

Union Calendar No. 424

104TH CONGRESS
2^D SESSION

H. R. 4039

[Report No. 104-786]

A BILL

To make technical and clarifying amendments to recently enacted provisions relating to titles II and XVI of the Social Security Act and to provide for a temporary extension of demonstration project authority in the Social Security Administration.

SEPTEMBER 16, 1996

Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

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IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 10, 1996

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

SEPTEMBER 16, 1996

Additional sponsor: Mr. BENTSEN

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To make technical and clarifying amendments to recently enacted provisions relating to titles II and XVI of the Social Security Act and to provide for a temporary extension of demonstration project authority in the Social Security Administration.

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.**

4 This Act may be cited as the “Social Security Mis-
5 cellaneous Amendments Act of 1996”.

6 **SEC. 2. TECHNICAL AMENDMENTS RELATING TO DRUG AD-**
7 **DICTS AND ALCOHOLICS.**

8 (a) CLARIFICATIONS RELATING TO THE EFFECTIVE
9 DATE OF THE DENIAL OF DISABILITY BENEFITS TO
10 DRUG ADDICTS AND ALCOHOLICS.—

11 (1) AMENDMENTS RELATING TO DISABILITY
12 BENEFITS UNDER TITLE II.—Section 105(a)(5) of
13 the Contract with America Advancement Act of
14 1996 (Public Law 104–121; 110 Stat. 853) is
15 amended—

16 (A) in subparagraph (A), by striking “by
17 the Commissioner of Social Security” and “by
18 the Commissioner”; and

19 (B) by adding at the end the following new
20 subparagraph:

21 “(D) For purposes of this paragraph, an
22 individual’s claim, with respect to benefits
23 under title II of the Social Security Act based
24 on disability, which has been denied in whole
25 before the date of the enactment of this Act,

1 may not be considered to be finally adjudicated
2 before such date if, on or after such date—

3 “(i) there is pending a request for ei-
4 ther administrative or judicial review with
5 respect to such claim, or

6 “(ii) there is pending, with respect to
7 such claim, a readjudication by the Com-
8 missioner of Social Security pursuant to
9 relief in a class action or implementation
10 by the Commissioner of a court remand
11 order.”.

12 (2) AMENDMENTS RELATING TO SUPPLE-
13 MENTAL SECURITY INCOME DISABILITY BENEFITS
14 UNDER TITLE XVI.—Section 105(b)(5) of such Act
15 (Public Law 104–121; 110 Stat. 853) is amended—

16 (A) in subparagraph (A), by striking “by
17 the Commissioner of Social Security” and “by
18 the Commissioner”; and

19 (B) by adding at the end the following new
20 subparagraph:

21 “(D) For purposes of this paragraph, an
22 individual’s claim, with respect to supplemental
23 security income benefits under title XVI of the
24 Social Security Act based on disability, which
25 has been denied in whole before the date of the

1 enactment of this Act, may not be considered to
2 be finally adjudicated before such date if, on or
3 after such date—

4 “(i) there is pending a request for ei-
5 ther administrative or judicial review with
6 respect to such claim, or

7 “(ii) there is pending, with respect to
8 such claim, a readjudication by the Com-
9 missioner of Social Security pursuant to
10 relief in a class action or implementation
11 by the Commissioner of a court remand
12 order.”.

13 (b) CORRECTIONS TO EFFECTIVE DATE OF PROVI-
14 SIONS CONCERNING REPRESENTATIVE PAYEES AND
15 TREATMENT REFERRALS OF DRUG ADDICTS AND ALCO-
16 HOLICS.—

17 (1) AMENDMENTS RELATING TO TITLE II DIS-
18 ABILITY BENEFICIARIES.—Section 105(a)(5)(B) of
19 such Act (Public Law 104–121; 110 Stat. 853) is
20 amended to read as follows:

21 “(B) The amendments made by para-
22 graphs (2) and (3) shall take effect on July 1,
23 1996, with respect to any individual—

1 “(i) whose claim for benefits is finally
2 adjudicated on or after the date of the en-
3 actment of this Act, or

4 “(ii) whose entitlement to benefits is
5 based upon an entitlement redetermination
6 made pursuant to subparagraph (C).”.

