

103<sup>D</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 4277

To establish the Social Security Administration as an independent agency and to make other improvements in the old-age, survivors, and disability insurance program.

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## IN THE HOUSE OF REPRESENTATIVES

APRIL 21, 1994

Mr. JACOBS (for himself and Mr. FORD of Tennessee) introduced the following bill; which was referred to the Committee on Ways and Means

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## A BILL

To establish the Social Security Administration as an independent agency and to make other improvements in the old-age, survivors, and disability insurance program.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the  
5 “Social Security Administrative Reform Act of 1994”.

## 1 (b) TABLE OF CONTENTS.—

- Sec. 1. Short title and table of contents.
- Sec. 2. Declaration of purposes.

TITLE I—ESTABLISHMENT OF THE SOCIAL SECURITY  
ADMINISTRATION AS AN INDEPENDENT AGENCY

- Sec. 101. Establishment of the Social Security Administration as a separate, independent agency; responsibilities of the agency.
- Sec. 102. Social Security Board, Executive Director, Deputy Director, Beneficiary Ombudsman; other officers.
- Sec. 103. Personnel; budgetary matters; facilities; and procurement; seal of office.
- Sec. 104. Transfers to the new Social Security Administration.
- Sec. 105. Transitional rules.
- Sec. 106. Conforming amendments to titles II and XVI of the Social Security Act.
- Sec. 107. Other conforming amendments.
- Sec. 108. Rules of construction.
- Sec. 109. Effective dates.

TITLE II—MISCELLANEOUS IMPROVEMENTS TO THE OLD-AGE,  
SURVIVORS, AND DISABILITY INSURANCE PROGRAM

- Sec. 201. Restrictions on benefits based on disability of substance abusers.
- Sec. 202. Continuing disability review account.
- Sec. 203. Issuance of physical documents in the form of bonds, notes, or certificates to the Social Security trust funds.
- Sec. 204. Explicit requirements for maintenance of telephone access to local offices of the Social Security Administration.
- Sec. 205. Expansion of State option to exclude service of election officials or election workers from coverage.
- Sec. 206. Use of social security numbers by States and local governments and Federal district courts for jury selection purposes.
- Sec. 207. Authorization for all States to extend coverage to State and local policemen and firemen under existing coverage agreements.
- Sec. 208. Limited exemption for Canadian ministers from certain self-employment tax liability.
- Sec. 209. Exclusion of totalization benefits from the application of the windfall elimination provision.
- Sec. 210. Exclusion of military reservists from application of the government pension offset and windfall elimination provisions.
- Sec. 211. Repeal of the facility-of-payment provision.
- Sec. 212. Maximum family benefits in guarantee cases.
- Sec. 213. Authorization for disclosure by the Secretary of Health and Human Services of information for purposes of public or private epidemiological and similar research.
- Sec. 214. Misuse of symbols, emblems, or names in reference to social security programs and agencies.
- Sec. 215. Increased penalties for unauthorized disclosure of social security information.
- Sec. 216. Increase in authorized period for extension of time to file annual earnings report.
- Sec. 217. Extension of disability insurance program demonstration project authority.

- Sec. 218. Cross-matching of social security account number information and employer identification number information maintained by the Department of Agriculture.
- Sec. 219. Certain transfers to railroad retirement account made permanent.
- Sec. 220. Authorization for use of social security account numbers by Department of Labor in administration of Federal workers' compensation laws.
- Sec. 221. Retirement eligibility for Federal employees transferred to international organizations.
- Sec. 222. Treatment of certain visas.
- Sec. 223. Commission on Childhood Disability.
- Sec. 224. Technical and clerical amendments.

1 **SEC. 2. DECLARATION OF PURPOSES.**

2 The purposes of this Act are as follows:

3 (1) to establish the Social Security Administra-  
4 tion as an independent agency, separate from the  
5 Department of Health and Human Services;

6 (2) to charge the Social Security Administra-  
7 tion with administration of the old-age, survivors,  
8 and disability insurance program and supplemental  
9 security income program;

10 (3) to establish a Social Security board as head  
11 of the Social Security Administration and define the  
12 powers and duties of such Board;

13 (4) to establish an Executive Director of the  
14 Administration and define the powers and duties of  
15 the Executive Director;

16 (5) to provide for delegating major authorities  
17 to the Board and the Executive Director; and

18 (6) to make other improvements in the old-age,  
19 survivors, and disability insurance program under  
20 title II of the Social Security Act.

1 **TITLE I—ESTABLISHMENT OF**  
2 **THE SOCIAL SECURITY AD-**  
3 **MINISTRATION AS AN INDE-**  
4 **PENDENT AGENCY**

5 **SEC. 101. ESTABLISHMENT OF THE SOCIAL SECURITY AD-**  
6 **MINISTRATION AS A SEPARATE, INDEPEND-**  
7 **ENT AGENCY; RESPONSIBILITIES OF THE**  
8 **AGENCY.**

9 Section 701 of the Social Security Act (42 U.S.C.  
10 901) is amended to read as follows:

11 “SOCIAL SECURITY ADMINISTRATION

12 “SEC. 701. There is hereby established, as an inde-  
13 pendent agency in the executive branch of the Govern-  
14 ment, a Social Security Administration. It shall be the  
15 duty of the Administration to administer the old-age, sur-  
16 vivors, and disability insurance program under title II and  
17 the supplemental security income program under title  
18 XVI.”.

19 **SEC. 102. SOCIAL SECURITY BOARD, EXECUTIVE DIRECTOR,**  
20 **DEPUTY DIRECTOR, BENEFICIARY OMBUDS-**  
21 **MAN; OTHER OFFICERS.**

22 (a) IN GENERAL.—Section 702 of the Social Security  
23 Act (42 U.S.C. 902) is amended to read as follows:



1           “(III) one shall be appointed for a term of 6  
2           years,

3 as designated by the President at the time of appointment.

4 Such members shall be appointed after active consider-  
5 ation of recommendations made by the chairman of the  
6 Committee on Ways and Means of the House of Rep-  
7 resentatives and of recommendations made by the chair-  
8 man of the Committee on Finance of the Senate.

9           “(iii) The President may not nominate an individual  
10 for appointment to a term of office as member of the  
11 Board before the commencement of the President’s term  
12 of office in which the member’s term of office commences.  
13 Any member appointed to a term of office after the com-  
14 mencement of such term may serve under such appoint-  
15 ment only for the remainder of such term. A member may,  
16 at the request of the President, serve for not more than  
17 one year after the expiration of his or her term until his  
18 or her successor has taken office. A member of the Board  
19 may be appointed for additional terms.

20           “(C) Not more than two members of the Board shall  
21 be of the same political party.

22           “(D) A member of the Board may not, during his  
23 or her term as member, engage in any other business, vo-  
24 cation, profession, or employment. A member of the Board  
25 may continue as a member of the Board for not longer

1 than the 30-day period beginning on the date such mem-  
2 ber first fails to meet the requirements of the preceding  
3 sentence.

4 “(E) Two members of the Board shall constitute a  
5 quorum, except that one member may hold hearings.

6 “(F) A member of the Board shall be designated by  
7 the President to serve as Chairperson of the Board for  
8 a term of 4 years.

9 “(G) The Board shall meet at the call of the Chair-  
10 person or two members of the Board.

11 “(2) Each member of the Board shall be compensated  
12 at the rate provided for level II of the Executive Schedule.

13 “(3) The Board shall—

14 “(A) govern by regulation the old-age, survi-  
15 vors, and disability insurance program under title II  
16 and the supplemental security income program  
17 under title XVI,

18 “(B) establish the Administration and oversee  
19 its efficient and effective operation,

20 “(C) establish policy and devise long-term plans  
21 to promote and maintain the effective implementa-  
22 tion of programs referred to in subparagraph (A),

23 “(D) appoint an Executive Director of the Ad-  
24 ministration, as described in subsection (b), to act as  
25 the chief operating officer of the Administration re-

1       sponsible for administering the programs referred to  
2       in subparagraph (A),

3           “(E) constitute three of the members of the  
4       Board of Trustees of the Federal Old-Age and Sur-  
5       vivors Insurance Trust Fund and the Federal Dis-  
6       ability Insurance Trust Fund, with the Chairperson  
7       of the Social Security Board serving as Chairperson  
8       of such Board of Trustees,

9           “(F) prepare an annual budget for the Admin-  
10       istration, which shall be submitted by the President  
11       to the Congress without revision, together with the  
12       President’s annual budget for the Administration,

13          “(G) study and make recommendations to the  
14       Congress and the President as to the most effective  
15       methods of providing economic security through so-  
16       cial insurance, supplemental security income, and re-  
17       lated programs and as to legislation and matters of  
18       administrative policy concerning the programs re-  
19       ferred to in subparagraph (A),

20          “(H) provide the Congress and the President  
21       with the ongoing actuarial and other analysis under-  
22       taken by the Administration with respect to the pro-  
23       grams referred to in subparagraph (A) and any  
24       other information relating to such programs, and



1           “(I) conduct policy analysis and research relat-  
2           ing to the programs referred to in subparagraph  
3           (A).

4           “(4)(A) The Board may prescribe such rules and reg-  
5           ulations as the Board determines necessary or appropriate  
6           to carry out the functions of the Administration. The reg-  
7           ulations prescribed by the Board shall be subject to the  
8           rulemaking procedures established under section 553 of  
9           title 5, United States Code.

10          “(B) The Board may establish, alter, consolidate, or  
11          discontinue such organizational units or components with-  
12          in the Administration as the Board considers necessary  
13          or appropriate to carry out its functions, except that this  
14          subparagraph shall not apply with respect to any unit,  
15          component, or position provided for by this Act.

16          “(C) The Board may, with respect to the administra-  
17          tion of the old-age, survivors, and disability insurance pro-  
18          gram under title II and the supplemental security income  
19          program under title XVI, assign duties, and delegate, or  
20          authorize successive redelegations of, authority to act and  
21          to render decisions, to such officers and employees as the  
22          Board may find necessary. Within the limitations of such  
23          delegations, redelegations, or assignments, all official acts  
24          and decisions of such officers and employees shall have

1 the same force and effect as though performed or rendered  
2 by the Board.

3 “Executive Director

4 “(b)(1) There shall be in the Administration an Exec-  
5 utive Director who shall be appointed by the Social Secu-  
6 rity Board.

7 “(2)(A) The Executive Director shall be appointed  
8 for a term of four years. An individual appointed to a term  
9 of office as Executive Director after the commencement  
10 of such term of office may serve under such appointment  
11 only for the remainder of such term. An individual may,  
12 at the request of the Chairperson of the Board, serve as  
13 Executive Director after the expiration of his or her term  
14 for not more than one year until his or her successor has  
15 taken office. An individual may be appointed as Executive  
16 Director for additional terms.

17 “(B) An individual may be removed from the office  
18 of Executive Director before completion of his or her term  
19 only for cause found by the Board.

20 “(3) The Executive Director shall be compensated at  
21 the rate provided for level II of the Executive Schedule.

22 “(4) The Executive Director shall—

23 “(A) constitute the chief operating officer of the  
24 Administration, responsible for administering, in ac-  
25 cordance with applicable statutes and regulations,

1 the old-age, survivors, and disability insurance pro-  
2 gram under title II and the supplemental security  
3 income program under title XVI,

4 “(B) maintain an efficient and effective oper-  
5 ational structure for the Administration,

6 “(C) implement the long-term plans of the  
7 Board to promote and maintain the effective imple-  
8 mentation of such programs,

9 “(D) report annually to the Board on program  
10 costs under titles II and XVI, make annual budg-  
11 etary recommendations to the Board for the ongoing  
12 administrative costs of the Administration under this  
13 Act, and defend the recommendations before the  
14 Board,

15 “(E) advise the Board and the Congress on the  
16 effect on the administration of such programs of  
17 proposed legislative changes in such programs,

18 “(F) serve as Secretary of the Board of Trust-  
19 ees of the Federal Old-Age and Survivors Insurance  
20 Trust Fund and the Federal Disability Insurance  
21 Trust Fund,

22 “(G) report in December of each year to the  
23 Board for transmittal to the Congress concerning  
24 the administrative endeavors and accomplishments  
25 of the Administration, and

1           “(H) carry out such additional duties as are as-  
2           signed by the Board from time to time.

3 Any reference to the Board in this Act or any other provi-  
4 sion of law in connection with the exercise of a function  
5 of the Board which is delegated to the Executive Director  
6 pursuant to this section shall be considered a reference  
7 to the Executive Director.

8           “Deputy Director of Social Security

9           “(c)(1) There shall be in the Office of the Executive  
10 Director a Deputy Director, who shall be appointed by and  
11 serve at the pleasure of the Executive Director.

12          “(2) The Deputy Director shall be compensated at  
13 the rate provided for level III of the Executive Schedule.

14          “(3) The Deputy Director shall perform such duties  
15 and exercise such powers as the Executive Director shall  
16 from time to time assign or delegate. The Deputy Director  
17 shall be Acting Executive Director of the Administration  
18 during the absence or disability of the Executive Director  
19 and, unless the Board designates another officer of the  
20 Government as Acting Executive Director, in the event of  
21 a vacancy in the office of the Executive Director.

22           “General Counsel

23          “(d)(1) There shall be in the Administration a Gen-  
24 eral Counsel, who shall be appointed by and serve at the

1 pleasure of the Board. The General Counsel shall be the  
2 principal legal officer in the Administration.

3 “(2) The General Counsel shall be compensated at  
4 the rate provided for level IV of the Executive Schedule.

5 “Inspector General

6 “(e)(1) There shall be in the Administration an Office  
7 of the Inspector General. Such Office shall be headed by  
8 an Inspector General appointed in accordance with the In-  
9 spector General Act of 1978.

10 “(2) The Inspector General shall be compensated at  
11 the rate provided for level IV of the Executive Schedule.

12 “Beneficiary Ombudsman

13 “(f)(1) There shall be in the Administration an Office  
14 of the Beneficiary Ombudsman, to be headed by a Bene-  
15 ficiary Ombudsman appointed by the Board.

16 “(2)(A) The Beneficiary Ombudsman shall be ap-  
17 pointed for a term of five years, except that the individual  
18 first appointed to the Office of Beneficiary Ombudsman  
19 shall be appointed for a term ending September 30, 2000.  
20 An individual appointed to a term of office as Beneficiary  
21 Ombudsman after the commencement of such term may  
22 serve under such appointment only for the remainder of  
23 such term. An individual may, at the request of the Chair-  
24 person of the Board, serve as Beneficiary Ombudsman  
25 after the expiration of his or her term for not more than

1 one year until his or her successor has taken office. An  
2 individual may be appointed as Beneficiary Ombudsman  
3 for additional terms.

4 “(B) An individual may be removed from the office  
5 of Beneficiary Ombudsman before completion of his or her  
6 term only for cause found by the Board.

7 “(3) The Beneficiary Ombudsman shall be com-  
8 pensated at the rate provided for level V of the Executive  
9 Schedule.

10 “(4) The duties of the Beneficiary Ombudsman are  
11 as follows:

12 “(A) to represent within the Administration’s  
13 decisionmaking process the interests and concerns of  
14 beneficiaries under the old-age, survivors, and dis-  
15 ability insurance program under title II and the sup-  
16 plemental security income program under title XVI;

17 “(B) to review the Administration’s policies and  
18 procedures for possible adverse effects on such bene-  
19 ficiaries;

20 “(C) to recommend within the Administration’s  
21 decisionmaking process changes in policies which  
22 have caused problems for such beneficiaries;

23 “(D) to help resolve the problems under such  
24 programs of individual beneficiaries in unusual or

1 difficult circumstances, as determined by the Admin-  
2 istration; and

3 “(E) to represent within the Administration’s  
4 decisionmaking process the views of beneficiaries in  
5 the design of forms and the issuance of instructions.

6 “(5) The Board shall assure that the Office of the  
7 Beneficiary Ombudsman has staff sufficient to enable the  
8 Beneficiary Ombudsman to efficiently carry out his or her  
9 duties. Such staff shall be located in the regional offices,  
10 program centers, and central office of the Administration.

11 “(6) The annual report of the Board under section  
12 704 shall include a description of the activities of the Ben-  
13 eficiary Ombudsman.

14 “Administrative Law Judge

15 “(g)(1) There shall be in the Administration an Of-  
16 fice of the Chief Administrative Law Judge, who shall be  
17 appointed by the Board. The duty of the Chief Adminis-  
18 trative Law Judge shall be to administer the affairs of  
19 the administrative law judges serving in the Administra-  
20 tion in a manner so as to ensure that hearings and other  
21 business are conducted by the administrative law judges  
22 in accordance with applicable law and regulations.

23 “(2) The Chief Administrative Law Judge shall re-  
24 port directly to the Board.”.

1 (b) CONFORMING AMENDMENTS RELATING TO COM-  
2 POSITION OF BOARD OF TRUSTEES OF OASDI TRUST  
3 FUNDS.—Section 201(c) of such Act (42 U.S.C. 401(c))  
4 is amended—

5 (1) in the first sentence, by striking “shall be  
6 composed of” and all that follows down through “ex  
7 officio” and inserting the following: “shall be com-  
8 posed of the members of the Social Security Board,  
9 the Secretary of the Treasury, the Secretary of  
10 Health and Human Services, all ex officio”;

11 (2) by inserting after the first sentence the fol-  
12 lowing new sentence: “The Chairperson of the Social  
13 Security Board shall be the Chairperson of the  
14 Board of Trustees.”; and

15 (3) by striking “Commissioner of Social Secu-  
16 rity” and inserting “Executive Director of the Social  
17 Security Administration”.

18 (c) INTERIM AUTHORITY OF THE COMMISSIONER.—  
19 The President shall nominate for appointment the initial  
20 members of the Social Security Board not later than April  
21 1, 1995. In the event that, as of October 1, 1995, all mem-  
22 bers of the Social Security Board have not entered upon  
23 office, until all members of the Board have entered upon  
24 office, the officer serving on October 1, 1995, as Commis-  
25 sioner of Social Security in the Department of Health and



1 Human Services (or Acting Commissioner, if applicable),  
2 or such officer's successor, shall, while continuing to serve  
3 as Commissioner of Social Security (or Acting Commis-  
4 sioner) in such Department, serve as head of the Social  
5 Security Administration established under section 701 of  
6 the Social Security Act (as amended by this Act) and shall  
7 assume the powers and duties of such Board and of the  
8 Executive Director under such Act (as amended by this  
9 Act).

10 **SEC. 103. PERSONNEL; BUDGETARY MATTERS; FACILITIES;**  
11 **AND PROCUREMENT; SEAL OF OFFICE.**

12 Section 703 of the Social Security Act (42 U.S.C.  
13 903) is amended to read as follows:

14 "ADMINISTRATIVE DUTIES OF THE SOCIAL SECURITY  
15 BOARD

16 "Personnel

17 "SEC. 703. (a)(1) The Social Security Board shall  
18 appoint such additional officers and employees as it con-  
19 siders necessary to carry out its functions. Except as oth-  
20 erwise provided in any other provision of law, such officers  
21 and employees shall be appointed, and their compensation  
22 shall be fixed, in accordance with title 5, United States  
23 Code.

24 "(2) The Board may procure the services of experts  
25 and consultants in accordance with the provisions of sec-  
26 tion 3109 of title 5, United States Code.

1       “(3) The Director of the Office of Personnel Manage-  
2 ment shall authorize for the Administration a total num-  
3 ber of Senior Executive Service positions which is greater  
4 than the number of such positions authorized in the Social  
5 Security Administration in the Department of Health and  
6 Human Services as of immediately before the date of the  
7 enactment of the Social Security Administrative Reform  
8 Act of 1994, to the extent that the greater number of such  
9 authorized positions is specified in the comprehensive  
10 workforce plan as established and revised by the Board  
11 under subsection (b)(1). The total number of such posi-  
12 tions authorized for the Administration pursuant to such  
13 section 3133 shall not at any time be less than the number  
14 of such authorized positions as of immediately before such  
15 date.

