

Calendar No. 282

104TH CONGRESS
1ST Session

S. 1470

A BILL

To amend title II of the Social Security Act to provide for increases in the amounts of allowable earnings under the social security earnings limit for individuals who have attained retirement age, and for other purposes.

DECEMBER 15, 1995

Reported with an amendment

Calendar No. 282104TH CONGRESS
1ST SESSION**S. 1470**

To amend title II of the Social Security Act to provide for increases in the amounts of allowable earnings under the social security earnings limit for individuals who have attained retirement age, and for other purposes.

IN THE SENATE OF THE UNITED STATES

DECEMBER 12, 1995

Mr. MCCAIN (for himself, Mr. ROTH, Mr. DOLE, Mr. BIDEN, Mr. WARNER, and Mr. STEVENS) introduced the following bill; which was read twice and referred to the Committee on Finance

DECEMBER 15, 1995

Reported by Mr. ROTH, with an amendment

[Strike out all after the enacting clause and insert the part printed in *italic*]

A BILL

To amend title II of the Social Security Act to provide for increases in the amounts of allowable earnings under the social security earnings limit for individuals who have attained retirement age, 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Senior Citizens’ Free-
3 dom to Work Act of 1995”.

4 **SEC. 2. INCREASES IN MONTHLY EXEMPT AMOUNT FOR**
5 **PURPOSES OF THE SOCIAL SECURITY EARN-**
6 **INGS LIMIT.**

7 (a) INCREASE IN MONTHLY EXEMPT AMOUNT FOR
8 INDIVIDUALS WHO HAVE ATTAINED RETIREMENT
9 AGE.—Section 203(f)(8)(D) of the Social Security Act (42
10 U.S.C. 403(f)(8)(D)) is amended to read as follows:

11 “(D) Notwithstanding any other provision of
12 this subsection, the exempt amount which is applica-
13 ble to an individual who has attained retirement age
14 (as defined in section 216(l)) before the close of the
15 taxable year involved shall be—

16 “(i) for each month of any taxable year
17 ending after 1995 and before 1997,
18 \$1,166.66²/₃;

19 “(ii) for each month of any taxable year
20 ending after 1996 and before 1998, \$1,250.00;

21 “(iii) for each month of any taxable year
22 ending after 1997 and before 1999,
23 \$1,333.33¹/₃;

24 “(iv) for each month of any taxable year
25 ending after 1998 and before 2000,
26 \$1,416.66²/₃;

1 “(v) for each month of any taxable year
2 ending after 1999 and before 2001, \$1,500.00,

3 “(vi) for each month of any taxable year
4 ending after 2000 and before 2002,
5 \$2,083.33 $\frac{1}{3}$, and

6 “(vii) for each month of any taxable year
7 ending after 2001 and before 2003,
8 \$2,500.00.”.

9 (b) CONFORMING AMENDMENTS.—

10 (1) Section 203(f)(8)(B)(ii) of such Act (42
11 U.S.C. 403(f)(8)(B)(ii)) is amended—

12 (A) by striking “the taxable year ending
13 after 1993 and before 1995” and inserting “the
14 taxable year ending after 2001 and before 2003
15 (with respect to individuals described in sub-
16 paragraph (D)) or the taxable year ending after
17 1993 and before 1995 (with respect to other in-
18 dividuals)”;

19 (B) in subclause (II), by striking “for
20 1992” and inserting “for 2000 (with respect to
21 individuals described in subparagraph (D)) or
22 1992 (with respect to other individuals)”.

23 (2) The second sentence of section 223(d)(4)(A)
24 of such Act (42 U.S.C. 423(d)(4)(A)) is amended by
25 striking “the exempt amount under section 203(f)(8)

1 which is applicable to individuals described in sub-
 2 paragraph (D) thereof” and inserting the following:
 3 “an amount equal to the exempt amount which
 4 would be applicable under section 203(f)(8), to indi-
 5 viduals described in subparagraph (D) thereof, if
 6 section 2 of the Senior Citizens’ Right to Work Act
 7 of 1995 had not been enacted”.

8 (e) EFFECTIVE DATE.—The amendments made by
 9 this section shall apply with respect to taxable years end-
 10 ing after 1995.

11 **SEC. 3. DENIAL OF DISABILITY BENEFITS TO DRUG AD-**
 12 **ICTS AND ALCOHOLICS.**

13 (a) AMENDMENTS RELATING TO TITLE II DISABIL-
 14 ITY BENEFITS.—

15 (1) IN GENERAL.—Section 223(d)(2) of the So-
 16 cial Security Act (42 U.S.C. 423(d)(2)) is amended
 17 by adding at the end the following:

18 “(C) An individual shall not be considered to be
 19 disabled for purposes of this title if alcoholism or
 20 drug addiction would (but for this subparagraph) be
 21 a contributing factor material to the Commissioner’s
 22 determination that the individual is disabled.”.

23 (2) REPRESENTATIVE PAYEE REQUIRE-
 24 MENTS.—

1 (A) Section 205(j)(1)(B) of such Act (42
2 U.S.C. 405(j)(1)(B)) is amended to read as fol-
3 lows:

4 “(B) In the case of an individual entitled to benefits
5 based on disability, the payment of such benefits shall be
6 made to a representative payee if the Commissioner of So-
7 cial Security determines that such payment would serve
8 the interest of the individual because the individual also
9 has an alcoholism or drug addiction condition (as deter-
10 mined by the Commissioner) that prevents the individual
11 from managing such benefits.”.

12 (B) Section 205(j)(2)(C)(v) of such Act
13 (42 U.S.C. 405(j)(2)(C)(v)) is amended by
14 striking “entitled to benefits” and all that fol-
15 lows through “under a disability” and inserting
16 “described in paragraph (1)(B)”.

17 (C) Section 205(j)(2)(D)(ii)(II) of such
18 Act (42 U.S.C. 405(j)(2)(D)(ii)(II)) is amended
19 by striking all that follows “15 years, or” and
20 inserting “described in paragraph (1)(B)”.

