

***In the Senate of the United States,***

*November 18, 2002.*

*Resolved*, That the bill from the House of Representatives (H.R. 4070) entitled “An Act to amend the Social Security Act and the Internal Revenue Code of 1986 to provide additional safeguards for Social Security and Supplemental Security Income beneficiaries with representative payees, to enhance program protections, and for other purposes.”, do pass with the following

**AMENDMENT:**

Strike out all after the enacting clause and insert:

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

2       (a) *SHORT TITLE.*—*This Act may be cited as the “So-*  
3 *cial Security Program Protection Act of 2002”.*

1           (b) *TABLE OF CONTENTS.—The table of contents is as*  
 2 *follows:*

*Sec. 1. Short title and table of contents.*

*TITLE I—PROTECTION OF BENEFICIARIES*

*Subtitle A—Representative Payees*

*Sec. 101. Authority to reissue benefits misused by organizational representative payees.*

*Sec. 102. Oversight of representative payees.*

*Sec. 103. Disqualification from service as representative payee of persons convicted of offenses resulting in imprisonment for more than 1 year, of persons fleeing prosecution, custody, or confinement, and of persons violating probation or parole.*

*Sec. 104. Fee forfeiture in case of benefit misuse by representative payees.*

*Sec. 105. Liability of representative payees for misused benefits.*

*Sec. 106. Authority to redirect delivery of benefit payments when a representative payee fails to provide required accounting.*

*Subtitle B—Enforcement*

*Sec. 111. Civil monetary penalty authority with respect to wrongful conversions by representative payees.*

*TITLE II—PROGRAM PROTECTIONS*

*Sec. 201. Issuance by Commissioner of Social Security of receipts to acknowledge submission of reports of changes in work or earnings status of disabled beneficiaries.*

*Sec. 202. Denial of title II benefits to persons fleeing prosecution, custody, or confinement, and to persons violating probation or parole.*

*Sec. 203. Requirements relating to offers to provide for a fee a product or service available without charge from the Social Security Administration.*

*Sec. 204. Refusal to recognize certain individuals as claimant representatives.*

*Sec. 205. Penalty for corrupt or forcible interference with administration of Social Security Act.*

*Sec. 206. Use of symbols, emblems, or names in reference to social security or medicare.*

*Sec. 207. Disqualification from payment during trial work period upon conviction of fraudulent concealment of work activity.*

*TITLE III—ATTORNEY FEE PAYMENT SYSTEM IMPROVEMENTS*

*Sec. 301. Cap on attorney assessments.*

*TITLE IV—MISCELLANEOUS AND TECHNICAL AMENDMENTS*

*Subtitle A—Amendments Relating to the Ticket to Work and Work Incentives Improvement Act of 1999*

*Sec. 401. Application of demonstration authority sunset date to new projects.*

- Sec. 402. Expansion of waiver authority available in connection with demonstration projects providing for reductions in disability insurance benefits based on earnings.*
- Sec. 403. Funding of demonstration projects provided for reductions in disability insurance benefits based on earnings.*
- Sec. 404. Availability of Federal and State work incentive services to additional individuals.*
- Sec. 405. Technical amendment clarifying treatment for certain purposes of individual work plans under the Ticket to Work and Self-Sufficiency Program.*

*Subtitle B—Miscellaneous Amendments*

- Sec. 411. Elimination of transcript requirement in remand cases fully favorable to the claimant.*
- Sec. 412. Nonpayment of benefits upon removal from the United States.*
- Sec. 413. Reinstatement of certain reporting requirements.*
- Sec. 414. Clarification of definitions regarding certain survivor benefits.*
- Sec. 415. Clarification respecting the FICA and SECA tax exemptions for an individual whose earnings are subject to the laws of a totalization agreement partner.*
- Sec. 416. Coverage under divided retirement system for public employees in Kentucky.*
- Sec. 417. Compensation for the Social Security Advisory Board.*
- Sec. 418. 60-month period of employment requirement for application of government pension offset exemption.*

*Subtitle C—Technical Amendments*

- Sec. 421. Technical correction relating to responsible agency head.*
- Sec. 422. Technical correction relating to retirement benefits of ministers.*
- Sec. 423. Technical corrections relating to domestic employment.*
- Sec. 424. Technical corrections of outdated references.*
- Sec. 425. Technical correction respecting self-employment income in community property States.*
- Sec. 426. Technical amendments relating to the Railroad Retirement and Survivors Improvement Act of 2001.*

1                   **TITLE I—PROTECTION OF**  
 2                   **BENEFICIARIES**  
 3           **Subtitle A—Representative Payees**  
 4   **SEC. 101. AUTHORITY TO REISSUE BENEFITS MISUSED BY**  
 5                   **ORGANIZATIONAL REPRESENTATIVE PAYEES.**  
 6           (a) *TITLE II AMENDMENTS.—*  
 7                   (1) *REISSUANCE OF BENEFITS.—Section*  
 8           205(j)(5) *of the Social Security Act (42*

1       *U.S.C. 405(j)(5)) is amended by inserting after the*  
2       *first sentence the following new sentences: “In any*  
3       *case in which a representative payee that—*

4               *“(A) is not an individual (regardless of whether*  
5       *it is a ‘qualified organization’ within the meaning of*  
6       *paragraph (4)(B)); or*

7               *“(B) is an individual who, for any month dur-*  
8       *ing a period when misuse occurs, serves 15 or more*  
9       *individuals who are beneficiaries under this title, title*  
10       *VIII, title XVI, or any combination of such titles;*

11       *misuses all or part of an individual’s benefit paid to such*  
12       *representative payee, the Commissioner of Social Security*  
13       *shall certify for payment to the beneficiary or the bene-*  
14       *ficiary’s alternative representative payee an amount equal*  
15       *to the amount of such benefit so misused. The provisions*  
16       *of this paragraph are subject to the limitations of para-*  
17       *graph (7)(B).”.*

18               (2) *MISUSE OF BENEFITS DEFINED.—Section*  
19       *205(j) of such Act (42 U.S.C. 405(j)) is amended by*  
20       *adding at the end the following new paragraph:*

21               *“(8) For purposes of this subsection, misuse of benefits*  
22       *by a representative payee occurs in any case in which the*  
23       *representative payee receives payment under this title for*  
24       *the use and benefit of another person and converts such pay-*  
25       *ment, or any part thereof, to a use other than for the use*

1 *and benefit of such other person. The Commissioner of So-*  
 2 *cial Security may prescribe by regulation the meaning of*  
 3 *the term ‘use and benefit’ for purposes of this paragraph.”.*

4 *(b) TITLE VIII AMENDMENTS.—*

5 *(1) REISSUANCE OF BENEFITS.—Section 807(i)*  
 6 *of the Social Security Act (42 U.S.C. 1007(i)) is*  
 7 *amended by inserting after the first sentence the fol-*  
 8 *lowing new sentences: “In any case in which a rep-*  
 9 *resentative payee that—*

10 *“(1) is not an individual; or*

11 *“(2) is an individual who, for any month during*  
 12 *a period when misuse occurs, serves 15 or more indi-*  
 13 *viduals who are beneficiaries under this title, title II,*  
 14 *title XVI, or any combination of such titles;*

15 *misuses all or part of an individual’s benefit paid to such*  
 16 *representative payee, the Commissioner of Social Security*  
 17 *shall pay to the beneficiary or the beneficiary’s alternative*  
 18 *representative payee an amount equal to the amount of such*  
 19 *benefit so misused. The provisions of this paragraph are*  
 20 *subject to the limitations of subsection (l)(2).”.*

21 *(2) MISUSE OF BENEFITS DEFINED.—Section*  
 22 *807 of such Act (42 U.S.C. 1007) is amended by add-*  
 23 *ing at the end the following new subsection:*

24 *“(j) MISUSE OF BENEFITS.—For purposes of this title,*  
 25 *misuse of benefits by a representative payee occurs in any*

1 *case in which the representative payee receives payment*  
2 *under this title for the use and benefit of another qualified*  
3 *individual under this title and converts such payment, or*  
4 *any part thereof, to a use other than for the use and benefit*  
5 *of such other qualified individual. The Commissioner of So-*  
6 *cial Security may prescribe by regulation the meaning of*  
7 *the term ‘use and benefit’ for purposes of this subsection.”.*

8           (3) *TECHNICAL AMENDMENT.—Section 807(a) of*  
9 *such Act (42 U.S.C. 1007(a)) is amended, in the first*  
10 *sentence, by striking “for his or her benefit” and in-*  
11 *serting “for his or her use and benefit”.*

12           (c) *TITLE XVI AMENDMENTS.—*

13           (1) *REISSUANCE OF BENEFITS.—Section*  
14 *1631(a)(2)(E) of such Act (42 U.S.C. 1383(a)(2)(E))*  
15 *is amended by inserting after the first sentence the*  
16 *following new sentences: “In any case in which a rep-*  
17 *resentative payee that—*

18           *“(i) is not an individual (regardless of whether*  
19 *it is a ‘qualified organization’ within the meaning of*  
20 *subparagraph (D)(ii)); or*

21           *“(ii) is an individual who, for any month dur-*  
22 *ing a period when misuse occurs, serves 15 or more*  
23 *individuals who are beneficiaries under this title, title*  
24 *II, title VIII, or any combination of such titles;*

1 *misuses all or part of an individual's benefit paid to the*  
2 *representative payee, the Commissioner of Social Security*  
3 *shall pay to the beneficiary or the beneficiary's alternative*  
4 *representative payee an amount equal to the amount of the*  
5 *benefit so misused. The provisions of this subparagraph are*  
6 *subject to the limitations of subparagraph (H)(ii).”.*

7 (2) *EXCLUSION OF REISSUED BENEFITS FROM*  
8 *RESOURCES.—Section 1613(a) of such Act (42*  
9 *U.S.C. 1382b(a)) is amended—*

10 (A) *in paragraph (12), by striking “and”*  
11 *at the end;*

12 (B) *in paragraph (13), by striking the pe-*  
13 *riod and inserting “; and”; and*

14 (C) *by inserting after paragraph (13) the*  
15 *following new paragraph:*

16 “(14) *for the 9-month period beginning after the*  
17 *month in which received, any amount received by*  
18 *such individual (or spouse) or any other person whose*  
19 *income is deemed to be included in such individual's*  
20 *(or spouse's) income for purposes of this title as res-*  
21 *titution for benefits under this title, title II, or title*  
22 *VIII that a representative payee of such individual*  
23 *(or spouse) or such other person under section 205(j),*  
24 *807, or 1631(a)(2) has misused.”.*

1           (3) *MISUSE OF BENEFITS DEFINED.*—Section  
 2           1631(a)(2)(A) of such Act (42 U.S.C. 1383(a)(2)(A))  
 3           is amended by adding at the end the following new  
 4           clause:

5           “(iv) For purposes of this paragraph, misuse of bene-  
 6 fits by a representative payee occurs in any case in which  
 7 the representative payee receives payment under this title  
 8 for the use and benefit of another person and converts such  
 9 payment, or any part thereof, to a use other than for the  
 10 use and benefit of such other person. The Commissioner of  
 11 Social Security may prescribe by regulation the meaning  
 12 of the term ‘use and benefit’ for purposes of this clause.”.