16       “(4) In addition to the positions of the Administra-  
17 tion in the Executive Schedule specified in section 702,  
18 the Administration is authorized six additional positions  
19 at level IV of the Executive Schedule and six additional  
20 positions at level V of the Executive Schedule.

21                               “Budgetary Matters

22       “(b)(1) Appropriations requests for staffing and per-  
23 sonnel of the Administration shall be based upon a com-  
24 prehensive workforce plan, which shall be established and  
25 revised from time to time by the Board. The entire amount

1 of appropriations provided for the administrative costs of  
2 the Administration shall be apportioned in the time period  
3 provided in title 31, United States Code, for apportion-  
4 ment and shall be apportioned for the entire period of  
5 availability without restriction or deduction by the appor-  
6 tioning officer or employee of the Office of Management  
7 and Budget or any other entity within the executive  
8 branch of the Federal Government, except as otherwise  
9 provided in this subsection.

10       “(2) The report submitted pursuant to section 704  
11 shall include a section reflecting the use of budget author-  
12 ity provided to the Administration by quarters.

13       “(3)(A) The authority of the Administration for fa-  
14 cilities construction, and any authority of the Administra-  
15 tion for automated data processing procurement which is  
16 delegated thereto, shall be provided in the form of contract  
17 authority covering the total costs thereof, to be available  
18 until expended.

19       “(B) Amounts necessary for the liquidation of con-  
20 tract authority provided pursuant to this paragraph are  
21 hereby made available from the Federal Old-Age and Sur-  
22 vivors Insurance Trust Fund and the Federal Disability  
23 Insurance Trust Fund to the extent that the Board, with  
24 the concurrence of the Secretary of the Treasury, deter-  
25 mines that such amounts are not necessary to meet the

1 current obligations for benefit payments from the Trust  
2 Funds.

3 “(C) Funds appropriated for the Administration to  
4 be available on a contingency basis shall be apportioned  
5 only upon the occurrence of the stipulated contingency, as  
6 determined by the Board and reported to each House of  
7 the Congress.

8 “Seal of Office

9 “(c) The Board shall cause a seal of office to be made  
10 for the Administration of such design as the Board shall  
11 approve. Judicial notice shall be taken of such seal.”.

12 **SEC. 104. TRANSFERS TO THE NEW SOCIAL SECURITY AD-**  
13 **MINISTRATION.**

14 (a) FUNCTIONS.—There are transferred to the Social  
15 Security Administration all functions carried out by the  
16 Secretary of Health and Human Services with respect to  
17 the programs and activities the administration of which  
18 is vested in the Social Security Administration by reason  
19 of this Act and the amendments made thereby. The Social  
20 Security Board shall allocate such functions in accordance  
21 with sections 701, 702, and 703 of the Social Security  
22 Act (as amended by this Act).

23 (b) PERSONNEL, ASSETS, ETC.—(1) There are trans-  
24 ferred from the Department of Health and Human Serv-  
25 ices to the Social Security Administration, for appropriate

1 allocation by the Social Security Board in the Social Secu-  
2 rity Administration—

3 (A) the personnel (other than administrative  
4 law judges) employed in connection with the func-  
5 tions transferred by this Act and the amendments  
6 made thereby, as considered appropriate by the  
7 Board in consultation with the Secretary of Health  
8 and Human Services,

9 (B) such number of administrative law judges  
10 as are necessary to carry out the functions trans-  
11 ferred by this Act and the amendments made there-  
12 by, as determined by the Board in consultation with  
13 the Secretary of Health and Human Services, and

14 (C) the assets, liabilities, contracts, property,  
15 records, and unexpended balance of appropriations,  
16 authorizations, allocations, and other funds em-  
17 ployed, held, or used in connection with such func-  
18 tions, arising from such functions, or available, or to  
19 be made available, in connection with such functions.

20 (2) Unexpended funds transferred pursuant to this  
21 subsection shall be used only for the purposes for which  
22 the funds were originally authorized and appropriated.

23 (3) The Secretary of Health and Human Services  
24 shall terminate—

1           (A) six positions in the Department of Health  
2           and Human Services placed in level IV of the Execu-  
3           tive Schedule (or equivalent positions) other than po-  
4           sitions specifically required under section 5315 of  
5           title 5, United States Code, or any other provision  
6           of law, and

7           (B) six positions in such Department placed in  
8           level V of the Executive Schedule (or equivalent po-  
9           sitions) other than positions specifically required  
10          under section 5316 of such title or any other provi-  
11          sion of law.

12          (4) The transfer pursuant to this section of full-time  
13          personnel (except special Government employees) and  
14          part-time personnel holding permanent positions shall not  
15          cause any such employees to be separated or reduced in  
16          grade or compensation for 1 year after such transfer or  
17          October 1, 1995, whichever is later.

18          (c) ABOLISHMENT OF OFFICE OF COMMISSIONER IN  
19          THE DEPARTMENT OF HEALTH AND HUMAN SERV-  
20          ICES.—Effective upon the entry upon office of all initial  
21          members of the Social Security Board pursuant to section  
22          702 of the Social Security Act (as amended by this Act),  
23          the position of Commissioner of Social Security in the De-  
24          partment of Health and Human Services is abolished.

1 **SEC. 105. TRANSITIONAL RULES.**

2 (a) INTERIM AUTHORITY FOR APPOINTMENT AND  
3 COMPENSATION.—At any time on or after the date of the  
4 enactment of this Act—

5 (1) any of the officers provided for in section  
6 702 of the Social Security Act (as amended by this  
7 Act) may enter upon office, as provided in such sec-  
8 tion, and

9 (2) the Social Security Board, upon entry upon  
10 office of all of the members thereof, may prescribe  
11 regulations providing for the orderly transfer of pro-  
12 ceedings before the Secretary of Health and Human  
13 Services to the Social Security Board.

14 Funds available to any official or component of the De-  
15 partment of Health and Human Services, functions of  
16 which are transferred to the Social Security Board or the  
17 Social Security Administration by this Act, may be used,  
18 with the approval of the Director of the Office of Manage-  
19 ment and Budget, to pay the compensation and expenses  
20 of any officer entering upon office pursuant to this section  
21 until such time as funds for that purpose are otherwise  
22 available.

23 (b) CONTINUATION OF ORDERS, DETERMINATIONS,  
24 RULES, REGULATIONS, ETC.—All orders, determinations,  
25 rules, regulations, permits, contracts, collective bargaining

1 agreements, recognitions of labor organizations, certifi-  
2 cates, licenses, and privileges—

3           (1) which have been issued, made, promulgated,  
4           granted, or allowed to become effective, in the exer-  
5           cise of functions (A) which were exercised by the  
6           Secretary of Health and Human Services (or his del-  
7           egate), and (B) which relate to functions which, by  
8           reason of this Act, the amendments made thereby,  
9           and regulations prescribed thereunder, are vested in  
10          the Social Security Board, and

11          (2) which are in effect immediately before Octo-  
12          ber 1, 1995,

13 shall (to the extent that they relate to functions described  
14 in paragraph (1)(B)) continue in effect according to their  
15 terms until modified, terminated, suspended, set aside, or  
16 repealed, in accordance with law, by such Board.

17          (c) CONTINUATION OF PROCEEDINGS.—The provi-  
18 sions of this Act (including the amendments made there-  
19 by) shall not affect any proceeding pending before the Sec-  
20 retary of Health and Human Services immediately before  
21 October 1, 1995, with respect to functions vested (by rea-  
22 son of this Act, the amendments made thereby, and regu-  
23 lations prescribed thereunder) in the Social Security  
24 Board, except that such proceedings, to the extent that  
25 they relate to such functions, shall continue before such



1 Board. Orders shall be issued under any such proceeding,  
2 appeals taken therefrom, and payments shall be made pur-  
3 suant to such orders, in like manner as if this Act had  
4 not been enacted, and orders issued in any such proceed-  
5 ing shall continue in effect until modified, terminated, su-  
6 perseded, or repealed by such Board, by a court of com-  
7 petent jurisdiction, or by operation of law.

8 (d) CONTINUATION OF SUITS.—Except as provided  
9 in this subsection—

10 (1) the provisions of this Act shall not affect  
11 suits commenced prior to October 1, 1995; and

12 (2) in all such suits proceedings shall be had,  
13 appeals taken, and judgments rendered, in the same  
14 manner and effect as if this Act had not been en-  
15 acted. No cause of action, and no suit, action, or  
16 other proceeding commenced by or against any offi-  
17 cer in his official capacity as an officer of the De-  
18 partment of Health and Human Services, shall abate  
19 by reason of the enactment of this Act. Causes of  
20 action, suits, actions, or other proceedings may be  
21 asserted by or against the United States and the So-  
22 cial Security Administration, or such official of such  
23 Administration as may be appropriate, and, in any  
24 litigation pending immediately before October 1,  
25 1995, the court may at any time, on its own motion

1 or that of a party, enter an order which will give ef-  
2 fect to the provisions of this subsection (including,  
3 where appropriate, an order for substitution of par-  
4 ties).

5 (e) CONTINUATION OF PENALTIES.—This Act shall  
6 not have the effect of releasing or extinguishing any crimi-  
7 nal prosecution, penalty, forfeiture, or liability incurred as  
8 a result of any function which (by reason of this Act),  
9 the amendments made thereby, and regulations prescribed  
10 thereunder) is vested in the Social Security Board.

11 (f) JUDICIAL REVIEW.—Orders and actions of the  
12 Social Security Board in the exercise of functions vested  
13 in such Board under this Act (and the amendments made  
14 thereby) shall be subject to judicial review to the same  
15 extent and in the same manner as if such orders had been  
16 made and such actions had been taken by the Secretary  
17 of Health and Human Services in the exercise of such  
18 functions immediately before October 1, 1995. Any statu-  
19 tory requirements relating to notice, hearings, action upon  
20 the record, or administrative review that apply to any  
21 function so vested in such Board shall continue to apply  
22 to the exercise of such function by such Board.

23 (g) EXERCISE OF FUNCTIONS.—In the exercise of the  
24 functions vested in the Social Security Board under this  
25 Act, the amendments made thereby, and regulations pre-

1 scribed thereunder, such Board shall have the same au-  
2 thority as that vested in the Secretary of Health and  
3 Human Services with respect to the exercise of such func-  
4 tions immediately preceding the vesting of such functions  
5 in such Board, and actions of such Board shall have the  
6 same force and effect as when exercised by such Secretary.

7 (h) OPERATION OF TRANSITIONAL RULES IN THE  
8 EVENT OF INTERIM AUTHORITY IN THE COMMIS-  
9 SIONER.—For purposes of this section, in any case in  
10 which the powers and duties to be transferred to the Social  
11 Security Board are transferred to the Commissioner of So-  
12 cial Security (or acting Commissioner) in the Department  
13 of Health and Human Services for an interim period pur-  
14 suant to section 102(c), the preceding provisions of this  
15 section shall apply with respect to the transfer of such  
16 powers and duties to and from such Commissioner (or act-  
17 ing Commissioner) pursuant to section 102(c) in the same  
18 manner and to the same extent as they would have applied  
19 to a direct transfer from the Secretary of Health and  
20 Human Services to the Social Security Board if all mem-  
21 bers of the Board had entered upon office.

22 **SEC. 106. CONFORMING AMENDMENTS TO TITLES II AND**  
23 **XVI OF THE SOCIAL SECURITY ACT.**

24 (a) IN GENERAL.—Title II of the Social Security Act  
25 (other than section 201, section 218(d), section 226, sec-

1 tion 226A, and section 231(c)) and title XVI of such Act  
2 are each amended—

3 (1) by striking, wherever it appears therein,  
4 “Secretary of Health and Human Services” and in-  
5 serting “Social Security Board”;

6 (2) by striking, wherever it appears therein,  
7 “Department of Health and Human Services” and  
8 inserting “Social Security Administration”;

9 (3) by striking, wherever it appears therein,  
10 “Department” (but only if it is not immediately suc-  
11 ceeded by the words “of Health and Human Serv-  
12 ices”, and only if it is used in reference to the De-  
13 partment of Health and Human Services) and in-  
14 serting “Administration”;

15 (4) by striking, wherever it appears therein,  
16 each of the following words (but, in the case of any  
17 such word only if such word refers to the Secretary  
18 of Health and Human Services): “Secretary”, “Sec-  
19 retary’s”, “his”, “him”, and “he”, and inserting (in  
20 the case of the word “Secretary”) “Social Security  
21 Board”, (in the case of the word “Secretary’s”)  
22 “Board’s”, (in the case of the word “his”) “the  
23 Board’s”, (in the case of the word “him”) “the  
24 Board”, and (in the case of the word “he”) “the  
25 Board”; and

1           (5) by striking, wherever it appears therein,  
2           “Internal Revenue Code of 1954” and inserting “In-  
3           ternal Revenue Code of 1986”.

4           (b) AMENDMENTS TO SECTION 218.—Section 218(d)  
5 of such Act (42 U.S.C. 418(d)) is amended by striking  
6 “Secretary” each place it appears in paragraphs (3) and  
7 (7) and inserting “Social Security Board”.

8           (c) AMENDMENTS TO SECTION 222.—Section 222(d)  
9 of such Act (42 U.S.C. 422(d)) is amended—

10           (1) in the last sentence of paragraph (1), by  
11           striking “Commissioner of Social Security” and in-  
12           serting “Executive Director of the Social Security  
13           Administration”; and

14           (2) in the first sentence of paragraph (2), by  
15           striking “Commissioner of Social Security” and in-  
16           serting “Executive Director of the Social Security  
17           Administration”.

18           (d) AMENDMENT TO SECTION 231.—Section 231(c)  
19 of such Act (42 U.S.C. 431(c)) is amended by striking  
20 “Secretary determines” and inserting “Social Security  
21 Board and the Secretary jointly determine”.

22           (e) AMENDMENT TO SECTION 1615.—Section  
23 1615(d) of such Act (42 U.S.C. 1832d(d)) is amended  
24 by striking “Commissioner of Social Security” and insert-

1 ing “Executive Director of the Social Security Administra-  
2 tion”.

3 **SEC. 107. OTHER CONFORMING AMENDMENTS.**

4 Title VII of the Social Security Act is amended—

5 (1) by striking section 704 (42 U.S.C. 904) and  
6 inserting the following new section:

7 “REPORTS

8 “SEC. 704. The Secretary and the Social Security  
9 Board shall make full reports to Congress, within 120  
10 days after the beginning of each regular session, of the  
11 administration of the functions with which they are  
12 charged under this Act. In addition to the number of cop-  
13 ies of such reports authorized by other law to be printed,  
14 there is hereby authorized to be printed not more than  
15 5,000 copies of each such report for use by the Secretary  
16 and Social Security Board for distribution to Members of  
17 Congress and to State and other public or private agencies  
18 or organizations participating in or concerned with the  
19 programs provided for in this Act.”;

20 (2) in section 709(b)(2) (42 U.S.C. 910(b)(2)),  
21 by striking “(as estimated by the Secretary)” and  
22 inserting “, as estimated by the Social Security  
23 Board or the Secretary (whichever administers the  
24 program involved),”; and

25 (3) by adding at the end thereof the following  
26 new section:

1 “DUTIES AND AUTHORITY OF SECRETARY

2 “SEC. 712. (a) The Secretary shall perform the du-  
3 ties imposed upon him by this Act and shall also have the  
4 duty of studying and making recommendations as to the  
5 most effective methods of providing economic security and  
6 as to legislation and matters of administrative policy con-  
7 cerning the programs administered by the Secretary and  
8 related subjects; except that nothing in this section shall  
9 be construed to require the Secretary to make studies or  
10 recommendations with respect to programs administered  
11 by the Social Security Administration.

12 “(b) The Secretary is authorized to appoint and fix  
13 the compensation of such officers and employees, and to  
14 make such expenditures, as may be necessary for carrying  
15 out the Secretary’s functions under this Act. Appoint-  
16 ments of attorneys and experts may be made without re-  
17 gard to the civil service laws.”.

18 **SEC. 108. RULES OF CONSTRUCTION.**

19 (a) REFERENCES TO THE DEPARTMENT OF HEALTH  
20 AND HUMAN SERVICES.—Whenever any reference is made  
21 in any provision of law (other than this Act or a provision  
22 of law amended by this Act), regulation, rule, record, court  
23 order, or other document to the Department of Health and  
24 Human Services with respect to such Department’s func-  
25 tions under the old-age, survivors, and disability insurance

1 program under title II of the Social Security Act or the  
2 supplemental security income program under title XVI of  
3 such Act, such reference shall be considered a reference  
4 to the Social Security Administration.

5 (b) REFERENCES TO THE SECRETARY OF HEALTH  
6 AND HUMAN SERVICES.—Whenever any reference is made  
7 in any provision of law (other than this Act or a provision  
8 of law amended by this Act), regulation, rule, record, court  
9 order, or other document to the Secretary of Health and  
10 Human Services with respect to such Secretary’s functions  
11 under such programs, such reference shall be considered  
12 a reference to the Social Security Board.

13 (c) REFERENCES TO OTHER OFFICERS AND EM-  
14 PLOYEES.—Whenever any reference is made in any provi-  
15 sion of law (other than this Act or a provision of law  
16 amended by this Act), regulation, rule, record, or docu-  
17 ment to any other officer or employee of the Department  
18 of Health and Human Services with respect to such offi-  
19 cer’s or employee’s functions under such programs, such  
20 reference shall be considered a reference to the appro-  
21 priate officer or employee of the Social Security Adminis-  
22 tration.



1 **SEC. 109. EFFECTIVE DATES.**

2 (a) IN GENERAL.—Sections 101, 102(a), 103, 104,  
3 106, 107, and 108 of this Act (and the amendments made  
4 thereby) shall take effect October 1, 1995.

5 (b) EXCEPTIONS.—Section 102(b) of this Act shall  
6 take effect upon the entry upon office of all initial mem-  
7 bers of the Social Security Board. Sections 102(c) and  
8 105 of this Act shall take effect on the date of the enact-  
9 ment of this Act.

10 (c) NEW SPENDING AUTHORITY.—Any new spending  
11 authority provided by this title shall be effective for any  
12 fiscal year only to such extent or in such amounts as are  
13 provided in advance in appropriation Acts.

14 **TITLE II—IMPROVEMENTS TO**  
15 **THE OLD-AGE, SURVIVORS,**  
16 **AND DISABILITY INSURANCE**  
17 **PROGRAM**

18 **SEC. 201. RESTRICTIONS ON PAYMENT OF BENEFITS BASED**  
19 **ON DISABILITY TO SUBSTANCE ABUSERS.**

20 (a) AMENDMENTS RELATING TO BENEFITS BASED  
21 ON DISABILITY UNDER TITLE II OF THE SOCIAL SECUR-  
22 ITY ACT.—

23 (1) REQUIRED PAYMENT OF BENEFITS TO REP-  
24 RESENTATIVE PAYEES.—

1 (A) IN GENERAL.—Section 205(j)(1) of  
2 the Social Security Act (42 U.S.C. 405(j)(1)) is  
3 amended—

4 (i) by inserting after the first sentence  
5 the following new sentence: “In the case of  
6 an individual entitled to benefits based on  
7 disability, if alcoholism or drug addiction is  
8 a contributing factor material to the Sec-  
9 retary’s determination that the individual  
10 is under a disability, certification of pay-  
11 ment of such benefits to a representative  
12 payee shall be deemed to serve the interest  
13 of such individual under this title.”; and

14 (ii) in the last sentence, by inserting  
15 “, if the interest of the individual under  
16 this title would be served thereby,” after  
17 “alternative representative payee or”.

18 (B) EFFECTIVE DATE.—The amendments  
19 made by subparagraph (A) shall apply with re-  
20 spect to benefits for months beginning after  
21 180 days after the date of the enactment of this  
22 Act.

