married.

Racial limitation.

SEC. 303. The right to become a naturalized citizen under the provisions of this Act shall extend only to white persons, persons of African nativity or descent, and descendants of races indigenous to the Western Hemisphere: *Provided*, That nothing in this section shall prevent the naturalization of native-born Filipinos having the honorable service in the United States Army, Navy, Marine Corps, or Coast Guard as specified in section 324, nor of former citizens of the United States who are otherwise eligible to naturalization under the provisions of section 317.

Proviso.
Eligibility of cer-
tain Filipinos, etc.

Post, p. 1149.

Post, p. 1148.

English language re-
quirement.

SEC. 304. No person except as otherwise provided in this Act shall hereafter be naturalized as a citizen of the United States upon his own petition who cannot speak the English language. This requirement shall not apply to any person physically unable to comply therewith, if otherwise qualified to be naturalized.

Law forbids discrimination

Naturalization of
national if resident of
a State.

SEC. 321. A person not a citizen who owes permanent allegiance to the United States, and who is otherwise qualified may, if he becomes a resident of any State, be naturalized upon compliance with the requirements of this Act, except that in petitions for naturalization filed under the provisions of this section, residence within the United States within the meaning of this Act shall include residence within any of the out-lying possessions of the United States.

PUERTO RICANS

Acquisition of citi-
zenship; declaration
of allegiance.

SEC. 322. A person born in Puerto Rico of alien parents, referred to in the last paragraph of section 5, Act of March 2, 1917 (U. S. C., title 8, sec. 5), and in section 5a, of the said Act, as amended by section 2 of the Act of March 4, 1927 (U. S. C., title 8, sec. 5a), who did not exercise the privilege granted of becoming a citizen of the United States, may make the declaration provided in said paragraph at any time, and from and after the making of such declaration shall be a citizen of the United States.

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*For Fr. Prisco E. Entines
17 November 1999*

OPEN LETTER

TO : U.S. PRESIDENT WILLIAM BILL CLINTON

RE : CRIMINAL WAR-SLAVERY AND UNCONSTITUTIONAL DENIAL
OF AMERICAN-PILIPINO-WAR- HEROES' JUSTICE

FR : REV.FR. PRISCO E. ENTINES - ORPHAN OF A WAR-CASUALTY
AMERICAN-PILIPINO VETERAN

DEAR PRESIDENT CLINTON:

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PERMIT ME, TOO, TO VERY STRONGLY EMPHASIZE THE FACT THAT EVEN UNDER SECTION 322 OF OCTOBER 14, 1940 ACT, THE PILIPINO CONSCRIPTED SOLDIERS, FORCED INTO THE LAST TEST OF CITIZENRY AND PAYING THE HIGHEST PRICE OF LIFE-TAX FOR THE COUNTRY (MORE THAN THE RICHEST'S TAXES OF A CENTURY WITHOUT SOLDIERY) IS A MILLION TIMES ENTITLED TO INSTANT OR "NUNC PRO TUNC" U.S. CITIZENSHIP MORE THAN A CHILD, BORN IN PUERTO RICO BUT OF ALIEN PARENTS.

TO DISQUALIFY AN ALLEGED U.S. NATIONAL-PILIPINO, CONSCRIPTED INTO A FEDERAL WAR SERVICE FROM "AUTOMATIC" U.S. CITIZENSHIP, THAT (CITIZENSHIP) IS GIVEN TO THE AFORECITED CHILD OF ALIEN PARENTS, BORN IN PUERTO RICO (BECAUSE OF "JUS SOLI" INTERNATIONAL AND CONSTITUTIONAL LAW PRINCIPLES) (IT) WOULD SMACK OF A GROSSLY, IF NOT HEARTLESSLY CONSPIRED WAR-SLAVERY, AGGRAVATED EGREGIOUSLY. AND THIS WOULD RESULT IN GROSS ELDERLY ABUSE OF OUR AMERICAN-PILIPINO WAR-HEROES. WOULD THEN, A PRESIDENT TOLERATE THIS GROSS INJUSTICE TO WAR-HEROES GO UNCORRECTED? WILL YOU NOT BE BLAMED FOR GROSS NEGLIGENCE? PERHAPS INCOMPETENCE?

HERE IS A PUBLISHED REMINDER (XEROX) FOR YOU MR. PRESIDENT. THANK YOU VERY MUCH FOR YOUR PRECIOUS ATTENTION AND VERY URGENT ACTION FOR A MEANINGFUL JUBILEE CELEBRATION. INDEED, PEACE IS A FRUIT OF JUSTICE! (IS.32:17)

4950 Santa Monica Blvd., Los Angeles, CA. 90029. Tel.323-660-0034/35

Prisco E. Entines



UNITED FILIPINO & AMERICAN WORLD WAR II VETERANS, INC.

255 S. HILL STREET, SUITE 411, LOS ANGELES CA 90012

Tel. No. (213) 620-7074

20 December 1999

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TOMAS V. MAYOR
HILARIO M. GALLIGUEZ
SERVICE OFFICERS

Ms. Irene Bueno
Special Assitant to the President
on Immigration and Civil Rights
White House, Washington, DC 20500

Dear Ms. Bueno,

Plea for Assistance of Presdident Clinton RE: Accelerating the Issuance of
Immigrant Visa for the Sons, Daughters of Filipino WW-II Veterans.

I read in the papers that you are also a *KABABAYAN*. So I took courage to write you concerning the fast diminishing Filipino WW-II vererans – in their consuming desire for their spouse, sons and or daughters join them here in the United States as mmigrants.

I feel confident that you could help us find a way to resolve this persistent longings.

Our petitions for relatives were approved as early as eight years ago but as you know, applicants for immigration visa (based on relatives) far exceed the annual Philippine quota administered by the Department of State.

From our membership alone, 42 have died during the past five year (at the rate of eight members a year). Since our petition, under present immigration laws, is invalidated upon death, we fear that our waiting for eight years will turn to naught just like those who perished did. So we now seek special means to accelerate the issuance of visa by means of a Presidential directive – applicable only to members of the family of WW-II Veterans who have INS approved petition -.

For your information, some years ago, a bill was filed by Rep. Nancy Pelosi (D-8-CA) that would allow the spouse, sons and daughters of Filipino WW-II Veterans to immigrate to the United States. We failed to get her refile during the last two Congress (105th and 106th) because our leading sponsors in both chambers decided to give priority to pending veterans benefit bills. Indications make us think that she might probably file it once more in year 2001 (107th Congress). Knowing how slow Congress works - *anohin pa ang dumo sa patay na kabayo*.

I am writing to find out if there's a special way by which President Clinton could issue an order to the Secretary of State for her to grant special immigration visa to our Sons, Daughters (and of course the grandchildren). We based our plea upon the fact that we veterans were qualified by law in 1945 to immigrate and therefore would have established familes here in the USA had we not been deprived of the chance to immigrate then. We seek that the immigration of our sons and daughters as a compensatory consideration for the 53 years we were unilaterally

deprived of Veterans rights, privileges and benefits by virtue of PL 79-301 (coded as Sec. 701 (a) and (b) of Title 38, U.S. Code

For your information, first of all, Filipino servicemen were granted citizenship privilege in 1945 by law but the Immigration Officer in the Philippines was withdrawn after processing for one month or so, that is why only a few were able to take advantage of such privilege. Most of us wanted to immigrate but there was no immigration officer authorized to receive and process our applications in the Philippines after the smoke of war was over before the law prescribed.

Please note also that during the past 53 years, up to this date, Filipino veterans who did not incur any service connected disability were deprived of the "Servicemen's Readjustment Act of 1944" otherwise known as the G.I. bill of rights. (We are still lobbying for the amendment of Section 107 (a) and (b), Title 38 US Code and for certain equitable veterans benefits up to now.)

Although we were granted naturalization privilege in 1990, unfortunately we did not anticipate that most of these immigrant-citizens would be separated from their respective sons and daughters (including spouse) who were left behind in the Philippines due to strict immigration requirements (e.g. Affidavit of Support) and shortage of visa allocation, etc.)

Congress is too adamant and slow for us to wait for the passage of any special immigration privilege for members of our families; so we are profoundly concerned with the immigration of our sons and daughters (and spouse too) before we perish, though a presidential directive

We plead for your assistance! Would you please carry this concern for us towards its fruition?

A reply will be highly appreciated.

Very sincerely,

FRANCO F. ARCEBAL
Commander UFAV

PS I was among the 10 WW-II veterans who was permitted to witness the signing of Forster Care Independence Act of 1999, which included the "Special Benefits for Certain WW-II Veterans." I had the privilege to participate in lobbying as Vice President for Membership of the AMERICAN COALITION FOR FILIPINO VETERANS (ACFV).

Sec. Shalala, whom you formerly served as assistant, as I also learned, was very prominent during the signing ceremony.

Encl. Copies of letters to
Rep. Nancy Pelosi
Rep. Xavier Becerra
Hon. Janette Reno, Sec. of Justice

Copmmander, UFAV

July 26 1999

ADDRESSED TO: Hon. Nancy Pelosi (D-CA)
Delegate to the House of Representatives
106th US Congress (7th Term)
FROM: Franco E. Arcebal, Commander, United Filipino & American WW-II Veterans, Inc
255 So. Hill St., Downtown Los Angeles, CA 90012

SUBJECT: A SPECIAL REQUEST to author a BILL THAT WOULD ACCELERATE THE ISSUANCE OF IMMIGRANT VISA TO SPOUSE AND CERTAIN SONS AND DAUGHTERS OF FILIPINO VETERANS OF WORLD WAR-II, possibly during the next Session of Congress (Yr-2000).

Dear Madam,

We veterans have always in mind and heart our debt of gratitude to you for your untiring efforts for --

- * getting Congress to extend the prescription period for filing application for naturalization of Fil-Vets under Section 405 of IMM-ACT 1990,
- * extending your strong support --
 - a) to HR-836 (105th Cong.) last year, although it failed to pass;
 - b) to HR-1802 which the House passed last June 25th containing Title VIII -Special Benefits for Certain World War II Veterans (SSI Extension Bill - HR-361);
 - c) and again to HR-1591 -entitled "The Filipino Veterans Improvement Act of 1999
- * your avowed support to the cause of the Ethnic Latino and Filipino Communities, including the Filipino WW-II veterans

You must have had good reasons for not refiling again during the past few years your bill that would grant immigration privilege to the spouse, son, daughter or grandchild of Filipino WW-II Veterans

However, we now think the immigration situation and economic conditions have drastically changed favorably since 1996. So we think and hope you will agree that it is somehow appropriate to renew this effort once again.

May we suggested, for your consideration, these preferences for inclusion:

1. Applicable to those who already have an INS approved Petition, but still pending issuance of Immigrant VISA by the State Department
2. Deem them as special immigrants (Ref. to Sec. 1101 (a)(27) USC Title 8)
3. VISA not subject to direct numerical limitation (Ref. To Sec. 1151 (b)(1)(A)
(Their visa shall be taken from the world wide allocation, (not from the Family Sponsored allocation (Philippine quota) because of a huge back-log)
4. Death of petitioner (Veteran) does not terminate the validity of the approved petition.
5. The spouse of naturalized Filipino WW-II veterans and their sons and daughters whom are professionals and skilled workers be accorded flexibility/exemption from the Affidavit of Support requirements.

THE RATIONALE OF THIS EXTRAORDINARY REQUEST:

*First of all, after our discharge from the service, we were denied equal rights, privileges and benefits provided for under the Servicemen's Readjustment Act of 1944. It has now become prohibitive for Congress to grant us full and equal rights, privileges and benefits. But for us who survived the war and half-a-century of waiting for equitable compensations, we believe extraordinary benefits would be appropriate.

*Sometime during the war between Japan and the USA, as an inducement for enlistment, a law was passed that makes U.S. citizenship eligible to aliens who shall have rendered war-related services in the Armed Forces of the United States. This fringe benefit was well advertised to the Filipino soldiers before the law prescribed.

*Some Filipinos soldiers became U.S. citizens on account of this law. However, the immigration officer in Manila was recalled back to the U.S.A. after three months (we do not know why) and so the processing for citizenship was suspended until the law prescribed nine months later. Many of us were deprived of the privilege, otherwise

we would have been citizens that early, and our offsprings would have been U.S. born citizens. That law altered the citizenship status not only of ourselves but also that of our immediate families.