13           (d) *EFFECTIVE DATE.*—The amendments made by this  
 14 section shall apply to any case of benefit misuse by a rep-  
 15 resentative payee with respect to which the Commissioner  
 16 makes the determination of misuse on or after January 1,  
 17 1995.

18 **SEC. 102. OVERSIGHT OF REPRESENTATIVE PAYEES.**

19           (a) *CERTIFICATION OF BONDING AND LICENSING RE-*  
 20 *QUIREMENTS FOR NONGOVERNMENTAL ORGANIZATIONAL*  
 21 *REPRESENTATIVE PAYEES.*—

22           (1) *TITLE II AMENDMENTS.*—Section 205(j) of  
 23 the Social Security Act (42 U.S.C. 405(j)) is  
 24 amended—



1           (A) in paragraph (2)(C)(v), by striking “a  
2           community-based nonprofit social service agency  
3           licensed or bonded by the State” in subclause (I)  
4           and inserting “a certified community-based non-  
5           profit social service agency (as defined in para-  
6           graph (9))”;

7           (B) in paragraph (3)(F), by striking “com-  
8           munity-based nonprofit social service agencies”  
9           and inserting “certified community-based non-  
10          profit social service agencies (as defined in para-  
11          graph (9))”;

12          (C) in paragraph (4)(B), by striking “any  
13          community-based nonprofit social service agency  
14          which is bonded or licensed in each State in  
15          which it serves as a representative payee” and  
16          inserting “any certified community-based non-  
17          profit social service agency (as defined in para-  
18          graph (9))”; and

19          (D) by adding after paragraph (8) (as  
20          added by section 101(a)(2) of this Act) the fol-  
21          lowing new paragraph:

22          “(9) For purposes of this subsection, the term ‘certified  
23          community-based nonprofit social service agency’ means a  
24          community-based nonprofit social service agency which is  
25          in compliance with requirements, under regulations which

1 *shall be prescribed by the Commissioner, for annual certifi-*  
 2 *cation to the Commissioner that it is bonded in accordance*  
 3 *with requirements specified by the Commissioner and that*  
 4 *it is licensed in each State in which it serves as a represent-*  
 5 *ative payee (if licensing is available in such State) in ac-*  
 6 *cordance with requirements specified by the Commissioner.*  
 7 *Any such annual certification shall include a copy of any*  
 8 *independent audit on such agency which may have been*  
 9 *performed since the previous certification.”.*

10           (2) *TITLE XVI AMENDMENTS.—Section*  
 11 *1631(a)(2) of such Act (42 U.S.C. 1383(a)(2)) is*  
 12 *amended—*

13                   (A) *in subparagraph (B)(vii), by striking*  
 14 *“a community-based nonprofit social service*  
 15 *agency licensed or bonded by the State” in sub-*  
 16 *clause (I) and inserting “a certified community-*  
 17 *based nonprofit social service agency (as defined*  
 18 *in subparagraph (I))”;*

19                   (B) *in subparagraph (D)(ii)—*

20                           (i) *by striking “or any community-*  
 21 *based” and all that follows through “in ac-*  
 22 *cordance” in subclause (II) and inserting*  
 23 *“or any certified community-based non-*  
 24 *profit social service agency (as defined in*

1           subparagraph (I)), if the agency, in accord-  
2           ance”;

3           (ii) by redesignating items (aa) and  
4           (bb) as subclauses (I) and (II), respectively  
5           (and adjusting the margination accord-  
6           ingly); and

7           (iii) by striking “subclause (II)(bb)”  
8           and inserting “subclause (II)”; and

9           (C) by adding at the end the following new  
10          subparagraph:

11          “(I) For purposes of this paragraph, the term ‘certified  
12          community-based nonprofit social service agency’ means a  
13          community-based nonprofit social service agency which is  
14          in compliance with requirements, under regulations which  
15          shall be prescribed by the Commissioner, for annual certifi-  
16          cation to the Commissioner that it is bonded in accordance  
17          with requirements specified by the Commissioner and that  
18          it is licensed in each State in which it serves as a represent-  
19          ative payee (if licensing is available in the State) in accord-  
20          ance with requirements specified by the Commissioner. Any  
21          such annual certification shall include a copy of any inde-  
22          pendent audit on the agency which may have been per-  
23          formed since the previous certification.”.

24          (3) *EFFECTIVE DATE.*—The amendments made  
25          by this subsection shall take effect on the first day of

1       *the thirteenth month beginning after the date of en-*  
2       *actment of this Act.*

3       **(b) PERIODIC ONSITE REVIEW.**—

4               **(1) TITLE II AMENDMENT.**—*Section 205(j)(6) of*  
5       *such Act (42 U.S.C. 405(j)(6)) is amended to read as*  
6       *follows:*

7       *“(6)(A) In addition to such other reviews of represent-*  
8       *ative payees as the Commissioner of Social Security may*  
9       *otherwise conduct, the Commissioner shall provide for the*  
10       *periodic onsite review of any person or agency located in*  
11       *the United States that receives the benefits payable under*  
12       *this title (alone or in combination with benefits payable*  
13       *under title VIII or title XVI) to another individual pursu-*  
14       *ant to the appointment of such person or agency as a rep-*  
15       *resentative payee under this subsection, section 807, or sec-*  
16       *tion 1631(a)(2) in any case in which—*

17               *“(i) the representative payee is a person who*  
18       *serves in that capacity with respect to 15 or more*  
19       *such individuals;*

20               *“(ii) the representative payee is a certified com-*  
21       *munity-based nonprofit social service agency (as de-*  
22       *fined in paragraph (9) of this subsection or section*  
23       *1631(a)(2)(I)); or*

24               *“(iii) the representative payee is an agency*  
25       *(other than an agency described in clause (ii)) that*

1       *serves in that capacity with respect to 50 or more*  
2       *such individuals.*

3       “(B) *Within 120 days after the end of each fiscal year,*  
4 *the Commissioner shall submit to the Committee on Ways*  
5 *and Means of the House of Representatives and the Com-*  
6 *mittee on Finance of the Senate a report on the results of*  
7 *periodic onsite reviews conducted during the fiscal year*  
8 *pursuant to subparagraph (A) and of any other reviews of*  
9 *representative payees conducted during such fiscal year in*  
10 *connection with benefits under this title. Each such report*  
11 *shall describe in detail all problems identified in such re-*  
12 *views and any corrective action taken or planned to be*  
13 *taken to correct such problems, and shall include—*

14               “(i) *the number of such reviews;*

15               “(ii) *the results of such reviews;*

16               “(iii) *the number of cases in which the represent-*  
17 *ative payee was changed and why;*

18               “(iv) *the number of cases involving the exercise*  
19 *of expedited, targeted oversight of the representative*  
20 *payee by the Commissioner conducted upon receipt of*  
21 *an allegation of misuse of funds, failure to pay a ven-*  
22 *dor, or a similar irregularity;*

23               “(v) *the number of cases discovered in which*  
24 *there was a misuse of funds;*

1           “(vi) how any such cases of misuse of funds were  
2           dealt with by the Commissioner;

3           “(vii) the final disposition of such cases of mis-  
4           use of funds, including any criminal penalties im-  
5           posed; and

6           “(viii) such other information as the Commis-  
7           sioner deems appropriate.”.

8           (2) *TITLE VIII AMENDMENT.*—Section 807 of  
9           such Act (as amended by section 101(b)(2) of this Act)  
10          is amended further by adding at the end the following  
11          new subsection:

12          “(k) *PERIODIC ONSITE REVIEW.*—(1) In addition to  
13          such other reviews of representative payees as the Commis-  
14          sioner of Social Security may otherwise conduct, the Com-  
15          missioner may provide for the periodic onsite review of any  
16          person or agency that receives the benefits payable under  
17          this title (alone or in combination with benefits payable  
18          under title II or title XVI) to another individual pursuant  
19          to the appointment of such person or agency as a represent-  
20          ative payee under this section, section 205(j), or section  
21          1631(a)(2) in any case in which—

22                  “(A) the representative payee is a person who  
23                  serves in that capacity with respect to 15 or more  
24                  such individuals; or

1           “(B) *the representative payee is an agency that*  
2           *serves in that capacity with respect to 50 or more*  
3           *such individuals.*

4           “(2) *Within 120 days after the end of each fiscal year,*  
5           *the Commissioner shall submit to the Committee on Ways*  
6           *and Means of the House of Representatives and the Com-*  
7           *mittee on Finance of the Senate a report on the results of*  
8           *periodic onsite reviews conducted during the fiscal year*  
9           *pursuant to paragraph (1) and of any other reviews of rep-*  
10           *resentative payees conducted during such fiscal year in con-*  
11           *nection with benefits under this title. Each such report*  
12           *shall describe in detail all problems identified in such re-*  
13           *views and any corrective action taken or planned to be*  
14           *taken to correct such problems, and shall include—*

15           “(A) *the number of such reviews;*

16           “(B) *the results of such reviews;*

17           “(C) *the number of cases in which the represent-*  
18           *ative payee was changed and why;*

19           “(D) *the number of cases involving the exercise*  
20           *of expedited, targeted oversight of the representative*  
21           *payee by the Commissioner conducted upon receipt of*  
22           *an allegation of misuse of funds, failure to pay a ven-*  
23           *dor, or a similar irregularity;*

24           “(E) *the number of cases discovered in which*  
25           *there was a misuse of funds;*

1           “(F) how any such cases of misuse of funds were  
2           dealt with by the Commissioner;

3           “(G) the final disposition of such cases of misuse  
4           of funds, including any criminal penalties imposed;  
5           and

6           “(H) such other information as the Commis-  
7           sioner deems appropriate.”.