23 (C) STUDY REGARDING FEASIBILITY,  
24 COST, AND EQUITY OF REQUIRING REPRESENT-  
25 ATIVE PAYEES FOR ALL DISABILITY BENE-

1 FICIARIES SUFFERING FROM ALCOHOLISM OR  
2 DRUG ADDICTION.—

3 (i) STUDY.—As soon as practicable  
4 after the date of the enactment of this Act,  
5 the Secretary of Health and Human Serv-  
6 ices shall conduct a study of the feasibility,  
7 cost, and equity of requiring representative  
8 payees for all individuals entitled to bene-  
9 fits based on disability under title II or  
10 XVI of the Social Security Act who suffer  
11 from alcoholism or drug addiction, irre-  
12 spective of whether the alcoholism or drug  
13 addiction was material in any case to the  
14 Secretary's determination of disability.

15 (ii) REPORT.—Not later than April 1,  
16 1995, the Secretary shall transmit to the  
17 Committee on Ways and Means of the  
18 House of Representatives and the Commit-  
19 tee on Finance of the Senate a report set-  
20 ting forth the findings of the Secretary  
21 based on such Study. Such report shall in-  
22 clude such recommendations for adminis-  
23 trative or legislative changes as the Sec-  
24 retary considers appropriate.

1           (2) INCREASED RELIANCE ON PROFESSIONAL  
2 REPRESENTATIVE PAYEES.—

3           (A) PREFERENCE REQUIRED FOR ORGANI-  
4 ZATIONAL REPRESENTATIVE PAYEES.—Section  
5 205(j)(2)(C) of such Act (42 U.S.C.  
6 405(j)(2)(C)) is amended by adding at the end  
7 the following new clause:

8           “(v) In selecting under this paragraph any person to  
9 serve as the representative payee for an individual entitled  
10 to benefits based on disability, if alcoholism or drug addic-  
11 tion is a contributing factor material to the Secretary’s  
12 determination that the individual is under a disability,  
13 preference shall be given to community-based nonprofit so-  
14 cial service agencies licensed or bonded by the State, or  
15 State or local government agencies whose mission is to  
16 carry out income maintenance, social service, or health  
17 care-related activities.”.

18           (B) AVAILABILITY OF PUBLIC AGENCIES  
19 AND OTHER QUALIFIED ORGANIZATIONS TO  
20 SERVE AS REPRESENTATIVE PAYEES.—Section  
21 205(j)(4) of such Act (42 U.S.C. 405(j)(4)) is  
22 amended—

23           (i) in subparagraph (A)(ii), by insert-  
24 ing “(\$50.00 per month in the case of an  
25 individual who is entitled to benefits based

1 on disability if alcoholism or drug addic-  
2 tion is a contributing factor material to the  
3 Secretary's determination that the individ-  
4 ual is under a disability)" after "\$25.00  
5 per month"; and

6 (ii) in subparagraph (B)—

7 (I) by inserting "State or local  
8 government agency whose mission is  
9 to carry out income maintenance, so-  
10 cial service, or health care-related ac-  
11 tivities, or any" after "means any";

12 (II) by striking "representative  
13 payee and which," and inserting "rep-  
14 resentative payee, if such agency,";  
15 and

16 (III) by striking ", and" at the  
17 end of clause (ii) and inserting a pe-  
18 riod.

19 (C) DEFINITION.—Section 205(j) of such  
20 Act (42 U.S.C. 405(j)) is amended by adding at  
21 the end the following new paragraph:

22 "(7) For purposes of this subsection, the term 'bene-  
23 fit based on disability' of an individual means a disability  
24 insurance benefit of such individual under section 223 or  
25 a child's, widow's, or widower's insurance benefit of such

1 individual under section 202 based on such individual's  
2 disability.”.

3 (3) NONPAYMENT OR TERMINATION OF BENE-  
4 FITS BY REASON OF NONCOMPLIANCE WITH TREAT-  
5 MENT REQUIREMENTS.—

6 (A) IN GENERAL.—Section 225 of such  
7 Act (42 U.S.C. 425) is amended—

8 (i) by striking the heading and insert-  
9 ing the following:

10 “ADDITIONAL RULES RELATING TO BENEFITS BASED ON  
11 DISABILITY

12 “Suspension of Benefits”;

13 (ii) by inserting before subsection (b)  
14 the following new heading:

15 “Continued Payments During Rehabilitation Program”;

16 and

17 (iii) by adding at the end the follow-  
18 ing new subsection:

19 “Nonpayment or Termination of Benefits for Failure to  
20 Undergo Required Treatment for Alcoholism or  
21 Drug Addiction

22 “(c)(1) Notwithstanding any other provision of this  
23 title, in the case of any individual entitled to benefits  
24 based on disability, if alcoholism or drug addiction is a  
25 contributing factor material to the Secretary's determina-  
26 tion that such individual is under a disability and such

1 individual is determined by the Secretary not to be in com-  
2 pliance with the requirements of this subsection for a  
3 month, such benefits shall be suspended for a period com-  
4 mencing with such month and ending with the month pre-  
5 ceding the first month, after the determination of non-  
6 compliance, in which such individual demonstrates that he  
7 or she has reestablished and maintained compliance with  
8 such requirements for the applicable period specified in  
9 paragraph (3).

10       “(2)(A) An individual described in paragraph (1) is  
11 in compliance with the requirements of this subsection for  
12 a month if such individual in such month undergoes any  
13 medical or psychological treatment that may be appro-  
14 priate, for such individual’s condition diagnosed as sub-  
15 stance abuse or alcohol abuse and for the stage of such  
16 individual’s rehabilitation, at an institution or facility ap-  
17 proved for purposes of this subsection by the Secretary,  
18 and complies in such month with the terms, conditions,  
19 and requirements of such treatment and with require-  
20 ments imposed by the Secretary under paragraph (6).

21       “(B) An individual described in paragraph (1) shall  
22 not be determined to be not in compliance with the re-  
23 quirements of this subsection for a month if access by such  
24 individual to such treatment is not reasonably available

1 for that month, as determined under regulations of the  
2 Secretary.

3 “(3) The applicable period specified in this paragraph  
4 is:

5 “(A) 2 consecutive months, in the case of a  
6 first determination that an individual is not in com-  
7 pliance with the requirements of this subsection,

8 “(B) 3 consecutive months, in the case of the  
9 second such determination with respect to the indi-  
10 vidual, and

11 “(C) 6 consecutive months, in the case of the  
12 third or subsequent such determination with respect  
13 to the individual.

14 “(4) In any case in which an individual’s benefit is  
15 suspended for a period of 12 consecutive months for fail-  
16 ure to comply with treatment described in paragraph (2)  
17 of this subsection, the month following such period shall  
18 be deemed, for purposes of section 223(a)(1) or subsection  
19 (d)(1)(G)(i), (e)(1), or (f)(1) of section 202 (as applica-  
20 ble), as the termination month with respect to such entitle-  
21 ment.

22 “(5)(A) Subject to subparagraph (B), monthly insur-  
23 ance benefits under this title which would be payable to  
24 any individual (other than the disabled individual to whom  
25 benefits are not payable by reason of this subsection) on



1 the basis of the wages and self-employment income of such  
2 disabled individual but for the provisions of paragraph (1)  
3 or (4), shall be payable as though such disabled individual  
4 were receiving such benefits which are not payable under  
5 this subsection (and, in the case of a disabled individual  
6 whose entitlement is terminated under paragraph (4), as  
7 though such disabled individual's entitlement were not ter-  
8 minated).

9       “(B) If the monthly insurance benefits of a disabled  
10 individual referred to in subparagraph (A) are not payable  
11 by reason of termination of entitlement under paragraph  
12 (4), monthly insurance benefits which are payable to any  
13 other individual on the basis of the wages and self-employ-  
14 ment income of such disabled individual pursuant to sub-  
15 paragraph (A) shall not be payable for any month after  
16 2 years after the last month of such entitlement.

17       “(6)(A) The Secretary shall provide for the monitor-  
18 ing and testing of all individuals who are receiving benefits  
19 under this title and who as a condition of payment of such  
20 benefits are required to be undergoing treatment and com-  
21 plying with the terms, conditions, and requirements there-  
22 of as described in paragraph (2)(A), in order to assure  
23 such compliance and to determine the extent to which the  
24 imposition of such requirements is contributing to the  
25 achievement of the purposes of this title. The Secretary

1 shall annually submit to the Congress a full and complete  
2 report on the Secretary's activities under this paragraph.

3       “(B) The Secretary, in consultation with drug and  
4 alcohol treatment professionals, shall issue regulations—

5           “(i) defining appropriate treatment for alcohol-  
6 ics and drug addicts who are subject to required  
7 medical or psychological treatment under this sub-  
8 section, and

9           “(ii) establishing guidelines to be used to review  
10 and evaluate their compliance, including measures of  
11 the progress of participants in such programs.

12       “(C)(i) For purposes of carrying out the require-  
13 ments of subparagraphs (A) and (B), the Secretary shall  
14 establish in each State a referral and monitoring agency  
15 for such State.

16       “(ii) Each referral and monitoring agency for a State  
17 shall—

18           “(I) identify appropriate placements, for indi-  
19 viduals residing in such State who are entitled to  
20 benefits based on disability and with respect to  
21 whom alcoholism or drug addiction is a contributing  
22 factor material to the Secretary's determination that  
23 they are under a disability, where they may obtain  
24 treatment described in paragraph (2)(A),

1           “(II) refer such individuals to such placements  
2           for such treatment, and

3           “(III) monitor compliance with the require-  
4           ments of paragraph (2)(A) by individuals who are  
5           referred by the agency to such placements and  
6           promptly report failures to comply to the Secretary.

7           “(7) In the case of any individual who is entitled to  
8           a benefit based on disability for any month, if alcoholism  
9           or drug addiction is a contributing factor material to the  
10          Secretary’s determination that the individual is under a  
11          disability, payment of any past-due monthly insurance  
12          benefits under this title to which such individual is entitled  
13          shall be made in any month only to the extent that the  
14          sum of—

15                 “(A) the amount of such past-due benefit paid  
16                 in such month, and

17                 “(B) the amount of any benefit for the preced-  
18                 ing month under such current entitlement which is  
19                 payable in such month,

20          does not exceed 200 percent of the amount of such benefit  
21          for the preceding month.

22           “(8) For purposes of this subsection, the term ‘bene-  
23          fit based on disability’ of an individual means a disability  
24          insurance benefit of such individual under section 223 or  
25          a child’s, widow’s, or widower’s insurance benefit of such

1 individual under section 202 based on the disability of  
2 such individual.”.

3 (B) PRESERVATION OF MEDICARE BENE-  
4 FITS.—Section 226 of such Act (42 U.S.C.  
5 426) is amended by adding at the end the fol-  
6 lowing:

7 “(i) For purposes of this section, each person whose  
8 benefit for any month is not payable by reason of para-  
9 graph (1) of section 225(c) (and is not terminated by rea-  
10 son of paragraph (4) of section 225(c)) shall be treated  
11 as entitled to such benefit for such month if such person  
12 would be entitled to such benefit for such month in the  
13 absence of such section.”.

14 (C) EFFECTIVE DATE.—The amendments  
15 made by this paragraph (other than section  
16 225(c)(6)(C) of the Social Security Act added  
17 by this paragraph) shall apply with respect to  
18 benefits based on disability (as defined in sec-  
19 tion 225(c)(8) of the Social Security Act, added  
20 by this section) of individuals becoming eligible  
21 for such benefits after 180 days after the date  
22 of the enactment of this Act. For purposes of  
23 determining eligibility for benefits under this  
24 subparagraph, the rules applicable in determin-  
25 ing eligibility under section 215(a)(3)(B)(ii) of

1 the Social Security Act shall apply. Section  
2 225(c)(6)(C) of the Social Security Act shall  
3 take effect 180 days after the date of the enact-  
4 ment of this Act.

5 (4) IRRELEVANCE OF LEGALITY OF SERVICES  
6 PERFORMED IN DETERMINING SUBSTANTIAL GAIN-  
7 FUL ACTIVITY.—

8 (A) IN GENERAL.—Section 223(d)(4) of  
9 such Act (42 U.S.C. 423(d)(4)) is amended—

10 (i) by inserting “(A)” after “(4)”; and

11 (ii) by adding at the end the following  
12 new subparagraph:

13 “(B) In determining under subparagraph (A) when  
14 services performed or earnings derived from services dem-  
15 onstrate an individual’s ability to engage in substantial  
16 gainful activity, the Secretary apply the criteria described  
17 in subparagraph (A) with respect to services performed  
18 by any individual without regard to the legality of such  
19 services.”.

20 (B) EFFECTIVE DATE.—The amendments  
21 made by this paragraph shall take effect on the  
22 date of the enactment of this Act.

23 (b) AMENDMENTS RELATING TO SUPPLEMENTAL SE-  
24 CURITY INCOME BENEFITS UNDER TITLE XVI OF THE  
25 SOCIAL SECURITY ACT.—

1           (1) REQUIRED PAYMENT OF BENEFITS TO REP-  
2       RESENTATIVE PAYEES.—

3           (A) IN GENERAL.—Section 1631(a)(2)(A)  
4       of the Social Security Act (42 U.S.C.  
5       1383(a)(2)(A)) is amended—

6           (i) in clause (ii), by adding at the end  
7       the following: “In the case of an individual  
8       entitled to benefits under this title by rea-  
9       son of disability, if alcoholism or drug ad-  
10      dition is a contributing factor material to  
11      the Secretary’s determination that the in-  
12      dividual is disabled, the payment of such  
13      benefits to a representative payee shall be  
14      deemed to serve the interest of such indi-  
15      vidual under this title.”; and

16          (ii) in clause (iii), by striking “to the  
17      individual or eligible spouse or to an alter-  
18      native representative payee of the individ-  
19      ual or eligible spouse” and inserting “to an  
20      alternative representative payee of the indi-  
21      vidual or eligible spouse or, if the interest  
22      of the individual under this title would be  
23      served thereby, to the individual or eligible  
24      spouse”.

1 (B) EFFECTIVE DATE.—The amendments  
2 made by subparagraph (A) shall apply with re-  
3 spect to benefits for months beginning after  
4 180 days after the date of the enactment of this  
5 Act.

6 (2) INCREASED RELIANCE ON PROFESSIONAL  
7 REPRESENTATIVE PAYEES.—

8 (A) PREFERENCE REQUIRED FOR ORGANI-  
9 ZATIONAL REPRESENTATIVE PAYEES.—Section  
10 1631(a)(2)(B) of such Act (42 U.S.C.  
11 1383(a)(2)(B)) is amended—

12 (i) by redesignating clauses (vii)  
13 through (xii) as clauses (viii) through  
14 (xiii), respectively;

15 (ii) by inserting after clause (vi) the  
16 following:

17 “(vii) In selecting under this subparagraph any per-  
18 son to serve as the representative payee for an individual  
19 entitled to benefits under this title by reason of disability,  
20 if alcoholism or drug addiction is a contributing factor ma-  
21 terial to the Secretary’s determination that the individual  
22 is disabled, preference shall be given to community-based  
23 nonprofit social service agencies licensed or bonded by the  
24 State, or State or local government agencies whose mis-

1 sion is to carry out income maintenance, social service,  
2 or health care-related activities.”;

3 (iii) in clause (viii) (as so redesign-  
4 nated), by striking “clause (viii)” and in-  
5 serting “clause (ix)”;

6 (iv) in clause (ix) (as so redesignated),  
7 by striking “(vii)” and inserting “(viii)”;

8 (v) in clause (xiii) (as so redesign-  
9 nated)—

10 (I) by striking “(xi)” and insert-  
11 ing “(xii)”;

12 (II) by striking “(x)” and insert-  
13 ing “(xi)”.

14 (B) AVAILABILITY OF PUBLIC AGENCIES  
15 AND OTHER QUALIFIED ORGANIZATIONS TO  
16 SERVE AS REPRESENTATIVE PAYEES.—Section  
17 1631(a)(2)(D) of such Act (42 U.S.C.  
18 1383(a)(2)(D)) is amended—

19 (i) in clause (i)(II), by inserting  
20 “(\$50.00 per month in the case of an indi-  
21 vidual who is entitled to benefits under this  
22 title by reason of disability if alcoholism or  
23 drug addiction is a contributing factor ma-  
24 terial to the Secretary’s determination that



1 the individual is disabled)” after “\$25.00  
2 per month”; and

3 (ii) in clause (ii)—

4 (I) by inserting “State or local  
5 government agency whose mission is  
6 to carry out income maintenance, so-  
7 cial service, or health care-related ac-  
8 tivities, or any” after “means any”;

9 (II) by inserting a comma after  
10 “service agency”;

11 (III) by adding “and” at the end  
12 of subclause (I); and

13 (IV) in subclause (II)—

14 (aa) by adding “and” at the  
15 end of item (aa);

16 (bb) by striking “; and” at  
17 the end of item (bb) and insert-  
18 ing a period; and

19 (cc) by striking item (cc).

20 (3) NONPAYMENT OR TERMINATION OF BENE-  
21 FITS BY REASON OF CONTINUED SUBSTANCE ABUSE  
22 OR ALCOHOL ABUSE.—

23 (A) IN GENERAL.—Section 1611(e)(3) of  
24 such Act (42 U.S.C. 1382(e)(3)), is amended  
25 by redesignating subparagraph (B) as subpara-

1 graph (C) and by inserting after subparagraph  
2 (A) the following:

3 “(B)(i) Notwithstanding any other provision of this  
4 title, in the case of any individual entitled to benefits  
5 under this title solely by reason of disability, if alcoholism  
6 or drug addiction is a contributing factor material to the  
7 Secretary’s determination that such individual is disabled  
8 and such individual is determined by the Secretary not  
9 to be in compliance with the requirements of this subpara-  
10 graph for a month, such benefits shall be suspended for  
11 a period commencing with such month and ending with  
12 the month preceding the first month, after the determina-  
13 tion of noncompliance, in which such individual dem-  
14 onstrates that he or she has reestablished and maintained  
15 compliance with such requirements for the applicable pe-  
16 riod specified in clause (iii).

17 “(ii)(I) An individual described in clause (i) is in com-  
18 pliance with the requirements of this subparagraph for a  
19 month if the individual in such month undergoes any med-  
20 ical or psychological treatment that may be appropriate,  
21 for the individual’s condition diagnosed as substance  
22 abuse or alcohol abuse and for the stage of the individual’s  
23 rehabilitation, at an institution or facility approved for  
24 purposes of this subparagraph by the Secretary, and com-  
25 plies in such month with the terms, conditions, and re-

1 requirements of such treatment and with requirements im-  
2 posed by the Secretary under subparagraph (C).

3 “(II) An individual described in clause (i) shall not  
4 be determined to be not in compliance with the require-  
5 ments of this subparagraph for a month if access by such  
6 individual to such treatment is not reasonably available  
7 for the month, as determined under regulations of the Sec-  
8 retary.

9 “(iii) The applicable period specified in this clause  
10 is—

11 “(I) 2 consecutive months, in the case of a 1st  
12 determination that an individual is not in compliance  
13 with the requirements of this subparagraph;

14 “(II) 3 consecutive months, in the case of the  
15 2nd such determination with respect to the individ-  
16 ual; or

17 “(III) 6 consecutive months, in the case of the  
18 3rd or subsequent such determination with respect  
19 to the individual.

20 “(iv) An individual shall not be an eligible individual  
21 for purposes of this title for the 12-month period that be-  
22 gins with the end of any period of 12 consecutive months  
23 for which the benefits of the individual under this title  
24 have been suspended by reason of this subparagraph.

1       “(v)(I) The Secretary shall not, in a month, pay to  
2 an individual described in clause (i) benefits under this  
3 title the payment of which is past due, in an amount that  
4 exceeds the amount of benefits under this title which are  
5 payable to the individual for the month and the payment  
6 of which is not past due.

7       “(II) As used in subclause (I) of this clause, the term  
8 ‘benefits under this title’ includes supplementary pay-  
9 ments of the type described in section 1616(a) and pay-  
10 ments pursuant to an agreement entered into under sec-  
11 tion 212(a) of Public Law 93–66.”.