21 (D) Section 205(j)(4)(A)(i)(II) (42 U.S.C.
22 405(j)(4)(A)(i)(II)) is amended by striking
23 “entitled to benefits” and all that follows
24 through “under a disability” and inserting “de-
25 scribed in paragraph (1)(B)”.

1 case of any individual who has applied for, and
2 whose claim has been adjudicated with respect
3 to, such benefits before such date of enactment,
4 such amendments shall apply only with respect
5 to such benefits for months beginning on or
6 after January 1, 1997.

7 (B) The amendments made by paragraphs
8 (2) and (3) shall apply with respect to benefits
9 for which applications are filed on or after the
10 date of the enactment of this Act.

11 (C) If an individual who is entitled to
12 monthly insurance benefits under title II of the
13 Social Security Act based on disability for the
14 month in which this Act is enacted and whose
15 entitlement to such benefits would terminate by
16 reason of the amendments made by this sub-
17 section reapplies for benefits under title II of
18 such Act (as amended by this Act) based on
19 disability within 120 days after the date of the
20 enactment of this Act, the Commissioner of So-
21 cial Security shall, not later than January 1,
22 1997, complete the entitlement redetermination
23 with respect to such individual pursuant to the
24 procedures of such title.

25 (b) AMENDMENTS RELATING TO SSI BENEFITS.—

1 ~~(1) IN GENERAL.—~~Section 1614(a)(3) of the
 2 Social Security Act (42 U.S.C. 1382e(a)(3)) is
 3 amended by adding at the end the following:

4 “~~(I)~~ Notwithstanding subparagraph (A), an individ-
 5 ual shall not be considered to be disabled for purposes of
 6 this title if alcoholism or drug addiction would (but for
 7 this subparagraph) be a contributing factor material to
 8 the Commissioner’s determination that the individual is
 9 disabled.”.

10 ~~(2) REPRESENTATIVE PAYEE REQUIRE-~~
 11 ~~MENTS.—~~

12 ~~(A)~~ Section 1631(a)(2)(A)(ii)(II) of such
 13 Act (42 U.S.C. 1383(a)(2)(A)(ii)(II)) is amend-
 14 ed to read as follows:

15 “~~(II)~~ In the case of an individual eligible for benefits
 16 under this title by reason of disability, the payment of
 17 such benefits shall be made to a representative payee if
 18 the Commissioner of Social Security determines that such
 19 payment would serve the interest of the individual because
 20 the individual also has an alcoholism or drug addiction
 21 condition (as determined by the Commissioner) that pre-
 22 vents the individual from managing such benefits.”.

23 ~~(B)~~ Section 1631(a)(2)(B)(vii) of such Act
 24 (42 U.S.C. 1383(a)(2)(B)(vii)) is amended by
 25 striking “eligible for benefits” and all that fol-

1 (4) CONFORMING AMENDMENTS.—

2 (A) Section 1611(e) of such Act (42
3 U.S.C. 1382(e)) is amended by striking para-
4 graph (3).

5 (B) Section 1634 of such Act (42 U.S.C.
6 1383e) is amended by striking subsection (e).

7 (5) EFFECTIVE DATES.—

8 (A) The amendments made by paragraphs
9 (1) and (4) shall apply to any individual who
10 applies for, or whose claim is adjudicated with
11 respect to, supplemental security income bene-
12 fits under title XVI of the Social Security Act
13 based on disability on or after the date of the
14 enactment of this Act, and, in the case of any
15 individual who has applied for, and whose claim
16 has been adjudicated with respect to, such ben-
17 efits before such date of enactment, such
18 amendments shall apply only with respect to
19 such benefits for months beginning on or after
20 January 1, 1997.

21 (B) The amendments made by paragraphs
22 (2) and (3) shall apply with respect to supple-
23 mental security income benefits under title XVI
24 of the Social Security Act for which applica-

1 tions are filed on or after the date of the enact-
2 ment of this Act.

3 (C) If an individual who is eligible for sup-
4 plemental security income benefits under title
5 XVI of the Social Security Act for the month
6 in which this Act is enacted and whose eligi-
7 bility for such benefits would terminate by rea-
8 son of the amendments made by this subsection
9 reapplies for supplemental security income ben-
10 efits under title XVI of such Act (as amended
11 by this Act) within 120 days after the date of
12 the enactment of this Act, the Commissioner of
13 Social Security shall, not later than January 1,
14 1997, complete the eligibility redetermination
15 with respect to such individual pursuant to the
16 procedures of such title.

17 (D) For purposes of this paragraph, the
18 phrase "supplemental security income benefits
19 under title XVI of the Social Security Act" in-
20 cludes supplementary payments pursuant to an
21 agreement for Federal administration under
22 section 1616(a) of the Social Security Act and
23 payments pursuant to an agreement entered
24 into under section 212(b) of Public Law 93-66.

1 (e) CONFORMING AMENDMENT.—Section 201(e) of
2 the Social Security Independence and Program Improve-
3 ments Act of 1994 (42 U.S.C. 425 note) is repealed.

4 (d) SUPPLEMENTAL FUNDING FOR ALCOHOL AND
5 SUBSTANCE ABUSE TREATMENT PROGRAMS.—

6 (1) IN GENERAL.—Out of any money in the
7 Treasury not otherwise appropriated, there are here-
8 by appropriated to supplement State and Tribal pro-
9 grams funded under section 1933 of the Public
10 Health Service Act (42 U.S.C. 300x-33),
11 \$100,000,000 for each of the fiscal years 1997 and
12 1998.

13 (2) ADDITIONAL FUNDS.—Amounts appro-
14 priated under paragraph (1) shall be in addition to
15 any funds otherwise appropriated for allotments
16 under section 1933 of the Public Health Service Act
17 (42 U.S.C. 300x-33) and shall be allocated pursuant
18 to such section 1933.

19 (3) USE OF FUNDS.—A State or Tribal govern-
20 ment receiving an allotment under this subsection
21 shall consider as priorities, for purposes of expend-
22 ing funds allotted under this subsection, activities
23 relating to the treatment of the abuse of alcohol and
24 other drugs.