7 (2) AMENDMENTS RELATING TO SUPPLE-
8 MENTAL SECURITY INCOME RECIPIENTS.—Section
9 105(b)(5)(B) of such Act (Public Law 104–121; 110
10 Stat. 853) is amended to read as follows:

11 “(B) The amendments made by para-
12 graphs (2) and (3) shall take effect on July 1,
13 1996, with respect to any individual—

14 “(i) whose claim for benefits is finally
15 adjudicated on or after the date of the en-
16 actment of this Act, or

17 “(ii) whose eligibility for benefits is
18 based upon an eligibility redetermination
19 made pursuant to subparagraph (C).”.

20 (c) REPEAL OF OBSOLETE REPORTING REQUIRE-
21 MENTS.—Subsections (a)(3)(B) and (b)(3)(B)(ii) of sec-
22 tion 201 of the Social Security Independence and Program
23 Improvements Act of 1994 (Public Law 103–296; 108
24 Stat. 1497, 1504) are repealed.

25 (d) EFFECTIVE DATES.—

1 (1) The amendments made by subsections (a)
2 and (b) shall be effective as though they had been
3 included in the enactment of section 105 of the Con-
4 tract with America Advancement Act of 1996 (Pub-
5 lic Law 104–121; 110 Stat. 852 et seq.).

6 (2) The repeals made by subsection (c) shall
7 take effect on the date of the enactment of this Act.

8 **SEC. 3. CLARIFICATION REGARDING REVIEW OF DETER-**
9 **MINATIONS BY STATE DISABILITY DETER-**
10 **MINATION SERVICES.**

11 Section 221(d) of the Social Security Act (42 U.S.C.
12 421(d)) is amended—

13 (1) by inserting “(1)” after “(d)”; and

14 (2) by adding at the end the following new
15 paragraph:

16 “(2) No determination under this section shall be re-
17 viewed by any person, tribunal, or governmental agency,
18 except as provided in paragraph (1).”.

19 **SEC. 4. EXTENSION OF DISABILITY INSURANCE PROGRAM**
20 **DEMONSTRATION PROJECT AUTHORITY.**

21 (a) IN GENERAL.—Section 505 of the Social Security
22 Disability Amendments of 1980 (Public Law 96–265; 94
23 Stat. 473), as amended by section 12101 of the Consoli-
24 dated Omnibus Budget Reconciliation Act of 1985 (Public
25 Law 99–272; 100 Stat. 282), section 10103 of the Omni-

1 bus Budget Reconciliation Act of 1989 (Public Law 101–
2 239; 103 Stat. 2472), section 5120(f) of the Omnibus
3 Budget Reconciliation Act of 1990 (Public Law 101–508;
4 104 Stat. 1388–282), and section 315 of the Social Secu-
5 rity Independence and Program Improvements Act of
6 1994 (Public Law 103–296; 108 Stat. 1531), is further
7 amended—

8 (1) in paragraph (1) of subsection (a), by add-
9 ing at the end the following new sentence: “The
10 Commissioner may expand the scope of any such ex-
11 periment or demonstration project to include any
12 group of applicants for benefits under such program
13 with impairments which may reasonably be pre-
14 sumed to be disabling for purposes of such experi-
15 ment or demonstration project, and may limit any
16 such experiment or demonstration project to any
17 such group of applicants, subject to the terms of
18 such experiment or demonstration project which
19 shall define the extent of any such presumption.”;

20 (2) in paragraph (3) of subsection (a), by strik-
21 ing “June 10, 1996” and inserting “June 10,
22 1997”;

23 (3) in paragraph (4) of subsection (a), by in-
24 serting “and on or before October 1, 1996,” after
25 “1995,”; and

1 in section 207(c), pursuant to requests by persons
2 entitled to such benefits”;

3 (2) by inserting before the period at the end of
4 paragraph (1)(A) the following: “and the functions
5 of the Social Security Administration in connection
6 with the withholding of taxes from benefits, as de-
7 scribed in section 207(c), pursuant to requests by
8 persons entitled to such benefits”;

