

107TH CONGRESS
2^D SESSION

H. R. 4070

IN THE SENATE OF THE UNITED STATES

JUNE 27, 2002

Received; read twice and referred to the Committee on Finance

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.

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

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

4 (a) **SHORT TITLE.**—This Act may be cited as the
 5 “Social Security Program Protection Act of 2002”.

6 (b) **TABLE OF CONTENTS.**—The table of contents is
 7 as 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 upon conviction of offenses resulting in imprisonment for more than 1 year and upon fugitive felon status.

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. Civil monetary penalty authority with respect to knowing withholding of material facts.

Sec. 202. Denial of title II benefits to fugitive felons and persons fleeing prosecution.

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.

TITLE III—ATTORNEY FEE PAYMENT SYSTEM IMPROVEMENTS

Sec. 301. Cap on attorney assessments.

Sec. 302. Extension of attorney fee payment system to title XVI claims.

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.

Subtitle C—Technical Amendments

- Sec. 431. Technical correction relating to responsible agency head.
- Sec. 432. Technical correction relating to retirement benefits of ministers.
- Sec. 433. Technical corrections relating to domestic employment.
- Sec. 434. Technical corrections of outdated references.
- Sec. 435. Technical correction respecting self-employment income in community property States.

- 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.—

1 (1) REISSUANCE OF BENEFITS.—Section
2 205(j)(5) of the Social Security Act (42
3 U.S.C. 405(j)(5)) is amended by inserting after the
4 first sentence the following new sentences: “In any
5 case in which a representative payee—

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

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

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

21 (2) MISUSE OF BENEFITS DEFINED.—Section
22 205(j) of such Act (42 U.S.C. 405(j)) is amended
23 by adding at the end the following new paragraph:

24 “(8) For purposes of this subsection, misuse of bene-
25 fits by a representative payee occurs in any case in which

1 the representative payee receives payment under this title
2 for the use and benefit of another person and converts
3 such payment, or any part thereof, to a use other than
4 for the use and benefit of such other person. The Com-
5 missioner of Social Security may prescribe by regulation
6 the meaning of the term ‘use and benefit’ for purposes
7 of this paragraph.”.

8 (b) TITLE VIII AMENDMENTS.—

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

14 “(1) that is not an individual; or

15 “(2) is an individual who, for any month
16 during a period when misuse occurs, serves 15
17 or more individuals who are beneficiaries under
18 this title, title II, title XVI, or any combination
19 of such titles;

20 misuses all or part of an individual’s benefit paid to
21 such representative payee, the Commissioner of So-
22 cial Security shall pay to the beneficiary or the bene-
23 ficiary’s alternative representative payee an amount
24 equal to the amount of such benefit so misused. The

1 provisions of this paragraph are subject to the limi-
2 tations of subsection (1)(2).”.

3 (2) MISUSE OF BENEFITS DEFINED.—Section
4 807 of such Act (42 U.S.C. 1007) is amended by
5 adding at the end the following new subsection:

6 “(j) MISUSE OF BENEFITS.—For purposes of this
7 title, misuse of benefits by a representative payee occurs
8 in any case in which the representative payee receives pay-
9 ment under this title for the use and benefit of another
10 person and converts such payment, or any part thereof,
11 to a use other than for the use and benefit of such other
12 person. The Commissioner of Social Security may pre-
13 scribe by regulation the meaning of the term ‘use and ben-
14 efit’ for purposes of this subsection.”.

15 (3) TECHNICAL AMENDMENT.—Section 807(a)
16 of such Act (42 U.S.C. 1007(a)) is amended, in the
17 first sentence, by striking “for his or her benefit”
18 and inserting “for his or her use and benefit”.

19 (c) TITLE XVI AMENDMENTS.—

20 (1) REISSUANCE OF BENEFITS.—Section
21 1631(a)(2)(E) of such Act (42
22 U.S.C. 1383(a)(2)(E)) is amended by inserting
23 after the first sentence the following new sentences:
24 “In any case in which a representative payee—

1 “(i) that is not an individual (regardless of
2 whether it is a ‘qualified organization’ within the
3 meaning of subparagraph (D)(ii)); or

4 “(ii) is an individual who, for any month during
5 a period when misuse occurs, serves 15 or more indi-
6 viduals who are beneficiaries under this title, title II,
7 title VIII, or any combination of such titles;
8 misuses all or part of an individual’s benefit paid to the
9 representative payee, the Commissioner of Social Security
10 shall make payment to the beneficiary or the beneficiary’s
11 alternative representative payee of an amount equal to the
12 amount of the benefit so misused. The provisions of this
13 subparagraph are subject to the limitations of subpara-
14 graph (H)(ii).”.

15 (2) EXCLUSION OF REISSUED BENEFITS FROM
16 RESOURCES.—Section 1613(a) of such Act (42
17 U.S.C. 1382b(a)) is amended—

18 (A) in paragraph (12), by striking “and”
19 at the end;

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

22 (C) by inserting after paragraph (13) the
23 following new paragraph:

24 “(14) for the 9-month period beginning after
25 the month in which received, any amount received by

1 such individual (or spouse) or any other person
2 whose income is deemed to be included in such indi-
3 vidual's (or spouse's) income for purposes of this
4 title as restitution for benefits under this title, title
5 II, or title VIII that a representative payee of such
6 individual (or spouse) or such other person under
7 section 205(j), 807, or 1631(a)(2) has misused.”.

8 (3) MISUSE OF BENEFITS DEFINED.—Section
9 1631(a)(2)(A) of such Act (42
10 U.S.C. 1383(a)(2)(A)) is amended by adding at the
11 end the following new clause:

12 “(iv) For purposes of this paragraph, misuse of bene-
13 fits by a representative payee occurs in any case in which
14 the representative payee receives payment under this title
15 for the use and benefit of another person and converts
16 such payment, or any part thereof, to a use other than
17 for the use and benefit of such other person. The Com-
18 missioner of Social Security may prescribe by regulation
19 the meaning of the term ‘use and benefit’ for purposes
20 of this clause.”.

21 (d) EFFECTIVE DATE.—The amendments made by
22 this section shall apply to any case of benefit misuse by
23 a representative payee with respect to which the Commis-
24 sioner makes the determination of misuse on or after Jan-
25 uary 1, 1995.

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

2 (a) CERTIFICATION OF BONDING AND LICENSING
3 REQUIREMENTS FOR NONGOVERNMENTAL ORGANIZA-
4 TIONAL REPRESENTATIVE PAYEES.—

5 (1) TITLE II AMENDMENTS.—Section 205(j) of
6 the Social Security Act (42 U.S.C. 405(j)) is
7 amended—

8 (A) in paragraph (2)(C)(v), by striking “a
9 community-based nonprofit social service agen-
10 cy licensed or bonded by the State” in sub-
11 clause (I) and inserting “a certified community-
12 based nonprofit social service agency (as de-
13 fined in paragraph (9))”;

14 (B) in paragraph (3)(F), by striking “com-
15 munity-based nonprofit social service agencies”
16 and inserting “certified community-based non-
17 profit social service agencies (as defined in
18 paragraph (9))”;

19 (C) in paragraph (4)(B), by striking “any
20 community-based nonprofit social service agen-
21 cy which is bonded or licensed in each State in
22 which it serves as a representative payee” and
23 inserting “any certified community-based non-
24 profit social service agency (as defined in para-
25 graph (9))”; and

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

4 “(9) For purposes of this subsection, the term ‘cer-
5 tified community-based nonprofit social service agency’
6 means a community based nonprofit social service agency
7 which is in compliance with requirements, under regula-
8 tions which shall be prescribed by the Commissioner, for
9 annual certification to the Commissioner that it is bonded
10 in accordance with requirements specified by the Commis-
11 sioner and that it is licensed in each State in which it
12 serves as a representative payee (if licensing is available
13 in such State) in accordance with requirements specified
14 by the Commissioner. Any such annual certification shall
15 include a copy of any independent audit on such agency
16 which may have been performed since the previous certifi-
17 cation.”.