As an example, take a look at my case. It is common to many of us now who are U.S. citizens.

I applied too late because our guerrilla unit was stationed in about 272 kilometers north of Manila. Only those who were stationed in Manila were able to take advantage (while the Immigration Officer was processing applications.) Having served in the Armed Forces of the U.S. in the Philippines before the the Recission Act of 1946 (PL 79-301) was enacted into Law (Feb. 18, 1946), most of us who were single in our early twenty's would have been qualified and would have become U.S. citizens in 1945, had it not been for the withdrawal of the INS officer. [Had we been naturalized, the childrens of these veterans, like me who wished to apply for citizenship, would have been NATURAL-BORN U. S. CITIZENS.]

Nevertheless, Section 405 of IMMACT 1990 granted Filipino Veterans the privilege to acquire citizenship in recognition of their military services in WW-II. For that purpose, among the reasons we forwarded to Hon. Rep. Mervyn Dymally and Hon. Sen. Inouye were the above-stated explanations. Out of more than 70,000 remaining Filipino WW-II veterans, only 28,000 became citizens before the law prescribed in 1995.

After immigration and acquiring citizenship, a new predicament resulted; sons and daughters and even spouses of these veterans were left behind in the Philippines. They did hope that the spouse and children they were leaving behind would follow as soon as the veteran gets settled in the USA. Uninstructed about immigration laws, rules and regulations then, it turned out that their loved ones could not immigrate due to *immigration visa limitations* (applicants for Visa at the U.S. Embassy in the Philippines exceeds the family related allocation) and also due to the fact that these veterans could not afford to comply with the *Affidavit of Support* requirements. These veterans' families have been inevitably separated 7,000 miles apart up to now (since 1991). They are hoping this predicament is duly recognized and resolved with a sense of urgency by means of legislation or by Presidential edict if possible. Partly, this would compensate for the benefits these veterans missed for the passed 53 years.

CURRENT STATUS OF MOST OF THE NATURALIZED FILIPINO WW-II VETERANS
WHOSE CHOICE OF RESIDENCE IS THE UNITED STATES.

Many of us aging naturalized veterans had been anxious for so long to be joined by their loved ones here in the USA in order to establish for themselves a new life in this wonderful country.

In my particular case, my petitions for the immigration of my three sons and a daughters were approved by the INS as early as August of 1988, some 11 years ago; no immigration VISA has been granted as yet due to numerical limitations.

I am almost 76 years old now. Some of us are 80 years and above. In case we die, the approved petitions become useless; that is - the corresponding VISA will no longer be granted.

Many Filipino WW-II veterans have died without their sons and daughters ever joining them in the USA. We send their corpse to their loved ones in the Philippines, either whole corpse or cremated, with the help of funds usually raised through contributions (*abuloy*) from the Filipino Community.

As of 1997, we learned that by estimate of the Congress Budget Office there are about 28,000 Filipino WW-II veterans who became U.S. citizens, of which 16,000 resides in the Philippines, and 12,000 reside in the USA (mostly in California and Hawaii).

The Filipino Community here rests their hope in your championing this bill again for the sake of these fast-diminishing Filipino WW-II veterans. Certainly, the enactment of this subject matter into law will always be regarded by the ethnic Filipino Community as a *debt of gratitude* to you for a long long time.

We will appreciate a reply

ADDRESSED TO: Hon. Xavier Becerra. (D-30,CA)
Delegate to the House of Representatives
106th USCongress (4th Term)

FROM: The Veterans Forum, Greater Los Angeles Area. FACILITATOR: Franco F. Arcebal
Commander, UFAV-WW-II

SPECIAL REQUEST to author a BILL THAT WOULD ACCELERATE THE ISSUANCE OF IMMIGRANT VISA TO CERTAIN SONS AND DAUGHTERS OF FILIPINO VETERANS OF WORLD WAR-II, possibly during the next Session of Congress (Yr-2000).

Suggested provisions to be included:

1. Deem them as special immigrants (Ref. Sec.1101 (a)(27) USC Title 8)
2. VISA not subject to direct numerical limitation (Ref. Sec/ 1151 (b)(1)(A))
(Their visa shall be taken from the world wide allocation, (not from the Philippine quota.), because of a huge back-log.)
3. Applicable to those who already have an (INS) approved Petition but pending issuance of a Immigrant visa by the State Department.
4. Death of petitioner (Veteran) does not terminate the validity of the approved petition.
5. Exempt those who are professionals and skilled workers from the Affidavit of Support requirements.

OUR REASONS FOR FORWARDING THIS REQUEST:

Sometime during the war between Japan and the USA a law was passed that grants citizenship to non-American citizens who rendered service in the Armed Forces of the United States – as an inducement for enlistment. We were covered by that law before it prescribed.

- + Many Filipinos soldiers, including myself, were informed of this privilege even before the Japanese surrendered in September 1945.
- + However, the immigration officer in Manila was recalled back to the U.S.A. after three months (we do not know why) and so the processing for citizenship was suspended until the law prescribed nine months later.
- + A veteran would have been a U.S. citizen in 1945 when he was still single had it not been for the withdrawal of the INS officer and his children would **WOULD HAVE BEEN** Natural born U. S. CITIZENS
- + Nevertheless, Section 405 of IMMACT 1990 granted Filipino Veterans the privilege to acquire citizenship in recognition of their military services in WW-II
- + A new predicament resulted after immigration to the USA and acquiring naturalization - our sons and daughters and even the spouse were left behind in the Philippines. We had hoped that the spouse and children would follow as soon as the veteran gets settled in the USA. It turned out that they could not immigrate due to Immigration Quota limitations (too many applicants for Visa at the U.S. Embassy in the Philippines.) The family was inevitably separated by 7,000 miles distance up to now.
- + Many of us aging naturalized veterans had been anxious for so long to be joined by their loved ones here in the USA, and establish for themselves a new life in this wonderful country.
- + In my particular case, my petitions for the immigration of my five sons and and a daughters was approved by the INS as early as August of 1988; some 11 years ago; no immigration VISA has been granted yet due to numerical limitations.
- + In case I die, the approved petition become useless, that is - the corresponding VISA will no longer be granted.
- + Many of us have died without their sons and daughters ever joining them in the USA.

Sometime in 1993 this matter was presented to you by some of our leaders, but the immigration situation was quite critical at that time.

The situation has improved tremendously, thanks to the Democratic Leadership, with the economy in top shape with large government surplus funds, we think this is the proper time to present this bill to Congress, in anticipation of the coming year general election.

The Filipino Community here rests their hope in your championing this cause for us in the U.S. Congress.



UNITED FILIPINO & AMERICAN WORLD WAR II VETERANS, INC.

255 S. HILL STREET, SUITE 411, LOS ANGELES CA 90012

Tel. No. (213) 620-7074

Hon. Janet Reno
Attorney General
Washington, DC

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ROGACIANO J. DAGDAG
FLORENO L. LANZAROTE
LIAISON OFFICERS

TOMAS V. MAYOR
HILARIO M. GALLIGUEZ
SERVICE OFFICERS

Dear Madam,

The ethnic Filipino-American community of greater Los Angeles area deeply appreciates your presence during the *DAY OF REMEMBRANCE* held for Brother **Joseph** (Ileto) last August 28th. The message of condolence of his excellency President Clinton and your inspiring words provided a great impact of the occasion and enhanced the significance of Brother Joseph's demise as a symbolic reminder to all of us in condemning, preventing and eradicating all sorts of ethnic discriminations, hate crimes and violent acts everywhere.

Madam, I am one of the two Filipino WW-II veterans who symbolically offered the Filipino and American Flag at the altar during the Mass. Mr Faustino Bacig and I were also participants in the informal color guard procession. We were present as well nearby throughout your keynote speech.

On July 26, 1997 both of us were among the 500 ethnic Filipino Americans who rallied at the Lafayette Park in Washington D.C. with the slogan **'EQUITY NOW'** for the approval of the *FILIPINO VETERANS EQUITY BILLS* pending in both Chambers of Congress. At that time, we were two of the fifteen who volunteered that were chained to the White House fence at the Lafayette Square side and were subsequently handcuffed and jailed for the civil disobedience offense together with Rep. Bob Filner (D CA 50).

Both of us were again present at the House Veterans Affairs Committee hearing on July 22, 1998. Unfortunately, despite the overwhelming justification presented by panels of witnesses for the passage of HR-836, Chairman Bob Stump (R-Arizona) did not even call for a vote of the committee. The Republican leadership did not lend an ear to, nor saw, the merit of our cause. So we despair with the thinking that Justice for us Filipino veterans who served in the Armed Forces of the United States in the Philippines during the second world war is not foreseeable during our lifetime. (Out of the 400,000 of such servicemen only about 60,000-70,000 are still living, and awaiting for **ACTIVE SERVICE RECOGNITION** and **EQUITABLE BENEFITS**).

There are about 28,000 among these survivors who acquired U.S. citizenship since 1990, about whom 15,000 resides in the USA and the rest in the Philippines (1997 estimate by the Congress Budget Office). Out of the survivors, about 3-5 FilVets die daily. In the way we calculate, most of us remaining survivors will perish shortly within a few more years, for we are aware that our countdown to oblivion ticks faster and clearer every day. Knowing how Congress works, we could not foresee the day when the **EQUITY NOW**, which we have been rallying for a period of about 10 years, will come to a favorable conclusion. Although some benefits are likely to pass during the 106th U.S. Congress, it will not come close enough to be considered **JUST** and **TIMELY**. Madam, such is the reason for my boldness in writing you today - to plead for your help.

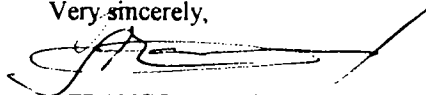
We realize this is a difficult one but somehow we trust that you have the means to help us in our quest for equitable benefits. For us who are now U.S. citizens and who have already petitioned our immediate relatives to immigrate and join here, we desire the **ACCELERATION OF THE ISSUANCE OF THEIR IMMIGRATION VISA** as an equitable recompense.

Counting on your compassion for fairness, we solicit your kind helping hand to obtain for us an executive action in this quest. (in lieu of a Legislative Act), such as by an administrative action of the Department of State, or if necessary, by an act of the President. Through the acceleration of the issuance of Immigrant Visa to our immediate relatives in the Philippines, we are hopeful this will serve to compensate for the many unrestored veterans benefits which the 79th Congress took away from us in 1946.

No doubt your Office will consider an in-depth study of the matter and I am confident you will give us your usually kind and utmost efforts towards achieving this objective soonest possible.

We will appreciate a reply.

Very sincerely,



FRANCO F. ARCEBAL
Commander, UFAV WW-II
1 September 1999

THE FOLLOWING PREFERENCES ARE SUGGESTED FOR CONSIDERATION:

1. Applicable to the spouse, son, or daughter (and grandchild) of a Filipino veteran who rendered service in the Armed Forces of the United States in the Philippines during the second world war.
2. The prospective immigrant was petitioned by the Filipino WW-II veteran and has a currently valid and duly approved INS petition.
3. Death of the veteran petitioner does not terminate the validity of the INS approved petition PROVIDED that the death of the petitioner occurred during the effectivity of the implementary order.
4. The immigrant visa shall be taken other than from the Family Sponsored Allocation to the Philippines, such as from those allocated for the immigration of skilled workers and professionals; or from other available categories, including the possibility of utilizing unused immigrant visa allocated worldwide to other countries for this purpose.
5. Certain spouse, son or daughter of a Filipino WW-II veteran whom are professionals or skilled workers be exempt from the Affidavit of Support requirements on account of their respective professions and /or skills.

Agnes Wilson -
G-7486

Helen Castleman
GEEOB

Adeline

MAY 17, 1999

Veterans case taken up anew in Washington

BY JENNIE L. ILUSTRE
US East Coast Correspondent

WASHINGTON—Filipino veterans' long campaign to obtain full benefits and recognition for their sacrifices while fighting under United States command in World War II is getting an airing here as the US capital celebrates Asia-Pacific Heritage Month.

