

(II) provide such funding quarterly in advance of the applicable quarter based on estimating methodology agreed to by the Commissioner and the Secretary; and

(III) require an annual accounting and reconciliation of the actual costs incurred and funds provided under this subsection.

(ii) Appropriation

There are hereby appropriated to the Secretary solely for the purpose of providing payments to the Commissioner pursuant to an agreement specified in clause (i) that is in effect, out of any funds in the Treasury not otherwise appropriated, not more than \$3,000,000 for fiscal year 2011 and each fiscal year thereafter.

(C) Limitation

In no case shall funds from the Social Security Administration's Limitation on Administrative Expenses be used to carry out activities related to the Medicare Savings Program. For fiscal years beginning on or after October 1, 2010, no such activities shall be undertaken by the Social Security Administration unless the agreement specified in subparagraph (B) is in effect and full funding has been provided to the Commissioner as specified in such subparagraph.

(6) GAO analysis and report

(A) Analysis

The Comptroller General of the United States shall prepare an analysis of the impact of this subsection—

- (i) in increasing participation in the Medicare Savings Program, and
- (ii) on States and the Social Security Administration.

(B) Report

Not later than January 1, 2012, the Comptroller General shall submit to Congress, the Commissioner, and the Secretary a report on the analysis conducted under subparagraph (A).

(7) Medicare Savings Program defined

For purposes of this subsection, the term "Medicare Savings Program" means the program of medical assistance for payment of the cost of medicare cost-sharing under the Medicaid program pursuant to sections 1396a(a)(10)(E) and 1396u-3 of this title.

(Aug. 14, 1935, ch. 531, title XI, §1144, as added Pub. L. 106-554, §1(a)(6) [title IX, §911(a)(1)], Dec. 21, 2000, 114 Stat. 2763, 2763A-583; amended Pub. L. 108-173, title I, §103(g), Dec. 8, 2003, 117 Stat. 2160; Pub. L. 110-275, title I, §113(a), July 15, 2008, 122 Stat. 2503.)

PRIOR PROVISIONS

A prior section 1320b-14, act Aug. 14, 1935, ch. 531, title XI, §1144, as added Pub. L. 103-66, title XIII, §13581(a), Aug. 10, 1993, 107 Stat. 609; Pub. L. 105-34, title XV, §1503(e), Aug. 5, 1997, 111 Stat. 1063, related to Medicare and Medicaid Coverage Data Bank, prior to repeal by Pub. L. 104-226, §1(a), Oct. 2, 1996, 110 Stat. 3033.

AMENDMENTS

2008—Subsec. (c). Pub. L. 110-275 added subsec. (c).

2003—Pub. L. 108-173, §103(g)(1), inserted "and subsidies for low-income individuals under subchapter XVIII" after "cost-sharing" in section catchline.

Subsec. (a)(1)(A). Pub. L. 108-173, §103(g)(2)(A)(i), inserted "for the transitional assistance under section 1395w-141(f) of this title, or for premium and cost-sharing subsidies under section 1395w-114 of this title" before semicolon.

Subsec. (a)(1)(B). Pub. L. 108-173, §103(g)(2)(A)(ii), inserted ", program, and subsidies" after "medical assistance".

Subsec. (a)(2). Pub. L. 108-173, §103(g)(2)(B)(i), inserted "the transitional assistance under section 1395w-141(f) of this title, or premium and cost-sharing subsidies under section 1395w-114 of this title" after "assistance" in introductory provisions.

Subsec. (a)(2)(A). Pub. L. 108-173, §103(g)(2)(B)(ii), substituted "eligibility for medicare cost-sharing under the medicaid program" for "such eligibility".

Subsec. (b)(1)(A). Pub. L. 108-173, §103(g)(3)(A), inserted "for transitional assistance under section 1395w-141(f) of this title, or for premium and cost-sharing subsidies for low-income individuals under section 1395w-114 of this title" after "1396u-3 of this title".

Subsec. (b)(2). Pub. L. 108-173, §103(g)(3)(B), inserted ", program, and subsidies" after "medical assistance".

EFFECTIVE DATE OF 2008 AMENDMENT

Pub. L. 110-275, title I, §113(c), July 15, 2008, 122 Stat. 2506, provided that: "Except as otherwise provided, the amendments made by this section [amending this section and section 1396u-5 of this title] shall take effect on January 1, 2010."

EFFECTIVE DATE

Pub. L. 106-554, §1(a)(6) [title IX, §911(c)], Dec. 21, 2000, 114 Stat. 2763, 2763A-584, provided that: "The amendments made by subsection (a) [enacting this section and amending section 1396d of this title] shall take effect one year after the date of the enactment of this Act [Dec. 21, 2000]."

GAO REPORT

Pub. L. 106-554, §1(a)(6) [title IX, §911(b)], Dec. 21, 2000, 114 Stat. 2763, 2763A-584, provided that: "The Comptroller General of the United States shall conduct a study of the impact of section 1144 of the Social Security Act [this section] (as added by subsection (a)(1)) on the enrollment of individuals for medicare cost-sharing under the medicaid program. Not later than 18 months after the date that the Commissioner of Social Security first conducts outreach under section 1144 of such Act, the Comptroller General shall submit to Congress a report on such study. The report shall include such recommendations for legislative changes as the Comptroller General deems appropriate."