18 (2) TITLE XVI AMENDMENTS.—Section
19 1631(a)(2) of such Act (42 U.S.C. 1383(a)(2)) is
20 amended—

21 (A) in subparagraph (B)(vii), by striking
22 “a community-based nonprofit social service
23 agency licensed or bonded by the State” in sub-
24 clause (I) and inserting “a certified community-

1 based nonprofit social service agency (as de-
2 fined in subparagraph (I))”;

3 (B) in subparagraph (D)(ii)—

4 (i) by striking “or any community-
5 based” and all that follows through “in ac-
6 cordance” in subclause (II) and inserting
7 “or any certified community-based non-
8 profit social service agency (as defined in
9 subparagraph (I)), if the agency, in ac-
10 cordance”;

11 (ii) by redesignating items (aa) and
12 (bb) as subclauses (I) and (II), respectively
13 (and adjusting the margination accord-
14 ingly); and

15 (iii) by striking “subclause (II)(bb)”
16 and inserting “subclause (II)”;

17 (C) by adding at the end the following new
18 subparagraph:

19 “(I) For purposes of this paragraph, the term ‘cer-
20 tified community-based nonprofit social service agency’
21 means a community based nonprofit social service agency
22 which is in compliance with requirements, under regula-
23 tions which shall be prescribed by the Commissioner, for
24 annual certification to the Commissioner that it is bonded
25 in accordance with requirements specified by the Commis-

1 sioner and that it is licensed in each State in which it
2 serves as a representative payee (if licensing is available
3 in the State) in accordance with requirements specified by
4 the Commissioner. Any such annual certification shall in-
5 clude a copy of any independent audit on the agency which
6 may have been performed since the previous certifi-
7 cation.”.

8 (3) EFFECTIVE DATE.—The amendments made
9 by this subsection shall take effect on the first day
10 of the thirteenth month beginning after the date of
11 the enactment of this Act.

12 (b) PERIODIC ONSITE REVIEW.—

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

16 “(6)(A) In addition to such other reviews of rep-
17 resentative payees as the Commissioner of Social Security
18 may otherwise conduct, the Commissioner shall provide for
19 the periodic onsite review of any person or agency located
20 in the United States that receives the benefits payable
21 under this title (alone or in combination with benefits pay-
22 able under title VIII or title XVI) to another individual
23 pursuant to the appointment of such person or agency as
24 a representative payee under this subsection, section 807,
25 or section 1631(a)(2) in any case in which—

1 “(i) the representative payee is a person who
2 serves in that capacity with respect to 15 or more
3 such individuals;

4 “(ii) the representative payee is a certified com-
5 munity-based nonprofit social service agency (as de-
6 fined in paragraph (9) of this subsection or section
7 1631(a)(2)(I)); or

8 “(iii) the representative payee is an agency
9 (other than an agency described in clause (ii)) that
10 serves in that capacity with respect to 50 or more
11 such individuals.

12 “(B) Within 120 days after the end of each fiscal
13 year, the Commissioner shall submit to the Committee on
14 Ways and Means of the House of Representatives and the
15 Committee on Finance of the Senate a report on the re-
16 sults of periodic onsite reviews conducted during the fiscal
17 year pursuant to subparagraph (A) and of any other re-
18 views of representative payees conducted during such fis-
19 cal year in connection with benefits under this title. Each
20 such report shall describe in detail all problems identified
21 in such reviews and any corrective action taken or planned
22 to be taken to correct such problems, and shall include—

23 “(i) the number of such reviews;

24 “(ii) the results of such reviews;

1 “(iii) the number of cases in which the rep-
2 resentative payee was changed and why;

3 “(iv) the number of cases involving the exercise
4 of expedited, targeted oversight of the representative
5 payee by the Commissioner conducted upon receipt
6 of an allegation of misuse of funds, failure to pay a
7 vendor, or a similar irregularity;

8 “(v) the number of cases discovered in which
9 there was a misuse of funds;

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

12 “(vii) the final disposition of such cases of mis-
13 use of funds, including any criminal penalties im-
14 posed; and

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

17 (2) TITLE VIII AMENDMENT.—Section 807 of
18 such Act (as amended by section 101(b)(2) of this
19 Act) is amended further by adding at the end the
20 following new subsection:

21 “(k) PERIODIC ONSITE REVIEW.—(1) In addition to
22 such other reviews of representative payees as the Com-
23 missioner of Social Security may otherwise conduct, the
24 Commissioner may provide for the periodic onsite review
25 of any person or agency that receives the benefits payable

1 under this title (alone or in combination with benefits pay-
2 able under title II or title XVI) to another individual pur-
3 suant to the appointment of such person or agency as a
4 representative payee under this section, section 205(j), or
5 section 1631(a)(2) in any case in which—

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

9 “(B) the representative payee is an agency that
10 serves in that capacity with respect to 50 or more
11 such individuals.

12 “(2) Within 120 days after the end of each fiscal
13 year, the Commissioner shall submit to the Committee on
14 Ways and Means of the House of Representatives and the
15 Committee on Finance of the Senate a report on the re-
16 sults of periodic onsite reviews conducted during the fiscal
17 year pursuant to paragraph (1) and of any other reviews
18 of representative payees conducted during such fiscal year
19 in connection with benefits under this title. Each such re-
20 port shall describe in detail all problems identified in such
21 reviews and any corrective action taken or planned to be
22 taken to correct such problems, and shall include—

23 “(A) the number of such reviews;

24 “(B) the results of such reviews;

1 “(C) the number of cases in which the rep-
2 resentative payee was changed and why;

3 “(D) the number of cases involving the exercise
4 of expedited, targeted oversight of the representative
5 payee by the Commissioner conducted upon receipt
6 of an allegation of misuse of funds, failure to pay a
7 vendor, or a similar irregularity;

8 “(E) the number of cases discovered in which
9 there was a misuse of funds;

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

12 “(G) the final disposition of such cases of mis-
13 use of funds, including any criminal penalties im-
14 posed; and

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

17 (3) TITLE XVI AMENDMENT.—Section
18 1631(a)(2)(G) of such Act (42
19 U.S.C. 1383(a)(2)(G)) is amended to read as fol-
20 lows:

21 “(G)(i) In addition to such other reviews of rep-
22 resentative payees as the Commissioner of Social Security
23 may otherwise conduct, the Commissioner shall provide for
24 the periodic onsite review of any person or agency that
25 receives the benefits payable under this title (alone or in

1 combination with benefits payable under title II or title
2 VIII) to another individual pursuant to the appointment
3 of the person or agency as a representative payee under
4 this paragraph, section 205(j), or section 807 in any case
5 in which—

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

9 “(II) the representative payee is a certified
10 community-based nonprofit social service agency (as
11 defined in subparagraph (I) of this paragraph or
12 section 205(j)(9)); or

13 “(III) the representative payee is an agency
14 (other than an agency described in subclause (II))
15 that serves in that capacity with respect to 50 or
16 more such individuals.

17 “(ii) Within 120 days after the end of each fiscal
18 year, the Commissioner shall submit to the Committee on
19 Ways and Means of the House of Representatives and the
20 Committee on Finance of the Senate a report on the re-
21 sults of periodic onsite reviews conducted during the fiscal
22 year pursuant to clause (i) and of any other reviews of
23 representative payees conducted during such fiscal year in
24 connection with benefits under this title. Each such report
25 shall describe in detail all problems identified in the re-

1 views and any corrective action taken or planned to be
2 taken to correct the problems, and shall include—

3 “(I) the number of the reviews;

4 “(II) the results of such reviews;

5 “(III) the number of cases in which the rep-
6 resentative payee was changed and why;

7 “(IV) the number of cases involving the exercise
8 of expedited, targeted oversight of the representative
9 payee by the Commissioner conducted upon receipt
10 of an allegation of misuse of funds, failure to pay a
11 vendor, or a similar irregularity;

12 “(V) the number of cases discovered in which
13 there was a misuse of funds;

14 “(VI) how any such cases of misuse of funds
15 were dealt with by the Commissioner;

16 “(VII) the final disposition of such cases of
17 misuse of funds, including any criminal penalties im-
18 posed; and

19 “(VIII) such other information as the Commis-
20 sioner deems appropriate.”.