1 **SEC. 4. ENTITLEMENT OF STEPCHILDREN TO CHILD'S IN-**
 2 **SURANCE BENEFITS BASED ON ACTUAL DE-**
 3 **PENDENCY ON STEPPARENT SUPPORT.**

4 (a) **REQUIREMENT OF ACTUAL DEPENDENCY FOR**
 5 **FUTURE ENTITLEMENTS.—**

6 (1) **IN GENERAL.—**Section 202(d)(4) of the So-
 7 cial Security Act (42 U.S.C. 402(d)(4)) is amended
 8 by striking “was living with or”.

9 (2) **EFFECTIVE DATE.—**The amendment made
 10 by paragraph (1) shall apply with respect to benefits
 11 of individuals who become entitled to such benefits
 12 for months after the third month following the
 13 month in which this Act is enacted.

14 (b) **TERMINATION OF CHILD'S INSURANCE BENE-**
 15 **FITS BASED ON WORK RECORD OF STEPPARENT UPON**
 16 **NATURAL PARENT'S DIVORCE FROM STEPPARENT.—**

17 (1) **IN GENERAL.—**Section 202(d)(1) of the So-
 18 cial Security Act (42 U.S.C. 402(d)(1)) is amend-
 19 ed—

20 (A) by striking “or” at the end of subpara-
 21 graph (F);

22 (B) by striking the period at the end of
 23 subparagraph (G) and inserting “; or”; and

24 (C) by inserting after subparagraph (G)
 25 the following new subparagraph:

1 “(H) if the benefits under this subsection are
2 based on the wages and self-employment income of
3 a stepparent who is subsequently divorced from such
4 child’s natural parent, the month after the month in
5 which such divorce becomes final.”.

6 (2) NOTIFICATION.—Section 202(d) of such Act
7 (42 U.S.C. 402(d)) is amended by adding the follow-
8 ing new paragraph:

9 “(10) For purposes of paragraph (1)(H)—

10 “(A) each stepparent shall notify the Commis-
11 sioner of Social Security of any divorce upon such
12 divorce becoming final; and

13 “(B) the Commissioner shall annually notify
14 any stepparent of the rule for termination described
15 in paragraph (1)(H) and of the requirement de-
16 scribed in subparagraph (A).”.

17 (3) EFFECTIVE DATES.—

18 (A) The amendments made by paragraph
19 (1) shall apply with respect to notifications of
20 divorces received by the Commissioner of Social
21 Security on or after the date of the enactment
22 of this Act.

23 (B) The amendment made by paragraph
24 (2) shall take effect on the date of the enact-
25 ment of this Act.

1 **SEC. 5. ESTABLISHMENT OF DISABILITY INSURANCE CON-**
2 **TINUING DISABILITY REVIEW ADMINISTRA-**
3 **TION REVOLVING ACCOUNT.**

4 (a) CONTINUING DISABILITY REVIEW ADMINISTRA-
5 TION REVOLVING ACCOUNT FOR TITLE II DISABILITY
6 BENEFITS IN THE FEDERAL DISABILITY INSURANCE
7 TRUST FUND.—

8 (1) IN GENERAL.—Section 201 of the Social
9 Security Act (42 U.S.C. 401) is amended by adding
10 at the end the following new subsection:

11 “(n)(1) There is hereby created in the Federal Dis-
12 ability Insurance Trust Fund a Continuing Disability Re-
13 view Administration Revolving Account (hereinafter in
14 this subsection referred to as the ‘Account’). The Account
15 shall consist initially of \$300,000,000 (which is hereby
16 transferred to the Account from amounts otherwise avail-
17 able in such Trust Fund) and shall also consist thereafter
18 of such other amounts as may be transferred to it under
19 this subsection. Such amounts in the Account shall be con-
20 sidered amounts in the Federal Disability Insurance Trust
21 Fund for purposes of subsections (d), (e), and (f), and
22 the Managing Trustee shall credit the investment proceeds
23 with respect to such amounts to the Account. The balance
24 in the Account shall be available solely for expenditures
25 certified under paragraph (2).”

1 “(2)(A) Before October 1 of each calendar year, the
2 Chief Actuary of the Social Security Administration
3 shall—

4 “(i) estimate the present value of savings to the
5 Federal Old-Age and Survivors Insurance Trust
6 Fund, the Federal Disability Insurance Trust Fund,
7 the Federal Hospital Insurance Trust Fund, and the
8 Federal Supplementary Medical Insurance Trust
9 Fund which will accrue for all years as a result of
10 cessations of benefit payments resulting from con-
11 tinuing disability reviews carried out pursuant to the
12 requirements of section 221(i) during the fiscal year
13 ending on September 30 of such calendar year (in-
14 creased or decreased as appropriate to account for
15 deviations of estimates for prior fiscal years from
16 the actual amounts for such fiscal years); and

17 “(ii) certify the amount of such estimate to the
18 Managing Trustee.

19 “(B) Upon receipt of certification by the Chief Actu-
20 ary under subparagraph (A), the Managing Trustee shall
21 transfer to the Account from amounts otherwise in the
22 Trust Fund an amount equal to the estimated savings so
23 certified.

24 “(C) To the extent of available funds in the Account,
25 upon certification by the Chief Actuary that such funds

1 are currently required to meet expenditures necessary to
 2 provide for continuing disability reviews required under
 3 section 221(i); the Managing Trustee shall make available
 4 to the Commissioner of Social Security from the Account
 5 the amount so certified.

6 “(D) The expenditures referred to in subparagraph
 7 (C) shall include, but not be limited to, the cost of staffing,
 8 training, purchase of medical and other evidence, and
 9 processing related to appeals (including appeal hearings)
 10 and to overpayments and related indirect costs.

11 “(E) The Commissioner shall use funds made avail-
 12 able pursuant to this paragraph solely for the purposes
 13 described in subparagraph (C).”.