The issue was the theme of a forum at the US department of transportation's Federal Transit Authority which marked its 1st Annual Asia-Pacific Heritage Month on May 6.

Prominent Filipino-American speakers used the forum to press for the passage in the US Congress of House Resolution 1594, known as the Filipino Veterans' Benefits Improvement Act.

"I believe in America's sense of justice and fair play," said retired Brig. Gen. Tagumpay A. Nanadiego, who heads the Office of Veterans Affairs at the Philippine Embassy here.

"I'm grateful for this chance to tell Americans about our cause. When Americans know the facts, doubtless they will see the injustice," Nanadiego said.

Nanadiego was one of thousands of Filipinos who fought "side by side with American soldiers under the Military Order of President Franklin D. Roosevelt" during World War II. They were promised citizenship with full military benefits, including disability pensions and use of veterans hospitals. But the US Congress withdrew the pledges shortly after the war.

60,000 still alive

There are about 60,000 elderly Filipino veterans residing in the US and in the Philippines. Of this figure, some 15,000 are in the US.

"During the war, we received the same benefits enjoyed by the American soldiers, but with victory won, the 79th US Congress passed the Rescission Act and took away all those benefits from us, limiting such benefits to those who were killed or wounded during the war. Benefits were stopped for those veterans who had no war-related ailments," said Nanadiego.

The Rescission Act, now Title 38 of the US Code, mandated that the service of Filipino veterans "shall not be deemed active military, naval or air service for the purpose of any law of the United States conferring rights, privileges or benefits."

"This is a simple case of discrimination," said Patrick Ganio, president of the American Coalition for Filipino Veterans. "The Rescission Act singled out Filipinos, because the other veterans from other countries who fought with the Americans during World War II were given benefits."

Passage of HR 1594 by the US Congress would change that. The bill was filed on April 28 by Republican Rep. Benjamin A. Gilman, chair of the

CLINTON LIBRARY PHOTOCOPY

World War II were given benefits. Passage of HR 1594 by the US Congress would change that. The bill was filed on April 28 by Republican Rep. Benjamin A. Gilman, chair of the House committee on international affairs. Mainly, it will provide hospital and medical care to all surviving Filipino veterans of World War residing in the Philippines or the US.

Bicameral support

The bill has gained bicameral support from 11 congressmen—seven Democrats and four Republicans—who signed up as co-sponsors. Congressman Bob Filner heads the list of Democrats as the original co-sponsor. The Republican co-sponsors include recent Manila visitor Rep. Dana Rohrabacher (California).

Akiro Sano, team leader of the FTA's Office of Civil Rights, agreed with the speakers. "It's not fair," he said, noting that an injustice sometimes takes years to get corrected. He said Japanese American families interned in the US during WWII only obtained justice and compensation in 1988.

Another Filipino-American who added her voice to the veterans' cause was Irene Bueno, newly appointed as Special Assistant to the US President on Domestic Policy. Bueno, an active advocate of the veterans issue, is one of the bright young stars in the Filipino American community. She had worked previously with First Lady Hillary Clinton's task force on health insurance.

Bueno, who was born and raised in the US, talked about her Asian experience in America. She said she experienced difficulties at first "straddling two cultures."

She said she owed her career advancement partly to her successful networking with fellow Asian Americans and Asian American organizations.

Proud of heritage

"I'm very proud of my heritage, and I'm extremely grateful to the Filipino American community and the Asian American groups for their support," she said.

In her speech, FTA Associate Administrator for Administration Dorris Aldrich paid tribute to Asia-Pacific Americans who have successfully made their name in mainstream America.

She said challenges still remained, citing "immigration issues, language barriers, lack of positive media coverage, and racial antagonism."

Noting the many important contributions that Asian Americans have made to the nation, she said "Asian-Pacific Americans are part of the diversity that makes America strong and prosperous."

The speakers were invited by Roger Peralta, senior civil rights specialist at the Federal Transit Authority.



Irene Bueno

03/17/2000 03:15:50 PM

Record Type: Record

To: Jeanne Lambrew/OPD/EOP@EOP

cc: Laura Efurd/WHO/EOP@EOP

Subject: Fil Vets

In follow up to Maria's question about the argument that VA makes - supporting benefits for Fil Vets would set a bad precedent - I found out the following based on a memo that VA drafted and a subsequent conversation with VA staff. I would appreciate your thoughts.

I learned that in 1976, Congress passed legislation to allow veterans from Poland and Czechoslovakia who served in during World War II and have been US citizens for at least 10 years to receive health benefits in the same manner as US veterans. This occurred based on political pressure from those communities. A Congressional member who was Polish- American and had a strong constituency urged the passage of this law to recognize their contribution to the WW II efforts. Also, VA provides reciprocal benefits to World War II veterans from the UK and other countries on a reimburseable basis. Only on an intermittent basis do other veterans groups seek similar benefits such as Laotians, Vietnamese, and others but not at the level of Fil Vets are seeking such benefits.

I asked Doug Dembling (he had sent Laura the memo) from VA's Congressional Affairs which other veterans could make a claim similar to the Filipino veterans. He indicated that other veterans- Laotians, Cambodians, etc would view this bill as unfair to them and that they should be provided full benefits. I suggested that Filipino Vets are different given the US history with the Philippines and that the 1976 law for Polish and Czech veterans already set the precedent. He seemed to agree with the first point but he ~~and~~ the memo argues that the 1948 law provided a settlement to the Philippine government to cover any claims by these veterans (\$22.5 million for construction of a hospital in the Philippines and \$3.3 million grant for 5 years to reimburse the Philippines for assistance to these vets) and this settlement is adequate.

*US
Military &
recruited
US flag*

Bottom line I don't think their bad precedent argument holds much water and I think VA's main argument is that Congress passed a law that included something for these vets back in 1948 and we shouldn't reopen that law. However, we reopen laws all the time when there is good reason to do so. In this case, there are good reasons to review the current law and absent some other strong reason to oppose this bill, we should support it. The good reasons include - justice and honor. The US drafted these Filipinos with a commitment to treat these veterans as US veterans, these Fil Vets served heroically during WWII and then Congress rescinded that commitment. We should do what we can to undue this wrong by at least supporting the legislation that would help restore justice and honor to the Filipino vets.

I know I got a little carried away but let me know your thoughts. Thanks.

Memo to Maria
① Bad precedent
② Settlement

THE WHITE HOUSE
WASHINGTON

FAX COVER SHEET

TO: Bill Daley
Fax: 358.6074

**FROM: Irene B. Bueno, Special Assistant to the President
for Domestic Policy**
217 Old Executive Office Building
Washington, DC 20502
Phone: 202-456-6558 Fax: 202-456-5581
E-mail: irene_bueno@opd.eop.gov

DATE: 3/16/00

PAGES: 3 **INCLUDING COVER**

- ☒ Per my e-mail or voice mail.
☐ For your information or review.
☐ Per your request.

COMMENTS:

Letter

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Assembly
California Legislature



GILBERT A. CEDILLO
ASSEMBLYMEMBER, FORTY-SIXTH DISTRICT
ASSISTANT MAJORITY LEADER

BUDGET SUBCOMMITTEE #1
ON HEALTH AND HUMAN SERVICES

COMMITTEES:
BUDGET
APPROPRIATIONS
PUBLIC SAFETY
ELECTIONS, REAPPORTIONMENT
AND CONSTITUTIONAL AMENDMENTS

FACSIMILE TRANSMISSION

Telephone: 916/319-2046

Fax: 916/319-2146

DATE:

3-16-00

TO:

Irene Bueno

FAX:

202 - 456-5581

FROM:

Marisa Abrajaano

RE:

SSA Commissioner Letter.

COMMENTS:

Thanks Irene!

NUMBER OF PAGES, INCLUDING COVER PAGE

2

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California Legislature



GILBERT A. CEDILLO
ASSEMBLYMAN, FORTY-SIXTH DISTRICT
ASSISTANT MAJORITY LEADER

CHAIR:
BUDGET SUBCOMMITTEE #1
ON HEALTH AND HUMAN SERVICES

COMMITTEES:
BUDGET
APPROPRIATIONS
PUBLIC SAFETY
ELECTIONS, REAPPORTIONMENT
AND CONSTITUTIONAL AMENDMENTS

March 14, 2000

Kenneth Apfel
Social Security Commissioner
6301 Security Blvd.
Baltimore, MD 21235

Dear Mr. Apfel,

I would like to share my sentiments with regards to the creation of policies for Public Law 106-169, which provides special benefits to certain World War II Veterans. Specifically, I respectfully urge you to exclude State Supplemental Program (SSP) benefits from being considered as outside income.

As you know, PL 106-169, enacted on December 14, 1999, allows Filipino Veterans of World War II to receive special benefits for each month after September 2000 if they subsequently reside outside the U.S.

In an effort to recognize the valiant and heroic efforts of these forgotten World War II Veterans, I introduced a bill that would allow them to continue receiving their SSP benefits even if they choose to return to the Philippines. For those veterans who live in California, this would result in an additional \$200 each month, allowing them to live out their remaining years in comfort and in the company of their loved ones.

Since this proposed legislation, as well as its federal counterpart, was created from a humanitarian point of view, I strongly urge you to exclude SSP from being viewed as outside income. We view this state supplement provision as both a humanitarian effort, but also and more importantly, as a gesture of gratitude and appreciation for these special group of veterans.

If you have any questions or concerns, please do not hesitate to call my office at 916-319-2046.

Sincerely,

Gilbert Cedillo
Assemblymember, 46th District

CC: President Bill Clinton
Vice-President Al Gore
Senator Barbara Boxer (D-CA)
Senator Diane Feinstein (D-CA)
California Congressional Delegation

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Printed on Recycled Paper

 Laura Efurd

03/13/2000 10:45:05 AM

Record Type: Record

To: See the distribution list at the bottom of this message
cc: See the distribution list at the bottom of this message
Subject: Paper for Filipino Veterans meeting

Here's is a briefing memo on Filipino Veterans. Again, the meeting is **today at 4:30 pm in the Ward Room**. Thanks



Filammtg2.wpd.do

Message Sent To:

Emil J. Barth/WHO/EOP@EOP
Maria Echaveste/WHO/EOP@EOP
Marjorie Tarmey/WHO/EOP@EOP
Irene Bueno/OPD/EOP@EOP
Jeanne Lambrew/OPD/EOP@EOP
Joshua J. Ackil/WHO/EOP@EOP

Message Copied To:

Daniel N. Mendelson/OMB/EOP@EOP
Charles M. Brain/WHO/EOP@EOP
Broderick Johnson/WHO/EOP@EOP
Christine A. Stanek/WHO/EOP@EOP
Mary E. Cahill/WHO/EOP@EOP

Next Steps

- What precedent date this set? *Legal Opinion - I have Laura*
this is diff.

Legislative Strategy

VSO

- Concept - VSO are ok

- \$1 billion short in FY2001 - does not include FI Vets Hull = \$30 m = disy
Disability
Bumw hard year.
1.2 bH

Facilitate ~~the~~ discussions VSO if additional get resources
Have we laid the foundation for pushing forward.

Rep. Mink

over 65 - Medicare + Veterans ~~FI Vets~~ only over 65

75% FI Vets are on Medicare - OMB

\$21 million = ~~is~~ uncompensated care.

Rep. Hines

points want to do.

VSO will support + he can handle

Admin needed to take ~~a~~ ^{lead} ~~the~~ took

\$30 million - ~~is~~ ^{is} ~~all~~ ^{all} eligible for Medicare = ~~is~~

VA doesn't want to do it.

VSOs will accept whatever we give them.

Admin proposal only helps those who don't have benefit
+ doing it.

Last year VSO got \$1.5 million -

Marine - we want support the bill in budget neg.

Do another Dept. - HHS.

We get OMB + VA not to object.