1 **SEC. 103. DISQUALIFICATION FROM SERVICE AS REP-**
2 **RESENTATIVE PAYEE UPON CONVICTION OF**
3 **OFFENSES RESULTING IN IMPRISONMENT**
4 **FOR MORE THAN 1 YEAR AND UPON FUGI-**
5 **TIVE FELON STATUS.**

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

9 (1) in subparagraph (B)(i)—

10 (A) by striking “and” at the end of sub-
11 clause (III);

12 (B) by redesignating subclause (IV) as
13 subclause (VI); and

14 (C) by inserting after subclause (III) the
15 following new subclauses:

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

20 “(V) obtain information concerning whether
21 such person is a fugitive felon as described in section
22 1611(e)(4), and”.

23 (2) in subparagraph (C)(i)(II), by striking
24 “subparagraph (B)(i)(IV),” and inserting “subpara-
25 graph (B)(i)(VI)” and striking “section

1 1631(a)(2)(B)(ii)(IV)” and inserting “section
2 1631(a)(2)(B)(ii)(VI)”;

3 (3) in subparagraph (C)(i)—

4 (A) by striking “or” at the end of sub-
5 clause (II);

6 (B) by striking the period at the end of
7 subclause (III) and inserting a comma; and

8 (C) by adding at the end the following new
9 subclauses:

10 “(IV) such person has previously been convicted
11 as described in subparagraph (B)(i)(IV), unless the
12 Commissioner determines that such certification
13 would be appropriate notwithstanding such convic-
14 tion, or

15 “(V) such person is in fugitive felon status as
16 described in section 1611(e)(4).”.

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

19 (1) in subsection (b)(2)—

20 (A) by striking “and” at the end of sub-
21 paragraph (C);

22 (B) by redesignating subparagraph (D) as
23 subparagraph (F); and

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

1 “(D) obtain information concerning wheth-
2 er such person has been convicted of any other
3 offense under a law of the United States or of
4 any State of the United States which resulted
5 in imprisonment for more than 1 year;

6 “(E) obtain information concerning wheth-
7 er such person is a fugitive felon as described
8 in section 804(a)(2); and”; and
9 (2) in subsection (d)(1)—

10 (A) by striking “or” at the end of subpara-
11 graph (B);

12 (B) by striking the period at the end of
13 subparagraph (C) and inserting a semicolon;
14 and

15 (C) by adding at the end the following new
16 subparagraphs:

17 “(D) such person has previously been con-
18 victed as described in subsection (b)(2)(D), un-
19 less the Commissioner determines that such
20 payment would be appropriate notwithstanding
21 such conviction; or

22 “(E) such person is in fugitive felon status
23 as described in section 804(a)(2).”.

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

4 (1) in clause (ii)—

5 (A) by striking “and” at the end of sub-
6 clause (III);

7 (B) by redesignating subclause (IV) as
8 subclause (VI); and

9 (C) by inserting after subclause (III) the
10 following new subclauses:

11 “(IV) obtain information concerning whether
12 the person has been convicted of any other offense
13 under Federal or State law which resulted in impris-
14 onment for more than 1 year;

15 “(V) obtain information concerning whether
16 such person is a fugitive felon as described in section
17 1611(e)(4); and”;

18 (2) in clause (iii)(II)—

19 (A) by striking “clause (ii)(IV)” and in-
20 serting “clause (ii)(VI)”; and

21 (B) by striking “section
22 205(j)(2)(B)(i)(IV)” and inserting “section
23 205(j)(2)(B)(i)(VI)”; and

24 (3) in clause (iii)—

1 (A) by striking “or” at the end of sub-
2 clause (II);

3 (B) by striking the period at the end of
4 subclause (III) and inserting a semicolon; and

5 (C) by adding at the end the following new
6 subclauses:

7 “(IV) if the person has previously been con-
8 victed as described in clause (ii)(IV) of this subpara-
9 graph, unless the Commissioner determines that the
10 payment would be appropriate notwithstanding the
11 conviction; or

12 “(V) such person is in fugitive felon status as
13 described in section 1611(e)(4).”.

14 (d) EFFECTIVE DATE.—The amendments made by
15 this section shall take effect on the first day of the thir-
16 teenth month beginning after the date of the enactment
17 of this Act.

18 (e) REPORT TO THE CONGRESS.—The Commissioner
19 of Social Security, in consultation with the Inspector Gen-
20 eral of the Social Security Administration, shall prepare
21 a report evaluating whether the existing procedures and
22 reviews for the qualification (including disqualification) of
23 representative payees are sufficient to enable the Commis-
24 sioner to protect benefits from being misused by represent-
25 ative payees. The Commissioner shall submit the report

1 to the Committee on Ways and Means of the House of
2 Representatives and the Committee on Finance of the
3 Senate no later than 270 days after the date of the enact-
4 ment of this Act. The Commissioner shall include in such
5 report any recommendations that the Commissioner con-
6 siderers appropriate.

7 **SEC. 104. FEE FORFEITURE IN CASE OF BENEFIT MISUSE**
8 **BY REPRESENTATIVE PAYEES.**

9 (a) TITLE II AMENDMENTS.—Section 205(j)(4)(A)(i)
10 of the Social Security Act (42 U.S.C. 405(j)(4)(A)(i)) is
11 amended—

12 (1) in the first sentence, by striking “A” and
13 inserting “Except as provided in the next sentence,
14 a”; and

15 (2) in the second sentence, by striking “The
16 Secretary” and inserting the following:

17 “A qualified organization may not collect a fee from an
18 individual for any month with respect to which the Com-
19 missioner of Social Security or a court of competent juris-
20 diction has determined that the organization misused all
21 or part of the individual’s benefit, and any amount so col-
22 lected by the qualified organization for such month shall
23 be treated as a misused part of the individual’s benefit
24 for purposes of paragraphs (5) and (6). The Commis-
25 sioner”.

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

4 (1) in the first sentence, by striking “A” and
5 inserting “Except as provided in the next sentence,
6 a”; and

7 (2) in the second sentence, by striking “The
8 Commissioner” and inserting the following: “A
9 qualified organization may not collect a fee from an
10 individual for any month with respect to which the
11 Commissioner of Social Security or a court of com-
12 petent jurisdiction has determined that the organiza-
13 tion misused all or part of the individual’s benefit,
14 and any amount so collected by the qualified organi-
15 zation for such month shall be treated as a misused
16 part of the individual’s benefit for purposes of sub-
17 paragraphs (E) and (F). The Commissioner”.

18 (c) EFFECTIVE DATE.—The amendments made by
19 this section shall apply to any month involving benefit mis-
20 use by a representative payee in any case with respect to
21 which the Commissioner makes the determination of mis-
22 use after December 31, 2002.

1 **SEC. 105. LIABILITY OF REPRESENTATIVE PAYEES FOR**
2 **MISUSED BENEFITS.**

3 (a) TITLE II AMENDMENTS.—Section 205(j) of the
4 Social Security Act (42 U.S.C. 405(j)) (as amended by
5 sections 101 and 102 of this Act) is amended further—

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

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

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

13 (4) by inserting after paragraph (6) the fol-
14 lowing new paragraph:

15 “(7)(A) If the Commissioner of Social Security or a
16 court of competent jurisdiction determines that a rep-
17 resentative payee that is not a Federal, State, or local gov-
18 ernment agency has misused all or part of an individual’s
19 benefit that was paid to such representative payee under
20 this subsection, the representative payee shall be liable for
21 the amount misused, and such amount (to the extent not
22 repaid by the representative payee) shall be treated as an
23 overpayment of benefits under this title to the representa-
24 tive payee for all purposes of this Act and related laws
25 pertaining to the recovery of such overpayments. Subject
26 to subparagraph (B), upon recovering all or any part of

1 such amount, the Commissioner shall certify an amount
2 equal to the recovered amount for payment to such indi-
3 vidual or such individual's alternative representative
4 payee.