12                   (B) REFERRAL, MONITORING, AND TREAT-  
13                   MENT.—Section 1611(e)(3)(C) of such Act (42  
14                   U.S.C. 1382(e)(3)(C)), as so designated by the  
15                   amendment made by subparagraph (A) of this  
16                   paragraph, is amended—

17                   (i) by inserting “(i)” after “(C)”; and

18                   (ii) by adding after and below the end

19                   following:

20       “(ii) The Secretary, in consultation with drug and al-  
21 cohol treatment professionals, shall issue regulations—

22                   “(I) defining appropriate treatment for alcohol-  
23 ics and drug addicts who are subject to required  
24 medical or psychological treatment under this sub-  
25 paragraph; and

1           “(II) establishing guidelines to be used to re-  
2 view and evaluate their compliance, including meas-  
3 ures of the progress of participants in such pro-  
4 grams.

5           “(iii)(I) For purposes of carrying out the require-  
6 ments of clauses (i) and (ii), the Secretary shall establish  
7 in each State a referral and monitoring agency for the  
8 State.

9           “(II) Each referral and monitoring agency for a State  
10 shall—

11           “(aa) identify appropriate placements, for indi-  
12 viduals residing in the State who are entitled to ben-  
13 efits under this title by reason of disability and with  
14 respect to whom alcoholism or drug addiction is a  
15 contributing factor material to the Secretary’s deter-  
16 mination that they are disabled, where they may ob-  
17 tain treatment described in subparagraph (B)(ii)(I);

18           “(bb) refer such individuals to such placements  
19 for such treatment; and

20           “(cc) monitor compliance with the requirements  
21 of subparagraph (B) by individuals who are referred  
22 by the agency to such placements, and promptly re-  
23 port to the Secretary any failure to comply with  
24 such requirements.”.

1 (C) PRESERVATION OF MEDICAID BENE-  
2 FITS.—Section 1634 of such Act (42 U.S.C.  
3 13283c) is amended by adding at the end the  
4 following:

5 “(e) Each person to whom benefits under this title  
6 by reason of disability are not payable for any month sole-  
7 ly by reason of section 1611(j) shall be treated, for pur-  
8 poses of title XIX, as receiving benefits under this title  
9 for such month.”.

10 (D) CONFORMING AMENDMENTS.—Section  
11 1611(e)(3) of such Act (42 U.S.C. 1382(e)(3)),  
12 as amended by subparagraphs (A) and (B) of  
13 this paragraph, is amended—

14 (i) in subparagraph (A), by striking  
15 “(B)” and insertng “(C)”; and

16 (ii) in subparagraph (C), by inserting  
17 “or (B)” after “(A)”.

18 (4) IRRELEVANCE OF LEGALITY OF SUBSTAN-  
19 TIAL GAINFUL ACTIVITY.—

20 (A) IN GENERAL.—Section 1614 of such  
21 Act (42 U.S.C. 1382c) is amended by adding at  
22 the end the following:

23 “(g) The Secretary shall make determinations under  
24 this title with respect to substantial gainful activity, with-  
25 out regard to the legality of the activity.”.

1           (B) EFFECTIVE DATE.—The amendment  
2           made by subparagraph (A) shall take effect on  
3           the date of the enactment of this Act.

4           (c) EFFECTIVE DATE.—The amendments made by  
5           the preceding provisions of this section shall apply to bene-  
6           fits payable for months beginning 180 or more days after  
7           the date of the enactment of this Act.

8           (d) DEMONSTRATION PROJECTS.—

9           (1) IN GENERAL.—The Secretary of Health and  
10          Human Services shall develop and carry out dem-  
11          onstration projects designed to explore innovative re-  
12          ferral, monitoring, and treatment approaches with  
13          respect to—

14                (A) individuals who are entitled to disabil-  
15                ity insurance benefits or child's, widow's, or  
16                widower's insurance benefits based on disability  
17                under title II of the Social Security Act, and

18                (B) individuals who are eligible for supple-  
19                mental security income benefits under title XVI  
20                of such Act based solely on disability,

21                in cases in which alcoholism or drug addiction is a  
22                contributing factor material to the Secretary's deter-  
23                mination that individuals are under a disability.

24           (2) SCOPE.—The demonstration projects devel-  
25           oped under paragraph (1) shall be of sufficient scope

1 and shall be carried out on a wide enough scale to  
2 permit a thorough evaluation of the alternative ap-  
3 proaches under consideration while giving assurance  
4 that the results derived from the projects will obtain  
5 generally in the operation of the programs involved  
6 without committing such programs to the adoption  
7 of any particular system either locally or nationally.

8 (3) FINAL REPORT.—The Secretary shall sub-  
9 mit to the Committee on Ways and Means of the  
10 House of Representatives and the Committee on Fi-  
11 nance of the Senate no later than December 31,  
12 1997, a final report on the demonstration projects  
13 carried out under this subsection, together with any  
14 related data and materials which the Secretary may  
15 consider appropriate. The authority under this sec-  
16 tion shall terminate upon the transmittal of such  
17 final report.

18 **SEC. 202. CONTINUING DISABILITY REVIEW ACCOUNT.**

19 (a) IN GENERAL.—Section 201 of the Social Security  
20 Act (42 U.S.C. 401) is amended by adding at the end the  
21 following new subsection:

22 “(n)(1) There is hereby created in the Federal Dis-  
23 ability Insurance Trust Fund a Continuing Disability Re-  
24 view Account (hereinafter in this subsection referred to as  
25 the ‘Account’). The Account shall consist of such amounts



1 as may be transferred to it under this subsection. The bal-  
2 ance in the Account shall be available solely for expendi-  
3 tures certified under paragraph (3).

4 “(2)(A) Not later than September 1 of each calendar  
5 year, the Secretary shall—

6 “(i) estimate the present value of savings to the  
7 Federal Old-Age and Survivors Insurance Trust  
8 Fund and the Federal Disability Insurance Trust  
9 Fund which will accrue for all years as a result of  
10 the cessation of benefit payments during the fiscal  
11 year ending on September 30 of the prior calendar  
12 year based on continuing disability reviews carried  
13 out pursuant to the requirements of section 221(i)  
14 during or prior to such fiscal year,

15 “(ii) determine the portion of such estimate at-  
16 tributable to each of the Trust Funds described in  
17 clause (i), and

18 “(iii) certify the amount of such estimate and  
19 such portion to the Managing Trustee of the Trust  
20 Funds.

21 “(B) Upon receipt of certification by the Secretary  
22 under subparagraph (A), the Managing Trustee shall  
23 transfer to the Account from amounts otherwise in each  
24 of the Trust Funds an amount equal to—

1           “(i) for calendar years 1995 and 1996, 100  
2 percent of the the portion of the estimated savings  
3 computed under subparagraph (A)(i), attributable to  
4 the Trust Fund (as certified under subparagraph  
5 (A)(iii)), and

6           “(ii) for subsequent calendar years, the lesser  
7 of—

8           “(I) 50 percent of the portion of the esti-  
9 mated savings so certified, or

10           “(II) the difference (not less than \$0) de-  
11 rived by subtracting the balance in the Account  
12 as of the end of the prior calendar year referred  
13 to in subparagraph (A)(i) from the portion of  
14 the estimated savings so certified.

15           “(3)(A) Not later than September 15 of each cal-  
16 endar year, the Secretary shall—

17           “(i) estimate the total amount of expenditures  
18 which will be necessary to carry out continuing dis-  
19 ability reviews required under section 221(i) during  
20 the fiscal year beginning on October 1 of such cal-  
21 endar year, and

22           “(ii) certify such estimated amount to the Man-  
23 aging Trustee of the Trust Funds.

24           “(B) The expenditures referred to in subparagraph  
25 (A)(i) shall include, but not be limited to, the cost of staff-

1 ing, training, purchase of medical and other evidence, and  
2 processing related to appeals (including appeal hearings)  
3 and to overpayments.

4 “(C) To the extent of available funds in the Account,  
5 and prior to any action thereon by the General Accounting  
6 Office, the Managing Trustee shall, upon the commence-  
7 ment of each fiscal year, make available to the Secretary  
8 from the Account an amount equal the total of estimated  
9 expenditures for such fiscal year described in subpara-  
10 graph (A)(i) as certified under subparagraph (A)(ii).

11 “(D) The Secretary shall use funds made available  
12 pursuant to this paragraph solely for the purpose of carry-  
13 ing out continuing disability reviews required under sec-  
14 tion 221(i).”.

15 (b) CONFORMING AMENDMENT.—Section  
16 201(g)(1)(A) of such Act (42 U.S.C. 401(g)(1)(A)) is  
17 amended in the last sentence by inserting “(other than  
18 expenditures from available funds in the Continuing Dis-  
19 ability Review Account in the Federal Disability Insurance  
20 Trust Fund made pursuant to subsection (n))” after “is  
21 responsible”.

22 (c) ANNUAL REPORT.—Section 221(i)(3) of such Act  
23 (42 U.S.C. 421(i)(3)) is amended—

24 (1) by striking “and the number” and inserting  
25 “the number”;

1 (2) by striking the period at the end and insert-  
2 ing a comma; and

3 (3) by adding at the end the following: “and a  
4 final accounting of amounts transferred to the Con-  
5 tinuing Disability Review Account in the Federal  
6 Disability Insurance Trust Fund during the year,  
7 the amount made available from such Account dur-  
8 ing such year for continuing disability reviews, and  
9 expenditures for continuing disability reviews made  
10 during the year, including a comparison of such  
11 number of reviews with the estimated number of re-  
12 views upon which the estimate of such expenditures  
13 was made under section 201(n)(3).”.

14 **SEC. 203. ISSUANCE OF PHYSICAL DOCUMENTS IN THE**  
15 **FORM OF BONDS, NOTES, OR CERTIFICATES**  
16 **TO THE SOCIAL SECURITY TRUST FUNDS.**

17 (a) REQUIREMENT THAT OBLIGATIONS ISSUED TO  
18 THE OASDI TRUST FUNDS BE EVIDENCED BY PAPER  
19 INSTRUMENTS IN THE FORM OF BONDS, NOTES, OR CER-  
20 TIFICATES OF INDEBTEDNESS SETTING FORTH THEIR  
21 TERMS.—Section 201(d) of the Social Security Act (42  
22 U.S.C. 401(d)) is amended by inserting after the fifth sen-  
23 tence the following new sentence: “Each obligation issued  
24 for purchase by the Trust Funds under this subsection  
25 shall be evidenced by a paper instrument in the form of

1 a bond, note, or certificate of indebtedness issued by the  
2 Secretary of the Treasury setting forth the principal  
3 amount, date of maturity, and interest rate of the obliga-  
4 tion, and stating on its face that the obligation shall be  
5 incontestable in the hands of the Trust Fund to which  
6 it is issued, that the obligation is supported by the full  
7 faith and credit of the United States, and that the United  
8 States is pledged to the payment of the obligation with  
9 respect to both principal and interest.”.

10 (b) PAYMENT TO THE OASDI TRUST FUNDS FROM  
11 THE GENERAL FUND OF THE TREASURY OF INTEREST  
12 ON OBLIGATIONS, AND OF PROCEEDS FROM THE SALE OR  
13 REDEMPTION OF OBLIGATIONS, REQUIRED TO BE IN THE  
14 FORM OF CHECKS.—Section 201(f) of such Act (42  
15 U.S.C. 401(f)) is amended by adding at the end the follow-  
16 ing new sentence: “Payment from the general fund of the  
17 the Treasury to either of the Trust Funds of any such  
18 interest or proceeds shall be in the form of paper checks  
19 drawn on such general fund to the order of such Trust  
20 Fund.”.

21 (c) EFFECTIVE DATE.—

22 (1) IN GENERAL.—The amendments made by  
23 this section shall apply with respect to obligations is-  
24 sued, and payments made, after 60 days after the  
25 date of the enactment of this Act.

1           (2) TREATMENT OF OUTSTANDING OBLIGA-  
2           TIONS.—Not later than 60 days after the date of the  
3           enactment of this Act, the Secretary of the Treasury  
4           shall issue to the Federal Old-Age and Survivors In-  
5           surance Trust Fund or the Federal Disability Insur-  
6           ance Trust Fund, as applicable, a paper instrument,  
7           in the form of a bond, note, or certificate of indebt-  
8           edness, for each obligation which has been issued to  
9           the Trust Fund under section 201(d) of the Social  
10          Security Act and which is outstanding as of such  
11          date. Each such document shall set forth the prin-  
12          cipal amount, date of maturity, and interest rate of  
13          the obligation, and shall state on its face that the  
14          obligation shall be incontestable in the hands of the  
15          Trust Fund to which it was issued, that the obliga-  
16          tion is supported by the full faith and credit of the  
17          United States, and that the United States is pledged  
18          to the payment of the obligation with respect to both  
19          principal and interest.

20 **SEC. 204. EXPLICIT REQUIREMENTS FOR MAINTENANCE OF**  
21                                   **TELEPHONE ACCESS TO LOCAL OFFICES OF**  
22                                   **THE SOCIAL SECURITY ADMINISTRATION.**

23          (a) MAINTENANCE OF SERVICE TO LOCAL OF-  
24          FICES.—

1           (1) IN GENERAL.—Section 5110(a) of the Om-  
2           nibus Budget Reconciliation Act of 1990 (104 Stat.  
3           1388–272) is amended by adding at the end the fol-  
4           lowing new sentence: “In carrying out the require-  
5           ments of the preceding sentence, the Secretary shall  
6           reestablish and maintain in service at least the same  
7           number of telephone lines to each such local office  
8           as was in place as of such date, including telephone  
9           sets for connections to such lines.”.

10           (2) EFFECTIVE DATE.—The Secretary of  
11           Health and Human Services shall ensure that the  
12           requirements of the amendment made by paragraph  
13           (1) are carried out no later than 90 days after the  
14           date of the enactment of this Act.

15           (3) GAO REPORT.—The Comptroller General of  
16           the United States shall make an independent deter-  
17           mination of the number of telephone lines to each  
18           local office of the Social Security Administration  
19           which are in place as of 90 days after the enactment  
20           of this Act and shall report his findings to the Com-  
21           mittee on Ways and Means of the House of Rep-  
22           resentatives and the Committee on Finance of the  
23           Senate no later than 150 days after the date of the  
24           enactment of this Act.

1 (b) MAINTENANCE OF TOLL-FREE TELEPHONE  
2 NUMBER SERVICE.—The Secretary of Health and Human  
3 Services shall ensure that toll-free telephone service pro-  
4 vided by the Social Security Administration is maintained  
5 at a level which is at least equal to that in effect on the  
6 date of the enactment of this Act.

7 **SEC. 205. EXPANSION OF STATE OPTION TO EXCLUDE**  
8 **SERVICE OF ELECTION OFFICIALS OR ELEC-**  
9 **TION WORKERS FROM COVERAGE.**

10 (a) LIMITATION ON MANDATORY COVERAGE OF  
11 STATE ELECTION OFFICIALS AND ELECTION WORKERS  
12 WITHOUT STATE RETIREMENT SYSTEM.—

13 (1) AMENDMENT TO SOCIAL SECURITY ACT.—  
14 Section 210(a)(7)(F)(iv) of the Social Security Act  
15 (42 U.S.C. 410(a)(7)(F)(iv)) (as amended by section  
16 11332(a) of the Omnibus Budget Reconciliation Act  
17 of 1990) is amended by striking “\$100” and insert-  
18 ing “\$1,000 with respect to service performed dur-  
19 ing 1995, and the adjusted amount determined  
20 under section 218(c)(8)(B) for any subsequent year  
21 with respect to service performed during such subse-  
22 quent year”.

23 (2) AMENDMENT TO FICA.—Section  
24 3121(b)(7)(F)(iv) of the Internal Revenue Code of  
25 1986 (as amended by section 11332(b) of the Omni-



1 bus Budget Reconciliation Act of 1990) is amended  
2 by striking “\$100” and inserting “\$1,000 with re-  
3 spect to service performed during 1995, and the  
4 adjusted amount determined under section  
5 218(c)(8)(B) of the Social Security Act for any sub-  
6 sequent year with respect to service performed dur-  
7 ing such subsequent year”.

8 (b) CONFORMING AMENDMENTS RELATING TO MED-  
9 ICARE QUALIFIED GOVERNMENT EMPLOYMENT.—

10 (1) AMENDMENT TO SOCIAL SECURITY ACT.—

11 Section 210(p)(2)(E) of the Social Security Act (42  
12 U.S.C. 410(p)(2)(E)) is amended by striking  
13 “\$100” and inserting “\$1,000 with respect to serv-  
14 ice performed during 1995, and the adjusted amount  
15 determined under section 218(c)(8)(B) for any sub-  
16 sequent year with respect to service performed dur-  
17 ing such subsequent year”.

18 (2) AMENDMENT TO FICA.—Section  
19 3121(u)(2)(B)(ii)(V) of the Internal Revenue Code  
20 of 1986 is amended by striking “\$100” and insert-  
21 ing “\$1,000 with respect to service performed dur-  
22 ing 1995, and the adjusted amount determined  
23 under section 218(c)(8)(B) of the Social Security  
24 Act for any subsequent year with respect to service  
25 performed during such subsequent year”.

1 (c) AUTHORITY FOR STATES TO MODIFY COVERAGE  
2 AGREEMENTS WITH RESPECT TO ELECTION OFFICIALS  
3 AND ELECTION WORKERS.—Section 218(c)(8) of the So-  
4 cial Security Act (42 U.S.C. 418(c)(8)) is amended—

5 (1) by striking “on or after January 1, 1968,”  
6 and inserting “at any time”;

7 (2) by striking “\$100” and inserting “\$1,000  
8 with respect to service performed during 1995, and  
9 the adjusted amount determined under subpara-  
10 graph (B) for any subsequent year with respect to  
11 service performed during such subsequent year”;  
12 and

13 (3) by striking the last sentence and inserting  
14 the following new sentence: “Any modification of an  
15 agreement pursuant to this paragraph shall be effec-  
16 tive with respect to services performed in and after  
17 the calendar year in which the modification is mailed  
18 or delivered by other means to the Secretary.”.

19 (d) INDEXATION OF EXEMPT AMOUNT.—Section  
20 218(c)(8) of such Act (as amended by subsection (c)) is  
21 further amended—

22 (1) by inserting “(A)” after “(8)”; and

23 (2) by adding at the end the following new sub-  
24 paragraph:

1       “(B) For each year after 1995, the Secretary shall  
2 adjust the amount referred to in subparagraph (A) at the  
3 same time and in the same manner as is provided under  
4 section 215(a)(1)(B)(ii) with respect to the amounts re-  
5 ferred to in section 215(a)(1)(B)(i), except that—

6           “(i) for purposes of this subparagraph, 1993  
7 shall be substituted for the calendar year referred to  
8 in section 215(a)(1)(B)(ii)(II), and

9           “(ii) such amount as so adjusted, if not a mul-  
10 tiple of \$100, shall be rounded to the next higher  
11 multiple of \$100 where such amount is a multiple of  
12 \$50 and to the nearest multiple of \$100 in any other  
13 case.

14 The Secretary shall determine and publish in the Federal  
15 Register each adjusted amount determined under this sub-  
16 paragraph not later than November 1 preceding the year  
17 for which the adjustment is made.”.

18       (e) EFFECTIVE DATE.—The amendments made by  
19 subsections (a), (b), and (c) shall apply with respect to  
20 service performed on or after January 1, 1995.

1 **SEC. 206. USE OF SOCIAL SECURITY NUMBERS BY STATES**  
2 **AND LOCAL GOVERNMENTS AND FEDERAL**  
3 **DISTRICT COURTS FOR JURY SELECTION**  
4 **PURPOSES.**

5 (a) IN GENERAL.—Section 205(c)(2) of the Social  
6 Security Act (42 U.S.C. 405(c)(2)) is amended—

7 (1) in subparagraph (B)(i), by striking “(E)” in  
8 the matter preceding subclause (I) and inserting  
9 “(F)”;

10 (2) by redesignating subparagraphs (E) and  
11 (F) as subparagraphs (F) and (G), respectively; and

12 (3) by inserting after subparagraph (D) the fol-  
13 lowing:

14 “(E)(i) It is the policy of the United States that—

15 “(I) any State (or any political subdivision of a  
16 State) may utilize the social security account num-  
17 bers issued by the Secretary for the additional pur-  
18 poses described in clause (ii) if such numbers have  
19 been collected and are otherwise utilized by such  
20 State (or political subdivision) in accordance with  
21 applicable law, and

22 “(II) any district court of the United States  
23 may use, for such additional purposes, any such so-  
24 cial security account numbers which have been so  
25 collected and are so utilized by any State.