Timing - ~~the~~ Next 2-3 weeks

meeting w/ groups - Ask Q - if ~~there~~ ^{there} ~~will~~ ^{will} they support ~~the~~
some portion ~~of~~ ^{of} FI Vets

March 12, 2000

BRIEFING

MEMORANDUM FOR MARIA ECHAVESTE

FROM: Laura Efurd

RE: Meeting with Representatives Patsy Mink and Bob Filner on Health Benefits for Filipino American Veterans

DATE/TIME: Monday, March 13th, 4:30 pm

LOCATION: Ward Room

ATTENDEES: Maria Echaveste, Deputy Chief of Staff
Laura Efurd, Deputy Director, Public Liaison
Irene Bueno, Domestic Policy Council
Jeanne Lambrew, OMB
Rep. Patsy T. Mink -
Rep. Bob Filner
Rep. Abercrombie (unconfirmed) *-Mike Velazquez*
Rep. Brown - staff

PURPOSE: To meet with Representatives Mink and Filner to discuss options for providing benefits for Filipino Veterans who served in WWII.

BACKGROUND:

In October of last year You met with several Members of Congress led by Reps. Filner and Mink regarding the possibility of including funding (approx \$30 mil) in the budget for health benefits for Filipino Veterans who fought in the U.S. military during WWII. In past years Filner and other Members have proposed more extensive benefits for the Filipino Veterans, but have recently chosen to concentrate their efforts on health care.

Since the October meeting, we met internally in December with OMB and DPC to discuss funding in the FY01 budget. OMB felt that we could not include the \$30 mil for Filipino Veteran Health Care because the funding would come from the discretionary health care monies and the Veteran's organizations would see this as taking money away from their health care. At that time the decision was made not to pursue funding in the budget, but to discuss other possible

avenues for the Administration to demonstrate support for the H.R. 1594, such as an endorsement of the bill or statement of support for the bill.

Note that there was agreement to continue to include in the budget the provision which would provide equitable treatment for Filipino Veterans with service-connected disability, raising their compensation from 50% to 100% of what other Veterans receive (this provision affects mandatory money, so the issue of taking funds away from other Veterans does not apply to this provision). This has been proposed in previous budgets.

As a result, OPL has suggested that since opposition of the Veterans Organizations are our major concern, that we facilitate a meeting among all involved parties to see if the Veterans Organizations would not oppose the Administration making a formal endorsement of H.R. 1594.

The meeting today is to:

Discuss this idea with the Members

Strategize on what issues may be raised during such a meeting

Discuss who should be involved in such a meeting

Emphasize that this would still require action by Congress

Discuss current legislative situation and legislative strategy

FORMAT: Informal discussion

AGENDA:

- Current Status within Administration (Maria)
(i.e. how we came to decision within the White House not to include new money in budget.
- Legislative Status (Members)
- Discussion of Proposed Meeting with VSO's, including issues that may be raised:
 - Benefits would have to funded by new money
 - What is current estimate of funding
 - Precedent issue (does this raise a precedent)
 - List of VSO's to be included in meeting

TALKING POINTS:

- We are meeting today to follow up on our meeting last Fall regarding health care benefits for Filipino Veterans and my phone call to you regarding the Administration's budget with regard to health benefits for Filipino Veterans.
- In my call to you last month, I explained that we seriously considered the possibility of including

the health care benefits in the budget. However, in the end our decision was to include an increase in the compensation rate for Filipino Veterans with service-connected disability, as we have proposed in the past.

- However we did not include any new proposals, primarily because of concerns raised by Veterans organizations regarding funding in our budget
- While some of these organizations endorse or support the concept of equity for Filipino Veterans, when the funding comes out of the same discretionary pot, concerns are raised that we will be taking funding away from the health care of other veterans.
- We would like to propose a meeting, the White House could facilitate the meeting, with you and other Members, representatives of the Veterans organizations and the VA to see if we can address some of the concerns about H.R. 1594.
- The idea is that if the VSO's can agree to support (or at least not to oppose) your proposal would be in a better position to support any progress on the legislative front. I would point out that this would still require work to get something through the legislative process – and my guess is that the budget process is better than moving something through the committee.
- We wanted to sit down and discuss with you this proposed meeting. Get your ideas about such a meeting and discuss some of the issues that may be raised during a meeting with the VSO's.
- Do you have any comments on this idea.

Other Issues you may want to raise during discussion

- **Current status in Congress/What is their legislative strategy? Even if we get agreement between Members, VSO's and Administration – still need to get something through Congress**
- **Issue of precedent comes up – want to have solid answer on this, especially for the VA**

Filipino Veterans' Benefits Improvements Act of 1999 (Introduced in the House)

HR 1594 IH

106th CONGRESS

1st Session

H. R. 1594

To amend title 38, United States Code, to improve benefits for Filipino veterans of World War II, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

April 28, 1999

Mr. GILMAN (for himself and Mr. FILNER) introduced the following bill; which was referred to the Committee on Veterans' Affairs

A BILL

To amend title 38, United States Code, to improve benefits for Filipino veterans of World War II, and for other purposes.

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 'Filipino Veterans' Benefits Improvements Act of 1999'.

SEC. 2. INCREASE IN RATE OF PAYMENT OF CERTAIN BENEFITS
TO VETERANS OF THE PHILIPPINE COMMONWEALTH ARMY.

(a) INCREASE- Section 107 of title 38, United States Code, is amended--

(1) by striking 'Payment' in the second sentence of subsection (a) and inserting 'Except as provided in subsection (c), payment'; and

(2) by adding at the end the following new subsection:

'(c) In the case of benefits under subchapters II and IV of chapter 11 of this title by

reason of service described in subsection (a)--

`(1) notwithstanding the second sentence of subsection (a), payment of such benefit shall be made in dollars at the rate of \$1.00 for each dollar authorized; and

`(2) such benefits shall be paid only to an individual residing in the United States who is a citizen of, or an alien lawfully admitted for permanent residence in, the United States.'.

(b) EFFECTIVE DATE- The amendments made by subsection (a) shall take effect on the date of the enactment of this Act, and shall apply to benefits paid for months beginning on or after that date.

SEC. 3. ELIGIBILITY FOR HEALTH CARE OF CERTAIN ADDITIONAL FILIPINO WORLD WAR II VETERANS.

Section 1734 of title 38, United States Code, is amended to read as follows:

`The Secretary, within the limits of Department facilities, shall furnish hospital and nursing home care and medical services to Commonwealth Army veterans and new Philippine Scouts in the same manner as provided for under section 1710 of this title.'.

SEC. 4. MANDATE TO PROVIDE HEALTH CARE FOR WORLD WAR II VETERANS RESIDING IN THE PHILIPPINES.

(a) IN GENERAL- Subchapter IV of chapter 17 of title 38, United States Code, is amended--

(1) by redesignating section 1735 as section 1736; and

(2) by inserting after section 1734 the following new section:

`Sec. 1735. Outpatient care and services for World War II veterans residing in the Philippines

`(a) OUTPATIENT HEALTH CARE- The Secretary shall furnish care and services to veterans, Commonwealth Army veterans, and new Philippine Scouts for the treatment of the service-connected disabilities and non-service-connected disabilities of such veterans and scouts residing in the Republic of the Philippines on an outpatient basis at the Manila VA Outpatient Clinic.

`(b) LIMITATIONS- (1) The amount expended by the Secretary for the purpose of subsection (a) in any fiscal year may not exceed \$500,000.

`(2) The authority of the Secretary to furnish care and services under subsection (a) is effective in any fiscal year only to the extent that appropriations are available for that purpose.'.

(b) CLERICAL AMENDMENT- The table of sections at the beginning of chapter 17 of such title is amended by striking the item relating to section 1735 and inserting after the item relating to section 1734 the following new items:

 `1735. Outpatient care and services for World War II veterans residing in the Philippines.

 `1736. Definitions.'.

(c) EFFECTIVE DATE- The amendments made by subsection (a) shall take effect on the date of the enactment of this Act.

COSPONSORS(21):

Rep Filner, Bob - 04/28/99
Rep Rohrabacher, Dana - 05/05/99
Rep Mink, Patsy T. - 05/05/99
Rep Olver, John W. - 05/05/99
Rep Crowley, Joseph - 05/05/99
Rep Romero-Barcelo, Carlos A. - 05/14/99
Rep Eshoo, Anna G. - 05/14/99
Rep Roybal-Allard, Lucille - 05/14/99
Rep Lofgren, Zoe - 05/14/99
Rep Cunningham, Randy (Duke) - 05/14/99
Rep Campbell, Tom - 05/14/99
Rep Underwood, Robert A. - 05/14/99
Rep Weiner, Anthony D. - 05/14/99
Rep McGovern, James P. - 05/27/99
Rep Carson, Julia - 05/27/99
Rep Engel, Eliot L. - 05/27/99
Rep Becerra, Xavier - 05/27/99
Rep Pelosi, Nancy - 05/27/99
Rep Gutierrez, Luis V. - 05/27/99
Rep Lipinski, William O. - 05/27/99
Rep Pickett, Owen B. - 05/27/99

SUMMARY:

(AS INTRODUCED)

Filipino Veterans' Benefits Improvements Act of 1999 - Authorizes the payment of compensation for service-connected disability or death for members of the Philippine Commonwealth Army who served with U.S. armed forces during World War II in the amount of one dollar for each dollar authorized, as long as each such individual resides in the United States and is a U.S. citizen or an alien lawfully admitted for permanent residence.

Directs the Secretary of Veterans Affairs to furnish hospital and nursing home care and medical services to such veterans and new Philippine Scouts in the same manner as furnished to U.S. veterans.

Directs the Secretary to furnish care and services to veterans, Commonwealth Army veterans, and new Philippine Scouts for the treatment of service-connected disabilities and non-service-connected disabilities of such veterans and scouts residing in the Republic of the Philippines on an outpatient basis at the Manila VA Outpatient Clinic. Limits to \$500,000 the

amount to be expended during a fiscal year for such services.

Bill Summary & Status for the 106th Congress

[NEW SEARCH](#) | [HOME](#) | [HELP](#)

H.R.1594SPONSOR: [Rep Gilman, Benjamin A.](#) (introduced 04/28/99)

Jump to: [Titles](#), [Status](#), [Committees](#), [Amendments](#), [Cosponsors](#), [Summary](#)

TITLE(S):

- SHORT TITLE(S) AS INTRODUCED:
Filipino Veterans' Benefits Improvements Act of 1999
 - OFFICIAL TITLE AS INTRODUCED:
A bill to amend title 38, United States Code, to improve benefits for Filipino veterans of World War II, and for other purposes.
-

STATUS: Floor Actions***NONE***

STATUS: Detailed Legislative Status**House Actions****Apr 28, 99:**

Referred to the House Committee on Veterans' Affairs.

May 20, 99:Referred to the Subcommittee on Benefits.

STATUS: Congressional Record Page References

04/28/99 Introductory remarks on Measure (CR E802)

04/28/99 Full text of Measure as introduced printed (CR H802-803)

COMMITTEE(S):

- COMMITTEE(S) OF REFERRAL:
[House Veterans' Affairs](#)
 - SUBCOMMITTEE(S):
[Hsc Benefits](#)
-

AMENDMENT(S):***NONE***

COSPONSORS(21):

<u>Rep Filner, Bob</u> - 04/28/99	<u>Rep Rohrabacher, Dana</u> - 05/05/99
<u>Rep Mink, Patsy T.</u> - 05/05/99	<u>Rep Olver, John W.</u> - 05/05/99
<u>Rep Crowley, Joseph</u> - 05/05/99	<u>Rep Romero-Barcelo, Carlos A.</u> - 05/14/99
<u>Rep Eshoo, Anna G.</u> - 05/14/99	<u>Rep Roybal-Allard, Lucille</u> - 05/14/99
<u>Rep Lofgren, Zoe</u> - 05/14/99	<u>Rep Cunningham, Randy (Duke)</u> - 05/14/99
<u>Rep Campbell, Tom</u> - 05/14/99	<u>Rep Underwood, Robert A.</u> - 05/14/99
<u>Rep Weiner, Anthony D.</u> - 05/14/99	<u>Rep McGovern, James P.</u> - 05/27/99
<u>Rep Carson, Julia</u> - 05/27/99	<u>Rep Engel, Eliot L.</u> - 05/27/99
<u>Rep Becerra, Xavier</u> - 05/27/99	<u>Rep Pelosi, Nancy</u> - 05/27/99
<u>Rep Gutierrez, Luis V.</u> - 05/27/99	<u>Rep Lipinski, William O.</u> - 05/27/99
<u>Rep Pickett, Owen B.</u> - 05/27/99	

SUMMARY:

(AS INTRODUCED)

Filipino Veterans' Benefits Improvements Act of 1999 - Authorizes the payment of compensation for service-connected disability or death for members of the Philippine Commonwealth Army who served with U.S. armed forces during World War II in the amount of one dollar for each dollar authorized, as long as each such individual resides in the United States and is a U.S. citizen or an alien lawfully admitted for permanent residence.

