

103^D CONGRESS
1ST SESSION

S. 620

To amend the Social Security Act to overturn the new limitations placed on private enforceability of State plan requirements by *Suter v. Artist M.*, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MARCH 18 (legislative day, MARCH 3), 1993

Mr. RIEGLE introduced the following bill; which was read twice and referred to the Committee on Finance

A BILL

To amend the Social Security Act to overturn the new limitations placed on private enforceability of State plan requirements by *Suter v. Artist M.*, and for other purposes.

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. EFFECT OF FAILURE TO CARRY OUT STATE**
4 **PLAN.**

5 (a) IN GENERAL.—Part A of title XI of the Social
6 Security Act (42 U.S.C. 1301 et seq.) is amended by in-
7 serting after section 1122 the following new section:

1 **“SEC. 1123. EFFECT OF FAILURE TO CARRY OUT STATE**
2 **PLAN.**

3 “In an action brought to enforce a provision of the
4 Social Security Act, such provision is not to be deemed
5 unenforceable because of its inclusion in a section of the
6 Act requiring a State plan of specifying the required con-
7 tents of a State plan. This section is not intended to limit
8 or expand the grounds for determining the availability of
9 private actions to enforce State plan requirements other
10 than by overturning any such grounds applied in *Suter*
11 *v. Artist M.*, 112 S. Ct. 1360 (1992), but not applied in
12 prior Supreme Court decisions respecting such enforce-
13 ability: *Provided, however,* That this section is not in-
14 tended to alter the holding in *Suter v. Artist M.* that sec-
15 tion 471(a)(15) of the Act is not enforceable in a private
16 right of action.”.

17 (b) APPLICABILITY.—The amendment made by sub-
18 section (a) shall apply to actions pending on the date of
19 the enactment of this Act and to actions brought on or
20 after such date of enactment.

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