9 (3) in paragraph (1)(B)(i)(I), by striking “sub-
10 paragraph (A)),” and inserting “subparagraph (A))
11 and the functions of the Social Security Administra-
12 tion in connection with the withholding of taxes from
13 benefits, as described in section 207(c), pursuant to
14 requests by persons entitled to such benefits,”;

15 (4) in paragraph (1)(C)(iii), by inserting before
16 the period the following: “and the functions of the
17 Social Security Administration in connection with
18 the withholding of taxes from benefits, as described
19 in section 207(c), pursuant to requests by persons
20 entitled to such benefits”;

21 (5) in paragraph (1)(D), by inserting after
22 “section 232” the following: “and the functions of
23 the Social Security Administration in connection
24 with the withholding of taxes from benefits as de-
25 scribed in section 207(c)”;

1 (6) in paragraph (4), by inserting after the first
2 sentence the following: “The Boards of Trustees of
3 such Trust Funds shall prescribe before January 1,
4 1997, the method of determining the costs which
5 should be borne by the general fund in the Treasury
6 of carrying out the functions of the Social Security
7 Administration in connection with the withholding of
8 taxes from benefits, as described in section 207(c),
9 pursuant to requests by persons entitled to such
10 benefits.”.

11 **SEC. 6. TREATMENT OF PRISONERS.**

12 (a) IMPLEMENTATION OF PROHIBITION AGAINST
13 PAYMENT OF TITLE II BENEFITS TO PRISONERS.—

14 (1) IN GENERAL.—Section 202(x)(3) of the So-
15 cial Security Act (42 U.S.C. 402(x)(3)) is amend-
16 ed—

17 (A) by inserting “(A)” after “(3)”; and

18 (B) by adding at the end the following new
19 subparagraph:

20 “(B)(i) The Commissioner shall enter into an agree-
21 ment, with any interested State or local institution com-
22 prising a jail, prison, penal institution, correctional facil-
23 ity, or other institution a purpose of which is to confine
24 individuals as described in paragraph (1)(A), under
25 which—

1 “(I) the institution shall provide to the Com-
2 missioner, on a monthly basis and in a manner spec-
3 ified by the Commissioner, the names, social security
4 account numbers, dates of birth, confinement com-
5 mencement dates, and, to the extent available to the
6 institution, such other identifying information con-
7 cerning the individuals confined in the institution as
8 the Commissioner may require for the purpose of
9 carrying out paragraph (1); and

10 “(II) except as provided in clause (ii), the Com-
11 missioner shall pay to the institution, with respect to
12 information described in subclause (I) concerning
13 each individual who is confined therein as described
14 in paragraph (1)(A), to whom a benefit under this
15 title is payable for the month preceding the first
16 month of such confinement, and whose benefit under
17 this title ceases to be payable as a result of the ap-
18 plication of this subsection, \$400 (subject to reduc-
19 tion under clause (iii)) if the institution furnishes
20 the information to the Commissioner within 30 days
21 after the date such individual’s confinement in such
22 institution begins, or \$200 (subject to reduction
23 under clause (iii)) if the institution furnishes the in-
24 formation after 30 days after such date but within
25 90 days after such date.

1 “(ii) No amount shall be payable to an institution
2 with respect to information concerning an individual under
3 an agreement entered into under clause (i) if, prior to the
4 Commissioner’s receipt of the information, the Commis-
5 sioner has determined that benefits under this title are
6 no longer payable to such individual as a result of the ap-
7 plication of this subsection.

8 “(iii) The dollar amounts specified in clause (i)(II)
9 shall be reduced by 50 percent if the Commissioner is also
10 required to make a payment to the institution with respect
11 to the same individual under an agreement entered into
12 under section 1611(e)(1)(I).

13 “(iv) There shall be transferred from the Federal
14 Old-Age and Survivors Insurance Trust Fund and the
15 Federal Disability Insurance Trust Fund, as appropriate,
16 such sums as may be necessary to enable the Commis-
17 sioner to make payments to institutions required by clause
18 (i)(II). Sums so transferred shall be treated as direct
19 spending for purposes of the Balanced Budget and Emer-
20 gency Deficit Control Act of 1985 and excluded from
21 budget totals in accordance with section 13301 of the
22 Budget Enforcement Act of 1990.