Directs the Secretary of Veterans Affairs to furnish hospital and nursing home care and medical services to such veterans and new Philippine Scouts in the same manner as furnished to U.S. veterans.

Directs the Secretary to furnish care and services to veterans, Commonwealth Army veterans, and new Philippine Scouts for the treatment of service-connected disabilities and non-service-connected disabilities of such veterans and scouts residing in the Republic of the Philippines on an outpatient basis at the Manila VA Outpatient Clinic. Limits to \$500,000 the amount to be expended during a fiscal year for such services.



**Office of Legislation and Congressional Affairs
Social Security Administration**

Fax Sheet

Date:

6/25/99

Pages:

Cover + 45

Fax to:

Irene Bueno

Fax number:

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From:

Web Phillips

Phone number:

(202) 358-6030

Fax number:

(202) 358-6074

Please contact Paulette Anderson or Regina Williams (202) 358-6030 if transmission is incomplete.

Message:

As requested.

+

FLOOR ACTION:**MANAGERS: PRYCE/HALL****106th Congress
1st Session****Thursday, June 24, 1999****H. RES. _____
[Report No. 106-_____]****H.R. 1802 - FOSTER CARE INDEPENDENCE ACT OF 1999**

1. Structured rule.
2. Provides one hour of general debate equally divided and controlled by the chairman and ranking member of the Committee on Ways and Means.
3. Provides 20 minutes of general debate equally divided and controlled by the chairman and ranking member of the Committee on Commerce.
4. Waives clause 401(b) of the Congressional Budget Act of 1974 (prohibiting consideration of legislation providing new entitlement authority which becomes effective during the current fiscal year) against consideration of the bill.
5. Makes in order as an original bill for the purpose of amendment the amendment in the nature of a substitute recommended by the Committee on Ways and Means.
6. Waives clause 401(b) of the Congressional Budget Act of 1974 against consideration of the amendment in the nature of a substitute.
7. Provides for consideration of only the amendments printed in the Rules Committee report accompanying the resolution.
8. Provides that the amendments will be considered only in the order specified in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment and shall not be subject to a demand for division of the question.
9. Waives all points of order against the amendments printed in the report.
10. Allows the Chairman of the Committee of the Whole to postpone votes during consideration of the bill, and to reduce voting time to five minutes on a postponed question if the vote follows a fifteen minute vote.
11. Provides one motion to recommit with or without instructions.

RESOLUTION

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 1802) to amend part E of title IV of the Social Security Act to provide States with more funding and greater

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flexibility in carrying out programs designed to help children make the transition from foster care to self-sufficiency, and for other purposes. The first reading of the bill shall be dispensed with. Points of order against consideration of the bill for failure to comply with section 401(b) of the Congressional Budget Act of 1974 are waived. General debate shall be confined to the bill and shall not exceed 80 minutes, with 60 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means and 20 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Commerce. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Ways and Means. The committee amendment in the nature of a substitute shall be considered as read. Points of order against the committee amendment in the nature of a substitute for failure to comply with section 401(b) of the Congressional Budget Act of 1974 are waived. No amendment to the committee amendment in the nature of a substitute shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against the amendments printed in the report are waived. The chairman of the Committee of the Whole may: (1) postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment; and (2) reduce to five minutes the minimum time for electronic voting on any postponed question that follows another electronic vote without intervening business, provided that the minimum time for electronic voting on the first in any series of questions shall be 15 minutes. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

AMENDMENTS MADE IN ORDER

Summary of Amendments Made in Order

Text of Amendments Made in Order (In PDF. Format)

Johnson (CT) Amendment | Thompson (CA) Amendment | Buyer Amendment



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The latest version of Acrobat Reader can be downloaded from Adobe Systems.

Committee on Rules

U.S. House of Representatives

106th Congress

June 24, 1999

Amendments Made in Order Under the Rule to H.R. 1802 - Foster Care Independence Act of 1999

Johnson (CT) #6 A technical change is made in the table of contents to refer to a new provision on adoption incentive payments; A technical change is made in the table of contents to refer to a new provision regarding Supplemental Security Income benefits for certain World War II veterans; A technical change is made in the table of contents to refer to the narrowing of the hold harmless provision in the Child Support Enforcement program; In section 477(a)(1), redundant wording is revised; In section 477(b)(3)(A), wording is changed to clarify that eligible children are those who have left foster care because they reached age 18; In section 477(b)(3)(A), wording is changed to clarify that eligible children are those who left foster care because they reached age 18; In section 477(c)(1), language is inserted to clarify that states must be provided a payment to operate their Independent Living program that is at least equal to the payment under previous law; In section 477(c), a new section is added to clarify the procedure by which the Secretary should reduce payments to other states to adjust for payments to states that receive a hold harmless payment; In section 477(c), the Secretary's authority to redistribute funds that are not used by states is eliminated; In section 477(d), language is inserted to allow states to spend each year's appropriation over a 2-year period; A new Subtitle D is added that authorizes (but does not appropriate) additional funds to pay adoption incentive payments to states that increased their level of adoptions in FY 1998; In section 206, a conforming amendment to Medicaid law is added to ensure that recipients of Supplemental Security Income who lose their benefits because of assets held in trust will not automatically lose their Medicaid benefits; In section 207, a conforming amendment to Medicaid law is included to clarify a section reference; In Title II, Subtitle B, extensive amendments are made to the Committee provision; the new provision would allow certain veterans of the U.S. armed forces in World War II to be eligible for continued SSI benefits if they move outside the U.S. (The Committee bill had restricted this new benefit to Filipino veterans of World War II.); In section 301, the provision that eliminates the hold harmless provision in the child support enforcement provision is narrowed slightly so that states that share more of their child support collections with families are allowed to qualify for a partial hold harmless payment. **10 Minutes**

Thompson (CA) #3 Requires States to include in their State plan a certification that they adequately train prospective foster parents of the child being placed and that such training is continued, as necessary, after the placement. **20 Minutes**

**AMENDMENT TO H.R. 1802, AS REPORTED
OFFERED BY MRS. JOHNSON OF CONNECTICUT**

In section 1(b) of the bill, in the table of contents, after the item relating to section 121, insert the following:

Subtitle D—Adoption Incentive Payments

Sec. 131. Increased funding for adoption incentive payments.

In section 1(b) of the bill, in the table of contents, strike the item relating to subtitle B of title II and the item relating to section 251, and insert the following:

Subtitle B—Special Benefits For Certain World War II Veterans

Sec. 251. Establishment of program of special benefits for certain World War II veterans.

In section 1(b) of the bill, in the table of contents, strike the item relating to section 301 and insert the following:

Sec. 301. Narrowing of hold harmless provision for state share of distribution of collected child support.

In section 477(a)(1) of the Social Security Act, as proposed to be added by section 101(b) of the bill, strike “design programs that”.

In section 477(b)(3)(A) of the Social Security Act, as proposed to be added by section 101(b) of the bill, strike “but” and insert “because they have attained 18 years of age, and who”.

In section 477(b)(3)(A) of the Social Security Act, as proposed to be added by section 101(b) of the bill, strike “and have attained 18 years of age but not” and insert “because they have attained 18 years of age, and who have not attained”.

In section 477(c)(1) of the Social Security Act, as proposed to be added by section 101(b) of the bill, insert “, as adjusted in accordance with paragraph (2)” before the period.

In section 477(c) of the Social Security Act, as proposed to be added by section 101(b) of the bill, strike paragraph (2) and insert the following:

- 1 “(2) HOLD HARMLESS PROVISION.—
- 2 “(A) IN GENERAL.—The Secretary shall
- 3 allot to each State whose allotment for a fiscal
- 4 year under paragraph (1) is less than the
- 5 amount payable to the State under this section
- 6 for fiscal year 1998 an additional amount equal
- 7 to the difference.”.

1 “(B) Ratable reduction of certain
2 allotments.—In the case of a State not de-
3 scribed in subparagraph (A) for a fiscal year,
4 the Secretary shall reduce the amount allotted
5 to the State for the fiscal year under paragraph
6 (1) by the amount that bears the same ratio to
7 the sum of the differences determined under
8 subparagraph (A) for the fiscal year as the
9 amount so allotted bears to the sum of the
10 amounts allotted to all States not so described.

 In section 477(c) of the Social Security Act, as pro-
posed to be added by section 101(b) of the bill, strike
paragraph (3).

 At the end of section 477(d) of the Social Security
Act, as proposed to be added by section 101(b) of the
bill, add the following:

11 “(3) 2-year availability of funds.—Pay-
12 ments made to a State under this section for a fiscal
13 year shall be expended by the State in the fiscal year
14 or in the succeeding fiscal year.”.

 At the end of title I of the bill, insert the following:

1 **Subtitle D—Adoption Incentive**
2 **Payments**

3 **SEC. 131. INCREASED FUNDING FOR ADOPTION INCENTIVE**
4 **PAYMENTS.**

5 (a) **SUPPLEMENTAL GRANTS.**—Section 473A of the
6 Social Security Act (42 U.S.C. 673b) is amended by add-
7 ing at the end the following:

8 “(j) **SUPPLEMENTAL GRANTS.**—

9 “(1) **IN GENERAL.**—Subject to the availability
10 of such amounts as may be provided in advance in
11 appropriations Acts, in addition to any amount oth-
12 erwise payable under this section to any State that
13 is an incentive-eligible State for fiscal year 1998, the
14 Secretary shall make a grant to the State in an
15 amount equal to the lesser of—

16 “(A) the amount by which—

17 “(i) the amount that would have been
18 payable to the State under this section
19 during fiscal year 1999 (on the basis of
20 adoptions in fiscal year 1998) in the ab-
21 sence of subsection (d)(2) if sufficient
22 funds had been available for the payment;
23 exceeds

24 “(ii) the amount that, before the en-
25 actment of this subsection, was payable to

1 the State under this section during fiscal
2 year 1999 (on such basis); or

3 “(B) the amount that bears the same ratio
4 to the dollar amount specified in paragraph (2)
5 as the amount described by subparagraph (A)
6 for the State bears to the aggregate of the
7 amounts described by subparagraph (A) for all
8 States that are incentive-eligible States for fis-
9 cal year 1998.

10 “(2) FUNDING.—\$23,000,000 of the amounts
11 appropriated under subsection (h)(1) for fiscal year
12 2000 may be used for grants under paragraph (1)
13 of this subsection.”.

14 (b) LIMITATION ON AUTHORIZATION OF APPROPRIA-
15 TIONS.—Section 473A(h)(1) of the Social Security Act
16 (42 U.S.C. 673b(h)(1)) is amended to read as follows:

17 “(1) IN GENERAL.—For grants under sub-
18 section (a), there are authorized to be appropriated
19 to the Secretary—

20 “(A) \$20,000,000 for fiscal year 1999;

21 “(B) \$43,000,000 for fiscal year 2000; and

22 “(C) \$20,000,000 for each of fiscal years
23 2001 through 2003.”.

In section 206 of the bill, redesignate subsection (c) as subsection (d) and insert after subsection (b) the following:

1 (c) CONFORMING AMENDMENTS.—Section
2 1902(a)(10) of the Social Security Act (42 U.S.C.
3 1396a(a)(10)) is amended—
4 (1) by striking “and” at the end of subpara-
5 graph (E);
6 (2) by adding “and” at the end of subpara-
7 graph (F); and
8 (3) by inserting after subparagraph (F) the fol-
9 lowing:
10 “(G) that, in applying eligibility criteria of
11 the supplemental security income program
12 under title XVI for purposes of determining eli-
13 gibility for medical assistance under the State
14 plan of an individual who is not receiving sup-
15 plemental security income, the State will dis-
16 regard the provisions of section 1613(e);”.