§ 1320b-15. Protection of social security and medicare trust funds

(a) In general

No officer or employee of the United States shall—

- (1) delay the deposit of any amount into (or delay the credit of any amount to) any Federal fund or otherwise vary from the normal terms, procedures, or timing for making such deposits or credits,
- (2) refrain from the investment in public debt obligations of amounts in any Federal fund, or
- (3) redeem prior to maturity amounts in any Federal fund which are invested in public debt obligations for any purpose other than the payment of benefits or administrative expenses from such Federal fund.

(2) refrain from the investment in public debt obligations of amounts in any Federal fund, or

- (3) redeem prior to maturity amounts in any Federal fund which are invested in public debt obligations for any purpose other than the payment of benefits or administrative expenses from such Federal fund.

(b) "Public debt obligation" defined

For purposes of this section, the term "public debt obligation" means any obligation subject

to the public debt limit established under section 3101 of title 31.

(c) “Federal fund” defined

For purposes of this section, the term “Federal fund” means—

- (1) the Federal Old-Age and Survivors Insurance Trust Fund;
- (2) the Federal Disability Insurance Trust Fund;
- (3) the Federal Hospital Insurance Trust Fund; and
- (4) the Federal Supplementary Medical Insurance Trust Fund.

(Aug. 14, 1935, ch. 531, title XI, §1145, as added Pub. L. 104-121, title I, §107(a), Mar. 29, 1996, 110 Stat. 856.)

EFFECTIVE DATE

Pub. L. 104-121, title I, §107(b), Mar. 29, 1996, 110 Stat. 857, provided that: “The amendment made by this section [enacting this section] shall take effect on the date of the enactment of this Act [Mar. 29, 1996].”

§ 1320b-16. Public disclosure of certain information on hospital financial interest and referral patterns

The Secretary shall make available to the public, in a form and manner specified by the Secretary, information disclosed to the Secretary pursuant to section 1395cc(a)(1)(S) of this title.

(Aug. 14, 1935, ch. 531, title XI, §1146, as added Pub. L. 105-33, title IV, §4321(c), Aug. 5, 1997, 111 Stat. 395.)

EFFECTIVE DATE

Pub. L. 105-33, title IV, §4321(d)(2), Aug. 5, 1997, 111 Stat. 395, provided that: “The Secretary of Health and Human Services shall issue regulations by not later than the date which is 1 year after the date of the enactment of this Act [Aug. 5, 1997] to carry out the amendments made by subsections (b) and (c) [enacting this section and amending section 1395cc of this title] and such amendments shall take effect as of such date (on or after the issuance of such regulations) as the Secretary specifies in such regulations.”

§ 1320b-17. Cross-program recovery of overpayments from benefits

(a) In general

Subject to subsection (b) of this section, whenever the Commissioner of Social Security determines that more than the correct amount of any payment has been made to a person under a program described in subsection (e) of this section, the Commissioner of Social Security may recover the amount incorrectly paid by decreasing any amount which is payable to such person under any other program specified in that subsection.

(b) Limitation applicable to current benefits

(1) In general

In carrying out subsection (a) of this section, the Commissioner of Social Security may not decrease the monthly amount payable to an individual under a program described in subsection (e) of this section that is paid when regularly due—

- (A) in the case of benefits under subchapter II or VIII of this chapter, by more

than 10 percent of the amount of the benefit payable to the person for that month under such subchapter; and

(B) in the case of benefits under subchapter XVI of this chapter, by an amount greater than the lesser of—

- (i) the amount of the benefit payable to the person for that month; or
- (ii) an amount equal to 10 percent of the person’s income for that month (including such monthly benefit but excluding payments under subchapter II of this chapter when recovery is also made from subchapter II payments and excluding income excluded pursuant to section 1382a(b) of this title).

(2) Exception

Paragraph (1) shall not apply if—

- (A) the person or the spouse of the person was involved in willful misrepresentation or concealment of material information in connection with the amount incorrectly paid; or
- (B) the person so requests.

(c) No effect on eligibility or benefit amount under subchapter VIII or XVI

In any case in which the Commissioner of Social Security takes action in accordance with subsection (a) of this section to recover an amount incorrectly paid to any person, neither that person, nor (with respect to the program described in subsection (e)(3) of this section) any individual whose eligibility for benefits under such program or whose amount of such benefits, is determined by considering any part of that person’s income, shall, as a result of such action—

- (1) become eligible for benefits under the program described in paragraph (2) or (3) of subsection (e) of this section; or
- (2) if such person or individual is otherwise so eligible, become eligible for increased benefits under such program.

(d) Inapplicability of prohibition against assessment and legal process

Section 407 of this title shall not apply to actions taken under the provisions of this section to decrease amounts payable under subchapters II and XVI of this chapter.

(e) Programs described

The programs described in this subsection are the following:

- (1) The old-age, survivors, and disability insurance benefits program under subchapter II of this chapter.
- (2) The special benefits for certain World War II veterans program under subchapter VIII of this chapter.
- (3) The supplemental security income benefits program under subchapter XVI of this chapter (including, for purposes of this section, State supplementary payments paid by the Commissioner pursuant to an agreement under section 1382e(a) of this title or section 212(b) of Public Law 93-66).

(Aug. 14, 1935, ch. 531, title XI, §1147, as added Pub. L. 105-306, §8(a), Oct. 28, 1998, 112 Stat. 2928; amended Pub. L. 106-169, title II, §251(b)(7), Dec. 14, 1999, 113 Stat. 1855; Pub. L. 108-203, title II, §210(a), Mar. 2, 2004, 118 Stat. 516.)