23 “(v) The Commissioner is authorized to provide, on
24 a reimbursable basis, information obtained pursuant to
25 agreements entered into under clause (i) to any Federal

1 or federally-assisted cash, food, or medical assistance pro-
2 gram for eligibility purposes.”.

3 (2) EFFECTIVE DATE.—The amendments made
4 by this subsection shall apply as if included in the
5 enactment of section 203(a) of the Personal Respon-
6 sibility and Work Opportunity Reconciliation Act of
7 1996.

8 (b) ELIMINATION OF TITLE II REQUIREMENT THAT
9 CONFINEMENT STEM FROM CRIME PUNISHABLE BY IM-
10 PRISONMENT FOR MORE THAN 1 YEAR.—

11 (1) IN GENERAL.—Section 202(x)(1)(A) of such
12 Act (42 U.S.C. 402(x)(1)(A)) is amended—

13 (A) in the matter preceding clause (i), by
14 striking “during” and inserting “throughout”;

15 (B) in clause (i), by striking “an offense
16 punishable by imprisonment for more than 1
17 year (regardless of the actual sentence im-
18 posed)” and inserting “a criminal offense”; and

19 (C) in clause (ii)(I), by striking “an of-
20 fense punishable by imprisonment for more
21 than 1 year” and inserting “a criminal of-
22 fense”.

23 (2) EFFECTIVE DATE.—The amendments made
24 by this subsection shall be effective with respect to
25 benefits payable for months after February 1997.

1 (c) INCLUSION OF TITLE II ISSUES IN STUDY AND
2 REPORT REQUIREMENTS RELATING TO PRISONERS.—

3 (1) Section 203(b)(1) of the Personal Respon-
4 sibility and Work Opportunity Reconciliation Act of
5 1996 (Public Law 104–193) is amended—

6 (A) in subparagraph (A), by striking “sec-
7 tion 1611(e)(1)” and inserting “sections 202(x)
8 and 1611(e)(1)”; and

9 (B) in subparagraph (B), by striking “sec-
10 tion 1611(e)(1)(I)” and inserting “section
11 202(x)(3)(B) or 1611(e)(1)(I)”.

12 (2) Section 203(c) of such Act is amended by
13 striking “section 1611(e)(1)(I)” and all that follows
14 and inserting the following: “sections 202(x)(3)(B)
15 and 1611(e)(1)(I) of the Social Security Act.”.

16 (3) The amendments made by paragraph (1)
17 shall apply as if included in the enactment of section
18 203(b) of the Personal Responsibility and Work Op-
19 portunity Reconciliation Act of 1996 (Public Law
20 104–193). The amendment made by paragraph (2)
21 shall apply as if included in the enactment of section
22 203(c) of such Act.

23 (d) CONFORMING TITLE XVI AMENDMENTS.—

24 (1) PRECLUSION OF TITLE XVI PAYMENT WHEN
25 INFORMATION FURNISHED BY AN INSTITUTION IS

1 ALREADY KNOWN BY THE COMMISSIONER.—Section
2 1611(e)(1)(I) of the Social Security Act (as added
3 by section 203(a)(1) of the Personal Responsibility
4 and Work Opportunity Reconciliation Act of 1996
5 (Public Law 104–193)) is amended—

6 (A) in clause (i)(II), by inserting “except
7 as provided in clause (ii),” after “(II)”;

8 (B) by redesignating clauses (ii) and (iii)
9 as clauses (iv) and (v), respectively; and

10 (C) by inserting after clause (i) the follow-
11 ing new clause:

12 “(ii) No amount shall be payable to an institution
13 with respect to information concerning an inmate under
14 an agreement entered into under clause (i) if, prior to the
15 Commissioner’s receipt of the information, the Commis-
16 sioner has determined that the inmate is no longer an eli-
17 gible individual or eligible spouse for purposes of this title
18 as a result of the application of this paragraph.”.