In section 207 of the bill, redesignate subsection (b) as subsection (c) and insert after subsection (a) the following:

17 (b) CONFORMING AMENDMENT.—Section
18 1902(a)(10) of the Social Security Act (42 U.S.C.

1 1396a(a)(10)), as amended by section 206(c) of this Act,
2 is amended by striking "section 1613(e)" and inserting
3 "subsections (c) and (e) of section 1613".

Strike subtitle B of title II of the bill and insert the
following:

4 **Subtitle B—Special Benefits For**
5 **Certain World War II Veterans**

6 **SEC. 251. ESTABLISHMENT OF PROGRAM OF SPECIAL BEN-**
7 **EFITS FOR CERTAIN WORLD WAR II VETER-**
8 **ANS.**

9 (a) IN GENERAL.—The Social Security Act is amend-
10 ed by inserting after title VII the following:

11 **"TITLE VIII—SPECIAL BENEFITS**
12 **FOR CERTAIN WORLD WAR II**
13 **VETERANS**

"TABLE OF CONTENTS

"Sec. 801. Basic entitlement to benefits.
"Sec. 802. Qualified individuals.
"Sec. 803. Residence outside the United States.
"Sec. 804. Disqualifications.
"Sec. 805. Benefit amount.
"Sec. 806. Applications and furnishing of information.
"Sec. 807. Representative payees.
"Sec. 808. Overpayments and underpayments.
"Sec. 809. Hearings and review.
"Sec. 810. Other administrative provisions.
"Sec. 811. Penalties for fraud.
"Sec. 812. Definitions.
"Sec. 813. Appropriations.

1 **"SEC. 801. BASIC ENTITLEMENT TO BENEFITS.**

2 "Every individual who is a qualified individual under
3 section 802 shall, in accordance with and subject to the
4 provisions of this title, be entitled to a monthly benefit
5 paid by the Commissioner of Social Security for each
6 month after September 2000 (or such earlier month, if
7 the Commissioner determines is administratively feasible)
8 the individual resides outside the United States.

9 **"SEC. 802. QUALIFIED INDIVIDUALS.**

10 "Except as otherwise provided in this title, an
11 individual—

12 "(1) who has attained the age of 65 on or be-
13 fore the date of the the enactment of this title;

14 "(2) who is a World War II veteran;

15 "(3) who is eligible for a supplemental security
16 income benefit under title XVI for—

17 "(A) the month in which this title is en-
18 acted, and

19 "(B) the month in which the individual
20 files an application for benefits under this title;

21 "(4) whose total benefit income is less than 75
22 percent of the Federal benefit rate under title XVI;

23 "(5) who has filed an application for benefits
24 under this title; and

1 “(6) who is in compliance with all requirements
2 imposed by the Commissioner of Social Security
3 under this title,

4 shall be a qualified individual for purposes of this title.

5 **“SEC. 803. RESIDENCE OUTSIDE THE UNITED STATES.**

6 For purposes of section 801, with respect to any
7 month, an individual shall be regarded as residing outside
8 the United States if, on the first day of the month, the
9 individual so resides outside the United States.

10 **“SEC. 804. DISQUALIFICATIONS.**

11 “Notwithstanding section 802, an individual may not
12 be a qualified individual for any month—

13 “(1) that begins after the month in which the
14 Commissioner of Social Security is notified by the
15 Attorney General that the individual has been re-
16 moved from the United States pursuant to section
17 237(a) of the Immigration and Nationality Act and
18 before the month in which the Commissioner of So-
19 cial Security is notified by the Attorney General that
20 the individual is lawfully admitted to the United
21 States for permanent residence;

22 “(2) during any part of which the individual is
23 outside the United States due to flight to avoid pros-
24 ecution, or custody or confinement after conviction,
25 under the laws of the United States or the jurisdic-

1 tion within the United States from which the person
2 has fled, for a crime, or an attempt to commit a
3 crime, that is a felony under the laws of the place
4 from which the individual has fled, or which, in the
5 case of the State of New Jersey, is a high mis-
6 demeanor under the laws of such State;

7 “(3) during any part of which which the indi-
8 vidual violates a condition of probation or parole im-
9 posed under Federal or State law; or

10 “(4) during any part of which the individual is
11 confined in a jail, prison, or other penal institution
12 or correctional facility pursuant to a conviction of an
13 offense.

14 **“SEC. 805. BENEFIT AMOUNT.**

15 “The benefit under this title payable to a qualified
16 individual for any month shall be in an amount equal to
17 75 percent of the Federal benefit rate under title XVI for
18 the month, reduced by the amount of the qualified individ-
19 ual’s benefit income for the month.

20 **“SEC. 806. APPLICATIONS AND FURNISHING OF INFORMA-**
21 **TION.**

22 “(a) IN GENERAL.—The Commissioner of Social Se-
23 curity shall, subject to subsection (b), prescribe such re-
24 quirements with respect to the filing of applications, the
25 furnishing of information and other material, and the re-

1 porting of events and changes in circumstances, as may
2 be necessary for the effective and efficient administration
3 of this title.

4 “(b) VERIFICATION REQUIREMENT.—The require-
5 ments prescribed by the Commissioner of Social Security
6 under subsection (a) shall preclude any determination of
7 entitlement to benefits under this title solely on the basis
8 of declarations by the individual concerning qualifications
9 or other material facts, and shall provide for verification
10 of material information from independent or collateral
11 sources, and the procurement of additional information as
12 necessary in order to ensure that the benefits are provided
13 only to qualified individuals (or their representative pay-
14 ees) in correct amounts.

15 **“SEC. 807. REPRESENTATIVE PAYEES.**

16 “(a) IN GENERAL.—If the Commissioner of Social
17 Security determines that the interest of any qualified indi-
18 vidual under this title would be served thereby, payment
19 of the qualified individual’s benefit under this title may
20 be made, regardless of the legal competency or incom-
21 petency of the qualified individual, either directly to the
22 qualified individual, or for his or her benefit, to another
23 person (the meaning of which term, for purposes of this
24 section, includes an organization) with respect to whom
25 the requirements of subsection (b) have been met (in this

1 section referred to as the qualified individual's 'representa-
2 tive payee'). If the Commissioner of Social Security deter-
3 mines that a representative payee has misused any benefit
4 paid to the representative payee pursuant to this section,
5 section 205(j), or section 1631(a)(2), the Commissioner
6 of Social Security shall promptly revoke the person's des-
7 ignation as the qualified individual's representative payee
8 under this subsection, and shall make payment to an alter-
9 native representative payee or, if the interest of the quali-
10 fied individual under this title would be served thereby,
11 to the qualified individual.

12 “(b) EXAMINATION OF FITNESS OF PROSPECTIVE
13 REPRESENTATIVE PAYEE.—

14 “(1) Any determination under subsection (a) to
15 pay the benefits of a qualified individual to a rep-
16 resentative payee shall be made on the basis of—

17 “(A) an investigation by the Commissioner
18 of Social Security of the person to serve as rep-
19 resentative payee, which shall be conducted in
20 advance of the determination and shall, to the
21 extent practicable, include a face-to-face inter-
22 view with the person (or, in the case of an orga-
23 nization, a representative of the organization);
24 and

1 “(B) adequate evidence that the arrange-
2 ment is in the interest of the qualified individ-
3 ual.

4 “(2) As part of the investigation referred to in
5 paragraph (1), the Commissioner of Social Security
6 shall—

7 “(A) require the person being investigated
8 to submit documented proof of the identity of
9 the person;

10 “(B) in the case of a person who has a so-
11 cial security account number issued for pur-
12 poses of the program under title II or an em-
13 ployer identification number issued for purposes
14 of the Internal Revenue Code of 1986, verify
15 the number;

16 “(C) determine whether the person has
17 been convicted of a violation of section 208,
18 811, or 1632; and

19 “(D) determine whether payment of bene-
20 fits to the person in the capacity as representa-
21 tive payee has been revoked or terminated pur-
22 suant to this section, section 205(j), or section
23 1631(a)(2)(A)(iii) by reason of misuse of funds
24 paid as benefits under this title, title II, or title
25 XVI, respectively.

1 “(c) REQUIREMENT FOR CENTRALIZED FILE.—The
2 Commissioner of Social Security shall establish and main-
3 tain a centralized file, which shall be updated periodically
4 and which shall be in a form that renders it readily retriev-
5 able by each servicing office of the Social Security Admin-
6 istration. The file shall consist of—

7 “(1) a list of the names and social security ac-
8 count numbers or employer identification numbers
9 (if issued) of all persons with respect to whom, in
10 the capacity of representative payee, the payment of
11 benefits has been revoked or terminated under this
12 section, section 205(j), or section 1631(a)(2)(A)(iii)
13 by reason of misuse of funds paid as benefits under
14 this title, title II, or title XVI, respectively; and

15 “(2) a list of the names and social security ac-
16 count numbers or employer identification numbers
17 (if issued) of all persons who have been convicted of
18 a violation of section 208, 811, or 1632.

19 “(d) PERSONS INELIGIBLE TO SERVE AS REP-
20 RESENTATIVE PAYEES.—

21 “(1) IN GENERAL.—The benefits of a qualified
22 individual may not be paid to any other person pur-
23 suant to this section if—

24 “(A) the person has been convicted of a
25 violation of section 208, 811, or 1632;

1 “(B) except as provided in paragraph (2),
2 payment of benefits to the person in the capac-
3 ity of representative payee has been revoked or
4 terminated under this section, section 205(j), or
5 section 1631(a)(2)(A)(ii) by reason of misuse of
6 funds paid as benefits under this title, title II,
7 or title XVI, respectively; or

8 “(C) except as provided in paragraph
9 (2)(B), the person is a creditor of the qualified
10 individual and provides the qualified individual
11 with goods or services for consideration.

12 “(2) EXEMPTIONS.—

13 “(A) The Commissioner of Social Security
14 may prescribe circumstances under which the
15 Commissioner of Social Security may grant an
16 exemption from paragraph (1) to any person on
17 a case-by-case basis if the exemption is in the
18 best interest of the qualified individual whose
19 benefits would be paid to the person pursuant
20 to this section.

21 “(B) Paragraph (1)(C) shall not apply
22 with respect to any person who is a creditor re-
23 ferred to in such paragraph if the creditor is—

1 “(i) a relative of the qualified individ-
2 ual and the relative resides in the same
3 household as the qualified individual;

4 “(ii) a legal guardian or legal rep-
5 resentative of the individual;

6 “(iii) a facility that is licensed or cer-
7 tified as a care facility under the law of
8 the political jurisdiction in which the quali-
9 fied individual resides;

10 “(iv) a person who is an adminis-
11 trator, owner, or employee of a facility re-
12 ferred to in clause (iii), if the qualified in-
13 dividual resides in the facility, and the pay-
14 ment to the facility or the person is made
15 only after the Commissioner of Social Se-
16 curity has made a good faith effort to lo-
17 cate an alternative representative payee to
18 whom payment would serve the best inter-
19 ests of the qualified individual; or

20 “(v) a person who is determined by
21 the Commissioner of Social Security, on
22 the basis of written findings and pursuant
23 to procedures prescribed by the Commis-
24 sioner of Social Security, to be acceptable
25 to serve as a representative payee.

1 “(C) The procedures referred to in sub-
2 paragraph (B)(v) shall require the person who
3 will serve as representative payee to establish,
4 to the satisfaction of the Commissioner of So-
5 cial Security, that—

6 “(i) the person poses no risk to the
7 qualified individual;

8 “(ii) the financial relationship of the
9 person to the qualified individual poses no
10 substantial conflict of interest; and

11 “(iii) no other more suitable rep-
12 resentative payee can be found.

13 “(e) DEFERRAL OF PAYMENT PENDING APPOINT-
14 MENT OF REPRESENTATIVE PAYEE.—

15 “(1) IN GENERAL.—Subject to paragraph (2),
16 if the Commissioner of Social Security makes a de-
17 termination described in the first sentence of sub-
18 section (a) with respect to any qualified individual’s
19 benefit and determines that direct payment of the
20 benefit to the qualified individual would cause sub-
21 stantial harm to the qualified individual, the Com-
22 missioner of Social Security may defer (in the case
23 of initial entitlement) or suspend (in the case of ex-
24 isting entitlement) direct payment of the benefit to
25 the qualified individual, until such time as the selec-

1 tion of a representative payee is made pursuant to
2 this section.