1       “(ii) The additional purposes described in this clause  
2 are the following:

3           “(I) identifying duplicate names of individuals  
4 on master lists used for jury selection purposes, and

5           “(II) identifying on such master lists those indi-  
6 viduals who are ineligible to serve on a jury by rea-  
7 son of their conviction of a felony.

8       “(iii) To the extent that any provision of Federal law  
9 enacted before the date of the enactment of this subpara-  
10 graph is inconsistent with the policy set forth in clause  
11 (i), such provision shall, on and after that date, be null,  
12 void, and of no effect.

13       “(iv) For purposes of this subparagraph, the term  
14 ‘State’ has the meaning such term has in subparagraph  
15 (D).”.

16       (b) EFFECTIVE DATE.—The amendments made by  
17 subsection (a) shall take effect on the date of the enact-  
18 ment of this Act.

19 **SEC. 207. AUTHORIZATION FOR ALL STATES TO EXTEND**  
20 **COVERAGE TO STATE AND LOCAL POLICE-**  
21 **MEN AND FIREMEN UNDER EXISTING COV-**  
22 **ERAGE AGREEMENTS.**

23       (a) IN GENERAL.—Section 218(l) of the Social Secu-  
24 rity Act (42 U.S.C. 418(l)) is amended—

1 (1) in paragraph (1), by striking “(1)” after  
2 “(l)”, and by striking “the State of” and all that fol-  
3 lows through “prior to the date of enactment of this  
4 subsection” and inserting “a State entered into pur-  
5 suant to this section”; and

6 (2) by striking paragraph (2).

7 (b) CONFORMING AMENDMENT.—Section  
8 218(d)(8)(D) of such Act (42 U.S.C. 418(d)(8)(D)) is  
9 amended by striking “agreements with the States named  
10 in” and inserting “State agreements modified as provided  
11 in”.

12 (c) EFFECTIVE DATE.—The amendments made by  
13 this section shall apply with respect to modifications filed  
14 by States after the date of the enactment of this Act.

15 **SEC. 208. LIMITED EXEMPTION FOR CANADIAN MINISTERS**  
16 **FROM CERTAIN SELF-EMPLOYMENT TAX LI-**  
17 **ABILITY.**

18 (a) IN GENERAL.—Notwithstanding any other provi-  
19 sion of law, if—

20 (1) an individual performed services described  
21 in section 1402(c)(4) of the Internal Revenue Code  
22 of 1986 which are subject to tax under section 1401  
23 of such Code,

24 (2) such services were performed in Canada at  
25 a time when no agreement between the United

1 States and Canada pursuant to section 233 of the  
2 Social Security Act was in effect, and

3 (3) such individual was required to pay con-  
4 tributions on the earnings from such services under  
5 the social insurance system of Canada,  
6 then such individual may file a certificate under this sec-  
7 tion in such form and manner, and with such official, as  
8 may be prescribed in regulations issued under chapter 2  
9 of such Code. Upon the filing of such certificate, notwith-  
10 standing any judgment which has been entered to the con-  
11 trary, such individual shall be exempt from payment of  
12 such tax with respect to services described in paragraphs  
13 (1) and (2) and from any penalties or interest for failure  
14 to pay such tax or to file a self-employment tax return  
15 as required under section 6017 of such Code.

16 (b) PERIOD FOR FILING.—A certificate referred to  
17 in subsection (a) may be filed only during the 180-day  
18 period commencing with the date on which the regulations  
19 referred to in subsection (a) are issued.

20 (c) TAXABLE YEARS AFFECTED BY CERTIFICATE.—  
21 A certificate referred to in subsection (a) shall be effective  
22 for taxable years ending after December 31, 1978, and  
23 before January 1, 1985.

24 (d) RESTRICTION ON CREDITING OF EXEMPT SELF-  
25 EMPLOYMENT INCOME.—In any case in which an individ-

1 ual is exempt under this section from paying a tax im-  
2 posed under section 1401 of the Internal Revenue Code  
3 of 1986, any income on which such tax would have been  
4 imposed but for such exemption shall not constitute self-  
5 employment income under section 211(b) of the Social Se-  
6 curity Act (42 U.S.C. 411(b)), and, if such individual's  
7 primary insurance amount has been determined under sec-  
8 tion 215 of such Act (42 U.S.C. 415), notwithstanding  
9 section 215(f)(1) of such Act, the Secretary of Health and  
10 Human Services shall recompute such primary insurance  
11 amount so as to take into account the provisions of this  
12 subsection. The recomputation under this subsection shall  
13 be effective with respect to benefits for months following  
14 approval of the certificate of exemption.

15 **SEC. 209. EXCLUSION OF TOTALIZATION BENEFITS FROM**  
16 **THE APPLICATION OF THE WINDFALL ELIMI-**  
17 **NATION PROVISION.**

18 (a) IN GENERAL.—Section 215(a)(7) of the Social  
19 Security Act (42 U.S.C. 415(a)(7)) is amended—

20 (1) in subparagraph (A), by striking “but ex-  
21 cluding” and all that follows through “1937” and  
22 inserting “but excluding (I) a payment under the  
23 Railroad Retirement Act of 1974 or 1937, and (II)  
24 a payment by a social security system of a foreign  
25 country based on an agreement concluded between



1 the United States and such foreign country pursuant  
2 to section 233”; and

3 (2) in subparagraph (E), by inserting after “in  
4 the case of an individual” the following: “whose eli-  
5 gibility for old-age or disability insurance benefits is  
6 based on an agreement concluded pursuant to sec-  
7 tion 233 or an individual”.

8 (b) CONFORMING AMENDMENT RELATING TO BENE-  
9 FITS UNDER 1939 ACT.—Section 215(d)(3) of such Act  
10 (42 U.S.C. 415(d)(3)) is amended by striking “but exclud-  
11 ing” and all that follows through “1937” and inserting  
12 “but excluding (I) a payment under the Railroad Retire-  
13 ment Act of 1974 or 1937, and (II) a payment by a social  
14 security system of a foreign country based on an agree-  
15 ment concluded between the United States and such for-  
16 eign country pursuant to section 233”.

17 (c) EFFECTIVE DATE.—The amendments made by  
18 this section shall apply (notwithstanding section 215(f)(1)  
19 of the Social Security Act (42 U.S.C. 415(f)(1))) with re-  
20 spect to benefits payable for months after January 1995.

1 **SEC. 210. EXCLUSION OF MILITARY RESERVISTS FROM AP-**  
2 **PLICATION OF THE GOVERNMENT PENSION**  
3 **OFFSET AND WINDFALL ELIMINATION PROVI-**  
4 **SIONS.**

5 (a) EXCLUSION FROM GOVERNMENT PENSION OFF-  
6 SET PROVISIONS.—Subsections (b)(4), (c)(2), (e)(7),  
7 (f)(2), and (g)(4) of section 202 of the Social Security Act  
8 (42 U.S.C. 402 (b)(4), (c)(2), (e)(7), (f)(2), and (g)(4))  
9 are each amended—

10 (1) in subparagraph (A)(ii), by striking “unless  
11 subparagraph (B) applies.”;

12 (2) in subparagraph (A), by striking “The” in  
13 the matter following clause (ii) and inserting “unless  
14 subparagraph (B) applies. The”;

15 (3) in subparagraph (B), by redesignating the  
16 existing matter as clause (ii), and by inserting before  
17 such clause (ii) (as so redesignated) the following:

18 “(B)(i) Subparagraph (A)(i) shall not apply with re-  
19 spect to monthly periodic benefits based wholly on service  
20 as a member of a uniformed service (as defined in section  
21 210(m)).”.

22 (b) EXCLUSION FROM WINDFALL ELIMINATION  
23 PROVISIONS.—Section 215(a)(7)(A) of such Act (as  
24 amended by section 210(a) of this Act) and section  
25 215(d)(3) of such Act (as amended by section 210(b) of  
26 this Act) are each further amended—

1 (1) by striking “and” before “(II)”; and

2 (2) by striking “section 233” and inserting  
3 “section 233, and (III) a payment based wholly on  
4 service as a member of a uniformed service (as de-  
5 fined in section 210(m))”.

6 (c) EFFECTIVE DATE.—The amendments made by  
7 this section shall apply (notwithstanding section 215(f) of  
8 the Social Security Act) with respect to benefits payable  
9 for months after January 1995.

10 **SEC. 211. REPEAL OF THE FACILITY-OF-PAYMENT PROVI-**  
11 **SION.**

12 (a) REPEAL OF RULE PRECLUDING REDISTRIBUTION  
13 UNDER FAMILY MAXIMUM.—Section 203(i) of the Social  
14 Security Act (42 U.S.C. 403(i)) is repealed.

15 (b) COORDINATION UNDER FAMILY MAXIMUM OF  
16 REDUCTION IN BENEFICIARY’S AUXILIARY BENEFITS  
17 WITH SUSPENSION OF AUXILIARY BENEFITS OF OTHER  
18 BENEFICIARY UNDER EARNINGS TEST.—Section  
19 203(a)(4) of such Act (42 U.S.C. 403(a)(4)) is amended  
20 by striking “section 222(b). Whenever” and inserting the  
21 following: “section 222(b). Notwithstanding the preceding  
22 sentence, any reduction under this subsection in the case  
23 of an individual who is entitled to a benefit under sub-  
24 section (b), (c), (d), (e), (f), (g), or (h) of section 202 for

1 any month on the basis of the same wages and self-em-  
2 ployment income as another person—

3 “(A) who also is entitled to a benefit under sub-  
4 section (b), (c), (d), (e), (f), (g), or (h) of section  
5 202 for such month,

6 “(B) who does not live in the same household  
7 as such individual, and

8 “(C) whose benefit for such month is suspended  
9 (in whole or in part) pursuant to subsection (h)(3)  
10 of this section,

11 shall be made before the suspension under subsection  
12 (h)(3). Whenever”.

13 (c) CONFORMING AMENDMENT APPLYING EARNINGS  
14 REPORTING REQUIREMENT DESPITE SUSPENSION OF  
15 BENEFITS.—The third sentence of section 203(h)(1)(A)  
16 of such Act (42 U.S.C. 403(h)(1)(A)) is amended by strik-  
17 ing “Such report need not be made” and all that follows  
18 through “The Secretary may grant” and inserting the fol-  
19 lowing: “Such report need not be made for any taxable  
20 year—

21 “(i) beginning with or after the month in which  
22 such individual attained age 70, or

23 “(ii) if benefit payments for all months (in such  
24 taxable year) in which such individual is under age  
25 70 have been suspended under the provisions of the

1 first sentence of paragraph (3) of this subsection,  
2 unless—

3 “(I) such individual is entitled to benefits  
4 under subsection (b), (c), (d), (e), (f), (g), or  
5 (h) of section 202,

6 “(II) such benefits are reduced under sub-  
7 section (a) of this section for any month in such  
8 taxable year, and

9 “(III) in any such month there is another  
10 person who also is entitled to benefits under  
11 subsection (b), (c), (d), (e), (f), (g), or (h) of  
12 section 202 on the basis of the same wages and  
13 self-employment income and who does not live  
14 in the same household as such individual.

15 The Secretary may grant”.

16 (d) CONFORMING AMENDMENT DELETING SPECIAL  
17 INCOME TAX TREATMENT OF BENEFITS NO LONGER RE-  
18 QUIRED BY REASON OF REPEAL.—Section 86(d)(1) of the  
19 Internal Revenue Code of 1986 (relating to income tax  
20 on social security benefits) is amended by striking the last  
21 sentence.

22 (e) EFFECTIVE DATES.—

23 (1) The amendments made by subsections (a),  
24 (b), and (c) shall apply with respect to benefits pay-  
25 able for months after December 1995.

1           (2) The amendment made by subsection (d)  
2 shall apply with respect to benefits received after  
3 December 31, 1995, in taxable years ending after  
4 such date.

5 **SEC. 212. MAXIMUM FAMILY BENEFITS IN GUARANTEE**  
6 **CASES.**

7           (a) IN GENERAL.—Section 203(a) of the Social Secu-  
8 rity Act (42 U.S.C. 403(a)) is amended by adding at the  
9 end the following new paragraph:

10           “(10)(A) Subject to subparagraphs (B) and (C)—

11           “(i) the total monthly benefits to which bene-  
12 ficiaries may be entitled under sections 202 and 223  
13 for a month on the basis of the wages and self-em-  
14 ployment income of an individual whose primary in-  
15 surance amount is computed under section  
16 215(a)(2)(B)(i) shall equal the total monthly bene-  
17 fits which were authorized by this section with re-  
18 spect to such individual’s primary insurance amount  
19 for the last month of his prior entitlement to disabil-  
20 ity insurance benefits, increased for this purpose by  
21 the general benefit increases and other increases  
22 under section 215(i) that would have applied to such  
23 total monthly benefits had the individual remained  
24 entitled to disability insurance benefits until the  
25 month in which he became entitled to old-age insur-

1       ance benefits or reentitled to disability insurance  
2       benefits or died, and

3           “(ii) the total monthly benefits to which bene-  
4       ficiaries may be entitled under sections 202 and 223  
5       for a month on the basis of the wages and self-em-  
6       ployment income of an individual whose primary in-  
7       surance amount is computed under section  
8       215(a)(2)(C) shall equal the total monthly benefits  
9       which were authorized by this section with respect to  
10      such individual’s primary insurance amount for the  
11      last month of his prior entitlement to disability in-  
12      surance benefits.

13      “(B) In any case in which—

14           “(i) the total monthly benefits with respect to  
15      such individual’s primary insurance amount for the  
16      last month of his prior entitlement to disability in-  
17      surance benefits was computed under paragraph (6),  
18      and

19           “(ii) the individual’s primary insurance amount  
20      is computed under subparagraph (B)(i) or (C) of  
21      section 215(a)(2) by reason of the individual’s enti-  
22      tlement to old-age insurance benefits or death,  
23      the total monthly benefits shall equal the total monthly  
24      benefits that would have been authorized with respect to  
25      the primary insurance amount for the last month of his

1 prior entitlement to disability insurance benefits if such  
2 total monthly benefits had been computed without regard  
3 to paragraph (6).

4 “(C) This paragraph shall apply before the applica-  
5 tion of paragraph (3)(A), and before the application of  
6 section 203(a)(1) of this Act as in effect in December  
7 1978.”.

8 (b) CONFORMING AMENDMENT.—Section 203(a)(8)  
9 of such Act (42 U.S.C. 403(a)(8)) is amended by striking  
10 “Subject to paragraph (7),” and inserting “Subject to  
11 paragraph (7) and except as otherwise provided in para-  
12 graph (10)(C),”.

13 (c) EFFECTIVE DATE.—The amendments made by  
14 this section shall apply for the purpose of determining the  
15 total monthly benefits to which beneficiaries may be enti-  
16 tled under sections 202 and 223 of the Social Security  
17 Act based on the wages and self-employment income of  
18 an individual who—

19 (1) becomes entitled to an old-age insurance  
20 benefit under section 202(a) of such Act,

21 (2) becomes reentitled to a disability insurance  
22 benefit under section 223 of such Act, or

23 (3) dies,

24 after January 1995.



1 **SEC. 213. AUTHORIZATION FOR DISCLOSURE BY THE SEC-**  
2 **RETARY OF HEALTH AND HUMAN SERVICES**  
3 **OF INFORMATION FOR PURPOSES OF PUBLIC**  
4 **OR PRIVATE EPIDEMIOLOGICAL AND SIMI-**  
5 **LAR RESEARCH.**

6 (a) IN GENERAL.—Section 1106 of the Social Secu-  
7 rity Act (42 U.S.C. 1306) is amended—

8 (1) by redesignating subsections (d) and (e) as  
9 subsections (e) and (f), respectively;

10 (2) in subsection (f) (as so redesignated), by  
11 striking “subsection (d)” and inserting “subsection  
12 (e)”; and

13 (3) by inserting after subsection (c) the follow-  
14 ing new subsection:

15 “(d) Notwithstanding any other provision of this sec-  
16 tion, in any case in which—

17 “(1) information regarding whether an individ-  
18 ual is shown on the records of the Secretary as  
19 being alive or deceased is requested from the Sec-  
20 retary for purposes of epidemiological or similar re-  
21 search which the Secretary finds may reasonably be  
22 expected to contribute to a national health interest,  
23 and

24 “(2) the requester agrees to reimburse the Sec-  
25 retary for providing such information and to comply  
26 with limitations on safeguarding and rerelease or

1       redisclosure of such information as may be specified  
2       by the Secretary,  
3 the Secretary shall comply with such request, except to  
4 the extent that compliance with such request would con-  
5 stitute a violation of the terms of any contract entered  
6 into under section 205(r).”.

7       (b) AVAILABILITY OF INFORMATION RETURNS RE-  
8 GARDING WAGES PAID EMPLOYEES.—Section 6103(l)(5)  
9 of the Internal Revenue Code of 1986 (relating to disclo-  
10 sure of returns and return information to the Department  
11 of Health and Human Services for purposes other than  
12 tax administration) is amended—

13           (1) by striking “for the purpose of” and insert-  
14           ing “for the purpose of—”;

15           (2) by striking “carrying out, in accordance  
16           with an agreement” and inserting the following:

17                   “(A) carrying out, in accordance with an  
18                   agreement”;

19           (3) by striking “program.” and inserting “pro-  
20           gram; or”; and

21           (4) by adding at the end the following new sub-  
22           paragraph:

23                   “(B) providing information regarding the  
24                   mortality status of individuals for epidemiolog-

1           ical and similar research in accordance with  
2           section 1106(d) of the Social Security Act.”.

3           (c) EFFECTIVE DATE.—The amendments made by  
4 this section shall apply with respect to requests for infor-  
5 mation made after the date of the enactment of this Act.

6 **SEC. 214. MISUSE OF SYMBOLS, EMBLEMS, OR NAMES IN**  
7                           **REFERENCE TO SOCIAL SECURITY PRO-**  
8                           **GRAMS AND AGENCIES.**

9           (a) PROHIBITION OF UNAUTHORIZED REPRODUC-  
10 TION, REPRINTING, OR DISTRIBUTION FOR FEE OF CER-  
11 TAIN OFFICIAL PUBLICATIONS.—Section 1140(a) of the  
12 Social Security Act (42 U.S.C. 1320b–10(a)) is amend-  
13 ed—

14           (1) by redesignating paragraphs (1) and (2) as  
15 subparagraphs (A) and (B), respectively;

16           (2) by inserting “(1)” after “(a)”; and

17           (3) by adding at the end the following new  
18 paragraph:

19           “(2) No person may, for a fee, reproduce, reprint,  
20 or distribute any item consisting of a form, application,  
21 or other publication of the Social Security Administration  
22 unless such person has obtained specific, written author-  
23 ization for such activity in accordance with regulations  
24 which the Secretary shall prescribe.”.

1 (b) ADDITION TO PROHIBITED WORDS, LETTERS,  
2 SYMBOLS, AND EMBLEMS.—Paragraph (1) of section  
3 1140(a) of such Act (as redesignated by subsection (a))  
4 is further amended—

5 (1) in subparagraph (A) (as redesignated), by  
6 striking “Administration’, the letters ‘SSA’ or  
7 ‘HCFA’,” and inserting “Administration’, ‘Depart-  
8 ment of Health and Human Services’, ‘Health and  
9 Human Services’, ‘Supplemental Security Income  
10 Program’, or ‘Medicaid’, the letters ‘SSA’, ‘HCFA’,  
11 ‘DHHS’, ‘HHS’, or ‘SSI’,”; and

12 (2) in subparagraph (B) (as redesignated), by  
13 striking “Social Security Administration” each place  
14 it appears and inserting “Social Security Adminis-  
15 tration, Health Care Financing Administration, or  
16 Department of Health and Human Services”, and  
17 by striking “or of the Health Care Financing Ad-  
18 ministration”.