8           (3)        *TITLE     XVI     AMENDMENT.—Section*  
9           *1631(a)(2)(G) of such Act (42 U.S.C. 1383(a)(2)(G))*  
10          *is amended to read as follows:*

11          “(G)(i) In addition to such other reviews of representa-  
12          tive payees as the Commissioner of Social Security may  
13          otherwise conduct, the Commissioner shall provide for the  
14          periodic onsite review of any person or agency that receives  
15          the benefits payable under this title (alone or in combina-  
16          tion with benefits payable under title II or title VIII) to  
17          another individual pursuant to the appointment of the per-  
18          son or agency as a representative payee under this para-  
19          graph, section 205(j), or section 807 in any case in which—

20                 “(I) the representative payee is a person who  
21                 serves in that capacity with respect to 15 or more  
22                 such individuals;

23                 “(II) the representative payee is a certified com-  
24                 munity-based nonprofit social service agency (as de-



1 *defined in subparagraph (I) of this paragraph or sec-*  
2 *tion 205(j)(9)); or*

3 *“(III) the representative payee is an agency*  
4 *(other than an agency described in subclause (II))*  
5 *that serves in that capacity with respect to 50 or*  
6 *more such individuals.*

7 *“(ii) Within 120 days after the end of each fiscal year,*  
8 *the Commissioner shall submit to the Committee on Ways*  
9 *and Means of the House of Representatives and the Com-*  
10 *mittee on Finance of the Senate a report on the results of*  
11 *periodic onsite reviews conducted during the fiscal year*  
12 *pursuant to clause (i) and of any other reviews of represent-*  
13 *ative payees conducted during such fiscal year in connec-*  
14 *tion with benefits under this title. Each such report shall*  
15 *describe in detail all problems identified in the reviews and*  
16 *any corrective action taken or planned to be taken to correct*  
17 *the problems, and shall include—*

18 *“(I) the number of the reviews;*

19 *“(II) the results of such reviews;*

20 *“(III) the number of cases in which the rep-*  
21 *resentative payee was changed and why;*

22 *“(IV) the number of cases involving the exercise*  
23 *of expedited, targeted oversight of the representative*  
24 *payee by the Commissioner conducted upon receipt of*

1 *an allegation of misuse of funds, failure to pay a ven-*  
 2 *dor, or a similar irregularity;*

3 *“(V) the number of cases discovered in which*  
 4 *there was a misuse of funds;*

5 *“(VI) how any such cases of misuse of funds were*  
 6 *dealt with by the Commissioner;*

7 *“(VII) the final disposition of such cases of mis-*  
 8 *use of funds, including any criminal penalties im-*  
 9 *posed; and*

10 *“(VIII) such other information as the Commis-*  
 11 *sioner deems appropriate.”.*

12 **SEC. 103. DISQUALIFICATION FROM SERVICE AS REP-**  
 13 **RESENTATIVE PAYEE OF PERSONS CON-**  
 14 **VICTED OF OFFENSES RESULTING IN IMPRIS-**  
 15 **ONMENT FOR MORE THAN 1 YEAR, OF PER-**  
 16 **SONS FLEEING PROSECUTION, CUSTODY, OR**  
 17 **CONFINEMENT, AND OF PERSONS VIOLATING**  
 18 **PROBATION OR PAROLE.**

19 *(a) TITLE II AMENDMENTS.—Section 205(j)(2) of the*  
 20 *Social Security Act (42 U.S.C. 405(j)(2)) is amended—*

21 *(1) in subparagraph (B)(i)—*

22 *(A) by striking “and” at the end of sub-*  
 23 *clause (III);*

24 *(B) by redesignating subclause (IV) as sub-*  
 25 *clause (VI); and*

1           (C) by inserting after subclause (III) the  
2           following new subclauses:

3           “(IV) obtain information concerning whether  
4           such person has been convicted of any other offense  
5           under Federal or State law which resulted in impris-  
6           onment for more than 1 year,

7           “(V) obtain information concerning whether such  
8           person is a person described in clause (iv) or (v) of  
9           section 202(x)(1)(A), and”.

10           (2) in subparagraph (C)(i)(II), by striking “sub-  
11           paragraph (B)(i)(IV),,” and inserting “subparagraph  
12           (B)(i)(VI)”           and           striking           “section  
13           1631(a)(2)(B)(ii)(IV)”           and           inserting           “section  
14           1631(a)(2)(B)(ii)(VI)”; and

15           (3) in subparagraph (C)(i)—

16           (A) by striking “or” at the end of subclause  
17           (II);

18           (B) by striking the period at the end of sub-  
19           clause (III) and inserting a comma; and

20           (C) by adding at the end the following new  
21           subclauses:

22           “(IV) such person has previously been convicted  
23           as described in subparagraph (B)(i)(IV), unless the  
24           Commissioner determines that such certification

1       *would be appropriate notwithstanding such conviction,*  
2       *or*

3               *“(V) such person is person described in clause*  
4       *(iv) or (v) of section 202(x)(1)(A).”.*

5       ***(b) TITLE VIII AMENDMENTS.—Section 807 of such***  
6       ***Act (42 U.S.C. 1007) is amended—***

7               ***(1) in subsection (b)(2)—***

8                       ***(A) by striking “and” at the end of sub-***  
9                       ***paragraph (C);***

10                      ***(B) by redesignating subparagraph (D) as***  
11                      ***subparagraph (F); and***

12                      ***(C) by inserting after subparagraph (C) the***  
13                      ***following new subparagraphs:***

14                               ***“(D) obtain information concerning whether***  
15                               ***such person has been convicted of any other of-***  
16                               ***fense under Federal or State law which resulted***  
17                               ***in imprisonment for more than 1 year;***

18                               ***“(E) obtain information concerning whether***  
19                               ***such person is a person described in paragraph***  
20                               ***(2) or (3) of section 804(a); and”;*** and

21                      ***(2) in subsection (d)(1)—***

22                               ***(A) by striking “or” at the end of subpara-***  
23                               ***graph (B);***

24                               ***(B) by striking the period at the end of sub-***  
25                               ***paragraph (C) and inserting a semicolon; and***

1           (C) by adding at the end the following new  
2           subparagraphs:

3           “(D) such person has previously been con-  
4           victed as described in subsection (b)(2)(D), un-  
5           less the Commissioner determines that such pay-  
6           ment would be appropriate notwithstanding such  
7           conviction; or

8           “(E) such person is a person described in  
9           paragraph (2) or (3) of section 804(a).”.

10          (c) *TITLE XVI AMENDMENTS.—Section 1631(a)(2)(B)*  
11 *of such Act (42 U.S.C. 1383(a)(2)(B)) is amended—*

12           (1) *in clause (ii)—*

13           (A) *by striking “and” at the end of sub-*  
14 *clause (III);*

15           (B) *by redesignating subclause (IV) as sub-*  
16 *clause (VI); and*

17           (C) *by inserting after subclause (III) the*  
18 *following new subclauses:*

19           “(IV) *obtain information concerning whether the*  
20 *person has been convicted of any other offense under*  
21 *Federal or State law which resulted in imprisonment*  
22 *for more than 1 year;*

23           “(V) *obtain information concerning whether such*  
24 *person is a person described in section 1611(e)(4);*  
25 *and”;*

1           (2) *in clause (iii)(II)—*

2                   (A) *by striking “clause (ii)(IV)” and insert-*  
3                   *ing “clause (ii)(VI)”;* and

4                   (B)       *by striking “section*  
5                   *205(j)(2)(B)(i)(IV)” and inserting “section*  
6                   *205(j)(2)(B)(i)(VI)”;* and

7           (3) *in clause (iii)—*

8                   (A) *by striking “or” at the end of subclause*  
9                   *(II);*

10                  (B) *by striking the period at the end of sub-*  
11                  *clause (III) and inserting a semicolon; and*

12                  (C) *by adding at the end the following new*  
13                  *subclauses:*

14                   “*(IV) the person has previously been convicted as*  
15                   *described in clause (ii)(IV) of this subparagraph, un-*  
16                   *less the Commissioner determines that the payment*  
17                   *would be appropriate notwithstanding the conviction;*  
18                   *or*

19                   “*(V) such person is a person described in section*  
20                   *1611(e)(4).”.*

21           (d) *EFFECTIVE DATE.—The amendments made by this*  
22           *section shall take effect on the first day of the thirteenth*  
23           *month beginning after the date of enactment of this Act.*

24           (e) *REPORT TO CONGRESS.—The Commissioner of So-*  
25           *cial Security, in consultation with the Inspector General*

1 *of the Social Security Administration, shall prepare a re-*  
2 *port evaluating whether the existing procedures and reviews*  
3 *for the qualification (including disqualification) of rep-*  
4 *resentative payees are sufficient to enable the Commissioner*  
5 *to protect benefits from being misused by representative*  
6 *payees. The Commissioner shall submit the report to the*  
7 *Committee on Ways and Means of the House of Representa-*  
8 *tives and the Committee on Finance of the Senate no later*  
9 *than 270 days after the date of enactment of this Act. The*  
10 *Commissioner shall include in such report any rec-*  
11 *ommendations that the Commissioner considers appro-*  
12 *priate.*

13 **SEC. 104. FEE FORFEITURE IN CASE OF BENEFIT MISUSE BY**  
14 **REPRESENTATIVE PAYEES.**

15 (a) *TITLE II AMENDMENTS.—Section 205(j)(4)(A)(i)*  
16 *of the Social Security Act (42 U.S.C. 405(j)(4)(A)(i)) is*  
17 *amended—*

18 (1) *in the first sentence, by striking “A” and in-*  
19 *serting “Except as provided in the next sentence, a”;*  
20 *and*

21 (2) *in the second sentence, by striking “The Sec-*  
22 *retary” and inserting the following:*

23 *“A qualified organization may not collect a fee from an*  
24 *individual for any month with respect to which the Com-*  
25 *missioner of Social Security or a court of competent juris-*

1 *diction has determined that the organization misused all*  
2 *or part of the individual's benefit, and any amount so col-*  
3 *lected by the qualified organization for such month shall*  
4 *be treated as a misused part of the individual's benefit for*  
5 *purposes of paragraphs (5) and (6). The Commissioner”.*

6 (b) *TITLE XVI AMENDMENTS.—Section*  
7 *1631(a)(2)(D)(i) of such Act (42 U.S.C. 1383(a)(2)(D)(i))*  
8 *is amended—*

9 (1) *in the first sentence, by striking “A” and in-*  
10 *serting “Except as provided in the next sentence, a”;*  
11 *and*

12 (2) *in the second sentence, by striking “The*  
13 *Commissioner” and inserting the following: “A quali-*  
14 *fied organization may not collect a fee from an indi-*  
15 *vidual for any month with respect to which the Com-*  
16 *missioner of Social Security or a court of competent*  
17 *jurisdiction has determined that the organization*  
18 *misused all or part of the individual's benefit, and*  
19 *any amount so collected by the qualified organization*  
20 *for such month shall be treated as a misused part of*  
21 *the individual's benefit for purposes of subparagraphs*  
22 *(E) and (F). The Commissioner”.*

23 (c) *EFFECTIVE DATE.—The amendments made by this*  
24 *section shall apply to any month involving benefit misuse*  
25 *by a representative payee in any case with respect to which*



1 *the Commissioner of Social Security or a court of competent*  
2 *jurisdiction makes the determination of misuse after De-*  
3 *cember 31, 2002.*