5 “(B) The total of the amount certified for payment
6 to such individual or such individual's alternative rep-
7 resentative payee under subparagraph (A) of this para-
8 graph and the amount certified for payment under para-
9 graph (5) may not exceed the total benefit amount mis-
10 used by the representative payee with respect to such indi-
11 vidual.”.

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

15 “(1) LIABILITY FOR MISUSED AMOUNTS.—

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

1 title to the representative payee for all purposes of
2 this Act and related laws pertaining to the recovery
3 of such overpayments. Subject to paragraph (2),
4 upon recovering all or any part of such amount, the
5 Commissioner shall make payment of an amount
6 equal to the recovered amount to such individual or
7 such individual’s alternative representative payee.

8 “(2) LIMITATION.—The total of the amount
9 paid to such individual or such individual’s alter-
10 native representative payee under paragraph (1) of
11 this subsection and the amount paid under sub-
12 section (i) may not exceed the total benefit amount
13 misused by the representative payee with respect to
14 such individual.”.

15 (c) TITLE XVI AMENDMENTS.—Section 1631(a)(2)
16 of such Act (42 U.S.C. 1383(a)(2)) (as amended by sec-
17 tion 102 of this Act) is amended further—

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

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

23 “(H)(i) If the Commissioner of Social Security or a
24 court of competent jurisdiction determines that a rep-
25 resentative payee that is not a Federal, State, or local gov-

1 ernment agency has misused all or part of an individual's
2 benefit that was paid to the representative payee under
3 this paragraph, the representative payee shall be liable for
4 the amount misused, and the amount (to the extent not
5 repaid by the representative payee) shall be treated as an
6 overpayment of benefits under this title to the representa-
7 tive payee for all purposes of this Act and related laws
8 pertaining to the recovery of the overpayments. Subject
9 to clause (ii), upon recovering all or any part of the
10 amount, the Commissioner shall make payment of an
11 amount equal to the recovered amount to such individual
12 or such individual's alternative representative payee.

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

19 (d) EFFECTIVE DATE.—The amendments made by
20 this section shall apply to benefit misuse by a representa-
21 tive payee in any case with respect to which the Commis-
22 sioner makes the determination of misuse after December
23 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
5 the Social Security Act (42 U.S.C. 405(j)(3)) (as amend-
6 ed by sections 102(a)(1)(B) and 105(a)(2)) is amended—

7 (1) by redesignating subparagraphs (E) and
8 (F) 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
12 subparagraph (A) or (D) receiving payments on behalf of
13 another fails to submit a report required by the Commis-
14 sioner of Social Security under subparagraph (A) or (D),
15 the Commissioner may, after furnishing notice to such
16 person and the individual entitled to such payment, re-
17 quire that such person appear in person at a field office
18 of the Social Security Administration serving the area in
19 which the individual resides in order to receive such pay-
20 ments.”.

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

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

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

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

15 (c) TITLE XVI AMENDMENT.—Section
16 1631(a)(2)(C) of such Act (42 U.S.C. 1383(a)(2)(C)) is
17 amended by adding 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
24 appear in person at a field office of the Social Security

1 Administration serving the area in which the individual
2 resides in order to receive such payments.”.

3 (d) **EFFECTIVE DATE.**—The amendment made by
4 this section shall take effect 180 days after the date of
5 the enactment 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 Se-
11 curity Act (42 U.S.C. 1320a–8) is amended by adding at
12 the 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
19 such person knows or should know is other than for the
20 use and benefit of such other individual shall be subject
21 to, in addition to any other penalties that may be pre-
22 scribed by law, a civil money penalty of not more than
23 \$5,000 for each such conversion. Such person shall also
24 be subject to an assessment, in lieu of damages sustained
25 by the United States resulting from the conversion, of not

1 more than twice the amount of any payments so con-
2 verted.”.

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

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

8 **SEC. 201. CIVIL MONETARY PENALTY AUTHORITY WITH RE-** 9 **SPECT TO KNOWING WITHHOLDING OF MATE-** 10 **RIAL FACTS.**

11 (a) TREATMENT OF WITHHOLDING OF MATERIAL
12 FACTS.—

13 (1) CIVIL PENALTIES.—Section 1129(a)(1) of
14 the Social Security Act (42 U.S.C. 1320a–8(a)(1))
15 is amended—

16 (A) by striking “who” in the first sentence
17 and inserting “who—”;

18 (B) by striking “makes” in the first sen-
19 tence and all that follows through “shall be sub-
20 ject to” and inserting the following:

21 “(A) makes, or causes to be made, a statement
22 or representation of a material fact, for use in deter-
23 mining any initial or continuing right to or the
24 amount of monthly insurance benefits under title II
25 or benefits or payments under title VIII or XVI,

1 that the person knows or should know is false or
2 misleading,

3 “(B) makes such a statement or representation
4 for such use with knowing disregard for the truth,

5 “(C) omits from a statement or representation
6 for such use, or otherwise withholds disclosure of, a
7 fact which the person knows or should know is mate-
8 rial to the determination of any initial or continuing
9 right to or the amount of monthly insurance benefits
10 under title II or benefits or payments under title
11 VIII or XVI, if the person knows, or should know,
12 that the statement or representation with such omis-
13 sion is false or misleading or that the withholding of
14 such disclosure is misleading, or

15 “(D) conceals or fails to disclose the occurrence
16 of any event that the person knows, or should know,
17 is material to the determination of any initial or con-
18 tinuing right to the amount of monthly insurance
19 benefits under title II or benefits or payments under
20 title VIII or XVI,
21 shall be subject to”;

22 (C) by inserting “or each receipt of such
23 benefits or payments while withholding disclo-
24 sure of such fact” after “each such statement
25 or representation” in the first sentence;

1 (D) by inserting “or because of such with-
2 holding of disclosure of a material fact” after
3 “because of such statement or representation”
4 in the second sentence; and

5 (E) by inserting “or such a withholding of
6 disclosure” after “such a statement or rep-
7 resentation” in the second sentence.

8 (2) ADMINISTRATIVE PROCEDURE FOR IMPOS-
9 ING PENALTIES.—Section 1129A(a) of such Act (42
10 U.S.C. 1320a–8a(a)) is amended—

11 (A) by striking “who” the first place it ap-
12 pears and inserting “who—”; and

13 (B) by striking “makes” and all that fol-
14 lows through “shall be subject to,” and insert-
15 ing the following:

16 “(1) makes, or causes to be made, a statement
17 or representation of a material fact, for use in deter-
18 mining any initial or continuing right to or the
19 amount of monthly insurance benefits under title II
20 or benefits or payments under title VIII or XVI that
21 the person knows or should know is false or mis-
22 leading,

23 “(2) makes such a statement or representation
24 for such use with knowing disregard for the truth,

1 “(3) omits from a statement or representation
2 for such use, or otherwise withholds disclosure of, a
3 fact which the person knows or should know is mate-
4 rial to the determination of any initial or continuing
5 right to or the amount of monthly insurance benefits
6 under title II or benefits or payments under title
7 VIII or XVI, if the person knows, or should know,
8 that the statement or representation with such omis-
9 sion is false or misleading or that the withholding of
10 such disclosure is misleading, or

11 “(4) conceals or fails to disclose the occurrence
12 of any event that the person knows, or should know,
13 is material to the determination of any initial or con-
14 tinuing right to the amount of monthly insurance
15 benefits under title II or benefits or payments under
16 title VIII or XVI,
17 shall be subject to,”.

18 (b) CLARIFICATION OF TREATMENT OF RECOVERED
19 AMOUNTS.—Section 1129(e)(2)(B) of such Act (42
20 U.S.C. 1320a–8(e)(2)(B)) is amended by striking “In the
21 case of amounts recovered arising out of a determination
22 relating to title VIII or XVI,” and inserting “In the case
23 of any other amounts recovered under this section,”.

24 (c) CONFORMING AMENDMENTS.—

1 (1) Section 1129(b)(3)(A) of such Act (42
2 U.S.C. 1320a–8(b)(3)(A)) is amended by striking
3 “charging fraud or false statements”.

4 (2) Section 1129(c)(1) of such Act (42
5 U.S.C. 1320a–8(c)(1)) is amended by striking “and
6 representations” and inserting “, representations, or
7 actions”.