19 (c) EXEMPTION FOR USE OF WORDS, LETTERS,  
20 SYMBOLS, AND EMBLEMS OF STATE AND LOCAL GOV-  
21 ERNMENT AGENCIES BY SUCH AGENCIES.—Paragraph  
22 (1) of section 1140(a) of such Act (as redesignated by sub-  
23 section (a)) is further amended by adding at the end the  
24 following new sentence: “The preceding provisions of this  
25 subsection shall not apply with respect to the use by any

1 agency or instrumentality of a State or political subdivi-  
2 sion of a State of any words or letters which identify an  
3 agency or instrumentality of such State or of a political  
4 subdivision of such State or the use by any such agency  
5 or instrumentality of any symbol or emblem of an agency  
6 or instrumentality of such State or a political subdivision  
7 of such State.”.

8 (d) INCLUSION OF REASONABLENESS STANDARD.—  
9 Section 1140(a)(1) of such Act (as amended by the pre-  
10 ceding provisions of this section) is further amended, in  
11 the matter following subparagraph (B) (as redesignated),  
12 by striking “convey” and inserting “convey, or in a man-  
13 ner which reasonably could be interpreted or construed as  
14 conveying.”.

15 (e) INEFFECTIVENESS OF DISCLAIMERS.—Sub-  
16 section (a) of section 1140 of such Act (as amended by  
17 the preceding provisions of this section) is further amend-  
18 ed by adding at the end the following new paragraph:

19 “(3) Any determination of whether the use of one or  
20 more words, letters, symbols, or emblems (or any combina-  
21 tion or variation thereof) in connection with an item de-  
22 scribed in paragraph (1) or the reproduction, reprinting,  
23 or distribution of an item described in paragraph (2) is  
24 a violation of this subsection shall be made without regard  
25 to any inclusion in such item (or any so reproduced, re-

1 printed, or distributed copy thereof) of a disclaimer of af-  
2 filiation with the United States Government or any par-  
3 ticular agency or instrumentality thereof.”.

4 (f) VIOLATIONS WITH RESPECT TO INDIVIDUAL  
5 ITEMS.—Section 1140(b)(1) of such Act (42 U.S.C.  
6 1320b–10(b)(1)) is amended by adding at the end the fol-  
7 lowing new sentence: “In the case of any items referred  
8 to in subsection (a)(1) consisting of pieces of mail, each  
9 such piece of mail which contains one or more words, let-  
10 ters, symbols, or emblems in violation of subsection (a)  
11 shall represent a separate violation. In the case of any  
12 item referred to in subsection (a)(2), the reproduction, re-  
13 printing, or distribution of such item shall be treated as  
14 a separate violation with respect to each copy thereof so  
15 reproduced, reprinted, or distributed.”.

16 (g) ELIMINATION OF CAP ON AGGREGATE LIABILITY  
17 AMOUNT.—

18 (1) REPEAL.—Paragraph (2) of section 1140(b)  
19 of such Act (42 U.S.C. 1320b–10(b)(2)) is repealed.

20 (2) CONFORMING AMENDMENTS.—Section  
21 1140(b) of such Act is further amended—

22 (A) by striking “(1) Subject to paragraph  
23 (2), the” and inserting “The”;

1 (B) by redesignating subparagraphs (A)  
2 and (B) as paragraphs (1) and (2), respectively;  
3 and

4 (C) in paragraph (1) (as redesignated), by  
5 striking “subparagraph (B)” and inserting  
6 “paragraph (2)”.

7 (h) REMOVAL OF FORMAL DECLINATION REQUIRE-  
8 MENT.—Section 1140(c)(1) of such Act (42 U.S.C.  
9 1320b–10(c)(1)) is amended by inserting “and the first  
10 sentence of subsection (c)” after “and (i)”.

11 (i) PENALTIES RELATING TO SOCIAL SECURITY AD-  
12 MINISTRATION DEPOSITED IN OASI TRUST FUND.—Sec-  
13 tion 1140(c)(2) of such Act (42 U.S.C. 1320b–10(c)(2))  
14 is amended in the second sentence by striking “United  
15 States.” and inserting “United States, except that, to the  
16 extent that such amounts are recovered under this section  
17 as penalties imposed for misuse of words, letters, symbols,  
18 or emblems relating to the Social Security Administration,  
19 such amounts shall be deposited into the Federal Old-Age  
20 and Survivor’s Insurance Trust Fund.”.

21 (j) ENFORCEMENT.—Section 1140 of such Act (42  
22 U.S.C. 1320b–10) is amended by adding at the end the  
23 following new subsection:

1       “(d) The preceding provisions of this section shall be  
2 enforced through the Office of Inspector General of the  
3 Department of Health and Human Services.”.

4       (k) ANNUAL REPORTS.—Section 1140 of such Act  
5 (as amended by the preceding provisions of this section)  
6 is further amended by adding at the end the following new  
7 subsection:

8       “(e) The Secretary shall include in the annual report  
9 submitted pursuant to section 704 a report on the oper-  
10 ation of this section during the year covered by such an-  
11 nual report. Such report shall specify—

12               “(1) the number of complaints of violations of  
13 this section received by the Social Security Adminis-  
14 tration during the year,

15               “(2) the number of cases in which a notice of  
16 violation of this section was sent by the Social Secu-  
17 rity Administration during the year requesting that  
18 an individual cease activities in violation of this sec-  
19 tion,

20               “(3) the number of complaints of violations of  
21 this section referred by the Social Security Adminis-  
22 tration to the Inspector General in the Department  
23 of Health and Human Services during the year,



1           “(4) the number of investigations of violations  
2 of this section undertaken by the Inspector General  
3 during the year,

4           “(5) the number of cases in which a demand  
5 letter was sent during the year assessing a civil  
6 money penalty under this section,

7           “(6) the total amount of civil money penalties  
8 assessed under this section during the year,

9           “(7) the number of requests for hearings filed  
10 during the year pursuant to subsection (c)(1) of this  
11 section and section 1128A(c)(2),

12           “(8) the disposition during such year of hear-  
13 ings filed pursuant to sections 1140(c)(1) and  
14 1128A(c)(2), and

15           “(9) the total amount of civil money penalties  
16 under this section deposited into the Federal Old-  
17 Age and Survivors Insurance Trust Fund during the  
18 year.”.

19           (l) PROHIBITION OF MISUSE OF DEPARTMENT OF  
20 THE TREASURY NAMES, SYMBOLS, ETC.—

21           (1) GENERAL RULE.—Subchapter II of chapter  
22 3 of title 31, United States Code, is amended by  
23 adding at the end thereof the following new section:

1 **“§ 333. Prohibition of misuse of Department of the**  
2 **Treasury names, symbols, etc.**

3 “(a) GENERAL RULE.—No person may use, in con-  
4 nection with, or as a part of, any advertisement, sollicita-  
5 tion, business activity, or product, whether alone or with  
6 other words, letters, symbols, or emblems—

7 “(1) the words ‘Department of the Treasury’,  
8 or the name of any service, bureau, office, or other  
9 subdivision of the Department of the Treasury,

10 “(2) the titles ‘Secretary of the Treasury’ or  
11 ‘Treasurer of the United States’ or the title of any  
12 other officer or employee of the Department of the  
13 Treasury,

14 “(3) the abbreviations or initials of any entity  
15 referred to in paragraph (1),

16 “(4) the words ‘United States Savings Bond’ or  
17 the name of any other obligation issued by the De-  
18 partment of the Treasury,

19 “(5) any symbol or emblem of an entity re-  
20 ferred to in paragraph (1) (including the design of  
21 any envelope or stationary used by such an entity),  
22 and

23 “(6) any colorable imitation of any such words,  
24 titles, abbreviations, initials, symbols, or emblems,  
25 in a manner which could reasonably be interpreted or con-  
26 strued as conveying the false impression that such adver-

1 tisement, solicitation, business activity, or product is in  
2 any manner approved, endorsed, sponsored, or authorized  
3 by, or associated with, the Department of the Treasury  
4 or any entity referred to in paragraph (1) or any officer  
5 or employee thereof.

6 “(b) TREATMENT OF DISCLAIMERS.—Any deter-  
7 mination of whether a person has violated the provisions  
8 of subsection (a) shall be made without regard to any use  
9 of a disclaimer of affiliation with the United States Gov-  
10 ernment or any particular agency or instrumentality there-  
11 of.

12 “(c) CIVIL PENALTY.—

13 “(1) IN GENERAL.—The Secretary of the  
14 Treasury may impose a civil penalty on any person  
15 who violates the provisions of subsection (a).

16 “(2) AMOUNT OF PENALTY.—The amount of  
17 the civil penalty imposed by paragraph (1) shall not  
18 exceed \$5,000 for each use of any material in viola-  
19 tion of subsection (a). If such use is in a broadcast  
20 or telecast, the preceding sentence shall be applied  
21 by substituting ‘\$25,000’ for ‘\$5,000’.

22 “(3) TIME LIMITATIONS.—

23 “(A) ASSESSMENTS.—The Secretary of the  
24 Treasury may assess any civil penalty under  
25 paragraph (1) at any time before the end of the

1           3-year period beginning on the date of the vio-  
2           lation with respect to which such penalty is im-  
3           posed.

4           “(B) CIVIL ACTION.—The Secretary of the  
5           Treasury may commence a civil action to re-  
6           cover any penalty imposed under this subsection  
7           at any time before the end of the 2-year period  
8           beginning on the date on which such penalty  
9           was assessed.

10          “(4) COORDINATION WITH SUBSECTION (d).—  
11          No penalty may be assessed under this subsection  
12          with respect to any violation after a criminal pro-  
13          ceeding with respect to such violation has been com-  
14          menced under subsection (d).

15          “(d) CRIMINAL PENALTY.—

16          “(1) IN GENERAL.—If any person knowingly  
17          violates subsection (a), such person shall, upon con-  
18          viction thereof, be fined not more than \$10,000 for  
19          each such use or imprisoned not more than 1 year,  
20          or both. If such use is in a broadcast or telecast, the  
21          preceding sentence shall be applied by substituting  
22          ‘\$50,000’ for ‘\$10,000’.

23          “(2) TIME LIMITATIONS.—No person may be  
24          prosecuted, tried, or punished under paragraph (1)  
25          for any violation of subsection (a) unless the indict-

1 ment is found or the information instituted during  
2 the 3-year period beginning on the date of the viola-  
3 tion.

4 “(3) COORDINATION WITH SUBSECTION (c).—  
5 No criminal proceeding may be commenced under  
6 this subsection with respect to any violation if a civil  
7 penalty has previously been assessed under sub-  
8 section (c) with respect to such violation.”

9 (2) CLERICAL AMENDMENT.—The analysis for  
10 chapter 3 of title 31, United States Code, is amend-  
11 ed by adding after the item relating to section 332  
12 the following new item:

“333. Prohibition of misuse of Department of the Treasury names, symbols,  
etc.”.

13 (3) REPORT.—Not later than May 1, 1996, the  
14 Secretary of the Treasury shall submit a report to  
15 the Committee on Ways and Means of the House of  
16 Representatives and the Committee on Finance of  
17 the Senate on the implementation of the amend-  
18 ments made by this section. Such report shall in-  
19 clude the number of cases in which the Secretary  
20 has notified persons of violations of section 333 of  
21 title 31, United States Code (as added by subsection  
22 (a)), the number of prosecutions commenced under  
23 such section, and the total amount of the penalties  
24 collected in such prosecutions.

1 (m) EFFECTIVE DATE.—The amendments made by  
2 this section shall apply with respect to violations occurring  
3 after the date of the enactment of this Act.

4 **SEC. 215. INCREASED PENALTIES FOR UNAUTHORIZED DIS-**  
5 **CLOSURE OF SOCIAL SECURITY INFORMA-**  
6 **TION.**

7 (a) UNAUTHORIZED DISCLOSURE.—Section 1106(a)  
8 of the Social Security Act (42 U.S.C. 1306(a)) is amend-  
9 ed—

10 (1) by striking “misdemeanor” and inserting  
11 “felony”;

12 (2) by striking “\$1,000” and inserting  
13 “\$10,000 for each occurrence of a violation”; and

14 (3) by striking “one year” and inserting “5  
15 years”.

16 (b) UNAUTHORIZED DISCLOSURE BY FRAUD.—Sec-  
17 tion 1107(b) of such Act (42 U.S.C. 1307(b)) is amend-  
18 ed—

19 (1) by inserting “social security account num-  
20 ber,” after “information as to the”;

21 (2) by striking “misdemeanor” and inserting  
22 “felony”;

23 (3) by striking “\$1,000” and inserting  
24 “\$10,000 for each occurrence of a violation”; and

1           (4) by striking “one year” and inserting “5  
2       years”.

3           (c) EFFECTIVE DATE.—The amendments made by  
4 this section shall apply to violations occurring on or after  
5 the date of the enactment of this Act.

6 **SEC. 216. INCREASE IN AUTHORIZED PERIOD FOR EXTEN-**  
7 **SION OF TIME TO FILE ANNUAL EARNINGS**  
8 **REPORT.**

9           (a) IN GENERAL.—Section 203(h)(1)(A) of the Social  
10 Security Act (42 U.S.C. 403(h)(1)(A)) is amended in the  
11 last sentence by striking “three months” and inserting  
12 “four months”.

13          (b) EFFECTIVE DATE.—The amendment made by  
14 subsection (a) shall apply with respect to reports of earn-  
15 ings for taxable years ending on or after December 31,  
16 1994.

17 **SEC. 217. EXTENSION OF DISABILITY INSURANCE PRO-**  
18 **GRAM DEMONSTRATION PROJECT AUTHOR-**  
19 **ITY.**

20          (a) IN GENERAL.—Section 505 of the Social Security  
21 Disability Amendments of 1980 (Public Law 96–265), as  
22 amended by section 12101 of the Consolidated Omnibus  
23 Budget Reconciliation Act of 1985 (Public Law 99–272),  
24 section 10103 of the Omnibus Budget Reconciliation Act  
25 of 1989 (Public Law 101–239), and section 5120 of the

1 Omnibus Budget Reconciliation Act of 1990 (Public Law  
2 101–508) is further amended—

3 (1) in paragraph (3) of subsection (a), by strik-  
4 ing “June 10, 1993” and inserting “June 10,  
5 1996”;

6 (2) in paragraph (4) of subsection (a), by strik-  
7 ing “1992” and inserting “1995”; and

8 (3) in subsection (c), by striking “October 1,  
9 1993” and inserting “October 1, 1996”.

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

13 **SEC. 218. CROSS-MATCHING OF SOCIAL SECURITY AC-**  
14 **COUNT NUMBER INFORMATION AND EM-**  
15 **PLOYER IDENTIFICATION NUMBER INFORMA-**  
16 **TION MAINTAINED BY THE DEPARTMENT OF**  
17 **AGRICULTURE.**

18 (a) SOCIAL SECURITY ACCOUNT NUMBER INFORMA-  
19 TION.—Clause (iii) of section 205(c)(2)(C) of the Social  
20 Security Act (42 U.S.C. 405(c)(2)(C)) (as added by sec-  
21 tion 1735(a)(3) of the Food, Agriculture, Conservation,  
22 and Trade Act of 1990 (Public Law 101–624; 104 Stat.  
23 3791)) is amended—

24 (1) by inserting “(I)” after “(iii)”; and



1           (2) by striking “The Secretary of Agriculture  
2           shall restrict” and all that follows and inserting the  
3           following:

4           “(II) The Secretary of Agriculture may share any in-  
5           formation contained in any list referred to in subclause  
6           (I) with any other agency or instrumentality of the United  
7           States which otherwise has access to social security ac-  
8           count numbers in accordance with this subsection or other  
9           applicable Federal law, except that the Secretary of Agri-  
10          culture may share such information only to the extent that  
11          such Secretary determines such sharing would assist in  
12          verifying and matching such information against informa-  
13          tion maintained by such other agency or instrumentality.  
14          Any such information shared pursuant to this subclause  
15          may be used by such other agency or instrumentality only  
16          for the purpose of effective administration and enforce-  
17          ment of the Food Stamp Act of 1977 or for the purpose  
18          of investigation of violations of other Federal laws or en-  
19          forcement of such laws.

20          “(III) The Secretary of Agriculture, and the head of  
21          any other agency or instrumentality referred to in this  
22          subclause, shall restrict, to the satisfaction of the Sec-  
23          retary of Health and Human Services, access to social se-  
24          curity account numbers obtained pursuant to this clause  
25          only to officers and employees of the United States whose

1 duties or responsibilities require access for the purposes  
2 described in subclause (II).

3 “(IV) The Secretary of Agriculture, and the head of  
4 any agency or instrumentality with which information is  
5 shared pursuant to clause (II), shall provide such other  
6 safeguards as the Secretary of Health and Human Serv-  
7 ices determines to be necessary or appropriate to protect  
8 the confidentiality of the social security account  
9 numbers.”.

10 (b) EMPLOYER IDENTIFICATION NUMBER INFORMA-  
11 TION.—Subsection (f) of section 6109 of the Internal Rev-  
12 enue Code of 1986 (as added by section 1735(c) of the  
13 Food, Agriculture, Conservation, and Trade Act of 1990  
14 (Public Law 101–624; 104 Stat. 3792)) (relating to access  
15 to employer identification numbers by Secretary of Agri-  
16 culture for purposes of Food Stamp Act of 1977) is  
17 amended—

18 (1) by striking paragraph (2) and inserting the  
19 following:

20 “(2) SHARING OF INFORMATION AND SAFE-  
21 GUARDS.—

22 “(A) SHARING OF INFORMATION.—The  
23 Secretary of Agriculture may share any infor-  
24 mation contained in any list referred to in para-  
25 graph (1) with any other agency or instrumen-

1           tality of the United States which otherwise has  
2           access to employer identification numbers in ac-  
3           cordance with this section or other applicable  
4           Federal law, except that the Secretary of Agri-  
5           culture may share such information only to the  
6           extent that such Secretary determines such  
7           sharing would assist in verifying and matching  
8           such information against information main-  
9           tained by such other agency or instrumentality.  
10          Any such information shared pursuant to this  
11          subparagraph may be used by such other agen-  
12          cy or instrumentality only for the purpose of ef-  
13          fective administration and enforcement of the  
14          Food Stamp Act of 1977 or for the purpose of  
15          investigation of violations of other Federal laws  
16          or enforcement of such laws.

17                 “(B) SAFEGUARDS.—The Secretary of Ag-  
18                 riculture, and the head of any other agency or  
19                 instrumentality referred to in subparagraph  
20                 (A), shall restrict, to the satisfaction of the Sec-  
21                 retary of the Treasury, access to employer iden-  
22                 tification numbers obtained pursuant to this  
23                 subsection only to officers and employees of the  
24                 United States whose duties or responsibilities  
25                 require access for the purposes described in

1           subparagraph (A). The Secretary of Agri-  
2           culture, and the head of any agency or instru-  
3           mentality with which information is shared pur-  
4           suant to subparagraph (A), shall provide such  
5           other safeguards as the Secretary of the Treas-  
6           ury determines to be necessary or appropriate  
7           to protect the confidentiality of the employer  
8           identification numbers.”;

9           (2) in paragraph (3), by striking “by the Sec-  
10          retary of Agriculture pursuant to this subsection”  
11          and inserting “pursuant to this subsection by the  
12          Secretary of Agriculture or the head of any agency  
13          or instrumentality with which information is shared  
14          pursuant to paragraph (2)”, and by striking “social  
15          security account numbers” and inserting “employer  
16          identification numbers”; and

17          (3) in paragraph (4), by striking “by the Sec-  
18          retary of Agriculture pursuant to this subsection”  
19          and inserting “pursuant to this subsection by the  
20          Secretary of Agriculture or any agency or instru-  
21          mentality with which information is shared pursuant  
22          to paragraph (2)”.