4 **SEC. 105. LIABILITY OF REPRESENTATIVE PAYEES FOR MIS-**  
5 **USED BENEFITS.**

6 (a) *TITLE II AMENDMENTS.—Section 205(j) of the So-*  
7 *cial Security Act (42 U.S.C. 405(j)) (as amended by sec-*  
8 *tions 101 and 102) is amended further—*

9 (1) *by redesignating paragraphs (7), (8), and (9)*  
10 *as paragraphs (8), (9), and (10), respectively;*

11 (2) *in paragraphs (2)(C)(v), (3)(F), and (4)(B),*  
12 *by striking “paragraph (9)” and inserting “para-*  
13 *graph (10)”;*

14 (3) *in paragraph (6)(A)(ii), by striking “para-*  
15 *graph (9)” and inserting “paragraph (10)”;* and

16 (4) *by inserting after paragraph (6) the fol-*  
17 *lowing new paragraph:*

18 “(7)(A) *If the Commissioner of Social Security or a*  
19 *court of competent jurisdiction determines that a represent-*  
20 *ative payee that is not a Federal, State, or local government*  
21 *agency has misused all or part of an individual’s benefit*  
22 *that was paid to such representative payee under this sub-*  
23 *section, the representative payee shall be liable for the*  
24 *amount misused, and such amount (to the extent not repaid*  
25 *by the representative payee) shall be treated as an overpay-*

1 *ment of benefits under this title to the representative payee*  
 2 *for all purposes of this Act and related laws pertaining to*  
 3 *the recovery of such overpayments. Subject to subparagraph*  
 4 *(B), upon recovering all or any part of such amount, the*  
 5 *Commissioner shall certify an amount equal to the recov-*  
 6 *ered amount for payment to such individual or such indi-*  
 7 *vidual’s alternative representative payee.*

8       “(B) *The total of the amount certified for payment to*  
 9 *such individual or such individual’s alternative representa-*  
 10 *tive payee under subparagraph (A) and the amount cer-*  
 11 *tified for payment under paragraph (5) may not exceed the*  
 12 *total benefit amount misused by the representative payee*  
 13 *with respect to such individual.”.*

14       (b) *TITLE VIII AMENDMENT.—Section 807 of such Act*  
 15 *(as amended by section 102(b)(2)) is amended further by*  
 16 *adding at the end the following new subsection:*

17       “(l) *LIABILITY FOR MISUSED AMOUNTS.—*

18               “(1) *IN GENERAL.—If the Commissioner of So-*  
 19 *cial Security or a court of competent jurisdiction de-*  
 20 *termines that a representative payee that is not a*  
 21 *Federal, State, or local government agency has mis-*  
 22 *used all or part of a qualified individual’s benefit*  
 23 *that was paid to such representative payee under this*  
 24 *section, the representative payee shall be liable for the*  
 25 *amount misused, and such amount (to the extent not*

1        *repaid by the representative payee) shall be treated as*  
2        *an overpayment of benefits under this title to the rep-*  
3        *resentative payee for all purposes of this Act and re-*  
4        *lated laws pertaining to the recovery of such overpay-*  
5        *ments. Subject to paragraph (2), upon recovering all*  
6        *or any part of such amount, the Commissioner shall*  
7        *make payment of an amount equal to the recovered*  
8        *amount to such qualified individual or such qualified*  
9        *individual's alternative representative payee.*

10            *“(2) LIMITATION.—The total of the amount paid*  
11        *to such individual or such individual's alternative*  
12        *representative payee under paragraph (1) and the*  
13        *amount paid under subsection (i) may not exceed the*  
14        *total benefit amount misused by the representative*  
15        *payee with respect to such individual.”.*

16        *(c) TITLE XVI AMENDMENTS.—Section 1631(a)(2) of*  
17        *such Act (42 U.S.C. 1383(a)(2)) (as amended by section*  
18        *102(b)(3)) is amended further—*

19            *(1) in subparagraph (G)(i)(II), by striking “sec-*  
20        *tion 205(j)(9)” and inserting “section 205(j)(10)”;*  
21        *and*

22            *(2) by striking subparagraph (H) and inserting*  
23        *the following:*

24            *“(H)(i) If the Commissioner of Social Security or a*  
25        *court of competent jurisdiction determines that a represent-*

1 *ative payee that is not a Federal, State, or local government*  
2 *agency has misused all or part of an individual's benefit*  
3 *that was paid to the representative payee under this para-*  
4 *graph, the representative payee shall be liable for the*  
5 *amount misused, and the amount (to the extent not repaid*  
6 *by the representative payee) shall be treated as an overpay-*  
7 *ment of benefits under this title to the representative payee*  
8 *for all purposes of this Act and related laws pertaining to*  
9 *the recovery of the overpayments. Subject to clause (i),*  
10 *upon recovering all or any part of the amount, the Commis-*  
11 *sioner shall make payment of an amount equal to the recov-*  
12 *ered amount to such individual or such individual's alter-*  
13 *native representative payee.*

14       “(ii) *The total of the amount paid to such individual*  
15 *or such individual's alternative representative payee under*  
16 *clause (i) and the amount paid under subparagraph (E)*  
17 *may not exceed the total benefit amount misused by the rep-*  
18 *resentative payee with respect to such individual.”.*

19       (d) *EFFECTIVE DATE.—The amendments made by this*  
20 *section shall apply to benefit misuse by a representative*  
21 *payee in any case with respect to which the Commissioner*  
22 *of Social Security or a court of competent jurisdiction*  
23 *makes the determination of misuse after December 31, 2002.*

1 **SEC. 106. AUTHORITY TO REDIRECT DELIVERY OF BENEFIT**  
2 **PAYMENTS WHEN A REPRESENTATIVE PAYEE**  
3 **FAILS TO PROVIDE REQUIRED ACCOUNTING.**

4 (a) *TITLE II AMENDMENTS.*—Section 205(j)(3) of the  
5 *Social Security Act (42 U.S.C. 405(j)(3)) (as amended by*  
6 *sections 102(a)(1)(B) and 105(a)(2)) is amended—*

7 (1) *by redesignating subparagraphs (E) and (F)*  
8 *as subparagraphs (F) and (G), respectively; and*

9 (2) *by inserting after subparagraph (D) the fol-*  
10 *lowing new subparagraph:*

11 “(E) *In any case in which the person described in sub-*  
12 *paragraph (A) or (D) receiving payments on behalf of an-*  
13 *other fails to submit a report required by the Commissioner*  
14 *of Social Security under subparagraph (A) or (D), the*  
15 *Commissioner may, after furnishing notice to such person*  
16 *and the individual entitled to such payment, require that*  
17 *such person appear in person at a field office of the Social*  
18 *Security Administration serving the area in which the indi-*  
19 *vidual resides in order to receive such payments.”.*

20 (b) *TITLE VIII AMENDMENTS.*—Section 807(h) of such  
21 *Act (42 U.S.C. 1007(h)) is amended—*

22 (1) *by redesignating paragraphs (3) and (4) as*  
23 *paragraphs (4) and (5), respectively; and*

24 (2) *by inserting after paragraph (2) the fol-*  
25 *lowing new paragraph:*

1           “(3) *AUTHORITY TO REDIRECT DELIVERY OF*  
2           *BENEFIT PAYMENTS WHEN A REPRESENTATIVE PAYEE*  
3           *FAILS TO PROVIDE REQUIRED ACCOUNTING.*—*In any*  
4           *case in which the person described in paragraph (1)*  
5           *or (2) receiving benefit payments on behalf of a quali-*  
6           *fied individual fails to submit a report required by*  
7           *the Commissioner of Social Security under paragraph*  
8           *(1) or (2), the Commissioner may, after furnishing*  
9           *notice to such person and the qualified individual, re-*  
10          *quire that such person appear in person at a United*  
11          *States Government facility designated by the Social*  
12          *Security Administration as serving the area in which*  
13          *the qualified individual resides in order to receive*  
14          *such benefit payments.”.*

15          (c) *TITLE XVI AMENDMENT.*—*Section 1631(a)(2)(C)*  
16          *of such Act (42 U.S.C. 1383(a)(2)(C)) is amended by add-*  
17          *ing at the end the following new clause:*

18          “(v) *In any case in which the person described in*  
19          *clause (i) or (iv) receiving payments on behalf of another*  
20          *fails to submit a report required by the Commissioner of*  
21          *Social Security under clause (i) or (iv), the Commissioner*  
22          *may, after furnishing notice to the person and the indi-*  
23          *vidual entitled to the payment, require that such person ap-*  
24          *pear in person at a field office of the Social Security Ad-*

1 *ministration serving the area in which the individual re-*  
 2 *sides in order to receive such payments.”.*

3 (d) *EFFECTIVE DATE.*—*The amendment made by this*  
 4 *section shall take effect 180 days after the date of enactment*  
 5 *of this Act.*

## 6 ***Subtitle B—Enforcement***

### 7 ***SEC. 111. CIVIL MONETARY PENALTY AUTHORITY WITH RE-*** 8 ***SPECT TO WRONGFUL CONVERSIONS BY REP-*** 9 ***RESENTATIVE PAYEES.***

10 (a) *IN GENERAL.*—*Section 1129(a) of the Social Secu-*  
 11 *rity Act (42 U.S.C. 1320a–8) is amended by adding at the*  
 12 *end the following new paragraph:*

13 “(3) *Any person (including an organization, agency,*  
 14 *or other entity) who, having received, while acting in the*  
 15 *capacity of a representative payee pursuant to section*  
 16 *205(j), 807, or 1631(a)(2), a payment under title II, VIII,*  
 17 *or XVI for the use and benefit of another individual, con-*  
 18 *verts such payment, or any part thereof, to a use that such*  
 19 *person knows or should know is other than for the use and*  
 20 *benefit of such other individual shall be subject to, in addi-*  
 21 *tion to any other penalties that may be prescribed by law,*  
 22 *a civil money penalty of not more than \$5,000 for each*  
 23 *such conversion. Such person shall also be subject to an as-*  
 24 *essment, in lieu of damages sustained by the United States*

1 *resulting from the conversion, of not more than twice the*  
 2 *amount of any payments so converted.”.*

3 (b) *EFFECTIVE DATE.*—*The amendment made by this*  
 4 *section shall apply with respect to violations committed*  
 5 *after the date of enactment of this Act.*

6 **TITLE II—PROGRAM**  
 7 **PROTECTIONS**

8 **SEC. 201. ISSUANCE BY COMMISSIONER OF SOCIAL SECU-**  
 9 **RITY OF RECEIPTS TO ACKNOWLEDGE SUB-**  
 10 **MISSION OF REPORTS OF CHANGES IN WORK**  
 11 **OR EARNINGS STATUS OF DISABLED BENE-**  
 12 **FICIARIES.**