8 (3) Section 1129(e)(1)(A) of such Act (42
9 U.S.C. 1320a–8(e)(1)(A)) is amended by striking
10 “statement or representation referred to in sub-
11 section (a) was made” and inserting “violation oc-
12 curred”.

13 (d) EFFECTIVE DATE.—The amendments made by
14 this section shall apply with respect to violations com-
15 mitted after the later of—

16 (1) 180 days after the date of the enactment of
17 this Act, or

18 (2) the earlier of the date on which the Com-
19 missioner of Social Security implements the system
20 for issuing the receipts required under subsection (e)
21 of this section or the date on which the Commis-
22 sioner implements the centralized computer file de-
23 scribed in such subsection.

24 (e) ISSUANCE BY COMMISSIONER OF RECEIPTS TO
25 ACKNOWLEDGE SUBMISSION OF REPORTS OF CHANGES

1 IN EARNING OR WORK STATUS.—Effective 180 days after
2 the date of the enactment of this Act, until such time as
3 the Commissioner of Social Security implements a central-
4 ized computer file recording the date of the submission
5 of information by a beneficiary (or representative) regard-
6 ing a change in the beneficiary’s earning or work status,
7 the Commissioner shall issue a receipt to the beneficiary
8 (or representative) each time he or she submits docu-
9 mentation, or otherwise reports to the Commissioner, on
10 a change in such status.

11 **SEC. 202. DENIAL OF TITLE II BENEFITS TO FUGITIVE FEL-**
12 **ONS AND PERSONS FLEEING PROSECUTION.**

13 (a) IN GENERAL.—Section 202(x) of the Social Secu-
14 rity Act (42 U.S.C. 402(x)) is amended—

15 (1) in the heading, by striking “Prisoners” and
16 all that follows and inserting the following: “Pris-
17 oners, Certain Other Inmates of Publicly Funded In-
18 stitutions, and Fugitives”;

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

21 (3) in paragraph (1)(A)(iii), by striking the pe-
22 riod at the end and inserting a comma;

23 (4) by inserting after paragraph (1)(A)(iii) the
24 following:

1 “(iv) is fleeing to avoid prosecution, or custody
2 or confinement after conviction, under the laws of
3 the place from which the person flees, for a crime,
4 or an attempt to commit a crime, which is a felony
5 under the laws of the place from which the person
6 flees, or which, in the case of the State of New Jer-
7 sey, is a high misdemeanor under the laws of such
8 State, or

9 “(v) is violating a condition of probation or pa-
10 role imposed under Federal or State law.

11 In the case of an individual from whom such monthly ben-
12 efits have been withheld pursuant to clause (iv), the Com-
13 missioner may, for good cause shown, pay such withheld
14 benefits to the individual.”; and

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

17 “(C) Notwithstanding the provisions of section 552a
18 of title 5, United States Code, or any other provision of
19 Federal or State law (other than section 6103 of the Inter-
20 nal Revenue Code of 1986 and section 1106(e) of this
21 Act), the Commissioner shall furnish any Federal, State,
22 or local law enforcement officer, upon the written request
23 of the officer, with the current address, Social Security
24 number, and photograph (if applicable) of any beneficiary
25 under this title, if the officer furnishes the Commissioner

1 with the name of the beneficiary, and other identifying in-
2 formation as reasonably required by the Commissioner to
3 establish the unique identity of the beneficiary, and noti-
4 fies the Commissioner that—

5 “(i) the beneficiary—

6 “(I) is described in clause (iv) or (v) of
7 paragraph (1)(A); and

8 “(II) has information that is necessary for
9 the officer to conduct the officer’s official du-
10 ties; and

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

13 (b) REGULATIONS.—Not later than 1 year after the
14 date of the enactment of this Act, the Commissioner of
15 Social Security shall promulgate regulations governing
16 payment by the Commissioner, for good cause shown, of
17 withheld benefits, pursuant to the last sentence of section
18 202(x)(1)(A) of the Social Security Act (as amended by
19 subsection (a)).

20 **SEC. 203. REQUIREMENTS RELATING TO OFFERS TO PRO-**
21 **VIDE FOR A FEE A PRODUCT OR SERVICE**
22 **AVAILABLE WITHOUT CHARGE FROM THE SO-**
23 **CIAL SECURITY ADMINISTRATION.**

24 (a) IN GENERAL.—Section 1140 of the Social Secu-
25 rity Act (42 U.S.C. 1320b–10) is amended—

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

3 “(4)(A) No person shall offer, for a fee, to assist an
4 individual to obtain a product or service that the person
5 knows or should know is provided free of charge by the
6 Social Security Administration unless, at the time the
7 offer is made, the person provides to the individual to
8 whom the offer is tendered a notice that—

9 “(i) explains that the product or service is avail-
10 able free of charge from the Social Security Admin-
11 istration, and

12 “(ii) complies with standards prescribed by the
13 Commissioner of Social Security respecting content
14 of such notice and its placement, visibility, and leg-
15 ibility.

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

17 “(i) to serve as a claimant representative in
18 connection with a claim arising under title II, title
19 VIII, or title XVI; or

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

23 (2) in the heading, by striking “PROHIBITION
24 OF MISUSE OF SYMBOLS, EMBLEMS, OR NAMES IN

1 REFERENCE” and inserting “PROHIBITIONS RELAT-
2 ING TO REFERENCES”.

3 (b) EFFECTIVE DATE.—The amendments made by this
4 section shall apply to offers of assistance made after the
5 sixth month ending after the Commissioner of Social Secu-
6 rity promulgates final regulations prescribing the stand-
7 ards applicable to the notice required to be provided in
8 connection with such offer. The Commissioner shall pro-
9 mulgate such final regulations within one year after the
10 date of the enactment of this Act.

11 **SEC. 204. REFUSAL TO RECOGNIZE CERTAIN INDIVIDUALS**
12 **AS CLAIMANT REPRESENTATIVES.**

13 Section 206(a)(1) of the Social Security Act (42
14 U.S.C. 406(a)(1)) is amended by inserting after the sec-
15 ond sentence the following: “Notwithstanding the pre-
16 ceding sentences, the Commissioner (A) may refuse to rec-
17 ognize as a representative, and may disqualify a represent-
18 ative already recognized, any attorney who has been dis-
19 barred or suspended from any court or bar to which he
20 or she was previously admitted to practice or who has been
21 disqualified from participating in or appearing before any
22 Federal program or agency, and (B) may refuse to recog-
23 nize, and may disqualify, as a non-attorney representative
24 any attorney who has been disbarred or suspended from
25 any court or bar to which he or she was previously admit-

1 or by force or threats of force (including any threatening
2 letter or communication) obstructs or impedes, or at-
3 tempts to obstruct or impede, the due administration of
4 this act, shall be fined not more than \$5,000, imprisoned
5 not more than 3 years, or both, except that if the offense
6 is committed only by threats of force, the person shall be
7 fined not more than \$3,000, imprisoned not more than
8 1 year, or both. In this subsection, the term ‘threats of
9 force’ means threats of harm to the officer or employee
10 of the United States or to a member of the family of such
11 an officer or employee.”.

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

14 (a) IN GENERAL.—Section 1140(a)(1) of the Social
15 Security Act (42 U.S.C. 1320b–10(a)(1)) is amended—

16 (1) in subparagraph (A), by inserting “ ‘Cen-
17 ters for Medicare & Medicaid Services’,” after
18 “ ‘Health Care Financing Administration’,” by
19 striking “or ‘Medicaid’, ” and inserting “ ‘Med-
20 icaid’, ‘Death Benefits Update’, ‘Federal Benefit In-
21 formation’, ‘Funeral Expenses’, or ‘Final Supple-
22 mental Plan’,” and by inserting “ ‘CMS’,” after
23 “ ‘HCFA’,”;

24 (2) in subparagraph (B), by inserting “Centers
25 for Medicare & Medicaid Services,” after “Health

1 Care Financing Administration,” each place it ap-
2 pears; and

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

7 (b) EFFECTIVE DATE.—The amendments made by
8 this section shall apply to items sent after 180 days after
9 the date of the enactment of this Act.