1 **SEC. 219. CERTAIN TRANSFERS TO RAILROAD RETIREMENT**  
2 **ACCOUNT MADE PERMANENT.**

3 Subsection (c)(1)(A) of section 224 of the Railroad  
4 Retirement Solvency Act of 1983 (relating to section 72(r)  
5 revenue increase transferred to certain railroad accounts)  
6 is amended by striking “with respect to benefits received  
7 before October 1, 1992”.

8 **SEC. 220. AUTHORIZATION FOR USE OF SOCIAL SECURITY**  
9 **ACCOUNT NUMBERS BY DEPARTMENT OF**  
10 **LABOR IN ADMINISTRATION OF FEDERAL**  
11 **WORKERS' COMPENSATION LAWS.**

12 Section 205(c)(2)(C) of the Social Security Act (42  
13 U.S.C. 405(c)(2)(C)) is amended by adding at the end the  
14 following new clause:

15 “(ix) In the administration of the provisions of chap-  
16 ter 81 of title 5, United States Code, and the Longshore  
17 and Harbor Workers' Compensation Act (33 U.S.C. 901  
18 et seq.), the Secretary of Labor may require by regulation  
19 that any person filing a notice of injury or a claim for  
20 benefits under such provisions provide as part of such no-  
21 tice or claim such person's social security account number,  
22 subject to the requirements of this clause. No officer or  
23 employee of the Department of Labor shall have access  
24 to any such number for any purpose other than the estab-  
25 lishment of a system of records necessary for the effective  
26 administration of such provisions. The Secretary of Labor



1 national organization by an individual pursuant to a  
2 transfer of such individual to such international or-  
3 ganization pursuant to section 3582 of title 5, Unit-  
4 ed States Code, shall constitute ‘employment’ if—

5 “(A) immediately before such transfer,  
6 such individual performed service with a Fed-  
7 eral agency which constituted ‘employment’  
8 under subsection (b) for purposes of the taxes  
9 imposed by sections 3101(a) and 3111(a), and

10 “(B) such individual would be entitled,  
11 upon separation from such international organi-  
12 zation and proper application, to reemployment  
13 with such Federal agency under such section  
14 3582.

15 “(2) DEFINITIONS.—For purposes of this sub-  
16 section—

17 “(A) FEDERAL AGENCY.—The term ‘Fed-  
18 eral agency’ means an agency, as defined in  
19 section 3581(1) of title 5, United States Code.

20 “(B) INTERNATIONAL ORGANIZATION.—  
21 The term ‘international organization’ has the  
22 meaning provided such term by section 3581(3)  
23 of title 5, United States Code.”

24 (2) CONTRIBUTIONS BY FEDERAL AGENCY.—  
25 Section 3122 of such Code (relating to Federal serv-

1 ice) is amended by inserting after the first sentence  
2 the following new sentence: “In the case of the taxes  
3 imposed by this chapter with respect to service per-  
4 formed in the employ of an international organiza-  
5 tion pursuant to a transfer to which the provisions  
6 of section 3121(y) are applicable, the determination  
7 of the amount of remuneration for such service, and  
8 the return and payment of the taxes imposed by this  
9 chapter, shall be made by the head of the Federal  
10 agency from which the transfer was made.”

11 (3) COLLECTION OF EMPLOYEE CONTRIBU-  
12 TIONS.—Section 3102 of such Code (relating to de-  
13 duction of tax from wages) is amended by adding at  
14 the end the following new subsection:

15 “(e) SPECIAL RULE FOR CERTAIN TRANSFERRED  
16 FEDERAL EMPLOYEES.—In the case of any payments of  
17 wages for service performed in the employ of an inter-  
18 national organization pursuant to a transfer to which the  
19 provisions of section 3121(y) are applicable—

20 “(1) subsection (a) shall not apply,

21 “(2) the head of the Federal agency from which  
22 the transfer was made shall separately include on  
23 the statement required under section 6051—

24 “(A) the amount determined to be the  
25 amount of the wages for such service, and



1           “(B) the amount of the tax imposed by  
2           section 3101 on such payments, and

3           “(3) the tax imposed by section 3101 on such  
4           payments shall be paid by the employee.”

5           (4) EXCLUSION FROM TREATMENT AS TRADE  
6           OR BUSINESS.—Paragraph (2)(C) of section 1402(c)  
7           of such Code (defining trade or business) is amend-  
8           ed by adding at the end the following: “except serv-  
9           ice which constitutes ‘employment’ under section  
10          3121(y),”.

11          (5) CONFORMING AMENDMENT.—Paragraph  
12          (15) of section 3121(b) of such Code is amended by  
13          inserting “, except service which constitutes ‘em-  
14          ployment’ under subsection (y)” after “organiza-  
15          tion”.

16          (b) AMENDMENTS TO THE SOCIAL SECURITY ACT.—

17          (1) IN GENERAL.—Section 210 of the Social  
18          Security Act (42 U.S.C. 410) is amended by adding  
19          at the end the following new subsection:

20          “SERVICE IN THE EMPLOY OF INTERNATIONAL ORGANI-  
21          ZATIONS BY CERTAIN TRANSFERRED FEDERAL EM-  
22          PLOYEES

23          “(r)(1) For purposes of this title, service performed  
24          in the employ of an international organization by an indi-  
25          vidual pursuant to a transfer of such individual to such  
26          international organization pursuant to section 3582 of

1 title 5, United States Code, shall constitute ‘employment’  
2 if—

3 “(A) immediately before such transfer, such in-  
4 dividual performed service with a Federal agency  
5 which constituted ‘employment’ as defined in sub-  
6 section (a), and

7 “(B) such individual would be entitled, upon  
8 separation from such international organization and  
9 proper application, to reemployment with such Fed-  
10 eral agency under such section 3582.

11 “(2) For purposes of this subsection—

12 “(A) The term ‘Federal agency’ means an agen-  
13 cy, as defined in section 3581(1) of title 5, United  
14 States Code.

15 “(B) The term ‘international organization’ has  
16 the meaning provided such term by section 3581(3)  
17 of title 5, United States Code.”

18 (2) EXCLUSION FROM TREATMENT AS TRADE  
19 OR BUSINESS.—Section 211(c)(2)(C) of such Act  
20 (42 U.S.C. 411(c)(2)(C)) is amended by inserting  
21 before the semicolon the following “, except service  
22 which constitutes ‘employment’ under section  
23 210(r)”.

24 (3) CONFORMING AMENDMENT.—Section  
25 210(a)(15) of such Act (42 U.S.C. 410(a)(15)) is

1 amended by inserting “, except service which con-  
2 stitutes ‘employment’ under subsection (r)” before  
3 the semicolon.

4 (c) EFFECTIVE DATE.—The amendments made by  
5 this section shall apply with respect to service performed  
6 after the calendar quarter following the calendar quarter  
7 in which the date of the enactment of this Act occurs.

8 **SEC. 222. TREATMENT OF CERTAIN VISAS.**

9 (a) AMENDMENTS TO THE INTERNAL REVENUE  
10 CODE OF 1986.—

11 (1) The following provisions of the Internal  
12 Revenue Code of 1986 are each amended by striking  
13 “(J), or (M)” each place it appears and inserting  
14 “(J), (M), or (Q)”:

15 (A) Section 871(c).

16 (B) Section 1441(b).

17 (C) Section 3121(b)(19).

18 (D) Section 3231(e)(1).

19 (E) Section 3306(c)(19).

20 (2) Paragraph (3) of section 872(b) of such  
21 Code is amended by striking “(F) or (J)” and in-  
22 serting “(F), (J), or (Q)”.

23 (3) Paragraph (5) of section 7701(b) of such  
24 Code is amended by striking “subparagraph (J)” in

1 subparagraphs (C)(i) and (D)(i)(II) and inserting  
2 “subparagraph (J) or (Q)”.

3 (b) AMENDMENT TO SOCIAL SECURITY ACT.—Para-  
4 graph (19) of section 210(a) of the Social Security Act  
5 is amended by striking “(J), or (M)” each place it appears  
6 and inserting “(J), (M), or (Q)”.

7 (c) EFFECTIVE DATE.—The amendments made by  
8 this subsection shall take effect with the calendar quarter  
9 following the date of the enactment of this Act.

10 **SEC. 223. COMMISSION ON CHILDHOOD DISABILITY.**

11 (a) ESTABLISHMENT OF COMMISSION.—The Sec-  
12 retary of Health and Human Services (in this section re-  
13 ferred to as the “Secretary”) shall appoint a Commission  
14 on the Evaluation of Disability in Children (in this section  
15 referred to as the “Commission”).

16 (b) APPOINTMENT OF MEMBERS.—(1) The Secretary  
17 shall appoint not less than 9 but not more than 15 mem-  
18 bers to the Commission, including—

19 (A) recognized experts in the field of medicine,  
20 whose work involves—

21 (i) the evaluation and treatment of disabil-  
22 ity in children,

23 (ii) the study of congenital, genetic, or  
24 perinatal disorders in children, or

1 (iii) the measurement of developmental  
2 milestones and developmental deficits in chil-  
3 dren; and

4 (B) recognized experts in the fields of—

5 (i) psychology,

6 (ii) education and rehabilitation,

7 (iii) law,

8 (iv) the administration of disability pro-  
9 grams,

10 (v) social insurance (including health in-  
11 surance), and

12 (vi) other fields of expertise that the Sec-  
13 retary determines to be appropriate.

14 (2) Members shall be appointed by January 1, 1995,  
15 without regard to the provisions of title 5, United States  
16 Code, governing appointments to competitive service.

17 (3) Members appointed under this subsection shall  
18 serve for a term equivalent to the duration of the Commis-  
19 sion.

20 (4) The Secretary shall designate a member of the  
21 Commission to serve as Chair of the Commission for a  
22 term equivalent to the duration of the Commission.

23 (c) ADMINISTRATIVE PROVISIONS.—(1) Service as a  
24 member of the Commission by an individual who is not  
25 otherwise a Federal employee shall not be considered serv-

1 ice in an appointive or elective position in the Federal Gov-  
2 ernment for the purposes of title 5, United States Code.

3 (2) Each member of the Commission who is not a  
4 full-time Federal employee shall be paid compensation at  
5 a rate equal to the daily equivalent of the rate of basic  
6 pay in effect for Level IV of the Executive Schedule for  
7 each day (including travel time) the member attends meet-  
8 ings or otherwise performs the duties of the Commission.

9 (3) While away from their homes or regular places  
10 of business on the business of the Commission, each mem-  
11 ber who is not a full-time Federal employee may be al-  
12 lowed travel expenses, including per diem in lieu of sub-  
13 sistence, as authorized by section 5703 of title 5, United  
14 States Code, for persons employed intermittently in the  
15 Government service.

16 (d) ASSISTANCE TO COMMISSION.—The Commission  
17 may engage individuals skilled in medical and other as-  
18 pects of childhood disability to provide such technical as-  
19 sistance as may be necessary to carry out the functions  
20 of the Commission. The Secretary shall make available to  
21 the Commission such secretarial, clerical, and other assist-  
22 ance as the Commission may require to carry out the func-  
23 tions of the Commission.

24 (e) STUDY BY THE COMMISSION.—(1) The Commis-  
25 sion shall conduct a study, in consultation with the Na-

1 tional Academy of Sciences, of the effects of the definition  
2 of “disability” under title XVI of the Social Security Act  
3 (42 U.S.C. 1382 et seq.) in effect on the date of enactment  
4 of this Act, as such definition applies to determining  
5 whether a child under the age of 18 is eligible to receive  
6 benefits under such title, the appropriateness of such defi-  
7 nition, and the advantages and disadvantages of using any  
8 alternative definition of disability in determining whether  
9 a child under age 18 is eligible to receive benefits under  
10 such title.

11 (2) The study described in paragraph (1) shall in-  
12 clude issues of—

13 (A) whether the need by families for assistance  
14 in meeting high costs of medical care for children  
15 with serious physical or mental impairments, wheth-  
16 er or not they are eligible for disability benefits  
17 under title XVI of the Social Security Act, might ap-  
18 propriately be met through expansion of Federal  
19 health assistance programs (including the program  
20 of medical assistance under title XIX of such Act);  
21 and

22 (B) such other issues that the Secretary deter-  
23 mines to be appropriate.

24 (f) REPORT.—Not later than November 30, 1996, the  
25 Commission shall prepare a report and submit such report

1 to the Committee on Ways and Means of the House of  
2 Representatives and the Committee on Finance of the  
3 Senate which shall summarize the results of the study de-  
4 scribed in subsection (e) and include any recommendations  
5 that the Commission determines to be appropriate.

6 **SEC. 224. TECHNICAL AND CLERICAL AMENDMENTS.**

7 (a) AMENDMENTS TO TITLE II OF THE SOCIAL SE-  
8 CURITY ACT.—

9 (1) Section 201(a) of the Social Security Act  
10 (42 U.S.C. 401(a)) is amended, in the matter follow-  
11 ing clause (4), by striking “and and” and inserting  
12 “and”.

13 (2) Section 202(d)(8)(D)(ii) of such Act (42  
14 U.S.C. 402(d)(8)(D)(ii)) is amended by adding a pe-  
15 riod at the end and by adjusting the left hand  
16 margination thereof so as to align with section  
17 202(d)(8)(D)(i) of such Act.

18 (3) Section 202(q)(1)(A) of such Act (42  
19 U.S.C. 402(q)(1)(A)) is amended by striking the  
20 dash at the end.

21 (4) Section 202(q)(9) of such Act (42 U.S.C.  
22 402(q)(9)) is amended, in the matter preceding sub-  
23 paragraph (A), by striking “parargaph” and insert-  
24 ing “paragraph”.



1           (5) Section 202(t)(4)(D) of such Act (42  
2 U.S.C. 402(t)(4)(D)) is amended by inserting “if  
3 the” before “Secretary” the second and third places  
4 it appears.

5           (6) Clauses (i) and (ii) of section 203(f)(5)(C)  
6 of such Act (42 U.S.C. 403(f)(5)(C)) are amended  
7 by adjusting the left-hand margination thereof so as  
8 to align with clauses (i) and (ii) of section  
9 203(f)(5)(B) of such Act.

10           (7) Paragraph (3)(A) and paragraph (3)(B) of  
11 section 205(b) of such Act (42 U.S.C. 405(b)) are  
12 amended by adjusting the left-hand margination  
13 thereof so as to align with the matter following  
14 section 205(b)(2)(C) of such Act.

15           (8) Section 205(c)(2)(B)(iii) of such Act (42  
16 U.S.C. 405(c)(2)(B)(iii)) is amended by striking  
17 “non-public” and inserting “nonpublic”.

18           (9) Section 205(c)(2)(C) of such Act (42 U.S.C.  
19 405(c)(2)(C)) is amended—

20                   (A) by striking the clause (vii) added by  
21 section 2201(c) of Public Law 101-624; and

22                   (B) by redesignating the clause (iii) added  
23 by section 2201(b)(3) of Public Law 101-624,  
24 clause (iv), clause (v), clause (vi), and the  
25 clause (vii) added by section 1735(b) of Public

1 Law 101–624 as clause (iv), clause (v), clause  
2 (vi), clause (vii), and clause (viii), respectively;

3 (C) in clause (v) (as redesignated), by  
4 striking “subclause (I) of”, and by striking  
5 “subclause (II) of clause (i)” and inserting  
6 “clause (ii)”; and

7 (D) in clause (viii)(IV) (as redesignated),  
8 by inserting “a social security account number  
9 or” before “a request for”.

10 (10) The heading for section 205(j) of such Act  
11 (42 U.S.C. 405(j)) is amended to read as follows:

12 “Representative Payees”.

13 (11) The heading for section 205(s) of such Act  
14 (42 U.S.C. 405(s)) is amended to read as follows:

15 “Notice Requirements”.

16 (12) Section 208(c) of such Act (42 U.S.C.  
17 408(c)) is amended by striking “subsection (g)” and  
18 inserting “subsection (a)(7)”.

19 (13) Section 210(a)(5)(B)(i)(V) of such Act (42  
20 U.S.C. 410(a)(5)(B)(i)(V)) is amended by striking  
21 “section 105(e)(2)” and inserting “section  
22 104(e)(2)”.

23 (14) Section 211(a) of such Act (42 U.S.C.  
24 411(a)) is amended—

1 (A) in paragraph (13), by striking “and”  
2 at the end; and

3 (B) in paragraph (14), by striking the pe-  
4 riod and inserting “; and”.

5 (15) Section 213(c) of such Act (42 U.S.C.  
6 413(c)) is amended by striking “section” the first  
7 place it appears and inserting “sections”.

8 (16) Section 215(a)(5)(B)(i) of such Act (42  
9 U.S.C. 415(a)(5)(B)(i)) is amended by striking  
10 “subsection” the second place it appears and insert-  
11 ing “subsections”.

12 (17) Section 215(f)(7) of such Act (42 U.S.C.  
13 415(f)(7)) is amended by inserting a period after  
14 “1990”.

15 (18) Subparagraph (F) of section 218(c)(6) of  
16 such Act (42 U.S.C. 418(c)(6)) is amended by ad-  
17 justing the left-hand margination thereof so as to  
18 align with section 218(c)(6)(E) of such Act.

19 (19) Section 223(i) of such Act (42 U.S.C.  
20 423(i)) is amended by adding at the beginning the  
21 following heading:

22 “Limitation on Payments to Prisoners”.

23 (b) RELATED AMENDMENTS.—

24 (1) Section 603(b)(5)(A) of Public Law 101-  
25 649 (amending section 202(n)(1) of the Social Secu-

1 rity Act) (104 Stat. 5085) is amended by inserting  
2 “under” before “paragraph (1),” and by striking  
3 “(17), or (18)” and inserting “(17), (18), or (19)”,  
4 effective as if this paragraph were included in such  
5 section 603(b)(5)(A).

6 (2) Section 10208(b)(1) of Public Law 101–  
7 239 (amending section 230(b)(2)(A) of the Social  
8 Security Act) (103 Stat. 2477) is amended by strik-  
9 ing “230(b)(2)(A)” and “430(b)(2)(A)” and insert-  
10 ing “230(b)(2)” and “430(b)(2)”, respectively, effec-  
11 tive as if this paragraph were included in such sec-  
12 tion 10208(b)(1).

13 (c) CONFORMING, CLERICAL AMENDMENTS UPDAT-  
14 ING, WITHOUT SUBSTANTIVE CHANGE, REFERENCES IN  
15 TITLE II OF THE SOCIAL SECURITY ACT TO THE INTER-  
16 NAL REVENUE CODE.—

17 (1)(A)(i) Section 201(g)(1) of such Act (42  
18 U.S.C. 401(g)(1)) is amended—

19 (I) in subparagraph (A)(i), by striking  
20 “and subchapter E” and all that follows  
21 through “1954” and inserting “and chapters 2  
22 and 21 of the Internal Revenue Code of 1986”;

23 (II) in subparagraph (A)(ii), by striking  
24 “1954” and inserting “1986”;

1 (III) in the matter in subparagraph (A)  
2 following clause (ii), by striking “subchapter E”  
3 and all that follows through “1954.” and in-  
4 serting “chapters 2 and 21 of the Internal Rev-  
5 enue Code of 1986.”, and by striking “1954  
6 other” and inserting “1986 other”; and

7 (IV) in subparagraph (B), by striking  
8 “1954” each place it appears and inserting  
9 “1986”.

10 (ii) The amendments made by clause (i) shall  
11 apply only with respect to periods beginning on or  
12 after the date of the enactment of this Act.

13 (B)(i) Section 201(g)(2) of such Act (42 U.S.C.  
14 401(g)(2)) is amended by striking “section 3101(a)”  
15 and all that follows through “1950.” and inserting  
16 “section 3101(a) of the Internal Revenue Code of  
17 1986 which are subject to refund under section  
18 6413(c) of such Code with respect to wages (as de-  
19 fined in section 3121 of such Code).”, and by strik-  
20 ing “wages reported” and all that follows through  
21 “1954,” and inserting “wages reported to the Sec-  
22 retary of the Treasury or his delegate pursuant to  
23 subtitle F of such Code.”.

1           (ii) The amendments made by clause (i) shall  
2 apply only with respect to wages paid on or after  
3 January 1, 1995.