13 *Effective as soon as possible, but not later than 1 year*  
 14 *after the date of enactment of this Act, until such time as*  
 15 *the Commissioner of Social Security implements a central-*  
 16 *ized computer file recording the date of the submission of*  
 17 *information by a disabled beneficiary (or representative) re-*  
 18 *garding a change in the beneficiary’s work or earnings sta-*  
 19 *tus, the Commissioner shall issue a receipt to the disabled*  
 20 *beneficiary (or representative) each time he or she submits*  
 21 *documentation, or otherwise reports to the Commissioner,*  
 22 *on a change in such status.*



1 **SEC. 202. DENIAL OF TITLE II BENEFITS TO PERSONS FLEE-**  
2 **ING PROSECUTION, CUSTODY, OR CONFINEMENT,**  
3 **AND TO PERSONS VIOLATING PROBATION OR PAROLE.**  
4

5 (a) *IN GENERAL.*—Section 202(x) of the Social Security Act (42 U.S.C. 402(x)) is amended—

7 (1) *in the heading, by striking “Prisoners” and all that follows and inserting the following: “Prisoners, Certain Other Inmates of Publicly Funded Institutions, and Fugitives”;*

11 (2) *in paragraph (1)(A)(ii)(IV), by striking “or” at the end;*

13 (3) *in paragraph (1)(A)(iii), by striking the period at the end and inserting a comma;*

15 (4) *by inserting after paragraph (1)(A)(iii) the following:*

17 “(iv) *is fleeing to avoid prosecution, or custody or confinement after conviction, under the laws of the place from which the person flees, for a crime, or an attempt to commit a crime, which is a felony under the laws of the place from which the person flees, or which, in the case of the State of New Jersey, is a high misdemeanor under the laws of such State, or*

24 “(v) *is violating a condition of probation or parole imposed under Federal or State law.*

1 *In the case of an individual from whom such monthly bene-*  
2 *fits have been withheld pursuant to clause (iv), the Commis-*  
3 *sioner may, for good cause shown, pay such withheld bene-*  
4 *fits to the individual.”; and*

5 *(5) in paragraph (3), by adding at the end the*  
6 *following new subparagraph:*

7 *“(C) Notwithstanding the provisions of section 552a*  
8 *of title 5, United States Code, or any other provision of*  
9 *Federal or State law (other than section 6103 of the Inter-*  
10 *nal Revenue Code of 1986 and section 1106(c) of this Act),*  
11 *the Commissioner shall furnish any Federal, State, or local*  
12 *law enforcement officer, upon the written request of the offi-*  
13 *cer, with the current address, Social Security number, and*  
14 *photograph (if applicable) of any beneficiary under this*  
15 *title, if the officer furnishes the Commissioner with the*  
16 *name of the beneficiary, and other identifying information*  
17 *as reasonably required by the Commissioner to establish the*  
18 *unique identity of the beneficiary, and notifies the Commis-*  
19 *sioner that—*

20 *“(i) the beneficiary—*

21 *“(I) is described in clause (iv) or (v) of*  
22 *paragraph (1)(A); and*

23 *“(II) has information that is necessary for*  
24 *the officer to conduct the officer’s official duties;*

25 *and*

1           “(ii) the location or apprehension of the bene-  
2           ficiary is within the officer’s official duties.”.

3           (b) *REGULATIONS*.—Not later than the first day of the  
4 first month that begins on or after the date that is 9 months  
5 after the date of enactment of this Act, the Commissioner  
6 of Social Security shall promulgate regulations governing  
7 payment by the Commissioner, for good cause shown, of  
8 withheld benefits, pursuant to the last sentence of section  
9 202(x)(1)(A) of the Social Security Act (as amended by sub-  
10 section (a)).

11          (c) *EFFECTIVE DATE*.—The amendments made by sub-  
12 section (a) shall take effect on the first day of the first  
13 month that begins on or after the date that is 9 months  
14 after the date of enactment of this Act.

15 **SEC. 203. REQUIREMENTS RELATING TO OFFERS TO PRO-**  
16 **VIDE FOR A FEE A PRODUCT OR SERVICE**  
17 **AVAILABLE WITHOUT CHARGE FROM THE SO-**  
18 **CIAL SECURITY ADMINISTRATION.**

19          (a) *IN GENERAL*.—Section 1140 of the Social Security  
20 Act (42 U.S.C. 1320b–10) is amended—

21           (1) in subsection (a), by adding at the end the  
22 following new paragraph:

23           “(4)(A) No person shall offer, for a fee, to assist an  
24 individual to obtain a product or service that the person  
25 knows or should know is provided free of charge by the So-

1 *cial Security Administration unless, at the time the offer*  
2 *is made, the person provides to the individual to whom the*  
3 *offer is tendered a notice that—*

4           “(i) *explains that the product or service is avail-*  
5 *able free of charge from the Social Security Adminis-*  
6 *tration, and*

7           “(ii) *complies with standards prescribed by the*  
8 *Commissioner of Social Security respecting the con-*  
9 *tent of such notice and its placement, visibility, and*  
10 *legibility.*

11       “(B) *Subparagraph (A) shall not apply to any offer—*

12           “(i) *to serve as a claimant representative in con-*  
13 *nection with a claim arising under title II, title VIII,*  
14 *or title XVI; or*

15           “(ii) *to prepare, or assist in the preparation of,*  
16 *an individual’s plan for achieving self-support under*  
17 *title XVI.”; and*

18           (2) *in the heading, by striking “PROHIBITION OF*  
19 *MISUSE OF SYMBOLS, EMBLEMS, OR NAMES IN REF-*  
20 *ERENCE” and inserting “PROHIBITIONS RELATING TO*  
21 *REFERENCES”.*

22       (b) *EFFECTIVE DATE.—The amendments made by this*  
23 *section shall apply to offers of assistance made after the*  
24 *sixth month ending after the Commissioner of Social Secu-*  
25 *rity promulgates final regulations prescribing the stand-*

1 ards applicable to the notice required to be provided in con-  
2 nection with such offer. The Commissioner shall promul-  
3 gate such final regulations within 1 year after the date of  
4 enactment of this Act.

5 **SEC. 204. REFUSAL TO RECOGNIZE CERTAIN INDIVIDUALS**  
6 **AS CLAIMANT REPRESENTATIVES.**

7 Section 206(a)(1) of the Social Security Act (42  
8 U.S.C. 406(a)(1)) is amended by inserting after the second  
9 sentence the following: “Notwithstanding the preceding sen-  
10 tences, the Commissioner, after due notice and opportunity  
11 for hearing, (A) may refuse to recognize as a representative,  
12 and may disqualify a representative already recognized,  
13 any attorney who has been disbarred or suspended from any  
14 court or bar to which he or she was previously admitted  
15 to practice or who has been disqualified from participating  
16 in or appearing before any Federal program or agency, and  
17 (B) may refuse to recognize, and may disqualify, as a non-  
18 attorney representative any attorney who has been dis-  
19 barred or suspended from any court or bar to which he or  
20 she was previously admitted to practice. A representative  
21 who has been disqualified or suspended pursuant to this sec-  
22 tion from appearing before the Social Security Administra-  
23 tion as a result of collecting or receiving a fee in excess  
24 of the amount authorized shall be barred from appearing  
25 before the Social Security Administration as a representa-

1 *tive until full restitution is made to the claimant and,*  
 2 *thereafter, may be considered for reinstatement only under*  
 3 *such rules as the Commissioner may prescribe.”.*

4 **SEC. 205. PENALTY FOR CORRUPT OR FORCIBLE INTER-**  
 5 **ERENCE WITH ADMINISTRATION OF SOCIAL**  
 6 **SECURITY ACT.**

7 *Part A of title XI of the Social Security Act (42*  
 8 *U.S.C. 1301 et seq.) is amended by inserting after section*  
 9 *1129A the following new section:*

10 *“ATTEMPTS TO INTERFERE WITH ADMINISTRATION OF*  
 11 *SOCIAL SECURITY ACT*

12 *“SEC. 1129B. Whoever corruptly or by force or threats*  
 13 *of force (including any threatening letter or communica-*  
 14 *tion) attempts to intimidate or impede any officer, em-*  
 15 *ployee, or contractor of the Social Security Administration*  
 16 *(including any State employee of a disability determina-*  
 17 *tion service or any other individual designated by the Com-*  
 18 *missioner of Social Security) acting in an official capacity*  
 19 *to carry out a duty under this Act, or in any other way*  
 20 *corruptly or by force or threats of force (including any*  
 21 *threatening letter or communication) obstructs or impedes,*  
 22 *or attempts to obstruct or impede, the due administration*  
 23 *of this Act, shall be fined not more than \$5,000, imprisoned*  
 24 *not more than 3 years, or both, except that if the offense*  
 25 *is committed only by threats of force, the person shall be*  
 26 *fined not more than \$3,000, imprisoned not more than 1*

1 year, or both. In this subsection, the term ‘threats of force’  
 2 means threats of harm to the officer or employee of the  
 3 United States or to a contractor of the Social Security Ad-  
 4 ministration, or to a member of the family of such an officer  
 5 or employee or contractor.”.

6 **SEC. 206. USE OF SYMBOLS, EMBLEMS, OR NAMES IN REF-**  
 7 **ERENCE TO SOCIAL SECURITY OR MEDICARE.**

8 (a) *IN GENERAL.*—Section 1140(a)(1) of the Social Se-  
 9 curity Act (42 U.S.C. 1320b–10(a)(1)) is amended—

10 (1) in subparagraph (A), by inserting “ ‘Centers  
 11 for Medicare & Medicaid Services,’” after “ ‘Health  
 12 Care Financing Administration,’” by striking “or  
 13 ‘Medicaid’, ” and inserting “ ‘Medicaid’, ‘Death Ben-  
 14 efits Update’, ‘Federal Benefit Information’, ‘Funeral  
 15 Expenses’, or ‘Final Supplemental Plan,’” and by in-  
 16 serting “ ‘CMS,’” after “ ‘HCFA,’”;

17 (2) in subparagraph (B), by inserting “Centers  
 18 for Medicare & Medicaid Services,” after “Health  
 19 Care Financing Administration,” each place it ap-  
 20 pears; and

21 (3) in the matter following subparagraph (B), by  
 22 striking “the Health Care Financing Administra-  
 23 tion,” each place it appears and inserting “the Cen-  
 24 ters for Medicare & Medicaid Services,”.