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

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

24 (A) by striking “and the number” and in-
 25 serting “the number”;

1 ~~(B)~~ by striking the period at the end and
2 inserting a comma; and

3 ~~(C)~~ by adding at the end the following:
4 “and a final accounting of amounts transferred
5 to the Continuing Disability Review Adminis-
6 tration Revolving Account in the Federal Dis-
7 ability Insurance Trust Fund during the year;
8 the amount made available from such Account
9 during such year pursuant to certifications
10 made by the Chief Actuary of the Social Secu-
11 rity Administration under section 201(n)(2)(C);
12 and expenditures made by the Commissioner of
13 Social Security for the purposes described in
14 section 201(n)(2)(C) during the year; including
15 a comparison of the number of continuing dis-
16 ability reviews conducted during the year with
17 the estimated number of continuing disability
18 reviews upon which the estimate of such ex-
19 penditures was made under section
20 201(n)(2)(A).”.

21 ~~(b) EFFECTIVE DATE AND SUNSET.—~~

22 ~~(1) EFFECTIVE DATE.—~~The amendments made
23 by subsection (a) shall apply for fiscal years begin-
24 ning on or after October 1, 1995, and ending on or
25 before September 30, 2002.

1 (2) ~~SUNSET.~~—Effective October 1, 2002, the
 2 Continuing Disability Review Administration Revolv-
 3 ing Account in the Federal Disability Insurance
 4 Trust Fund shall cease to exist, any balance in such
 5 Account shall revert to funds otherwise available in
 6 such Trust Fund, and sections 201 and 221 of the
 7 Social Security Act shall read as if the amendments
 8 made by subsection (a) had not been enacted.

9 (c) ~~OFFICE OF CHIEF ACTUARY IN THE SOCIAL SE-~~
 10 ~~CURITY ADMINISTRATION.~~—

11 (1) ~~IN GENERAL.~~—Section 702 of such Act (42
 12 U.S.C. 902) is amended—

13 (A) by redesignating subsections (c) and
 14 (d) as subsections (d) and (e), respectively; and

15 (B) by inserting after subsection (b) the
 16 following new subsection:

17 “Chief Actuary

18 “(c)(1) There shall be in the Administration a Chief
 19 Actuary, who shall be appointed by, and in direct line of
 20 authority to, the Commissioner. The Chief Actuary shall
 21 be appointed from individuals who have demonstrated, by
 22 their education and experience, superior expertise in the
 23 actuarial sciences. The Chief Actuary shall serve as the
 24 chief actuarial officer of the Administration, and shall ex-
 25 ercise such duties as are appropriate for the office of the

1 Chief Actuary and in accordance with professional stand-
 2 ards of actuarial independence. The Chief Actuary may
 3 be removed only for cause.

4 “(2) The Chief Actuary shall be compensated at the
 5 highest rate of basic pay for the Senior Executive Service
 6 under section 5382(b) of title 5, United States Code.”.

7 (2) EFFECTIVE DATE OF SUBSECTION.—The
 8 amendments made by this subsection shall take ef-
 9 fect on the date of the enactment of this Act.

10 **SEC. 6. APPLICABILITY OF PUBLIC DEBT LIMIT TO FED-**
 11 **ERAL TRUST FUNDS AND OTHER FEDERAL**
 12 **ACCOUNTS.**

13 (a) PROTECTION OF FEDERAL FUNDS.—Notwith-
 14 standing any other provision of law—

15 (1) no officer or employee of the United States
 16 may—

17 (A) delay the deposit of any amount into
 18 (or delay the credit of any amount to) any Fed-
 19 eral fund or otherwise vary from the normal
 20 terms, procedures, or timing for making such
 21 deposits or credits, or

22 (B) refrain from the investment in public
 23 debt obligations of amounts in any Federal
 24 fund,

1 if a purpose of such action or inaction is to not in-
2 crease the amount of outstanding public debt obliga-
3 tions, and

4 (2) no officer or employee of the United States
5 may disinvest amounts in any Federal fund which
6 are invested in public debt obligations if a purpose
7 of the disinvestment is to reduce the amount of out-
8 standing public debt obligations.

9 (b) PROTECTION OF BENEFITS AND EXPENDITURES
10 FOR ADMINISTRATIVE EXPENSES.—

11 (1) IN GENERAL.—Notwithstanding subsection
12 (a), during any period for which cash benefits or ad-
13 ministrative expenses would not otherwise be payable
14 from a Federal fund by reason of an inability to
15 issue further public debt obligations because of the
16 applicable public debt limit, public debt obligations
17 held by such Federal fund shall be sold or redeemed
18 only for the purpose of making payment of such
19 benefits or administrative expenses and only to the
20 extent cash assets of the Federal fund are not avail-
21 able from month to month for making payment of
22 such benefits or administrative expenses.

23 (2) ISSUANCE OF CORRESPONDING DEBT.—For
24 purposes of undertaking the sale or redemption of
25 public debt obligations held by a Federal fund pur-

1 suant to paragraph (1), the Secretary of the Treas-
2 ury may issue corresponding public debt obligations
3 to the public, in order to obtain the cash necessary
4 for payment of benefits or administrative expenses
5 from such Federal fund, notwithstanding the public
6 debt limit.

7 (3) ADVANCE NOTICE OF SALE OR REDEMP-
8 TION.—Not less than 3 days prior to the date on
9 which, by reason of the public debt limit, the Sec-
10 retary of the Treasury expects to undertake a sale
11 or redemption authorized under paragraph (1), the
12 Secretary of the Treasury shall report to each House
13 of the Congress and to the Comptroller General of
14 the United States regarding the expected sale or re-
15 demption. Upon receipt of such report, the Comp-
16 troller General shall review the extent of compliance
17 with subsection (a) and paragraphs (1) and (2) of
18 this subsection and shall issue such findings and rec-
19 ommendations to each House of the Congress as the
20 Comptroller General considers necessary and appro-
21 priate.

22 (c) PUBLIC DEBT OBLIGATION.—For purposes of
23 this section, the term “public debt obligation” means any
24 obligation subject to the public debt limit established
25 under section 3101 of title 31, United States Code.