3 “(2) TIME LIMITATION.—

4 “(A) IN GENERAL.—Except as provided in
5 subparagraph (B), any deferral or suspension of
6 direct payment of a benefit pursuant to para-
7 graph (1) shall be for a period of not more than
8 1 month.

9 “(B) EXCEPTION IN THE CASE OF INCOM-
10 PETENCY.—Subparagraph (A) shall not apply
11 in any case in which the qualified individual is,
12 as of the date of the Commissioner of Social
13 Security’s determination, legally incompetent
14 under the laws of the jurisdiction in which the
15 individual resides.

16 “(3) PAYMENT OF RETROACTIVE BENEFITS.—
17 Payment of any benefits which are deferred or sus-
18 pended pending the selection of a representative
19 payee shall be made to the qualified individual or the
20 representative payee as a single sum or over such
21 period of time as the Commissioner of Social Secu-
22 rity determines is in the best interest of the qualified
23 individual.

24 “(f) HEARING.—Any qualified individual who is dis-
25 satisfied with a determination by the Commissioner of So-

1 cial Security to make payment of the qualified individual's
2 benefit to a representative payee under subsection (a) of
3 this section or with the designation of a particular person
4 to serve as representative payee shall be entitled to a hear-
5 ing by the Commissioner of Social Security to the same
6 extent as is provided in section 809(a), and to judicial re-
7 view of the Commissioner of Social Security's final deci-
8 sion as is provided in section 809(b).

9 “(g) NOTICE REQUIREMENTS.—

10 “(1) IN GENERAL.—In advance of the payment
11 of a qualified individual's benefit to a representative
12 payee under subsection (a), the Commissioner of So-
13 cial Security shall provide written notice of the Com-
14 missioner's initial determination to so make the pay-
15 ment. The notice shall be provided to the qualified
16 individual, except that, if the qualified individual is
17 legally incompetent, then the notice shall be provided
18 solely to the legal guardian or legal representative of
19 the qualified individual.

20 “(2) SPECIFIC REQUIREMENTS.—Any notice re-
21 quired by paragraph (1) shall be clearly written in
22 language that is easily understandable to the reader,
23 shall identify the person to be designated as the
24 qualified individual's representative payee, and shall
25 explain to the reader the right under subsection (f)

1 of the qualified individual or of the qualified individ-
2 ual's legal guardian or legal representative—

3 “(A) to appeal a determination that a rep-
4 resentative payee is necessary for the qualified
5 individual;

6 “(B) to appeal the designation of a par-
7 ticular person to serve as the representative
8 payee of qualified individual; and

9 “(C) to review the evidence upon which the
10 designation is based and to submit additional
11 evidence.

12 “(h) ACCOUNTABILITY MONITORING.—

13 “(1) In any case where payment under this title
14 is made to a person other than the qualified individ-
15 ual entitled to the payment, the Commissioner of So-
16 cial Security shall establish a system of accountabil-
17 ity monitoring under which the person shall report
18 not less often than annually with respect to the use
19 of the payments. The Commissioner of Social Secu-
20 rity shall establish and implement statistically valid
21 procedures for reviewing the reports in order to
22 identify instances in which persons are not properly
23 using the payments.

24 “(2) SPECIAL REPORTS.—Notwithstanding
25 paragraph (1), the Commissioner of Social Security

1 may require a report at any time from any person
2 receiving payments on behalf of a qualified individ-
3 ual, if the Commissioner of Social Security has rea-
4 son to believe that the person receiving the payments
5 is misusing the payments.

6 “(3) CENTRALIZED FILE.—The Commissioner
7 of Social Security shall maintain a centralized file,
8 which shall be updated periodically and which shall
9 be in a form that is readily retrievable, of—

10 “(A) the name, address, and (if issued) the
11 social security account number or employer
12 identification number of each representative
13 payee who is receiving benefit payments pursu-
14 ant to this section, section 205(j), or section
15 1631(a)(2); and

16 “(B) the name, address, and social security
17 account number of each individual for whom
18 each representative payee is reported to be pro-
19 viding services as representative payee pursuant
20 to this section, section 205(j), or section
21 1631(a)(2).

22 “(4) The Commissioner of Social Security shall
23 maintain a list, which shall be updated periodically,
24 of public agencies and community-based nonprofit
25 social service agencies which are qualified to serve as

1 representative payees pursuant to this section and
2 which are located in the jurisdiction in which any
3 qualified individual resides.

4 “(i) RESTITUTION.—In any case
5 where the negligent failure of the Commis-
6 sioner of Social Security to investigate or
7 monitor a representative payee results in
8 misuse of benefits by the representative
9 payee, the Commissioner of Social Security
10 shall make payment to the qualified indi-
11 vidual or the individual’s alternative rep-
12 resentative payee of an amount equal to
13 the misused benefits. The Commissioner of
14 Social Security shall make a good faith ef-
15 fort to obtain restitution from the termi-
16 nated representative payee.

17 **“SEC. 808. OVERPAYMENTS AND UNDERPAYMENTS.**

18 “(a) IN GENERAL.—Whenever the Commissioner of
19 Social Security finds that more or less than the correct
20 amount of payment has been made to any person under
21 this title, proper adjustment or recovery shall be made,
22 as follows:

23 “(1) With respect to payment to a person of
24 more than the correct amount, the Commissioner of
25 Social Security shall decrease any payment under

1 this title to which the overpaid person (if a qualified
2 individual) is entitled, or shall require the overpaid
3 person or his or her estate to refund the amount in
4 excess of the correct amount, or, if recovery is not
5 obtained under these two methods, shall seek or pur-
6 sue recovery by means of reduction in tax refunds
7 based on notice to the Secretary of the Treasury, as
8 authorized under section 3720A of title 31, United
9 States Code.

10 “(2) With respect to payment of less than the
11 correct amount to a qualified individual who, at the
12 time the Commissioner of Social Security is pre-
13 pared to take action with respect to the
14 underpayment—

15 “(A) is living, the Commissioner of Social
16 Security shall make payment to the qualified in-
17 dividual (or the qualified individual’s represent-
18 ative payee designated under section 807) of
19 the balance of the amount due the underpaid
20 qualified individual; or

21 “(B) is deceased, the balance of the
22 amount due shall revert to the general fund of
23 the Treasury.

24 “(b) WAIVER OF RECOVERY OF OVERPAYMENT.—In
25 any case in which more than the correct amount of pay-

1 ment has been made, there shall be no adjustment of pay-
2 ments to, or recovery by the United States from, any per-
3 son who is without fault if the Commissioner of Social Se-
4 curity determines that the adjustment or recovery would
5 defeat the purpose of this title or would be against equity
6 and good conscience.

7 “(c) LIMITED IMMUNITY FOR DISBURSING OFFI-
8 CERS.—A disbursing officer may not be held liable for any
9 amount paid by the officer if the adjustment or recovery
10 of the amount is waived under subsection (b), or adjust-
11 ment under subsection (a) is not completed before the
12 death of the qualified individual against whose benefits de-
13 ductions are authorized.

14 “(d) AUTHORIZED COLLECTION PRACTICES.—

15 “(1) IN GENERAL.—With respect to any delin-
16 quent amount, the Commissioner of Social Security
17 may use the collection practices described in sections
18 3711(e), 3716, and 3718 of title 31, United States
19 Code, as in effect on October 1, 1994.

20 “(2) DEFINITION.—For purposes of paragraph
21 (1), the term ‘delinquent amount’ means an
22 amount—

23 “(A) in excess of the correct amount of the
24 payment under this title; and

1 “(B) determined by the Commissioner of
2 Social Security to be otherwise unrecoverable
3 under this section from a person who is not a
4 qualified individual under this title.

5 **“SEC. 809. HEARINGS AND REVIEW.**

6 “(a) HEARINGS.—

7 “(1) IN GENERAL.—The Commissioner of So-
8 cial Security shall make findings of fact and deci-
9 sions as to the rights of any individual applying for
10 payment under this title. The Commissioner of So-
11 cial Security shall provide reasonable notice and op-
12 portunity for a hearing to any individual who is or
13 claims to be a qualified individual and is in disagree-
14 ment with any determination under this title with
15 respect to entitlement to, or the amount of, benefits
16 under this title, if the individual requests a hearing
17 on the matter in disagreement within 60 days after
18 notice of the determination is received, and, if a
19 hearing is held, shall, on the basis of evidence ad-
20 duced at the hearing affirm, modify, or reverse the
21 Commissioner of Social Security’s findings of fact
22 and the decision. The Commissioner of Social Secu-
23 rity may, on the Commissioner of Social Security’s
24 own motion, hold such hearings and to conduct such
25 investigations and other proceedings as the Commis-

1 sioner of Social Security deems necessary or proper
2 for the administration of this title. In the course of
3 any hearing, investigation, or other proceeding, the
4 Commissioner may administer oaths and affirma-
5 tions, examine witnesses, and receive evidence. Evi-
6 dence may be received at any hearing before the
7 Commissioner of Social Security even though inad-
8 missible under the rules of evidence applicable to
9 court procedure. The Commissioner of Social Secu-
10 rity shall specifically take into account any physical,
11 mental, educational, or linguistic limitation of the in-
12 dividual (including any lack of facility with the
13 English language) in determining, with respect to
14 the entitlement of the individual for benefits under
15 this title, whether the individual acted in good faith
16 or was at fault, and in determining fraud, deception,
17 or intent.

18 “(2) EFFECT OF FAILURE TO TIMELY REQUEST
19 REVIEW.—A failure to timely request review of an
20 initial adverse determination with respect to an ap-
21 plication for any payment under this title or an ad-
22 verse determination on reconsideration of such an
23 initial determination shall not serve as a basis for
24 denial of a subsequent application for any payment
25 under this title if the applicant demonstrates that

1 the applicant failed to so request such a review act-
2 ing in good faith reliance upon incorrect, incomplete,
3 or misleading information, relating to the con-
4 sequences of reapplying for payments in lieu of seek-
5 ing review of an adverse determination, provided by
6 any officer or employee of the Social Security Ad-
7 ministration.

8 “(3) NOTICE REQUIREMENTS.—In any notice of
9 an adverse determination with respect to which a re-
10 view may be requested under paragraph (1), the
11 Commissioner of Social Security shall describe in
12 clear and specific language the effect on possible en-
13 titlement to benefits under this title of choosing to
14 reapply in lieu of requesting review of the deter-
15 mination.

16 “(b) JUDICIAL REVIEW.—The final determination of
17 the Commissioner of Social Security after a hearing under
18 subsection (a)(1) shall be subject to judicial review as pro-
19 vided in section 205(g) to the same extent as the Commis-
20 sioner of Social Security’s final determinations under sec-
21 tion 205.

22 **“SEC. 810. OTHER ADMINISTRATIVE PROVISIONS.**

23 “(a) REGULATIONS AND ADMINISTRATIVE ARRANGE-
24 MENTS.—The Commissioner of Social Security may pre-
25 scribe such regulations, and make such administrative and

1 other arrangements, as may be necessary or appropriate
2 to carry out this title.

3 “(b) PAYMENT OF BENEFITS.—Benefits under this
4 title shall be paid at such time or times and in such install-
5 ments as the Commissioner of Social Security determines
6 are in the interests of economy and efficiency.

7 “(c) ENTITLEMENT REDETERMINATIONS.—An indi-
8 vidual’s entitlement to benefits under this title, and the
9 amount of the benefits, may be redetermined at such time
10 or times as the Commissioner of Social Security deter-
11 mines to be appropriate.

12 “(d) SUSPENSION OF BENEFITS.—Regulations pre-
13 scribed by the Commissioner of Social Security under sub-
14 section (a) may provide for the temporary suspension of
15 entitlement to benefits under this title as the Commis-
16 sioner determines is appropriate.