1           (b) *EFFECTIVE DATE.*—*The amendments made by this*  
2 *section shall apply to items sent after 180 days after the*  
3 *date of enactment of this Act.*

4 **SEC. 207. DISQUALIFICATION FROM PAYMENT DURING**  
5 **TRIAL WORK PERIOD UPON CONVICTION OF**  
6 **FRAUDULENT CONCEALMENT OF WORK AC-**  
7 **TIVITY.**

8           (a) *IN GENERAL.*—*Section 222(c) of the Social Secu-*  
9 *urity Act (42 U.S.C. 422(c)) is amended by adding at the*  
10 *end the following new paragraph:*

11           “(5) *Upon conviction by a Federal court that an indi-*  
12 *vidual has fraudulently concealed work activity during a*  
13 *period of trial work from the Commissioner of Social Secu-*  
14 *urity by—*

15                   “(A) *providing false information to the Commis-*  
16 *sioner of Social Security as to whether the individual*  
17 *had earnings in or for a particular period, or as to*  
18 *the amount thereof;*

19                   “(B) *receiving disability insurance benefits*  
20 *under this title while engaging in work activity under*  
21 *another identity, including under another social secu-*  
22 *urity account number or a number purporting to be a*  
23 *social security account number; or*

24                   “(C) *taking other actions to conceal work activ-*  
25 *ity with an intent fraudulently to secure payment in*



1        *a greater amount than is due or when no payment*  
 2        *is authorized,*  
 3        *no benefit shall be payable to such individual under this*  
 4        *title with respect to a period of disability for any month*  
 5        *before such conviction during which the individual rendered*  
 6        *services during the period of trial work with respect to*  
 7        *which the fraudulently concealed work activity occurred,*  
 8        *and amounts otherwise due under this title as restitution,*  
 9        *penalties, assessments, fines, or other repayments shall in*  
 10       *all cases be in addition to any amounts for which such indi-*  
 11       *vidual is liable as overpayments by reason of such conceal-*  
 12       *ment.”.*

13        *(b) EFFECTIVE DATE.—The amendment made by sub-*  
 14        *section (a) shall apply with respect to work activity per-*  
 15        *formed after the date of the enactment of this Act.*

16        **TITLE III—ATTORNEY FEE PAY-**  
 17        **MENT SYSTEM IMPROVE-**  
 18        **MENTS**

19        **SEC. 301. CAP ON ATTORNEY ASSESSMENTS.**

20        *(a) IN GENERAL.—Section 206(d)(2)(A) of the Social*  
 21        *Security Act (42 U.S.C. 406(d)(2)(A)) is amended—*

22                *(1) by inserting “, except that the maximum*  
 23                *amount of the assessment may not exceed the greater*  
 24                *of \$75 or the adjusted amount as provided pursuant*

1       to the following two sentences” after “subparagraph  
2       (B)”; and

3               (2) by adding at the end the following new sen-  
4       tence: “In the case of any calendar year beginning  
5       after 2003, the dollar amount specified in the pre-  
6       ceding sentence (including a previously adjusted  
7       amount) shall be adjusted annually under the proce-  
8       dures used to adjust benefit amounts under section  
9       215(i)(2)(A)(ii), except such adjustment shall be based  
10      on the higher of \$75 or the previously adjusted  
11      amount that would have been in effect for December  
12      of the preceding year, but for the rounding of such  
13      amount pursuant to the following sentence. Any  
14      amount so adjusted that is not a multiple of \$10 shall  
15      be rounded to the next lowest multiple of \$10, but in  
16      no case less than \$75.”.

17      (b) *EFFECTIVE DATE.*—The amendment made by this  
18      section shall apply with respect to fees for representation  
19      of claimants which are first required to be certified or paid  
20      under section 206 of the Social Security Act on or after  
21      the first day of the first month that begins after 180 days  
22      after the date of enactment of this Act.

1 **TITLE IV—MISCELLANEOUS AND**  
2 **TECHNICAL AMENDMENTS**  
3 **Subtitle A—Amendments Relating**  
4 **to the Ticket to Work and Work**  
5 **Incentives Improvement Act of**  
6 **1999**

7 **SEC. 401. APPLICATION OF DEMONSTRATION AUTHORITY**  
8 **SUNSET DATE TO NEW PROJECTS.**

9 *Section 234 of the Social Security Act (42 U.S.C. 434)*  
10 *is amended—*

11 *(1) in the first sentence of subsection (c), by*  
12 *striking “conducted under subsection (a)” and insert-*  
13 *ing “initiated under subsection (a) on or before De-*  
14 *cember 17, 2004”; and*

15 *(2) in subsection (d)(2), by amending the first*  
16 *sentence to read as follows: “The authority to initiate*  
17 *projects under the preceding provisions of this section*  
18 *shall terminate on December 18, 2004.”.*

19 **SEC. 402. EXPANSION OF WAIVER AUTHORITY AVAILABLE**  
20 **IN CONNECTION WITH DEMONSTRATION**  
21 **PROJECTS PROVIDING FOR REDUCTIONS IN**  
22 **DISABILITY INSURANCE BENEFITS BASED ON**  
23 **EARNINGS.**

24 *Section 302(c) of the Ticket to Work and Work Incen-*  
25 *tives Improvement Act of 1999 (42 U.S.C. 434 note) is*

1 amended by striking “(42 U.S.C. 401 et seq.),” and insert-  
2 ing “(42 U.S.C. 401 et seq.) and the requirements of section  
3 1148 of such Act (42 U.S.C. 1320b–19) as they relate to  
4 the program established under title II of such Act,”.

5 **SEC. 403. FUNDING OF DEMONSTRATION PROJECTS PRO-**  
6 **VIDED FOR REDUCTIONS IN DISABILITY IN-**  
7 **SURANCE BENEFITS BASED ON EARNINGS.**

8 Section 302(f) of the Ticket to Work and Work Incen-  
9 tives Improvement Act of 1999 (42 U.S.C. 434 note) is  
10 amended to read as follows:

11 “(f) *EXPENDITURES.*—Administrative expenses for  
12 demonstration projects under this section shall be paid from  
13 funds available for the administration of title II or XVIII  
14 of the Social Security Act, as appropriate. Benefits payable  
15 to or on behalf of individuals by reason of participation  
16 in projects under this section shall be made from the Federal  
17 Disability Insurance Trust Fund and the Federal Old-Age  
18 and Survivors Insurance Trust Fund, as determined appro-  
19 priate by the Commissioner of Social Security, and from  
20 the Federal Hospital Insurance Trust Fund and the Federal  
21 Supplementary Medical Insurance Trust Fund, as deter-  
22 mined appropriate by the Secretary of Health and Human  
23 Services, from funds available for benefits under such title  
24 II or XVIII.”.

1 **SEC. 404. AVAILABILITY OF FEDERAL AND STATE WORK IN-**  
2 **CENTIVE SERVICES TO ADDITIONAL INDIVID-**  
3 **UALS.**

4 (a) *FEDERAL WORK INCENTIVES OUTREACH PRO-*  
5 *GRAM.*—

6 (1) *IN GENERAL.*—*Section 1149(c)(2) of the So-*  
7 *cial Security Act (42 U.S.C. 1320b–20(c)(2)) is*  
8 *amended to read as follows:*

9 “(2) *DISABLED BENEFICIARY.*—*The term ‘dis-*  
10 *abled beneficiary’ means an individual—*

11 “(A) *who is a disabled beneficiary as de-*  
12 *fined in section 1148(k)(2) of this Act;*

13 “(B) *who is receiving a cash payment de-*  
14 *scribed in section 1616(a) of this Act or a sup-*  
15 *plementary payment described in section*  
16 *212(a)(3) of Public Law 93–66 (without regard*  
17 *to whether such payment is paid by the Commis-*  
18 *sioner pursuant to an agreement under section*  
19 *1616(a) of this Act or under section 212(b) of*  
20 *Public Law 93–66);*

21 “(C) *who, pursuant to section 1619(b) of*  
22 *this Act, is considered to be receiving benefits*  
23 *under title XVI of this Act; or*

24 “(D) *who is entitled to benefits under part*  
25 *A of title XVIII of this Act by reason of the pe-*  
26 *ultimate sentence of section 226(b) of this Act.”.*

1           (2) *EFFECTIVE DATE.*—*The amendment made by*  
2 *this subsection shall apply with respect to grants, co-*  
3 *operative agreements, or contracts entered into on or*  
4 *after the date of enactment of this Act.*

5           (b) *STATE GRANTS FOR WORK INCENTIVES ASSIST-*  
6 *ANCE.*—

7           (1) *DEFINITION OF DISABLED BENEFICIARY.*—  
8 *Section 1150(g)(2) of such Act (42 U.S.C. 1320b-*  
9 *21(g)(2)) is amended to read as follows:*

10           “(2) *DISABLED BENEFICIARY.*—*The term ‘dis-*  
11 *abled beneficiary’ means an individual—*

12                   “(A) *who is a disabled beneficiary as de-*  
13 *finied in section 1148(k)(2) of this Act;*

14                   “(B) *who is receiving a cash payment de-*  
15 *scribed in section 1616(a) of this Act or a sup-*  
16 *plementary payment described in section*  
17 *212(a)(3) of Public Law 93–66 (without regard*  
18 *to whether such payment is paid by the Commis-*  
19 *sioner pursuant to an agreement under section*  
20 *1616(a) of this Act or under section 212(b) of*  
21 *Public Law 93–66);*

22                   “(C) *who, pursuant to section 1619(b) of*  
23 *this Act, is considered to be receiving benefits*  
24 *under title XVI of this Act; or*

1           “(D) who is entitled to benefits under part  
2           A of title XVIII of this Act by reason of the pe-  
3           nultimate sentence of section 226(b) of this Act.”.

4           (2) *ADVOCACY OR OTHER SERVICES NEEDED TO*  
5           *MAINTAIN GAINFUL EMPLOYMENT.*—Section  
6           1150(b)(2) of such Act (42 U.S.C. 1320b–21(b)(2)) is  
7           amended by striking “secure or regain” and inserting  
8           “secure, maintain, or regain”.

9           (3) *EFFECTIVE DATE.*—The amendments made  
10          by this subsection shall apply with respect to pay-  
11          ments provided after the date of enactment of this  
12          Act.