1 (d) ~~FEDERAL FUND.~~—For purposes of this section,
2 the term “Federal fund” means—

3 (1) ~~the Federal Old-Age and Survivors Insur-~~
4 ~~ance Trust Fund;~~

5 (2) ~~the Federal Disability Insurance Trust~~
6 ~~Fund;~~

7 (3) ~~the Federal Hospital Insurance Trust~~
8 ~~Fund; and~~

9 (4) ~~the Federal Supplementary Medical Insur-~~
10 ~~ance Trust Fund.~~

11 **SECTION 1. SHORT TITLE.**

12 *This Act may be cited as the “Senior Citizens’ Free-*
13 *dom to Work Act of 1995”.*

14 **SEC. 2. INCREASES IN MONTHLY EXEMPT AMOUNT FOR**
15 **PURPOSES OF THE SOCIAL SECURITY EARN-**
16 **INGS LIMIT.**

17 (a) *INCREASE IN MONTHLY EXEMPT AMOUNT FOR IN-*
18 *DIVIDUALS WHO HAVE ATTAINED RETIREMENT AGE.*—*Sec-*
19 *tion 203(f)(8)(D) of the Social Security Act (42 U.S.C.*
20 *403(f)(8)(D)) is amended to read as follows:*

21 “(D) *Notwithstanding any other provision of*
22 *this subsection, the exempt amount which is applica-*
23 *ble to an individual who has attained retirement age*
24 *(as defined in section 216(l)) before the close of the*
25 *taxable year involved shall be—*

1 “(i) for each month of any taxable year
2 ending after 1995 and before 1997, \$1,166.66²/₃,

3 “(ii) for each month of any taxable year
4 ending after 1996 and before 1998, \$1,250.00,

5 “(iii) for each month of any taxable year
6 ending after 1997 and before 1999, \$1,333.33¹/₃,

7 “(iv) for each month of any taxable year
8 ending after 1998 and before 2000, \$1,416.66²/₃,

9 “(v) for each month of any taxable year
10 ending after 1999 and before 2001, \$1,500.00,

11 “(vi) for each month of any taxable year
12 ending after 2000 and before 2002, \$2,083.33¹/₃,

13 and

14 “(vii) for each month of any taxable year
15 ending after 2001 and before 2003, \$2,500.00.”.

16 (b) CONFORMING AMENDMENTS.—

17 (1) Section 203(f)(8)(B)(ii) of the Social Secu-
18 rity Act (42 U.S.C. 403(f)(8)(B)(ii)) is amended—

19 (A) by striking “the taxable year ending
20 after 1993 and before 1995” and inserting “the
21 taxable year ending after 2001 and before 2003
22 (with respect to individuals described in sub-
23 paragraph (D)) or the taxable year ending after
24 1993 and before 1995 (with respect to other indi-
25 viduals)”; and

1 “(C) *An individual shall not be considered to be*
2 *disabled for purposes of this title if alcoholism or drug*
3 *addiction would (but for this subparagraph) be a con-*
4 *tributing factor material to the Commissioner’s deter-*
5 *mination that the individual is disabled.”.*

6 (2) *REPRESENTATIVE PAYEE REQUIREMENTS.—*

7 (A) *Section 205(j)(1)(B) of such Act (42*
8 *U.S.C. 405(j)(1)(B)) is amended to read as fol-*
9 *lows:*

10 “(B) *In the case of an individual entitled to benefits*
11 *based on disability, the payment of such benefits shall be*
12 *made to a representative payee if the Commissioner of So-*
13 *cial Security determines that such payment would serve the*
14 *interest of the individual because the individual also has*
15 *an alcoholism or drug addiction condition (as determined*
16 *by the Commissioner) that prevents the individual from*
17 *managing such benefits.”.*

18 (B) *Section 205(j)(2)(C)(v) of such Act (42*
19 *U.S.C. 405(j)(2)(C)(v)) is amended by striking*
20 *“entitled to benefits” and all that follows through*
21 *“under a disability” and inserting “described in*
22 *paragraph (1)(B)”.*

23 (C) *Section 205(j)(2)(D)(ii)(II) of such Act*
24 *(42 U.S.C. 405(j)(2)(D)(ii)(II)) is amended by*

1 *striking all that follows “15 years, or” and in-*
2 *serting “described in paragraph (1)(B).”.*

3 *(D) Section 205(j)(4)(A)(i)(II) of such Act*
4 *(42 U.S.C. 405(j)(4)(A)(ii)(II)) is amended by*
5 *striking “entitled to benefits” and all that follows*
6 *through “under a disability” and inserting “de-*
7 *scribed in paragraph (1)(B).”.*

8 *(3) TREATMENT REFERRALS FOR INDIVIDUALS*
9 *WITH AN ALCOHOLISM OR DRUG ADDICTION CONDI-*
10 *TION.—Section 222 of such Act (42 U.S.C. 422) is*
11 *amended by adding at the end the following new sub-*
12 *section:*

13 *“Treatment Referrals for Individuals with an Alcoholism*
14 *or Drug Addiction Condition*

15 *“(e) In the case of any individual whose benefits under*
16 *this title are paid to a representative payee pursuant to*
17 *section 205(j)(1)(B), the Commissioner of Social Security*
18 *shall refer such individual to the appropriate State agency*
19 *administering the State plan for substance abuse treatment*
20 *services approved under subpart II of part B of title XIX*
21 *of the Public Health Service Act (42 U.S.C. 300x–21 et*
22 *seq.).”.*

23 *(4) CONFORMING AMENDMENT.—Subsection (c)*
24 *of section 225 of such Act (42 U.S.C. 425(c)) is re-*
25 *pealed.*

1 (5) *EFFECTIVE DATES.*—

2 (A) *The amendments made by paragraphs*
3 *(1) and (4) shall apply to any individual who*
4 *applies for, or whose claim is adjudicated with*
5 *respect to, benefits under title II of the Social Se-*
6 *curity Act based on disability on or after the*
7 *date of the enactment of this Act, and, in the*
8 *case of any individual who has applied for, and*
9 *whose claim has been adjudicated with respect*
10 *to, such benefits before such date of enactment,*
11 *such amendments shall apply only with respect*
12 *to such benefits for months beginning on or after*
13 *January 1, 1997.*