10 **TITLE III—ATTORNEY FEE PAY-**
11 **MENT SYSTEM IMPROVE-**
12 **MENTS**

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

14 (a) IN GENERAL.—Section 206(d)(2)(A) of the Social
15 Security Act (42 U.S.C. 406(d)(2)(A)) is amended by in-
16 serting “, except that the maximum amount of the assess-
17 ment may not exceed \$100” after “subparagraph (B)”.

18 (b) EFFECTIVE DATE.—The amendment made by
19 this section shall apply with respect to fees for representa-
20 tion of claimants which are first required to be certified
21 or paid under section 206 of the Social Security Act on
22 or after the first day of the first month that begins after
23 180 days after the date of the enactment of this Act.

1 **SEC. 302. EXTENSION OF ATTORNEY FEE PAYMENT SYSTEM**
2 **TO TITLE XVI CLAIMS.**

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

5 (1) in subparagraph (A), in the matter pre-
6 ceding clause (i)—

7 (A) by striking “section 206(a)” and in-
8 serting “section 206”;

9 (B) by striking “(other than paragraph (4)
10 thereof)” and inserting “(other than sub-
11 sections (a)(4) and (d) thereof)”; and

12 (C) by striking “paragraph (2) thereof”
13 and inserting “such section”;

14 (2) in subparagraph (A)(i), by striking “in sub-
15 paragraphs (A)(ii)(I) and (C)(i),” and inserting “in
16 subparagraphs (A)(ii)(I) and (D)(i) of subsection
17 (a)(2)”, and by striking “and” at the end;

18 (3) by striking subparagraph (A)(ii) and insert-
19 ing the following:

20 “(ii) by substituting, in subsections (a)(2)(B)
21 and (b)(1)(B)(i), the phrase ‘section 1631(a)(7)(A)
22 or the requirements of due process of law’ for the
23 phrase ‘subsection (g) or (h) of section 223’;

24 “(iii) by substituting, in subsection (a)(2)(C)(i),
25 the phrase ‘under title II’ for the phrase ‘under title
26 XVI’;

1 “(iv) by substituting, in subsection (b)(1)(A),
2 the phrase ‘pay the amount of such fee’ for the
3 phrase ‘certify the amount of such fee for payment’
4 and by striking, in subsection (b)(1)(A), the phrase
5 ‘or certified for payment’; and

6 “(v) by substituting, in subsection (b)(1)(B)(ii),
7 the phrase ‘deemed to be such amounts as deter-
8 mined before any applicable reduction under section
9 1631(g), and reduced by the amount of any reduc-
10 tion in benefits under this title or title II made pur-
11 suant to section 1127(a)’ for the phrase ‘determined
12 before any applicable reduction under section
13 1127(a))’.”; and

14 (4) by striking subparagraph (B) and inserting
15 the following new subparagraphs:

16 “(B) Subject to subparagraph (C), if the claimant is
17 determined to be entitled to past-due benefits under this
18 title and the person representing the claimant is an attor-
19 ney, the Commissioner of Social Security shall pay out of
20 such past-due benefits to such attorney an amount equal
21 to the lesser of—

22 “(i) so much of the maximum fee as does not
23 exceed 25 percent of such past-due benefits (as de-
24 termined before any applicable reduction under sec-
25 tion 1631(g) and reduced by the amount of any re-

1 duction in benefits under this title or title II pursu-
2 ant to section 1127(a)), or

3 “(ii) the amount of past-due benefits available
4 after any applicable reductions under sections
5 1631(g) and 1127(a).

6 “(C)(i) Whenever a fee for services is required to be
7 paid to an attorney from a claimant’s past-due benefits
8 pursuant to subparagraph (B), the Commissioner shall
9 impose on the attorney an assessment calculated in ac-
10 cordance with clause (ii).

11 “(ii)(I) The amount of an assessment under clause
12 (i) shall be equal to the product obtained by multiplying
13 the amount of the representative’s fee that would be re-
14 quired to be paid by subparagraph (B) before the applica-
15 tion of this subparagraph, by the percentage specified in
16 subclause (II), except that the maximum amount of the
17 assessment may not exceed \$100.

18 “(II) The percentage specified in this subclause is
19 such percentage rate as the Commissioner determines is
20 necessary in order to achieve full recovery of the costs of
21 determining and approving fees to attorneys from the
22 past-due benefits of claimants, but not in excess of 6.3
23 percent.

24 “(iii) The Commissioner may collect the assessment
25 imposed on an attorney under clause (i) by offset from

1 the amount of the fee otherwise required by subparagraph
2 (B) to be paid to the attorney from a claimant's past-due
3 benefits.

4 “(iv) An attorney subject to an assessment under
5 clause (i) may not, directly or indirectly, request or other-
6 wise obtain reimbursement for such assessment from the
7 claimant whose claim gave rise to the assessment.

8 “(v) Assessments on attorneys collected under this
9 subparagraph shall be deposited in the Treasury in a sepa-
10 rate fund created for this purpose.

11 “(vi) The assessments authorized under this subpara-
12 graph shall be collected and available for obligation only
13 to the extent and in the amount provided in advance in
14 appropriations Acts. Amounts so appropriated are au-
15 thorized to remain available until expended, for adminis-
16 trative expenses in carrying out this title and related
17 laws.”.

18 (b) EFFECTIVE DATE.—The amendments made by
19 this section shall apply with respect to fees for representa-
20 tion of claimants which are first required to be certified
21 or paid under section 1631(d)(2) of the Social Security
22 Act on or after the first day of the first month that begins
23 after 270 days after the date of the enactment of this Act.

24 (c) REPORT TO THE CONGRESS.—The Commissioner
25 of Social Security, after consulting with representatives of

1 affected beneficiaries and other interested persons, shall
2 prepare a report evaluating the feasibility of extending to
3 non-attorney representatives the fee withholding proce-
4 dures that apply under titles II and XVI of the Social Se-
5 curity Act for the payment of attorney fees. The Commis-
6 sioner shall submit the report to the Committee on Ways
7 and Means of the House of Representatives and the Com-
8 mittee on Finance of the Senate no later than 270 days
9 after the date of the enactment of this Act, and the Com-
10 missioner shall include in such report any recommenda-
11 tions that the Commissioner considers appropriate.

12 **TITLE IV—MISCELLANEOUS AND**
13 **TECHNICAL AMENDMENTS**

14 **Subtitle A—Amendments Relating**
15 **to the Ticket to Work and Work**
16 **Incentives Improvement Act of**
17 **1999**

18 **SEC. 401. APPLICATION OF DEMONSTRATION AUTHORITY**

19 **SUNSET DATE TO NEW PROJECTS.**

20 Section 234 of the Social Security Act (42
21 U.S.C. 434) is amended—

22 (1) in the first sentence of subsection (c), by
23 striking “conducted under subsection (a)” and in-
24 serting “initiated under subsection (a) on or before
25 December 17, 2004”; and

1 (2) in subsection (d)(2), by amending the first
2 sentence to read as follows: “The authority to ini-
3 tiate projects under the preceding provisions of this
4 section shall terminate on December 18, 2004.”.

5 **SEC. 402. EXPANSION OF WAIVER AUTHORITY AVAILABLE**
6 **IN CONNECTION WITH DEMONSTRATION**
7 **PROJECTS PROVIDING FOR REDUCTIONS IN**
8 **DISABILITY INSURANCE BENEFITS BASED ON**
9 **EARNINGS.**

10 Section 302(c) of the Ticket to Work and Work In-
11 centives Improvement Act of 1999 (42 U.S.C. 434 note)
12 is amended by striking “(42 U.S.C. 401 et seq.),” and
13 inserting “(42 U.S.C. 401 et seq.) and the requirements
14 of section 1148 of such Act (42 U.S.C. 1320b–19) as they
15 relate to the program established under title II of such
16 Act.”.