4           (C) Section 201(g)(4) of such Act (42 U.S.C.  
5 401(g)(4)) is amended—

6                 (i) by striking “The Board of Trustees  
7 shall prescribe before January 1, 1981, the  
8 method” and inserting “If at any time or times  
9 the Boards of Trustees of such Trust Funds  
10 deem such action advisable, they may modify  
11 the method prescribed by such Boards”;

12                 (ii) by striking “1954” and inserting  
13 “1986”; and

14                 (iii) by striking the last sentence.

15           (2) Section 202(v) of such Act (42 U.S.C.  
16 402(v)) is amended—

17                 (A) in paragraph (1), by striking “1954”  
18 and inserting “1986”; and

19                 (B) in paragraph (3)(A), by inserting “of  
20 the Internal Revenue Code of 1986” after  
21 “3127”.

22           (3) Section 205(c)(5)(F)(i) of such Act (42  
23 U.S.C. 405(c)(5)(F)(i)) is amended by inserting “or  
24 the Internal Revenue Code of 1986” after “1954”.

1           (4)(A) Section 209(a)(4)(A) of such Act (42  
2 U.S.C. 409(a)(4)(A)) is amended by inserting “or  
3 the Internal Revenue Code of 1986” after “Internal  
4 Revenue Code of 1954”.

5           (B) Section 209(a) of such Act (42 U.S.C.  
6 409(a)) is amended—

7                 (i) in subparagraphs (C) and (E) of para-  
8 graph (4),

9                 (ii) in paragraph (5)(A),

10                (iii) in subparagraphs (A) and (B) of para-  
11 graph (14),

12                (iv) in paragraph (15),

13                (v) in paragraph (16), and

14                (vi) in paragraph (17),

15 by striking “1954” each place it appears and insert-  
16 ing “1986”.

17           (C) Subsections (b), (f), (g), (i)(1), and (j) of  
18 section 209 of such Act (42 U.S.C. 409) are amend-  
19 ed by striking “1954” each place it appears and  
20 inserting “1986”.

21           (5) Section 211(a)(15) of such Act (42 U.S.C.  
22 411(a)(15)) is amended by inserting “of the Internal  
23 Revenue Code of 1986” after “section 162(m)”.

24           (6) Title II of such Act is further amended—

1 (A) in subsections (f)(5)(B)(ii) and (k) of  
2 section 203 (42 U.S.C. 403),

3 (B) in section 205(c)(1)(D)(i) (42 U.S.C.  
4 405(c)(1)(D)(i)),

5 (C) in the matter in section 210(a) (42  
6 U.S.C. 410(a)) preceding paragraph (1) and in  
7 paragraphs (8), (9), and (10) of section 210(a),

8 (D) in subsections (p)(4) and (q) of section  
9 210 (42 U.S.C. 410),

10 (E) in the matter in section 211(a) (42  
11 U.S.C. 411(a)) preceding paragraph (1) and in  
12 paragraphs (3), (4), (6), (10), (11), and (12)  
13 and clauses (iii) and (iv) of section 211(a),

14 (F) in the matter in section 211(c) (42  
15 U.S.C. 411(c)) preceding paragraph (1), in  
16 paragraphs (3) and (6) of section 211(c), and  
17 in the matter following paragraph (6) of section  
18 211(c),

19 (G) in subsections (d), (e), and (h)(1)(B)  
20 of section 211 (42 U.S.C. 411),

21 (H) in section 216(j) (42 U.S.C. 416(j)),

22 (I) in section 218(e)(3) (42 U.S.C.  
23 418(e)(3)),

24 (J) in section 229(b) (42 U.S.C. 429(b)),



1 (K) in section 230(c) (42 U.S.C. 430(c)),  
2 and

3 (L) in section 232 (42 U.S.C. 432),  
4 by striking “1954” each place it appears and insert-  
5 ing “1986”.

6 (d) RULES OF CONSTRUCTION.—

7 (1) The preceding provisions of this section  
8 shall be construed only as technical and clerical cor-  
9 rections and as reflecting the original intent of the  
10 provisions amended thereby.

11 (2) Any reference in title II of the Social Secu-  
12 rity Act to the Internal Revenue Code of 1986 shall  
13 be construed to include a reference to the Internal  
14 Revenue Code of 1954 to the extent necessary to  
15 carry out the provisions of paragraph (1).

16 (e) UTILIZATION OF NATIONAL AVERAGE WAGE  
17 INDEX FOR WAGE-BASED ADJUSTMENTS.—

18 (1) DEFINITION OF NATIONAL AVERAGE WAGE  
19 INDEX.—Section 209(k) of the Social Security Act  
20 (42 U.S.C. 409(k)) is amended—

21 (A) by redesignating paragraph (2) as  
22 paragraph (3);

23 (B) in paragraph (3) (as redesignated), by  
24 striking “paragraph (1)” and inserting “this  
25 subsection”; and

1 (C) by striking paragraph (1) and insert-  
2 ing the following new paragraphs:

3 “(k)(1) For purposes of sections 203(f)(8)(B)(ii),  
4 213(d)(2)(B), 215(a)(1)(B)(ii), 215(a)(1)(C)(ii),  
5 215(a)(1)(D), 215(b)(3)(A)(ii), 215(i)(1)(E),  
6 215(i)(2)(C)(ii), 224(f)(2)(B), and 230(b)(2) (and  
7 230(b)(2) as in effect immediately prior to the enactment  
8 of the Social Security Amendments of 1977), the term ‘na-  
9 tional average wage index’ for any particular calendar year  
10 means, subject to regulations of the Secretary under para-  
11 graph (2), the average of the total wages for such particu-  
12 lar calendar year.

13 “(2) The Secretary shall prescribe regulations under  
14 which the national average wage index for any calendar  
15 year shall be computed—

16 “(A) on the basis of amounts reported to the  
17 Secretary of the Treasury or his delegate for such  
18 year,

19 “(B) by disregarding the limitation on wages  
20 specified in subsection (a)(1),

21 “(C) with respect to calendar years after 1990,  
22 by incorporating deferred compensation amounts  
23 and factoring in for such years the rate of change  
24 from year to year in such amounts, in a manner  
25 consistent with the requirements of section 10208 of

1 the Omnibus Budget Reconciliation Act of 1989,  
2 and

3 “(D) with respect to calendar years before  
4 1978, in a manner consistent with the manner in  
5 which the average of the total wages for each of  
6 such calendar years was determined as provided by  
7 applicable law as in effect for such years.”.

8 (2) CONFORMING AMENDMENTS.—

9 (A) Section 213(d)(2)(B) of such Act (42  
10 U.S.C. 413(d)(2)(B)) is amended by striking  
11 “deemed average total wages” and inserting  
12 “national average wage index”, and by striking  
13 “the average of the total wages” and all that  
14 follows and inserting “the national average  
15 wage index (as so defined) for 1976,”.

16 (B) Section 215(a)(1)(B)(ii) of such Act  
17 (42 U.S.C. 415(a)(1)(B)(ii)) is amended—

18 (i) in subclause (I), by striking  
19 “deemed average total wages” and insert-  
20 ing “national average wage index”; and

21 (ii) in subclause (II), by striking “the  
22 average of the total wages” and all that  
23 follows and inserting “the national average  
24 wage index (as so defined) for 1977.”.

1 (C) Section 215(a)(1)(C)(ii) of such Act  
2 (42 U.S.C. 415(a)(1)(C)(ii)) is amended by  
3 striking “deemed average total wages” and  
4 inserting “national average wage index”.

5 (D) Section 215(a)(1)(D) of such Act (42  
6 U.S.C. 415(a)(1)(D)) is amended—

7 (i) by striking “after 1978”;

8 (ii) by striking “and the average of  
9 the total wages (as described in subpara-  
10 graph (B)(ii)(I))” and inserting “and the  
11 national average wage index (as defined in  
12 section 209(k)(1))”; and

13 (iii) by striking the last sentence.

14 (E) Section 215(b)(3)(A)(ii) of such Act  
15 (42 U.S.C. 415(b)(3)(A)(ii)) is amended by  
16 striking “deemed average total wages” each  
17 place it appears and inserting “national average  
18 wage index”.

19 (F) Section 215(i)(1) of such Act (42  
20 U.S.C. 415(i)(1)) is amended—

21 (i) in subparagraph (E), by striking  
22 “SSA average wage index” and inserting  
23 “national average wage index (as defined  
24 in section 209(k)(1))”; and

1 (ii) by striking subparagraph (G) and  
2 redesignating subparagraph (H) as sub-  
3 paragraph (G).

4 (G) Section 215(i)(2)(C)(ii) of such Act  
5 (42 U.S.C. 415(i)(1)(C)(ii)) is amended to read  
6 as follows:

7 “(ii) The Secretary shall determine and promulgate  
8 the OASDI fund ratio for the current calendar year on  
9 or before November 1 of the current calendar year, based  
10 upon the most recent data then available. The Secretary  
11 shall include a statement of the fund ratio and the na-  
12 tional average wage index (as defined in section 209(k)(1))  
13 and a statement of the effect such ratio and the level of  
14 such index may have upon benefit increases under this  
15 subsection in any notification made under clause (i) and  
16 any determination published under subparagraph (D).”.

17 (H) Section 224(f)(2) of such Act (42  
18 U.S.C. 424a(f)(2)) is amended—

19 (i) in subparagraph (A), by adding  
20 “and” at the end;

21 (ii) by striking subparagraph (C); and

22 (iii) by striking subparagraph (B) and  
23 inserting the following:

24 “(B) the ratio of (i) the national average wage  
25 index (as defined in section 209(k)(1)) for the cal-

1       endar year before the year in which such redeter-  
2       mination is made to (ii) the national average wage  
3       index (as so defined) for the calendar year before  
4       the year in which the reduction was first computed  
5       (but not counting any reduction made in benefits for  
6       a previous period of disability).”.

7       (f) TECHNICAL CORRECTIONS RELATED TO OASDI  
8       IN THE OMNIBUS BUDGET RECONCILIATION ACT OF  
9       1990.—

10           (1) AMENDMENTS RELATED TO PROVISIONS IN  
11       SECTION 5103(b) RELATING TO DISABLED WID-  
12       OWS.—Section 223(f)(2) of the Social Security Act  
13       (42 U.S.C. 423(f)(2)) is amended—

14           (A) in subparagraph (A), by striking “(in  
15       a case to which clause (ii)(II) does not apply)”;  
16       and

17           (B) by striking subparagraph (B)(ii) and  
18       inserting the following:

19                   “(ii) the individual is now able to en-  
20                   gage in substantial gainful activity; or”.

21           (2) AMENDMENTS RELATED TO PROVISIONS IN  
22       SECTION 5105(d) RELATING TO REPRESENTATIVE  
23       PAYEES.—Section 5105(d)(1)(A) of the Omnibus  
24       Budget Reconciliation Act of 1990 (Public Law  
25       101–508) is amended—

1 (A) by striking “Section 205(j)(5)” and in-  
2 serting “Section 205(j)(6)”; and

3 (B) by redesignating the paragraph (5) as  
4 amended thereby as paragraph (6).

5 (3) AMENDMENTS RELATED TO PROVISIONS IN  
6 SECTION 5106 RELATING TO COORDINATION OF  
7 RULES UNDER TITLES II AND XVI GOVERNING FEES  
8 FOR REPRESENTATIVES OF CLAIMANTS WITH ENTI-  
9 TLEMENTS UNDER BOTH TITLES.—

10 (A) CALCULATION OF FEE OF CLAIMANT’S  
11 REPRESENTATIVE BASED ON AMOUNT OF PAST-  
12 DUE SUPPLEMENTAL SECURITY INCOME BENE-  
13 FITS AFTER APPLICATION OF WINDFALL OFF-  
14 SET PROVISION.—Section 1631(d)(2)(A)(i) of  
15 the Social Security Act (as amended by section  
16 5106(a)(2) of the Omnibus Budget Reconcili-  
17 ation Act of 1990) (42 U.S.C.  
18 1383(d)(2)(A)(i)) is amended to read as fol-  
19 lows:

20 “(i) by substituting, in subparagraphs (A)(ii)(I)  
21 and (C)(i), the phrase ‘(as determined before any  
22 applicable reduction under section 1631(g), and re-  
23 duced by the amount of any reduction in benefits  
24 under this title or title II made pursuant to section

1 1127(a))’ for the parenthetical phrase contained  
2 therein; and”.

3 (B) CALCULATION OF PAST-DUE BENEFITS  
4 FOR PURPOSES OF DETERMINING ATTORNEY  
5 FEES IN JUDICIAL PROCEEDINGS.—

6 (i) IN GENERAL.—Section 206(b)(1)  
7 of such Act (42 U.S.C. 406(b)(1)) is  
8 amended—

9 (I) by inserting “(A)” after  
10 “(b)(1)”; and

11 (II) by adding at the end the fol-  
12 lowing new subparagraph:

13 “(B) For purposes of this paragraph—

14 “(i) the term ‘past-due benefits’ excludes any  
15 benefits with respect to which payment has been  
16 continued pursuant to subsection (g) or (h) of sec-  
17 tion 223, and

18 “(ii) amounts of past-due benefits shall be  
19 taken into account to the extent provided under the  
20 rules applicable in cases before the Secretary.”.

21 (ii) PROTECTION FROM OFFSETTING  
22 SSI BENEFITS.—The last sentence of sec-  
23 tion 1127(a) of such Act (as added by sec-  
24 tion 5106(b) of the Omnibus Budget Rec-  
25 onciliation Act of 1990) (42 U.S.C.



1           1320a-6(a)) is amended by striking “sec-  
2           tion 206(a)(4)” and inserting “subsection  
3           (a)(4) or (b) of section 206”.

4           (4) APPLICATION OF SINGLE DOLLAR AMOUNT  
5           CEILING TO CONCURRENT CLAIMS UNDER TITLES II  
6           AND XVI.—

7           (A) IN GENERAL.—Section 206(a)(2) of  
8           such Act (as amended by section 5106(a)(1) of  
9           the Omnibus Budget Reconciliation Act of  
10          1990) (42 U.S.C. 406(a)(2)) is amended—

11                   (i) by redesignating subparagraph (C)  
12                   as subparagraph (D); and

13                   (ii) by inserting after subparagraph  
14                   (B) the following new subparagraph:

15          “(C) In any case involving—

16                   “(i) an agreement described in subparagraph  
17                   (A) with any person relating to both a claim of enti-  
18                   tlement to past-due benefits under this title and a  
19                   claim of entitlement to past-due benefits under title  
20                   XVI, and

21                   “(ii) a favorable determination made by the  
22                   Secretary with respect to both such claims,  
23                   the Secretary may approve such agreement only if the  
24                   total fee or fees specified in such agreement does not ex-

1 ceed, in the aggregate, the dollar amount in effect under  
2 subparagraph (A)(ii)(II).”.

3 (B) CONFORMING AMENDMENT.—Section  
4 206(a)(3)(A) of such Act (as amended by sec-  
5 tion 5106(a)(1) of the Omnibus Budget Rec-  
6 onciliation Act of 1990) (42 U.S.C.  
7 406(a)(3)(A)) is amended by striking “para-  
8 graph (2)(C)” and inserting “paragraph  
9 (2)(D)”.

10 (5) EFFECTIVE DATE.—Each amendment made  
11 by this section shall take effect as if included in the  
12 provisions of the Omnibus Budget Reconciliation Act  
13 of 1990 to which such amendment relates.

14 (g) ELIMINATION OF ROUNDING DISTORTION IN THE  
15 CALCULATION OF THE OLD-AGE, SURVIVORS, AND DIS-  
16 ABILITY INSURANCE CONTRIBUTION AND BENEFIT BASE  
17 AND THE EARNINGS TEST EXEMPT AMOUNTS.—

18 (1) ADJUSTMENT OF OASDI CONTRIBUTION AND  
19 BENEFIT BASE.—

20 (A) IN GENERAL.—Section 230(b) of the  
21 Social Security Act (42 U.S.C. 430(b)) is  
22 amended by striking paragraphs (1) and (2)  
23 and inserting the following:

24 “(1) \$60,600, and

1           “(2) the ratio of (A) the national average wage  
2 index (as defined in section 209(k)(1)) for the cal-  
3 endar year before the calendar year in which the de-  
4 termination under subsection (a) is made to (B) the  
5 national average wage index (as so defined) for  
6 1992,”.

7           (B) CONFORMING AMENDMENT RELATING  
8 TO APPLICABLE PRIOR LAW.—Section 230(d) of  
9 such Act (42 U.S.C. 430(d)) is amended by  
10 striking “(except that” and all that follows  
11 through the end and inserting “(except that, for  
12 purposes of subsection (b) of such section 230  
13 as so in effect, the reference to the contribution  
14 and benefit base in paragraph (1) of such sub-  
15 section (b) shall be deemed a reference to an  
16 amount equal to \$45,000, each reference in  
17 paragraph (2) of such subsection (b) to the av-  
18 erage of the wages of all employees as reported  
19 to the Secretary of the Treasury shall be  
20 deemed a reference to the national average  
21 wage index (as defined in section 209(k)(1)),  
22 the reference to a preceding calendar year in  
23 paragraph (2)(A) of such subsection (b) shall  
24 be deemed a reference to the calendar year be-  
25 fore the calendar year in which the determina-

1           tion under subsection (a) of such section 230 is  
2           made, and the reference to a calendar year in  
3           paragraph (2)(B) of such subsection (b) shall  
4           be deemed a reference to 1992).”.

5           (C) ADJUSTMENT OF CONTRIBUTION AND  
6           BENEFIT BASE APPLICABLE IN DETERMINING  
7           YEARS OF COVERAGE FOR PURPOSES OF SPE-  
8           CIAL       MINIMUM       PRIMARY       INSURANCE  
9           AMOUNT.—Section 215(a)(1)(C)(ii) of such Act  
10          is amended by striking “(except that” and all  
11          that follows through the end and inserting “(ex-  
12          cept that, for purposes of subsection (b) of such  
13          section 230 as so in effect, the reference to the  
14          contribution and benefit base in paragraph (1)  
15          of such subsection (b) shall be deemed a ref-  
16          erence to an amount equal to \$45,000, each  
17          reference in paragraph (2) of such subsection  
18          (b) to the average of the wages of all employees  
19          as reported to the Secretary of the Treasury  
20          shall be deemed a reference to the national av-  
21          erage wage index (as defined in section  
22          209(k)(1)), the reference to a preceding cal-  
23          endar year in paragraph (2)(A) of such sub-  
24          section (b) shall be deemed a reference to the  
25          calendar year before the calendar year in which

1 the determination under subsection (a) of such  
2 section 230 is made, and the reference to a cal-  
3 endar year in paragraph (2)(B) of such sub-  
4 section (b) shall be deemed a reference to  
5 1992).”.

6 (2) ADJUSTMENT OF EARNINGS TEST EXEMPT  
7 AMOUNT.—Section 203(f)(8)(B)(ii) of the Social Se-  
8 curity Act (42 U.S.C. 403(f)(8)(B)(ii)) is amended  
9 to read as follows:

10 “(ii) the product of the corresponding ex-  
11 empt amount which is in effect with respect to  
12 months in the taxable year ending after 1993  
13 and before 1995, and the ratio of—

14 “(I) the national average wage index  
15 (as defined in section 209(k)(1)) for the  
16 calendar year before the calendar year in  
17 which the determination under subpara-  
18 graph (A) is made, to

19 “(II) the national average wage index  
20 (as so defined) for 1992,

21 with such product, if not a multiple of \$10,  
22 being rounded to the next higher multiple of  
23 \$10 where such product is a multiple of \$5 but  
24 not of \$10 and to the nearest multiple of \$10  
25 in any other case.”.

1 (3) EFFECTIVE DATES.—

2 (A) The amendments made by subsection  
 3 (a) shall be effective with respect to the deter-  
 4 mination of the contribution and benefit base  
 5 for years after 1994.

6 (B) The amendment made by subsection  
 7 (b) shall be effective with respect to the deter-  
 8 mination of the exempt amounts applicable to  
 9 any taxable year ending after 1994.

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