

115TH CONGRESS
2D SESSION

H. R. 6559

To improve the Social Security Administration's service to the public, to strengthen the Disability Insurance program, and to protect the trust funds.

IN THE HOUSE OF REPRESENTATIVES

JULY 26, 2018

Mr. SAM JOHNSON of Texas introduced the following bill; which was referred to the Committee on Ways and Means, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To improve the Social Security Administration's service to the public, to strengthen the Disability Insurance program, and to protect the trust funds.

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; TABLE OF CONTENTS.**

4 (a) **SHORT TITLE.**—This Act may be cited as the
5 “Social Security Administration Modernization Act of
6 2018”.

7 (b) **TABLE OF CONTENTS.**—The table of contents for
8 this Act is as follows:

1 of a vacancy in the office of the Commissioner, such officer
2 may serve in such office—

3 “(A) for no longer than 210 days beginning on
4 the date the vacancy occurs; or

5 “(B) subject to paragraph (2)(A), once a first
6 or second nomination for the office is submitted to
7 the Senate, from the date of such nomination for the
8 period that the nomination is pending in the Senate.

9 “(2)(A)(i) If the first nomination for the office is re-
10 jected by the Senate, withdrawn, or returned to the Presi-
11 dent by the Senate, such officer of the Government may
12 continue to serve in an acting role for no more than 210
13 days after the date of such rejection, withdrawal, or re-
14 turn.

15 “(ii) Notwithstanding subparagraph (A), if a second
16 nomination for the office is submitted to the Senate after
17 the rejection, withdrawal, or return of the first nomina-
18 tion, the officer of the Government serving in an acting
19 role may continue to serve—

20 “(I) until the second nomination is confirmed;
21 or

22 “(II) for no more than 210 days after the sec-
23 ond nomination is rejected, withdrawn, or returned.

24 “(B) If the office of the Commissioner becomes va-
25 cant during an adjournment of the Congress sine die, the

1 210-day period under paragraph (1) shall begin on the
2 date that the Senate first reconvenes.

3 “(C)(i) With respect to any vacancy of the office of
4 the Commissioner that exists during the 60-day period be-
5 ginning on a transitional inauguration day, the 210-day
6 period under paragraph (1) shall be deemed to begin on
7 the later of the date occurring—

8 “(I) 90 days after such transitional inaugura-
9 tion day; or

10 “(II) 90 days after the date on which such va-
11 cancy occurs.

12 “(ii) In this subparagraph, the term ‘transitional in-
13 auguration day’ means the date on which any person
14 swears or affirms the oath of office as President, if such
15 person is not the President on the date preceding the date
16 of swearing or affirming such oath of office.

17 “(3) Upon the expiration of the period of service de-
18 scribed in paragraph (1), if the Senate has not confirmed
19 a nomination to the office of Commissioner as of such
20 date, such office shall remain vacant until such time as
21 the Senate has confirmed a nomination to such office.”.

22 (b) TIMING OF APPOINTMENTS.—Section 702(a)(3)
23 of the Social Security Act (42 U.S.C. 902(a)(3)) is amend-
24 ed by striking “remainder of such term” and inserting
25 “remainder of such term, except that the President may

1 appoint a Commissioner to a term of office that has not
2 yet commenced if such term of office will commence before
3 the end of the Presidential term in which the appointment
4 is made”.

5 (c) EFFECTIVE DATE.—The amendments made by
6 this section shall take effect on January 20, 2019.

7 **SEC. 102. LOSS OF CREDIT FOR FEDERAL PENSION AFTER**
8 **CERTAIN VIOLATIONS.**

9 Section 208 of the Social Security Act (42 U.S.C.
10 408) is amended by adding at the end the following:

11 “(f)(1) Notwithstanding any other provision of law,
12 an individual convicted of an offense under subsection (a)
13 may not receive credit under section 8332 or section 8411
14 (as the case may be) of title 5, United States Code, for
15 any service that occurs on or after the date on which the
16 offense for which the individual was convicted occurs, if,
17 with respect to such conviction, every act or omission of
18 the individual that is needed to satisfy the elements of the
19 offense—

20 “(A) is committed while the individual is an
21 employee of the Social Security Administration; and

22 “(B) directly relates to the performance of the
23 individual’s official duties.

24 “(2) An individual convicted of an offense described
25 in paragraph (1)—

1 that any individual who requests a new social security ac-
2 count number due to theft or breach or whose social secu-
3 rity account number is used to fraudulently obtain benefits
4 under title II, VIII, or XVI of this Act has a single point
5 of contact at the Social Security Administration through-
6 out the processing of the individual's case. The single
7 point of contact shall track the individual's case to comple-
8 tion and coordinate with other units to resolve issues as
9 quickly as possible.

10 “(b) SINGLE POINT OF CONTACT.—

11 “(1) IN GENERAL.—For purposes of subsection
12 (a), the single point of contact shall consist of a
13 team or subset of specially trained employees who—

14 “(A) have the ability to coordinate with
15 other units to resolve the issues involved in the
16 individual's case, and

17 “(B) shall be accountable for the case until
18 its resolution.