17 **SEC. 403. FUNDING OF DEMONSTRATION PROJECTS PRO-**
18 **VIDED FOR REDUCTIONS IN DISABILITY IN-**
19 **SURANCE BENEFITS BASED ON EARNINGS.**

20 Section 302(f) of the Ticket to Work and Work In-
21 centives Improvement Act of 1999 (42 U.S.C. 434 note)
22 is amended to read as follows:

23 “(f) EXPENDITURES.—Administrative expenses for
24 demonstration projects under this section shall be paid
25 from funds available for the administration of title II or

1 title XVIII of the Social Security Act, as appro-
2 priate. Benefits payable to or on behalf of individuals by
3 reason of participation in projects under this section shall
4 be made from the Federal Disability Insurance Trust
5 Fund and the Federal Old-Age and Survivors Insurance
6 Trust Fund, as determined appropriate by the Commis-
7 sioner of Social Security, and from the Federal Hospital
8 Insurance Trust Fund and the Federal Supplementary
9 Medical Insurance Trust Fund, as determined appropriate
10 by the Secretary of Health and Human Services, from
11 funds available for benefits under such title II or title
12 XVIII.”.

13 **SEC. 404. AVAILABILITY OF FEDERAL AND STATE WORK IN-**
14 **CENTIVE SERVICES TO ADDITIONAL INDIVID-**
15 **UALS.**

16 (a) FEDERAL WORK INCENTIVES OUTREACH PRO-
17 GRAM.—

18 (1) IN GENERAL.—Section 1149(c)(2) of the
19 Social Security Act (42 U.S.C. 1320b–20(c)(2)) is
20 amended to read as follows:

21 “(2) DISABLED BENEFICIARY.—The term ‘dis-
22 abled beneficiary’ means an individual—

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

1 “(B) who is receiving a cash payment de-
2 scribed in section 1616(a) of this Act or a sup-
3 plementary payment described in section
4 212(a)(3) of Public Law 93–66 (without regard
5 to whether such payment is paid by the Com-
6 missioner pursuant to an agreement under sec-
7 tion 1616(a) of this Act or under section
8 212(b) of Public Law 93–66);

9 “(C) who, pursuant to section 1619(b) of
10 this Act, is considered to be receiving benefits
11 under title XVI of this Act; or

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

16 (2) EFFECTIVE DATE.—The amendment made
17 by this subsection shall apply with respect to grants,
18 cooperative agreements, or contracts entered into on
19 or after the date of the enactment of this Act.

20 (b) STATE GRANTS FOR WORK INCENTIVES ASSIST-
21 ANCE.—

22 (1) DEFINITION OF DISABLED BENEFICIARY.—
23 Section 1150(g)(2) of such Act (42 U.S.C. 1320b-
24 21(g)(2)) is amended to read as follows:

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

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

5 “(B) who is receiving a cash payment de-
6 scribed in section 1616(a) of this Act or a sup-
7 plementary payment described in section
8 212(a)(3) of Public Law 93–66 (without regard
9 to whether such payment is paid by the Com-
10 missioner pursuant to an agreement under sec-
11 tion 1616(a) of this Act or under section
12 212(b) of Public Law 93–66);

13 “(C) who, pursuant to section 1619(b) of
14 this Act, is considered to be receiving benefits
15 under title XVI of this Act; or

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

20 (2) ADVOCACY OR OTHER SERVICES NEEDED
21 TO MAINTAIN GAINFUL EMPLOYMENT.—Section
22 1150(b)(2) of such Act (42 U.S.C. 1320b–21(b)(2))
23 is amended by striking “secure or regain” and in-
24 serting “secure, maintain, or regain”.

1 (3) EFFECTIVE DATE.—The amendments made
2 by this subsection shall apply with respect to pay-
3 ments provided after the date of the enactment of
4 this Act.

5 **SEC. 405. TECHNICAL AMENDMENT CLARIFYING TREAT-**
6 **MENT FOR CERTAIN PURPOSES OF INDI-**
7 **VIDUAL WORK PLANS UNDER THE TICKET TO**
8 **WORK AND SELF-SUFFICIENCY PROGRAM.**

9 (a) IN GENERAL.—Section 1148(g)(1) of the Social
10 Security Act (42 U.S.C. 1320b–19) is amended by adding
11 at the end, after and below subparagraph (E), the fol-
12 lowing new sentence:

13 “An individual work plan established pursuant to
14 this subsection shall be treated, for purposes of sec-
15 tion 51(d)(6)(B)(i) of the Internal Revenue Code of
16 1986, as an individualized written plan for employ-
17 ment under a State plan for vocational rehabilitation
18 services approved under the Rehabilitation Act of
19 1973.”.

20 (b) EFFECTIVE DATE.—The amendment made by
21 subsection (a) shall take effect as if included in section
22 505 of the Ticket to Work and Work Incentives Improve-
23 ment Act of 1999 (Public Law 106-170; 113 Stat. 1921).

1 **Subtitle B—Miscellaneous**
2 **Amendments**

3 **SEC. 411. ELIMINATION OF TRANSCRIPT REQUIREMENT IN**
4 **REMAND CASES FULLY FAVORABLE TO THE**
5 **CLAIMANT.**

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

11 (b) **EFFECTIVE DATE.**—The amendment made by
12 this section shall apply with respect to final determina-
13 tions issued (upon remand) on or after the date of the
14 enactment of this Act.

15 **SEC. 412. NONPAYMENT OF BENEFITS UPON REMOVAL**
16 **FROM THE UNITED STATES.**

17 (a) **IN GENERAL.**—Paragraphs (1) and (2) of section
18 202(n) of the Social Security Act (42 U.S.C. 402(n)(1),
19 (2)) are each amended by striking “or (1)(E)”.

20 (b) **EFFECTIVE DATE.**—The amendment made by
21 this section to section 202(n)(1) of the Social Security Act
22 shall apply to individuals with respect to whom the Com-
23 missioner of Social Security receives a removal notice from
24 the Attorney General after the date of the enactment of
25 this Act. The amendment made by this section to section

1 202(n)(2) of the Social Security Act shall apply with re-
2 spect to removals occurring after the date of the enact-
3 ment of this Act.

4 **SEC. 413. REINSTATEMENT OF CERTAIN REPORTING RE-**
5 **QUIREMENTS.**

6 Section 3003(a)(1) of the Federal Reports Elimini-
7 nation and Sunset Act of 1995 (31 U.S.C. 1113 note)
8 does not apply to any report required to be submitted
9 under any of the following provisions of law:

10 (1)(A) Section 201(c)(2) of the Social Security
11 Act (42 U.S.C. 401(c)(2)).

12 (B) Section 1817(b)(2) of the Social Security
13 Act (42 U.S.C. 1395i(b)(2)).

14 (C) Section 1841(b)(2) of the Social Security
15 Act (42 U.S.C. 1395t(b)(2)).

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

18 (B) Section 221(i)(3) of the Social Security Act
19 (42 U.S.C. 421(i)(3)).

20 **SEC. 414. CLARIFICATION OF DEFINITIONS REGARDING**
21 **CERTAIN SURVIVOR BENEFITS.**

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

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

4 (2) by redesignating clauses (1) through (6) as
5 clauses (A) through (F), respectively;

6 (3) in clause (E) (as redesignated), by inserting
7 “except as provided in paragraph (2),” before “she
8 was married”;

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

10 (5) by adding at the end the following new
11 paragraph:

12 “(2) The requirements of paragraph (1)(E) in con-
13 nection with the surviving wife of an individual shall be
14 treated as satisfied if—

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

17 “(B) the prior wife was institutionalized during
18 the individual’s marriage to the prior wife due to
19 mental incompetence or similar incapacity,

20 “(C) during the period of the prior wife’s insti-
21 tutionalization, the individual would have divorced
22 the prior wife and married the surviving wife, but
23 the individual did not do so because such divorce
24 would have been unlawful, by reason of the prior
25 wife’s institutionalization, under the laws of the

1 State in which the individual was domiciled at the
2 time (as determined based on evidence satisfactory
3 to the Commissioner of Social Security),

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

6 “(E) the individual married the surviving wife
7 within 60 days after prior wife’s death.”.