13 **SEC. 405. TECHNICAL AMENDMENT CLARIFYING TREAT-**  
14                                   **MENT FOR CERTAIN PURPOSES OF INDI-**  
15                                   **VIDUAL WORK PLANS UNDER THE TICKET TO**  
16                                   **WORK AND SELF-SUFFICIENCY PROGRAM.**

17          (a) *IN GENERAL.*—Section 1148(g)(1) of the Social Se-  
18          curity Act (42 U.S.C. 1320b–19) is amended by adding at  
19          the end, after and below subparagraph (E), the following  
20          new sentence:

21          “An individual work plan established pursuant to  
22          this subsection shall be treated, for purposes of section  
23          51(d)(6)(B)(i) of the Internal Revenue Code of 1986,  
24          as an individualized written plan for employment

1        *under a State plan for vocational rehabilitation serv-*  
2        *ices approved under the Rehabilitation Act of 1973.”.*

3        (b) *EFFECTIVE DATE.*—*The amendment made by sub-*  
4        *section (a) shall take effect as if included in section 505*  
5        *of the Ticket to Work and Work Incentives Improvement*  
6        *Act of 1999 (Public Law 106–170; 113 Stat. 1921).*

7                    ***Subtitle B—Miscellaneous***  
8                    ***Amendments***

9        ***SEC. 411. ELIMINATION OF TRANSCRIPT REQUIREMENT IN***  
10                    ***REMAND CASES FULLY FAVORABLE TO THE***  
11                    ***CLAIMANT.***

12        (a) *IN GENERAL.*—*Section 205(g) of the Social Secu-*  
13        *rity Act (42 U.S.C. 405(g)) is amended in the sixth sen-*  
14        *tence by striking “and a transcript” and inserting “and,*  
15        *in any case in which the Commissioner has not made a*  
16        *decision fully favorable to the individual, a transcript”.*

17        (b) *EFFECTIVE DATE.*—*The amendment made by this*  
18        *section shall apply with respect to final determinations*  
19        *issued (upon remand) on or after the date of enactment of*  
20        *this Act.*

21        ***SEC. 412. NONPAYMENT OF BENEFITS UPON REMOVAL***  
22                    ***FROM THE UNITED STATES.***

23        (a) *IN GENERAL.*—*Paragraphs (1) and (2) of section*  
24        *202(n) of the Social Security Act (42 U.S.C. 402(n)(1), (2))*  
25        *are each amended by striking “or (1)(E)”.*



1           (b) *EFFECTIVE DATE.*—*The amendment made by this*  
2 *section to section 202(n)(1) of the Social Security Act shall*  
3 *apply to individuals with respect to whom the Commis-*  
4 *sioner of Social Security receives a removal notice from the*  
5 *Attorney General after the date of enactment of this Act.*  
6 *The amendment made by this section to section 202(n)(2)*  
7 *of the Social Security Act shall apply with respect to remov-*  
8 *als occurring after the date of enactment of this Act.*

9   **SEC. 413. REINSTATEMENT OF CERTAIN REPORTING RE-**  
10                                   **QUIREMENTS.**

11           *Section 3003(a)(1) of the Federal Reports Elimination*  
12 *and Sunset Act of 1995 (31 U.S.C. 1113 note) shall not*  
13 *apply to any report required to be submitted under any*  
14 *of the following provisions of law:*

15                   (1)(A) *Section 201(c)(2) of the Social Security*  
16 *Act (42 U.S.C. 401(c)(2)).*

17                   (B) *Section 1817(b)(2) of the Social Security Act*  
18 *(42 U.S.C. 1395i(b)(2)).*

19                   (C) *Section 1841(b)(2) of the Social Security Act*  
20 *(42 U.S.C. 1395t(b)(2)).*

21                   (2)(A) *Section 221(c)(3)(C) of the Social Secu-*  
22 *rity Act (42 U.S.C. 421(c)(3)(C)).*

23                   (B) *Section 221(i)(3) of the Social Security Act*  
24 *(42 U.S.C. 421(i)(3)).*

1 **SEC. 414. CLARIFICATION OF DEFINITIONS REGARDING**  
2 **CERTAIN SURVIVOR BENEFITS.**

3 (a) *WIDOWS.*—Section 216(c) of the Social Security  
4 Act (42 U.S.C. 416(c)) is amended—

5 (1) by redesignating subclauses (A) through (C)  
6 of clause (6) as subclauses (i) through (iii), respec-  
7 tively;

8 (2) by redesignating clauses (1) through (6) as  
9 clauses (A) through (F), respectively;

10 (3) in clause (E) (as redesignated), by inserting  
11 “except as provided in paragraph (2),” before “she  
12 was married”;

13 (4) by inserting “(1)” after “(c)”; and

14 (5) by adding at the end the following new para-  
15 graph:

16 “(2) The requirements of paragraph (1)(E) in connec-  
17 tion with the surviving wife of an individual shall be treat-  
18 ed as satisfied if—

19 “(A) the individual had been married prior to  
20 the individual’s marriage to the surviving wife,

21 “(B) the prior wife was institutionalized during  
22 the individual’s marriage to the prior wife due to  
23 mental incompetence or similar incapacity,

24 “(C) during the period of the prior wife’s insti-  
25 tutionalization, the individual would have divorced  
26 the prior wife and married the surviving wife, but the

1        *individual did not do so because such divorce would*  
2        *have been unlawful, by reason of the prior wife's in-*  
3        *stitutionalization, under the laws of the State in*  
4        *which the individual was domiciled at the time (as*  
5        *determined based on evidence satisfactory to the Com-*  
6        *missioner of Social Security),*

7                *“(D) the prior wife continued to remain institu-*  
8        *tionalized up to the time of her death, and*

9                *“(E) the individual married the surviving wife*  
10        *within 60 days after the prior wife's death.”.*

11        *(b) WIDOWERS.—Section 216(g) of such Act (42*  
12        *U.S.C. 416(g)) is amended—*

13                *(1) by redesignating subclauses (A) through (C)*  
14        *of clause (6) as subclauses (i) through (iii), respec-*  
15        *tively;*

16                *(2) by redesignating clauses (1) through (6) as*  
17        *clauses (A) through (F), respectively;*

18                *(3) in clause (E) (as redesignated), by inserting*  
19        *“except as provided in paragraph (2),” before “he was*  
20        *married”;*

21                *(4) by inserting “(1)” after “(g)”;* and

22                *(5) by adding at the end the following new para-*  
23        *graph:*

1       “(2) *The requirements of paragraph (1)(E) in connec-*  
2 *tion with the surviving husband of an individual shall be*  
3 *treated as satisfied if—*

4               “(A) *the individual had been married prior to*  
5 *the individual’s marriage to the surviving husband,*

6               “(B) *the prior husband was institutionalized*  
7 *during the individual’s marriage to the prior husband*  
8 *due to mental incompetence or similar incapacity,*

9               “(C) *during the period of the prior husband’s in-*  
10 *stitutionalization, the individual would have divorced*  
11 *the prior husband and married the surviving hus-*  
12 *band, but the individual did not do so because such*  
13 *divorce would have been unlawful, by reason of the*  
14 *prior husband’s institutionalization, under the laws*  
15 *of the State in which the individual was domiciled at*  
16 *the time (as determined based on evidence satisfactory*  
17 *to the Commissioner of Social Security),*

18               “(D) *the prior husband continued to remain in-*  
19 *stitutionalized up to the time of his death, and*

20               “(E) *the individual married the surviving hus-*  
21 *band within 60 days after the prior husband’s*  
22 *death.”.*

23       (c) *CONFORMING AMENDMENT.—Section 216(k) of*  
24 *such Act (42 U.S.C. 416(k)) is amended by striking “clause*  
25 *(5) of subsection (c) or clause (5) of subsection (g)” and*

1 inserting “clause (E) of subsection (c)(1) or clause (E) of  
2 subsection (g)(1)”.

3 (d) *EFFECTIVE DATE.*—*The amendments made by this*  
4 *section shall be effective with respect to applications for ben-*  
5 *efits under title II of the Social Security Act filed during*  
6 *months ending after the date of enactment of this Act.*

7 **SEC. 415. CLARIFICATION RESPECTING THE FICA AND SECA**  
8 **TAX EXEMPTIONS FOR AN INDIVIDUAL**  
9 **WHOSE EARNINGS ARE SUBJECT TO THE**  
10 **LAWS OF A TOTALIZATION AGREEMENT PART-**  
11 **NER.**

12 *Sections 1401(c), 3101(c), and 3111(c) of the Internal*  
13 *Revenue Code of 1986 are each amended by striking “to*  
14 *taxes or contributions for similar purposes under” and in-*  
15 *serting “exclusively to the laws applicable to”.*

16 **SEC. 416. COVERAGE UNDER DIVIDED RETIREMENT SYSTEM**  
17 **FOR PUBLIC EMPLOYEES IN KENTUCKY.**

18 (a) *IN GENERAL.*—*Section 218(d)(6)(C) of the Social*  
19 *Security Act (42 U.S.C. 418(d)(6)(C)) is amended by in-*  
20 *serting “Kentucky,” after “Illinois,”.*

21 (b) *EFFECTIVE DATE.*—*The amendment made by sub-*  
22 *section (a) takes effect on January 1, 2003.*

1 **SEC. 417. COMPENSATION FOR THE SOCIAL SECURITY ADVI-**  
 2 **SORY BOARD.**

3 (a) *IN GENERAL.*—Subsection (f) of section 703 of the  
 4 *Social Security Act (42 U.S.C. 903(f)) is amended to read*  
 5 *as follows:*

6 “*Compensation, Expenses, and Per Diem*

7 “(f) *A member of the Board shall, for each day (includ-*  
 8 *ing traveltime) during which the member is attending meet-*  
 9 *ings or conferences of the Board or otherwise engaged in*  
 10 *the business of the Board, be compensated at the daily rate*  
 11 *of basic pay for level IV of the Executive Schedule for each*  
 12 *day during which the member is engaged in performing a*  
 13 *function of the Board. While serving on business of the*  
 14 *Board away from their homes or regular places of business,*  
 15 *members may be allowed travel expenses, including per*  
 16 *diem in lieu of subsistence, as authorized by section 5703*  
 17 *of title 5, United States Code, for persons in the Govern-*  
 18 *ment employed intermittently.”.*

19 (b) *EFFECTIVE DATE.*—*The amendment made by this*  
 20 *section shall be effective as of January 1, 2002.*

21 **SEC. 418. 60-MONTH PERIOD OF EMPLOYMENT REQUIRE-**  
 22 **MENT FOR APPLICATION OF GOVERNMENT**  
 23 **PENSION OFFSET EXEMPTION.**

24 (a) *WIFE’S INSURANCE BENEFITS.*—*Section*  
 25 *202(b)(4)(A) of the Social Security Act (42 U.S.C.*  
 26 *402(b)(4)(A)) is amended by striking “if, on” and inserting*

1 *“if, during any portion of the last 60 months of such service*  
2 *prior to”.*

3 (b) *HUSBAND’S INSURANCE BENEFITS.*—Section  
4 *202(c)(2)(A) of such Act (42 U.S.C. 402(c)(2)(A)) is amend-*  
5 *ed by striking “if, on” and inserting “if, during any por-*  
6 *tion of the last 60 months of such service prior to”.*

7 (c) *WIDOW’S INSURANCE BENEFITS.*—Section  
8 *202(e)(7)(A) of such Act (42 U.S.C. 402(e)(7)(A)) is amend-*  
9 *ed by striking “if, on” and inserting “if, during any por-*  
10 *tion of the last 60 months of such service prior to”.*