17 **“SEC. 811. PENALTIES FOR FRAUD.**

18 “(a) IN GENERAL.—Whoever—

19 “(1) knowingly and willfully makes or causes to
20 be made any false statement or representation of a
21 material fact in an application for benefits under
22 this title;

23 “(2) at any time knowingly and willfully makes
24 or causes to be made any false statement or rep-

1 resentation of a material fact for use in determining
2 any right to the benefits;

3 “(3) having knowledge of the occurrence of any
4 event affecting—

5 “(A) his or her initial or continued right to
6 the benefits; or

7 “(B) the initial or continued right to the
8 benefits of any other individual in whose behalf
9 he or she has applied for or is receiving the
10 benefit,

11 conceals or fails to disclose the event with an intent
12 fraudulently to secure the benefit either in a greater
13 amount or quantity than is due or when no such
14 benefit is authorized; or

15 “(4) having made application to receive any
16 such benefit for the use and benefit of another and
17 having received it, knowingly and willfully converts
18 the benefit or any part thereof to a use other than
19 for the use and benefit of the other individual,

20 shall be fined under title 18, United States Code, impris-
21 oned not more than 5 years, or both.

22 “(b) RESTITUTION BY REPRESENTATIVE PAYEE.—If
23 a person or organization violates subsection (a) in the per-
24 son’s or organization’s role as, or in applying to become,
25 a representative payee under section 807 on behalf of a

1 qualified individual, and the violation includes a willful
2 misuse of funds by the person or entity, the court may
3 also require that full or partial restitution of funds be
4 made to the qualified individual.

5 **"SEC. 812. DEFINITIONS.**

6 "In this title:

7 "(1) WORLD WAR II VETERAN.—The term
8 'World War II veteran' means a person who served
9 during World War II—

10 "(A) in the active military, naval, or air
11 service of the United States during World War
12 II, and who was discharged or released there-
13 from under conditions other than dishonorable
14 after service of 90 days or more; or

15 "(B) in the organized military forces of the
16 Government of the Commonwealth of the Phil-
17ippines, while the forces were in the service of
18 the Armed Forces of the United States pursu-
19 ant to the military order of the President dated
20 July 26, 1941, including among the military
21 forces organized guerrilla forces under com-
22 manders appointed, designated, or subsequently
23 recognized by the Commander in Chief, South-
24 west Pacific Area, or other competent authority
25 in the Army of the United States, in any case

1 in which the service was rendered before De-
2 cember 31, 1946.

3 “(2) WORLD WAR II.—The term ‘World War II’
4 means the period beginning on September 16, 1940,
5 and ending on July 24, 1947.

6 “(3) SUPPLEMENTAL SECURITY INCOME BENE-
7 FIT UNDER TITLE XVI.—The term ‘supplemental se-
8 curity income benefit under title XVI’, except as oth-
9 erwise provided, includes State supplementary pay-
10 ments which are paid by the Commissioner of Social
11 Security pursuant to an agreement under section
12 1616(a) of this Act or section 212(b) of Public Law
13 93-66.

14 “(4) FEDERAL BENEFIT RATE UNDER TITLE
15 XVI.—The term ‘Federal benefit rate under title
16 XVI’ means, with respect to any month, the amount
17 of the supplemental security income cash benefit
18 (not including any State supplementary payment
19 which is paid by the Commissioner of Social Security
20 pursuant to an agreement under section 1616(a) of
21 this Act or section 212(b) of Public Law 93-66) pay-
22 able under title XVI for the month to an eligible in-
23 dividual with no income.

24 “(5) UNITED STATES.—The term ‘United
25 States’ means, notwithstanding section 1101(a)(1),

1 only the 50 States, the District of Columbia, and the
2 Commonwealth of the Northern Mariana Islands.

3 “(6) BENEFIT INCOME.—The term ‘benefit in-
4 come’ means any recurring payment received by a
5 qualified individual as an annuity, pension, retire-
6 ment, or disability benefit (including any veterans’
7 compensation or pension, workmen’s compensation
8 payment, old-age, survivors, or disability insurance
9 benefit, railroad retirement annuity or pension, and
10 unemployment insurance benefit), but only if a simi-
11 lar payment was received by the individual from the
12 same (or a related) source during the 12-month pe-
13 riod preceding the month in which the individual
14 files an application for benefits under this title.

15 **“SEC. 813. APPROPRIATIONS.**

16 “‘There are hereby appropriated for fiscal year 2001
17 and subsequent fiscal years such sums as may be nec-
18 essary to carry out this title.”.

19 (b) CONFORMING AMENDMENTS.—

20 (1) SOCIAL SECURITY TRUST FUNDS LAE AC-
21 COUNT.—Section 201(g) of such Act (42 U.S.C.
22 401(g)) is amended—

23 (A) in the 4th sentence of paragraph
24 (1)(A), by inserting after “this title,” the fol-
25 lowing: “title VIII,”;

1 (B) in paragraph (1)(B)(i)(I), by inserting
2 after "this title," the following: "title VIII,";
3 and

4 (C) in paragraph (1)(C)(i), by inserting
5 after "this title," the following: "title VIII,".

6 (2) REPRESENTATIVE PAYEE PROVISIONS OF
7 TITLE II.—Section 205(j) of such Act (42 U.S.C.
8 405(j)) is amended—

9 (A) in paragraph (1)(A), by inserting "807
10 or" before "1631(a)(2)";

11 (B) in paragraph (2)(B)(i)(I), by inserting
12 " , title VIII," before "or title XVI";

13 (C) in paragraph (2)(B)(i)(III), by insert-
14 ing " , 811," before "or 1632";

15 (D) in paragraph (2)(B)(i)(IV)—

16 (i) by inserting " , the designation of
17 such person as a representative payee has
18 been revoked pursuant to section 807(a),"
19 before "or payment of benefits"; and

20 (ii) by inserting " , title VIII," before
21 "or title XVI";

22 (E) in paragraph (2)(B)(ii)(I)—

23 (i) by inserting "whose designation as
24 a representative payee has been revoked

1 pursuant to section 807(a),” before “or
2 with respect to whom”; and

3 (ii) by inserting “, title VIII,” before
4 “or title XVI”;

5 (F) in paragraph (2)(B)(i)(II), by insert-
6 ing “, 811,” before “or 1632”;

7 (G) in paragraph (2)(C)(i)(II) by inserting
8 “, the designation of such person as a rep-
9 resentative payee has been revoked pursuant to
10 section 807(a),” before “or payment of bene-
11 fits”;

12 (H) in each of clauses (i) and (ii) of para-
13 graph (3)(E), by inserting “, section 807,” be-
14 fore “or section 1631(a)(2)”;

15 (I) in paragraph (3)(F), by inserting “807
16 or” before “1631(a)(2)”;

17 (J) in paragraph (4)(B)(i), by inserting
18 “807 or” before “1631(a)(2)”.

19 (3) WITHHOLDING FOR CHILD SUPPORT AND
20 ALIMONY OBLIGATIONS.—Section 459(h)(1)(A) of
21 such Act (42 U.S.C. 659(h)(1)(A)) is amended—

22 (A) at the end of clause (iii), by striking
23 “and”;

24 (B) at the end of clause (iv), by striking
25 “but” and inserting “and”; and

1 (C) by adding at the end a new clause as
2 follows:

3 “(v) special benefits for certain World
4 War II veterans payable under title VIII;
5 but”.

6 (4) SOCIAL SECURITY ADVISORY BOARD.—Sec-
7 tion 703(b) of such Act (42 U.S.C. 903(b)) is
8 amended by striking “title II” and inserting “title
9 II, the program of special benefits for certain World
10 War II veterans under title VIII,”.

11 (5) DELIVERY OF CHECKS.—Section 708 of
12 such Act (42 U.S.C. 908) is amended—

13 (A) in subsection (a), by striking “title II”
14 and inserting “title II, title VIII,”; and

15 (B) in subsection (b), by striking “title II”
16 and inserting “title II, title VIII,”.

17 (6) CIVIL MONETARY PENALTIES.—Section
18 1129 of such Act (42 U.S.C. 1320a-8) is
19 amended—

20 (A) in the title, by striking “II” and in-
21 serting “II, VIII”;

22 (B) in subsection (a)(1)—

23 (i) by striking “or” at the end of sub-
24 paragraph (A);

1 (ii) by redesignating subparagraph
2 (B) as subparagraph (C); and
3 (iii) by inserting after subparagraph
4 (A) the following:
5 “(B) benefits or payments under title VIII,
6 or”;
7 (C) in subsection (a)(2), by inserting “or
8 title VIII,” after “title II”;
9 (D) in subsection (e)(1)(C)—
10 (i) by striking “or” at the end of
11 clause (i);
12 (ii) by redesignating clause (ii) as
13 clause (iii); and
14 (iii) by inserting after clause (i) the
15 following:
16 “(ii) by decrease of any payment
17 under title VIII to which the person is en-
18 titled, or”;
19 (E) in subsection (e)(2)(B), by striking
20 “title XVI” and inserting “title VIII or XVI”;
21 and
22 (F) in subsection (l), by striking “title
23 XVI” and inserting “title VIII or XVI”.

1 (7) RECOVERY OF SSI OVERPAYMENTS.—Sec-
2 tion 1147 of such Act (42 U.S.C. 1320b-17) is
3 amended—

4 (A) in subsection (a)(1)—

5 (i) by inserting “or VIII” after “title
6 II” the first place it appears; and

7 (ii) by striking “title II” the second
8 place it appears and inserting “such title”;
9 and

10 (B) in the title, by striking “SOCIAL SECU-
11 RITY” and inserting “OTHER”.

12 (8) REPRESENTATIVE PAYEE PROVISIONS OF
13 TITLE XVI.—Section 1631(a)(2) of such Act (42
14 U.S.C. 1383(a)(2)) is amended—

15 (A) in subparagraph (A)(iii), by inserting
16 “or 807” after “205(j)(1)”;

17 (B) in subparagraph (B)(ii)(I), by insert-
18 ing “, title VIII,” before “or this title”;

19 (C) in subparagraph (B)(ii)(III), by insert-
20 ing “, 811,” before “or 1632”;

21 (D) in subparagraph (B)(ii)(IV)—

22 (i) by inserting “whether the designa-
23 tion of such person as a representative
24 payee has been revoked pursuant to section

1 807(a)," before "and whether certifi-
2 cation"; and

3 (ii) by inserting ", title VIII," before
4 "or this title";

5 (E) in subparagraph (B)(iii)(II), by insert-
6 ing "the designation of such person as a rep-
7 resentative payee has been revoked pursuant to
8 section 807(a)," before "or certification"; and

9 (F) in subparagraph (D)(ii)(II)(aa), by in-
10 serting "or 807" after "205(j)(4)".

11 (9) ADMINISTRATIVE OFFSET.—Section
12 3716(c)(3)(C) of title 31, United States Code, is
13 amended—

14 (A) by striking "sections 205(b)(1)" and
15 inserting "sections 205(b)(1), 809(a)(1),"; and

16 (B) by striking "either title II" and insert-
17 ing "title II, VIII,".

 Strike section 301 of the bill and insert the follow-
ing:

18 **SEC. 301. NARROWING OF HOLD HARMLESS PROVISION**
19 **FOR STATE SHARE OF DISTRIBUTION OF COL-**
20 **LECTED CHILD SUPPORT.**

21 (a) IN GENERAL.—Section 457(d) of the Social Secu-
22 rity Act (42 U.S.C. 657(d)) is amended to read as follows:

1 “(d) HOLD HARMLESS PROVISION.—If—

2 “(1) the amounts collected which could be re-
3 tained by the State in the fiscal year (to the extent
4 necessary to reimburse the State for amounts paid
5 to families as assistance by the State) are less than
6 the State share of the amounts collected in fiscal
7 year 1995 (determined in accordance with section
8 457 as in effect on the day before the date of the
9 enactment of the Personal Responsibility and Work
10 Opportunity Reconciliation Act of 1996); and

11 “(2)(A)(i) the State has not retained any of the
12 current support so collected during the preceding fis-
13 cal year on behalf of any family that is a recipient
14 of assistance under the State program funded under
15 part A (except any such family in a control group
16 required by a waiver granted to the State under sec-
17 tion 1115); and

18 “(ii) at least the lesser of \$150 or the total
19 amount of current support paid to such a family in
20 any month is disregarded in determining the amount
21 or type of assistance to be provided to the family for
22 the month under the State program funded under
23 part A; or

24 “(B) the State has distributed to families not
25 less than ½ of the child support arrearages collected

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