8 (b) WIDOWERS.—Section 216(g) of such Act (42
9 U.S.C. 416(g)) is amended—

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

13 (2) by redesignating clauses (1) through (6) as
14 clauses (A) through (F), respectively;

15 (3) in clause (E) (as redesignated), by inserting
16 “except as provided in paragraph (2),” before “he
17 was married”;

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

19 (5) by adding at the end the following new
20 paragraph:

21 “(2) The requirements of paragraph (1)(E) in con-
22 nection with the surviving husband of an individual shall
23 be treated as satisfied if—

24 “(A) the individual had been married prior to
25 the individual’s marriage to the surviving husband,

1 “(B) the prior husband was institutionalized
2 during the individual’s marriage to the prior hus-
3 band due to mental incompetence or similar inca-
4 pacity,

5 “(C) during the period of the prior husband’s
6 institutionalization, the individual would have di-
7 vorced the prior husband and married the surviving
8 husband, but the individual did not do so because
9 such divorce would have been unlawful, by reason of
10 the prior husband’s institutionalization, under the
11 laws of the State in which the individual was domi-
12 ciled at the time (as determined based on evidence
13 satisfactory to the Commissioner of Social Security),

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

16 “(E) the individual married the surviving hus-
17 band within 60 days after prior husband’s death.”.

18 (c) CONFORMING AMENDMENT.—Section 216(k) of
19 such Act (42 U.S.C. 416(k)) is amended by striking
20 “clause (5) of subsection (c) or clause (5) of subsection
21 (g)” and inserting “clause (E) of subsection (c)(1) or
22 clause (E) of subsection (g)(1)”.

23 (d) EFFECTIVE DATE.—The amendments made by
24 this section shall be effective with respect to applications
25 for benefits under title II of the Social Security Act filed

1 during months ending after the date of the enactment of
2 this Act.

3 **SEC. 415. CLARIFICATION RESPECTING THE FICA AND**
4 **SECA TAX EXEMPTIONS FOR AN INDIVIDUAL**
5 **WHOSE EARNINGS ARE SUBJECT TO THE**
6 **LAWS OF A TOTALIZATION AGREEMENT**
7 **PARTNER.**

8 Sections 1401(c), 3101(c), and 3111(c) of the Inter-
9 nal Revenue Code of 1986 are each amended by striking
10 “to taxes or contributions for similar purposes under” and
11 inserting “exclusively to the laws applicable to”.

12 **SEC. 416. COVERAGE UNDER DIVIDED RETIREMENT SYS-**
13 **TEM FOR PUBLIC EMPLOYEES IN KENTUCKY.**

14 Section 218(d)(6)(C) of the Social Security Act (42
15 U.S.C. 418(d)(6)(C)) is amended by inserting “Ken-
16 tucky,” after “Illinois,”.

17 **SEC. 417. COMPENSATION FOR THE SOCIAL SECURITY AD-**
18 **VISORY BOARD.**

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

22 “Compensation, Expenses, and Per Diem

23 “(f) A member of the Board shall, for each day (in-
24 cluding traveltime) during which the member is attending
25 meetings or conferences of the Board or otherwise engaged

1 in the business of the Board, be compensated at the daily
2 rate of basic pay for level IV of the Executive Schedule
3 for each day during which the member is engaged in per-
4 forming a function of the Board. While serving on busi-
5 ness of the Board away from their homes or regular places
6 of business, members may be allowed travel expenses, in-
7 cluding per diem in lieu of subsistence, as authorized by
8 section 5703 of title 5, United States Code, for persons
9 in the Government employed intermittently.”.

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

12 **Subtitle C—Technical Amendments**

13 **SEC. 431. TECHNICAL CORRECTION RELATING TO RESPON-** 14 **SIBLE AGENCY HEAD.**

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

17 (1) by striking “Secretary” the first place it ap-
18 pears and inserting “Commissioner of Social Secu-
19 rity”; and

20 (2) by striking “Secretary” each subsequent
21 place it appears and inserting “Commissioner”.

22 **SEC. 432. TECHNICAL CORRECTION RELATING TO RETIRE-** 23 **MENT BENEFITS OF MINISTERS.**

24 (a) IN GENERAL.—Section 211(a)(7) of the Social
25 Security Act (42 U.S.C. 411(a)(7)) is amended by insert-

1 ing “, but shall not include in any such net earnings from
2 self-employment the rental value of any parsonage or any
3 parsonage allowance (whether or not excluded under sec-
4 tion 107 of the Internal Revenue Code of 1986) provided
5 after the individual retires, or any other retirement benefit
6 received by such individual from a church plan (as defined
7 in section 414(e) of such Code) after the individual re-
8 tires” before the semicolon.

9 (b) EFFECTIVE DATE.—The amendment made by
10 this section shall apply to years beginning before, on, or
11 after December 31, 1994.

12 **SEC. 433. TECHNICAL CORRECTIONS RELATING TO DOMES-**
13 **TIC EMPLOYMENT.**

14 (a) AMENDMENT TO INTERNAL REVENUE CODE.—
15 Section 3121(a)(7)(B) of the Internal Revenue Code of
16 1986 is amended by striking “described in subsection
17 (g)(5)” and inserting “on a farm operated for profit”.

18 (b) AMENDMENT TO SOCIAL SECURITY ACT.—Sec-
19 tion 209(a)(6)(B) of the Social Security Act (42
20 U.S.C. 409(a)(6)(B)) is amended by striking “described
21 in section 210(f)(5)” and inserting “on a farm operated
22 for profit”.

23 (c) CONFORMING AMENDMENT.—Section 3121(g)(5)
24 of such Code and section 210(f)(5) of such Act (42

1 U.S.C. 410(f)(5)) are amended by striking “or is domes-
2 tic service in a private home of the employer”.

3 **SEC. 434. TECHNICAL CORRECTIONS OF OUTDATED REF-**
4 **ERENCES.**

5 (a) CORRECTION OF TERMINOLOGY AND CITATIONS
6 RESPECTING REMOVAL FROM THE UNITED STATES.—

7 Section 202(n) of the Social Security Act (42
8 U.S.C. 402(n)) (as amended by section 412) is amended
9 further—

10 (1) by striking “deportation” each place it ap-
11 pears and inserting “removal”;

12 (2) by striking “deported” each place it appears
13 and inserting “removed”;

14 (3) in paragraph (1) (in the matter preceding
15 subparagraph (A)), by striking “under section
16 241(a) (other than under paragraph (1)(C) there-
17 of)” and inserting “under section 237(a) (other than
18 paragraph (1)(C) thereof) or 212(a)(6)(A)”;

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

1 (5) in paragraph (3)—

2 (A) by striking “paragraph (19) of section
3 241(a)” and inserting “subparagraph (D) of
4 section 237(a)(4)”; and

5 (B) by striking “paragraph (19)” and in-
6 serting “subparagraph (D)”; and

7 (6) in the heading, by striking “Deportation”
8 and inserting “Removal”.

9 (b) CORRECTION OF CITATION RESPECTING THE
10 TAX DEDUCTION RELATING TO HEALTH INSURANCE
11 COSTS OF SELF-EMPLOYED INDIVIDUALS.—Section
12 211(a)(15) of such Act (42 U.S.C. 411(a)(15)) is amend-
13 ed by striking “section 162(m)” and inserting “section
14 162(l)”.

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

21 **SEC. 435. TECHNICAL CORRECTION RESPECTING SELF-EM-**
22 **PLOYMENT INCOME IN COMMUNITY PROP-**
23 **ERTY STATES.**

24 (a) SOCIAL SECURITY ACT AMENDMENT.—Section
25 211(a)(5)(A) of the Social Security Act (42

1 U.S.C. 411(a)(5)(A)) is amended by striking “all of the
2 gross income” and all that follows and inserting “the gross
3 income and deductions attributable to such trade or busi-
4 ness shall be treated as the gross income and deductions
5 of the spouse carrying on such trade or business or, if
6 such trade or business is jointly operated, treated as the
7 gross income and deductions of each spouse on the basis
8 of their respective distributive share of the gross income
9 and deductions;”.

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

Passed the House of Representatives June 26, 2002.

Attest:

JEFF TRANDAHL,

Clerk.