14 (B) *The amendments made by paragraphs*
15 *(2) and (3) shall apply with respect to benefits*
16 *for which applications are filed on or after the*
17 *date of the enactment of this Act.*

18 (C) *If an individual who is entitled to*
19 *monthly insurance benefits under title II of the*
20 *Social Security Act based on disability for the*
21 *month in which this Act is enacted and whose*
22 *entitlement to such benefits would terminate by*
23 *reason of the amendments made by this sub-*
24 *section reapplies for benefits under title II of*
25 *such Act (as amended by this Act) based on dis-*

1 *ability within 120 days after the date of the en-*
 2 *actment of this Act, the Commissioner of Social*
 3 *Security shall, not later than January 1, 1997,*
 4 *complete the entitlement redetermination with*
 5 *respect to such individual pursuant to the proce-*
 6 *dures of such title.*

7 ***(b) AMENDMENTS RELATING TO SSI BENEFITS.—***

8 ***(1) IN GENERAL.—****Section 1614(a)(3) of the So-*
 9 *cial Security Act (42 U.S.C. 1382c(a)(3)) is amended*
 10 *by adding at the end the following:*

11 ***“(I) Notwithstanding subparagraph (A), an individ-***
 12 *ual shall not be considered to be disabled for purposes of*
 13 *this title if alcoholism or drug addiction would (but for this*
 14 *subparagraph) be a contributing factor material to the*
 15 *Commissioner’s determination that the individual is dis-*
 16 *abled.”.*

17 ***(2) REPRESENTATIVE PAYEE REQUIREMENTS.—***

18 ***(A)*** *Section 1631(a)(2)(A)(i)(II) of such*
 19 *Act (42 U.S.C. 1383(a)(2)(A)(i)(II)) is amended*
 20 *to read as follows:*

21 ***“(II) In the case of an individual eligible for benefits***
 22 *under this title by reason of disability, the payment of such*
 23 *benefits shall be made to a representative payee if the Com-*
 24 *missioner of Social Security determines that such payment*
 25 *would serve the interest of the individual because the indi-*

1 *vidual also has an alcoholism or drug addiction condition*
 2 *(as determined by the Commissioner) that prevents the in-*
 3 *dividual from managing such benefits.”.*

4 *(B) Section 1631(a)(2)(B)(vii) of such Act*
 5 *(42 U.S.C. 1383(a)(2)(B)(vii)) is amended by*
 6 *striking “eligible for benefits” and all that fol-*
 7 *lows through “is disabled” and inserting “de-*
 8 *scribed in subparagraph (A)(i)(II)”.*

9 *(C) Section 1631(a)(2)(B)(ix)(II) of such*
 10 *Act (42 U.S.C. 1383(a)(2)(B)(ix)(II)) is amend-*
 11 *ed by striking all that follows “15 years, or” and*
 12 *inserting “described in subparagraph*
 13 *(A)(i)(II).”.*

14 *(D) Section 1631(a)(2)(D)(i)(II) of such Act*
 15 *(42 U.S.C. 1383(a)(2)(D)(i)(II)) is amended by*
 16 *striking “eligible for benefits” and all that fol-*
 17 *lows through “is disabled” and inserting “de-*
 18 *scribed in subparagraph (A)(i)(II)”.*

19 *(3) TREATMENT REFERRALS FOR INDIVIDUALS*
 20 *WITH AN ALCOHOLISM OR DRUG ADDICTION CONDI-*
 21 *TION.—Title XVI of such Act (42 U.S.C. 1381 et seq.)*
 22 *is amended by adding at the end the following new*
 23 *section:*

1 *“TREATMENT REFERRALS FOR INDIVIDUALS WITH AN*
 2 *ALCOHOLISM OR DRUG ADDICTION CONDITION*

3 *“SEC. 1636. In the case of any individual whose bene-*
 4 *fits under this title are paid to a representative payee pur-*
 5 *suant to section 1631(a)(2)(A)(ii)(II), the Commissioner of*
 6 *Social Security shall refer such individual to the appro-*
 7 *priate State agency administering the State plan for sub-*
 8 *stance abuse treatment services approved under subpart II*
 9 *of part B of title XIX of the Public Health Service Act (42*
 10 *U.S.C. 300x–21 et seq.).”.*

11 (4) *CONFORMING AMENDMENTS.—*

12 (A) *Section 1611(e) of such Act (42 U.S.C.*
 13 *1382(e)) is amended by striking paragraph (3).*

14 (B) *Section 1634 of such Act (42 U.S.C.*
 15 *1383c) is amended by striking subsection (e).*

16 (5) *EFFECTIVE DATES.—*

17 (A) *The amendments made by paragraphs*
 18 *(1) and (4) shall apply to any individual who*
 19 *applies for, or whose claim is adjudicated with*
 20 *respect to, supplemental security income benefits*
 21 *under title XVI of the Social Security Act based*
 22 *on disability on or after the date of the enact-*
 23 *ment of this Act, and, in the case of any individ-*
 24 *ual who has applied for, and whose claim has*
 25 *been adjudicated with respect to, such benefits be-*

1 *fore such date of enactment, such amendments*
2 *shall apply only with respect to such benefits for*
3 *months beginning on or after January 1, 1997.*

4 *(B) The amendments made by paragraphs*
5 *(2) and (3) shall apply with respect to supple-*
6 *mental security income benefits under title XVI*
7 *of the Social Security Act for which applications*
8 *are filed on or after the date of the enactment of*
9 *this Act.*

10 *(C) If an individual who is eligible for sup-*
11 *plemental security income benefits under title*
12 *XVI of the Social Security Act for the month in*
13 *which this Act is enacted and whose eligibility*
14 *for such benefits would terminate by reason of*
15 *the amendments made by this subsection*
16 *reapplies for supplemental security income bene-*
17 *fits under title XVI of such Act (as amended by*
18 *this Act) within 120 days after the date of the*
19 *enactment of this Act, the Commissioner of So-*
20 *cial Security shall, not later than January 1,*
21 *1997, complete the eligibility redetermination*
22 *with respect to such individual pursuant to the*
23 *procedures of such title.*