11 (d) *WIDOWER’S INSURANCE BENEFITS.*—Section  
12 *202(f)(2)(A) of such Act (42 U.S.C. 402(f)(2)(A)) is amend-*  
13 *ed by striking “if, on” and inserting “if, during any por-*  
14 *tion of the last 60 months of such service prior to”.*

15 (e) *MOTHER’S AND FATHER’S INSURANCE BENE-*  
16 *FITS.*—Section *202(g)(4)(A) of the such Act (42 U.S.C.*  
17 *402(g)(4)(A)) is amended by striking “if, on” and inserting*  
18 *“if, during any portion of the last 60 months of such service*  
19 *prior to”.*

20 (f) *EFFECTIVE DATE.*—*The amendments made by this*  
21 *section shall apply with respect to applications for benefits*  
22 *under title II of the Social Security Act filed on or after*  
23 *the first day of the first month that begins after the date*  
24 *of enactment of this Act, except that such amendments shall*  
25 *not apply to individuals whose last day of employment*

1 *while in the service of any State (or political subdivision*  
 2 *thereof, as defined in section 218(b)(2) of the Social Secu-*  
 3 *rity Act (42 U.S.C. 418(b)(2))) constitutes covered employ-*  
 4 *ment (as defined in section 210 of such Act (42 U.S.C. 410))*  
 5 *and occurs on or before June 30, 2003, provided that such*  
 6 *period of covered employment for such governmental entity*  
 7 *began on or before December 31, 2002.*

## 8 ***Subtitle C—Technical Amendments***

### 9 ***SEC. 421. TECHNICAL CORRECTION RELATING TO RESPON-*** 10 ***SIBLE AGENCY HEAD.***

11 *Section 1143 of the Social Security Act (42*  
 12 *U.S.C. 1320b–13) is amended—*

13 *(1) by striking “Secretary” the first place it ap-*  
 14 *pears and inserting “Commissioner of Social Secu-*  
 15 *rity”; and*

16 *(2) by striking “Secretary” each subsequent place*  
 17 *it appears and inserting “Commissioner”.*

### 18 ***SEC. 422. TECHNICAL CORRECTION RELATING TO RETIRE-*** 19 ***MENT BENEFITS OF MINISTERS.***

20 *(a) IN GENERAL.—Section 211(a)(7) of the Social Se-*  
 21 *curity Act (42 U.S.C. 411(a)(7)) is amended by inserting*  
 22 *“, but shall not include in any such net earnings from self-*  
 23 *employment the rental value of any parsonage or any par-*  
 24 *sonage allowance (whether or not excluded under section*  
 25 *107 of the Internal Revenue Code of 1986) provided after*



1 *the individual retires, or any other retirement benefit re-*  
2 *ceived by such individual from a church plan (as defined*  
3 *in section 414(e) of such Code) after the individual retires”*  
4 *before the semicolon.*

5 (b) *EFFECTIVE DATE.*—*The amendment made by this*  
6 *section shall apply to years beginning before, on, or after*  
7 *December 31, 1994.*

8 **SEC. 423. TECHNICAL CORRECTIONS RELATING TO DOMES-**  
9 **TIC EMPLOYMENT.**

10 (a) *AMENDMENT TO INTERNAL REVENUE CODE.*—*Sec-*  
11 *tion 3121(a)(7)(B) of the Internal Revenue Code of 1986*  
12 *is amended by striking “described in subsection (g)(5)” and*  
13 *inserting “on a farm operated for profit”.*

14 (b) *AMENDMENT TO SOCIAL SECURITY ACT.*—*Section*  
15 *209(a)(6)(B) of the Social Security Act (42*  
16 *U.S.C. 409(a)(6)(B)) is amended by striking “described in*  
17 *section 210(f)(5)” and inserting “on a farm operated for*  
18 *profit”.*

19 (c) *CONFORMING AMENDMENT.*—*Section 3121(g)(5) of*  
20 *such Code and section 210(f)(5) of such Act (42*  
21 *U.S.C. 410(f)(5)) are amended by striking “or is domestic*  
22 *service in a private home of the employer”.*

1 **SEC. 424. TECHNICAL CORRECTIONS OF OUTDATED REF-**  
2 **ERENCES.**

3 (a) *CORRECTION OF TERMINOLOGY AND CITATIONS*  
4 *RESPECTING REMOVAL FROM THE UNITED STATES.*—*Sec-*  
5 *tion 202(n) of the Social Security Act (42 U.S.C. 402(n))*  
6 *(as amended by section 412) is amended further—*

7 (1) *by striking “deportation” each place it ap-*  
8 *pears and inserting “removal”;*

9 (2) *by striking “deported” each place it appears*  
10 *and inserting “removed”;*

11 (3) *in paragraph (1) (in the matter preceding*  
12 *subparagraph (A)), by striking “under section 241(a)*  
13 *(other than under paragraph (1)(C) thereof)” and in-*  
14 *serting “under section 237(a) (other than paragraph*  
15 *(1)(C) thereof) or 212(a)(6)(A)”;*

16 (4) *in paragraph (2), by striking “under any of*  
17 *the paragraphs of section 241(a) of the Immigration*  
18 *and Nationality Act (other than under paragraph*  
19 *(1)(C) thereof)” and inserting “under any of the*  
20 *paragraphs of section 237(a) of the Immigration and*  
21 *Nationality Act (other than paragraph (1)(C) thereof)*  
22 *or under section 212(a)(6)(A) of such Act”;*

23 (5) *in paragraph (3)—*

24 (A) *by striking “paragraph (19) of section*  
25 *241(a)” and inserting “subparagraph (D) of sec-*  
26 *tion 237(a)(4)”;* and

1                   (B) by striking “paragraph (19)” and in-  
2                   serting “subparagraph (D)”; and  
3                   (6) in the heading, by striking “Deportation”  
4                   and inserting “Removal”.

5                   (b) **CORRECTION OF CITATION RESPECTING THE TAX**  
6 **DEDUCTION RELATING TO HEALTH INSURANCE COSTS OF**  
7 **SELF-EMPLOYED INDIVIDUALS.**—Section 211(a)(15) of  
8 such Act (42 U.S.C. 411(a)(15)) is amended by striking  
9 “section 162(m)” and inserting “section 162(l)”.

10                  (c) **ELIMINATION OF REFERENCE TO OBSOLETE 20-**  
11 **DAY AGRICULTURAL WORK TEST.**—Section 3102(a) of the  
12 Internal Revenue Code of 1986 is amended by striking “and  
13 the employee has not performed agricultural labor for the  
14 employer on 20 days or more in the calendar year for cash  
15 remuneration computed on a time basis”.

16 **SEC. 425. TECHNICAL CORRECTION RESPECTING SELF-EM-**  
17 **PLOYMENT INCOME IN COMMUNITY PROP-**  
18 **ERTY STATES.**

19                  (a) **SOCIAL SECURITY ACT AMENDMENT.**—Section  
20 211(a)(5)(A) of the Social Security Act (42  
21 U.S.C. 411(a)(5)(A)) is amended by striking “all of the  
22 gross income” and all that follows and inserting “the gross  
23 income and deductions attributable to such trade or busi-  
24 ness shall be treated as the gross income and deductions  
25 of the spouse carrying on such trade or business or, if such

1 *trade or business is jointly operated, treated as the gross*  
2 *income and deductions of each spouse on the basis of their*  
3 *respective distributive share of the gross income and deduc-*  
4 *tions;”.*

5 (b) *INTERNAL REVENUE CODE OF 1986 AMEND-*  
6 *MENT.—Section 1402(a)(5)(A) of the Internal Revenue*  
7 *Code of 1986 is amended by striking “all of the gross in-*  
8 *come” and all that follows and inserting “the gross income*  
9 *and deductions attributable to such trade or business shall*  
10 *be treated as the gross income and deductions of the spouse*  
11 *carrying on such trade or business or, if such trade or busi-*  
12 *ness is jointly operated, treated as the gross income and*  
13 *deductions of each spouse on the basis of their respective*  
14 *distributive share of the gross income and deductions; and”.*

15 **SEC. 426. TECHNICAL AMENDMENTS RELATING TO THE**  
16 **RAILROAD RETIREMENT AND SURVIVORS IM-**  
17 **PROVEMENT ACT OF 2001.**

18 (a) *QUORUM RULES.—Section 15(j)(7) of the Railroad*  
19 *Retirement Act of 1974 (45 U.S.C. 231n(j)(7)) is amended*  
20 *by striking “entire Board of Trustees” and inserting*  
21 *“Trustees then holding office”.*

22 (b) *TRANSFERS.—*

23 (1) *Section 15(k) of the Railroad Retirement Act*  
24 *of 1974 (45 U.S.C. 231n(k)) is amended by adding at*  
25 *the end the following: “At the direction of the Rail-*

1       *road Retirement Board, the National Railroad Re-*  
2       *irement Investment Trust shall transfer funds to the*  
3       *Railroad Retirement Account.”.*

4               (2) *Section 15A(d)(2) of the Railroad Retirement*  
5       *Act of 1974 (45 U.S.C. 231n–1(d)(2)) is amended—*

6               (A) *by inserting “or the Railroad Retire-*  
7       *ment Account” after “National Railroad Retire-*  
8       *ment Investment Trust” the second place it ap-*  
9       *pears;*

10              (B) *by inserting “or the Railroad Retire-*  
11       *ment Board” after “National Railroad Retire-*  
12       *ment Investment Trust” the third place it ap-*  
13       *pears; and*

14              (C) *by inserting “or the Railroad Retire-*  
15       *ment Board” after “the Trust”.*

16       (c) *INVESTMENT AUTHORITY.—Section 15(j)(4) of the*  
17       *Railroad Retirement Act of 1974 (45 U.S.C. 231n(j)(4)) is*  
18       *amended by striking “shall” and inserting “may”.*

19       (d) *CLERICAL.—*

20              (1) *Subparagraphs (C) and (D) of section*  
21       *15(j)(4) of the Railroad Retirement Act of 1974 (45*  
22       *U.S.C. 231n(j)(4)) are each amended by striking “as-*  
23       *sets in the Trust” and inserting “assets of the Trust”.*

1           (2) Paragraph (5) of section 15(j) of the Rail-  
2       road Retirement Act of 1974 (45 U.S.C. 231n(j)(5))  
3       is amended—

4           (A) in subparagraph (B), by striking  
5       “trustee’s” each place it appears and inserting  
6       “Trustee’s”;

7           (B) in subparagraph (C), by striking  
8       “trustee” and “trustees” each place it appears  
9       and inserting “Trustee” and “Trustees”, respec-  
10      tively; and

11          (C) in the matter preceding clause (i) of  
12      subparagraph (D), by striking “trustee” and in-  
13      serting “Trustee”.

Attest:

Secretary.

107TH CONGRESS  
2D SESSION

**H. R. 4070**

---

---

**AMENDMENT**