19 (2) FIFTY PERCENT REDUCTION IN TITLE XVI
20 PAYMENT IN CASE INVOLVING COMPARABLE TITLE II
21 PAYMENT.—Section 1611(e)(1)(I) of such Act (as
22 amended by paragraph (1)) is amended further—

23 (A) in clause (i)(II), by inserting “(subject
24 to reduction under clause (iii))” after “\$400”
25 and after “\$200”; and

1 (B) by inserting after clause (ii) the follow-
2 ing new clause:

3 “(iii) The dollar amounts specified in clause (i)(II)
4 shall be reduced by 50 percent if the Commissioner is also
5 required to make a payment to the institution with respect
6 to the same individual under an agreement entered into
7 under section 202(x)(3)(B).”.

8 (3) EXPANSION OF CATEGORIES OF INSTITU-
9 TIONS ELIGIBLE TO ENTER INTO AGREEMENTS WITH
10 THE COMMISSIONER.—Section 1611(e)(1)(I)(i) of
11 such Act (as added by section 203(a)(1) of the Per-
12 sonal Responsibility and Work Opportunity Rec-
13 onciliation Act of 1996 (Public Law 104–193)) is
14 amended in the matter preceding subclause (I) by
15 striking “institution” and all that follows through
16 “section 202(x)(1)(A),” and inserting “institution
17 comprising a jail, prison, penal institution, or correc-
18 tional facility, or with any other interested State or
19 local institution a purpose of which is to confine in-
20 dividuals as described in section 202(x)(1)(A)(ii),”.

21 (4) LIMITATION ON CATEGORIES OF INMATES
22 WITH RESPECT TO WHOM PAYMENT MAY BE
23 MADE.—Section 1611(e)(1)(I)(i)(II) of such Act (as
24 added by section 203(a)(1) of the Personal Respon-
25 sibility and Work Opportunity Reconciliation Act of

1 1996 (Public Law 104–193)) is amended by striking
2 “inmate of the institution” and all that follows
3 through “in such institution and” and inserting “in-
4 dividual who is eligible for a benefit under this title
5 for the month preceding the first month throughout
6 which the individual is an inmate of the jail, prison,
7 penal institution, or correctional facility, or is con-
8 fined in the institution as described in section
9 202(x)(1)(A)(ii), and who”.

10 (5) TECHNICAL CORRECTION.—Section
11 1611(e)(1)(I)(i)(II) of such Act (as amended by the
12 preceding provisions of this subsection) is amended
13 further by striking “subparagraph” and inserting
14 “paragraph”.

15 (6) EFFECTIVE DATE.—The amendments made
16 by this subsection shall apply as if included in the
17 enactment of section 203(a) of the Personal Respon-
18 sibility and Work Opportunity Reconciliation Act of
19 1996 (Public Law 104–193). The references to sec-
20 tion 202(x)(1)(A)(ii) of the Social Security Act in
21 section 1611(e)(1)(I)(i) of such Act as amended by
22 paragraphs (3) and (4) shall be deemed a reference
23 to such section 202(x)(1)(A)(ii) as amended by sub-
24 section (b)(1)(C).

1 (e) EXEMPTION FROM COMPUTER MATCHING RE-
2 QUIREMENTS.—

3 (1) IN GENERAL.—Section 552a(a)(8)(B) of
4 title 5, United States Code, is amended—

5 (A) by striking “or” at the end of clause
6 (vi);

7 (B) by adding “or” at the end of clause
8 (vii); and

9 (C) by inserting after clause (vii) the fol-
10 lowing new clause:

11 “(viii) matches performed pursuant to
12 section 202(x) or 1611(e)(1) of the Social
13 Security Act;”.

14 (2) CONFORMING AMENDMENT.—Section
15 1611(e)(1)(I)(iv) of the Social Security Act (as
16 added by section 203(a)(1) of the Personal Respon-
17 sibility and Work Opportunity Reconciliation Act of
18 1996 (Public Law 104–193) and redesignated by
19 subsection (d)(1)(B)) is amended further by striking
20 “(I) The provisions” and all that follows through
21 “(II) The Commissioner” and inserting “The Com-
22 missioner”.

23 (3) EFFECTIVE DATE.—The amendments made
24 by this subsection shall take effect on the date of the
25 enactment of this Act.