24 *(D) For purposes of this paragraph, the*
25 *phrase “supplemental security income benefits*

1 *under title XVI of the Social Security Act*” in-
2 *cludes supplementary payments pursuant to an*
3 *agreement for Federal administration under sec-*
4 *tion 1616(a) of the Social Security Act and pay-*
5 *ments pursuant to an agreement entered into*
6 *under section 212(b) of Public Law 93–66.*

7 (c) *CONFORMING AMENDMENT.—Section 201(c) of the*
8 *Social Security Independence and Program Improvements*
9 *Act of 1994 (42 U.S.C. 425 note) is repealed.*

10 (d) *SUPPLEMENTAL FUNDING FOR ALCOHOL AND SUB-*
11 *STANCE ABUSE TREATMENT PROGRAMS.—*

12 (1) *IN GENERAL.—Out of any money in the*
13 *Treasury not otherwise appropriated, there are hereby*
14 *appropriated to supplement State and Tribal pro-*
15 *grams funded under section 1933 of the Public Health*
16 *Service Act (42 U.S.C. 300x–33), \$50,000,000 for*
17 *each of the fiscal years 1997 and 1998.*

18 (2) *ADDITIONAL FUNDS.—Amounts appropriated*
19 *under paragraph (1) shall be in addition to any*
20 *funds otherwise appropriated for allotments under*
21 *section 1933 of the Public Health Service Act (42*
22 *U.S.C. 300x–33) and shall be allocated pursuant to*
23 *such section 1933.*

24 (3) *USE OF FUNDS.—A State or Tribal govern-*
25 *ment receiving an allotment under this subsection*

1 (B) by striking the period at the end of sub-
2 paragraph (G) and inserting “; or”; and

3 (C) by inserting after subparagraph (G) the
4 following new subparagraph:

5 “(H) if the benefits under this subsection are
6 based on the wages and self-employment income of a
7 stepparent who is subsequently divorced from such
8 child’s natural parent, the month after the month in
9 which such divorce becomes final.”.

10 (2) NOTIFICATION.—Section 202(d) of such Act
11 (42 U.S.C. 402(d)) is amended by adding the follow-
12 ing new paragraph:

13 “(10) For purposes of paragraph (1)(H)—

14 “(A) each stepparent shall notify the Commis-
15 sioner of Social Security of any divorce upon such di-
16 vorce becoming final; and

17 “(B) the Commissioner shall annually notify
18 any stepparent of the rule for termination described
19 in paragraph (1)(H) and of the requirement described
20 in subparagraph (A).”.

21 (3) EFFECTIVE DATES.—

22 (A) The amendments made by paragraph
23 (1) shall apply with respect to final divorces oc-
24 curring after the third month following the
25 month in which this Act is enacted.

1 (B) *The amendment made by paragraph (2)*
 2 *shall take effect on the date of the enactment of*
 3 *this Act.*

4 **SEC. 5. ESTABLISHMENT OF DISABILITY INSURANCE CON-**
 5 **TINUING DISABILITY REVIEW ADMINISTRA-**
 6 **TION REVOLVING ACCOUNT.**

7 (a) *CONTINUING DISABILITY REVIEW ADMINISTRA-*
 8 *TION REVOLVING ACCOUNT FOR TITLE II DISABILITY BEN-*
 9 *EFITS IN THE FEDERAL DISABILITY INSURANCE TRUST*
 10 *FUND.—*

11 (1) *IN GENERAL.—Section 201 of the Social Se-*
 12 *curity Act (42 U.S.C. 401) is amended by adding at*
 13 *the end the following new subsection:*

14 “(n)(1) *There is hereby created in the Federal Disabil-*
 15 *ity Insurance Trust Fund a Continuing Disability Review*
 16 *Administration Revolving Account (hereinafter in this sub-*
 17 *section referred to as the ‘Account’). The Account shall con-*
 18 *sist initially of \$300,000,000 (which is hereby transferred*
 19 *to the Account from amounts otherwise available in such*
 20 *Trust Fund) and shall also consist thereafter of such other*
 21 *amounts as may be transferred to it under this subsection.*
 22 *Such amounts in the Account shall be considered amounts*
 23 *in the Federal Disability Insurance Trust Fund for pur-*
 24 *poses of subsections (d), (e), and (f), and the Managing*
 25 *Trustee shall credit the investment proceeds with respect to*

1 *such amounts to the Account. The balance in the Account*
2 *shall be available solely for expenditures certified under*
3 *paragraph (2) and shall remain available until expended.*

4 “(2)(A) *Before October 1 of each calendar year, the*
5 *Chief Actuary of the Social Security Administration*
6 *shall—*

7 “(i) *estimate the present value of savings to the*
8 *Federal Old-Age and Survivors Insurance Trust*
9 *Fund, the Federal Disability Insurance Trust Fund,*
10 *the Federal Hospital Insurance Trust Fund, and the*
11 *Federal Supplementary Medical Insurance Trust*
12 *Fund which will accrue for all years as a result of*
13 *cessations of benefit payments resulting from continu-*
14 *ing disability reviews carried out pursuant to the re-*
15 *quirements of section 221(i) during the fiscal year*
16 *ending on September 30 of such calendar year (in-*
17 *creased or decreased as appropriate to account for de-*
18 *viations of estimates for prior fiscal years from the*
19 *actual amounts for such fiscal years), and*

20 “(ii) *certify the amount of such estimate to the*
21 *Managing Trustee.*

22 “(B) *Upon receipt of certification by the Chief Actuary*
23 *under subparagraph (A), the Managing Trustee shall trans-*
24 *fer to the Account from amounts otherwise available in the*

1 *Federal Disability Insurance Trust Fund an amount equal*
2 *to the estimated savings so certified.*

3 “(C) *To the extent of available funds in the Account,*
4 *upon certification by the Chief Actuary that such funds are*
5 *currently required to meet expenditures necessary to provide*
6 *for continuing disability reviews required under section*
7 *221(i), the Managing Trustee shall make available to the*
8 *Commissioner of Social Security from the Account the*
9 *amount so certified.*

10 “(D) *The expenditures referred to in subparagraph (C)*
11 *shall include, but not be limited to, the cost of staffing,*
12 *training, purchase of medical and other evidence, and proc-*
13 *essing related to appeals (including appeal hearings) and*
14 *to overpayments and related indirect costs.*

15 “(E) *The Commissioner shall use funds made available*
16 *pursuant to this paragraph solely for the purposes described*
17 *in subparagraph (C).”.*

18 (2) *CONFORMING AMENDMENT.—Section*
19 *201(g)(1)(A) of such Act (42 U.S.C. 401(g)(1)(A)) is*
20 *amended in the last sentence by inserting “(other*
21 *than expenditures from available funds in the Con-*
22 *tinuing Disability Review Administration Revolving*
23 *Account in the Federal Disability Insurance Trust*
24 *Fund made pursuant to subsection (n))” after “is re-*
25 *sponsible” the first place it appears.*

1 (3) *ANNUAL REPORT*.—Section 221(i)(3) of such
2 *Act* (42 U.S.C. 421(i)(3)) is amended—

3 (A) by striking “and the number” and in-
4 sserting “the number”;

5 (B) by striking the period at the end and
6 inserting a comma; and

7 (C) by adding at the end the following:
8 “and a final accounting of amounts transferred
9 to the Continuing Disability Review Administra-
10 tion Revolving Account in the Federal Disability
11 Insurance Trust Fund during the year, the
12 amount made available from such Account dur-
13 ing such year pursuant to certifications made by
14 the Chief Actuary of the Social Security Admin-
15 istration under section 201(n)(2)(C), and ex-
16 penditures made by the Commissioner of Social
17 Security for the purposes described in section
18 201(n)(2)(C) during the year, including a com-
19 parison of the number of continuing disability
20 reviews conducted during the year with the esti-
21 mated number of continuing disability reviews
22 upon which the estimate of such expenditures
23 was made under section 201(n)(2)(A).”.

24 (b) *EFFECTIVE DATE AND SUNSET*.—

1 (1) *EFFECTIVE DATE.*—*The amendments made*
 2 *by subsection (a) shall apply for fiscal years begin-*
 3 *ning on or after October 1, 1995, and ending on or*
 4 *before September 30, 2005.*

5 (2) *SUNSET.*—*Effective October 1, 2005, the Con-*
 6 *tinuing Disability Review Administration Revolving*
 7 *Account in the Federal Disability Insurance Trust*
 8 *Fund shall cease to exist, any balance in such Ac-*
 9 *count shall revert to funds otherwise available in such*
 10 *Trust Fund, and sections 201 and 221 of the Social*
 11 *Security Act shall read as if the amendments made*
 12 *by subsection (a) had not been enacted.*

13 (c) *OFFICE OF CHIEF ACTUARY IN THE SOCIAL SECU-*
 14 *RITY ADMINISTRATION.*—

15 (1) *IN GENERAL.*—*Section 702 of the Social Se-*
 16 *curity Act (42 U.S.C. 902) is amended—*

17 (A) *by redesignating subsections (c) and (d)*
 18 *as subsections (d) and (e), respectively; and*

19 (B) *by inserting after subsection (b) the fol-*
 20 *lowing new subsection:*

21 “*Chief Actuary*

22 “*(c)(1) There shall be in the Administration a Chief*
 23 *Actuary, who shall be appointed by, and in direct line of*
 24 *authority to, the Commissioner. The Chief Actuary shall be*
 25 *appointed from individuals who have demonstrated, by*

1 *their education and experience, superior expertise in the ac-*
 2 *tuarial sciences. The Chief Actuary shall serve as the chief*
 3 *actuarial officer of the Administration, and shall exercise*
 4 *such duties as are appropriate for the office of the Chief*
 5 *Actuary and in accordance with professional standards of*
 6 *actuarial independence. The Chief Actuary may be removed*
 7 *only for cause.*

8 “(2) *The Chief Actuary shall be compensated at the*
 9 *highest rate of basic pay for the Senior Executive Service*
 10 *under section 5382(b) of title 5, United States Code.*”.

11 (2) *EFFECTIVE DATE OF SUBSECTION.—The*
 12 *amendments made by this subsection shall take effect*
 13 *on the date of the enactment of this Act.*

14 **SEC. 6. PROTECTION OF SOCIAL SECURITY AND MEDICARE**
 15 **TRUST FUNDS.**

16 (a) *IN GENERAL.—Part A of title XI of the Social Se-*
 17 *curity Act (42 U.S.C. 1301 et seq.) is amended by adding*
 18 *at the end the following new section:*

19 “*PROTECTION OF SOCIAL SECURITY AND MEDICARE TRUST*
 20 *FUNDS*

21 “*SEC. 1145. (a) IN GENERAL.—No officer or employee*
 22 *of the United States shall—*

23 “(1) *delay the deposit of any amount into (or*
 24 *delay the credit of any amount to) any Federal fund*
 25 *or otherwise vary from the normal terms, procedures,*
 26 *or timing for making such deposits or credits,*

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

3 “(3) redeem prior to maturity amounts in any
4 Federal fund which are invested in public debt obliga-
5 tions for any purpose other than the payment of bene-
6 fits or administrative expenses from such Federal
7 fund.

8 “(b) *PUBLIC DEBT OBLIGATION*.—For purposes of this
9 section, the term ‘public debt obligation’ means any obliga-
10 tion subject to the public debt limit established under sec-
11 tion 3101 of title 31, United States Code.

12 “(c) *FEDERAL FUND*.—For purposes of this section,
13 the term ‘Federal fund’ means—

14 “(1) the Federal Old-Age and Survivors Insur-
15 ance Trust Fund;

16 “(2) the Federal Disability Insurance Trust
17 Fund;

18 “(3) the Federal Hospital Insurance Trust Fund;
19 and

20 “(4) the Federal Supplementary Medical Insur-
21 ance Trust Fund.”.

22 (b) *EFFECTIVE DATE*.—The amendment made by this
23 section shall take effect on the date of the enactment of this
24 Act.

S 1470 RS—2

S 1470 RS—3

S 1470 RS—4