19 “(2) TEAM OR SUBSET.—The employees in-
20 cluded within the team or subset described in para-
21 graph (1) may change as required to meet the needs
22 of the Social Security Administration, provided that
23 procedures have been established to—

24 “(A) ensure continuity of records and case
25 history, and

1 monthly benefits filed on or after the date that is 180 days
2 after the date of the enactment of this Act.

3 **SEC. 106. ONLINE BENEFIT ASSESSMENT TOOLS.**

4 (a) IN GENERAL.—Not later than 2 years after the
5 date of the enactment of this Act, the Commissioner of
6 Social Security shall make available on the website of the
7 Social Security Administration a tool or tools to allow an
8 individual entitled to benefits under section 223 of the So-
9 cial Security Act to obtain an estimate of the potential
10 impact of earnings on the individual’s eligibility for and
11 amount of such benefits.

12 (b) NO RECOVERY OF CERTAIN OVERPAYMENTS.—
13 In any case in which a beneficiary to whom an overpay-
14 ment is made under section 223 of the Social Security Act
15 shows to the satisfaction of the Commissioner that such
16 overpayment arose as a result of the beneficiary’s reliance
17 on inaccurate information provided by the tool or tools de-
18 scribed in subsection (a), the beneficiary shall be consid-
19 ered to meet the criteria in section 204(b)(1) of such Act
20 and there shall be no adjustment of payments to, or recov-
21 ery by the United States from, the beneficiary with respect
22 to such overpayment.

23 **SEC. 107. ANNUAL REPORTING REQUIREMENTS.**

24 (a) PRE-EFFECTUATION REPORT.—Section
25 221(c)(3)(C) of the Social Security Act (42 U.S.C.

1 421(c)(3)(C)) is amended by striking “April 1, 1992, and
2 annually thereafter” and inserting “December 31 of each
3 year”.

4 (b) REPORTS ON SOCIAL SECURITY ACCOUNT NUM-
5 BERS AND EARNINGS OF ALIENS NOT AUTHORIZED TO
6 WORK.—Section 290(c) of the Immigration and Nation-
7 ality Act (8 U.S.C. 1360(c)) is amended—

8 (1) by striking “fiscal year (beginning with fis-
9 cal year 1996)” and inserting “calendar year”; and

10 (2) by striking “such fiscal year” and inserting
11 “such calendar year”.

12 **TITLE II—STRENGTHENING THE**
13 **DISABILITY INSURANCE PRO-**
14 **GRAM**

15 **SEC. 201. UPDATING OF MEDICAL-VOCATIONAL GUIDE-**
16 **LINES.**

17 As soon as possible after the date of the enactment
18 of this Act, the Commissioner of Social Security shall pre-
19 scribe rules and regulations that update the medical-voca-
20 tional guidelines, as set forth in appendix 2 to subpart
21 P of part 404 of title 20, Code of Federal Regulations,
22 used in disability determinations, including full consider-
23 ation of new employment opportunities made possible by
24 advances in treatment, rehabilitation, and technology and

1 full consideration of the effect of prevalent languages on
2 education.

3 **SEC. 202. QUALITY REVIEWS OF HEARING DISPOSITIONS.**

4 Section 205(b) of the Social Security Act (42 U.S.C.
5 405(b)) is amended by adding at the end the following:

6 “(4)(A) The Commissioner of Social Security shall
7 conduct pre-effectuation and post-effectuation quality re-
8 views of hearing dispositions with respect to decisions in
9 connection with applications for benefits under this title,
10 in a sufficient number to ensure compliance with laws,
11 regulations, and other guidance issued by the Commis-
12 sioner of Social Security.

13 “(B) The Commissioner of Social Security shall an-
14 nually submit to the Committee on Ways and Means of
15 the House of Representatives and the Committee on Fi-
16 nance of the Senate a report that includes—

17 “(i) the total number of cases selected for a
18 quality review as described in subparagraph (A);

19 “(ii) the number of such cases in which a deci-
20 sion is remanded; and

21 “(iii) the number of such cases in which a deci-
22 sion is modified or reversed.”.

1 **SEC. 203. REIMBURSEMENT OF REPRESENTATIVE TRAVEL**
2 **EXPENSES.**

3 (a) REDUCTION OF TRUST FUND EXPENSES.—Sec-
4 tion 201(j) of the Social Security Act (42 U.S.C. 401(j))
5 is amended—

6 (1) by striking “, their representatives,”; and

7 (2) by striking the last sentence.

8 (b) AUTHORIZATION FOR CERTAIN REPRESENTATIVE
9 TRAVEL EXPENSES TO BE COLLECTED FROM CLAIM-
10 ANTS.—Section 206(a)(1) of the Social Security Act (42
11 U.S.C. 406(a)(1)) is amended by adding at the end the
12 following: “Notwithstanding the previous sentence, the
13 Commissioner may authorize a representative to collect
14 from a claimant travel expenses incurred by the represent-
15 ative attending reconsideration interviews and proceedings
16 on behalf of the claimant. Such amount authorized to be
17 collected shall not exceed the amount that would be avail-
18 able under section 201(j) for such travel originating within
19 the geographic area of the office having jurisdiction over
20 such proceeding. If a representative receives a fee under
21 an agreement pursuant to paragraph (2)(A) of this sub-
22 section, the total amount the representative receives shall
23 be equal to the amount specified under such paragraph
24 plus the amount of any travel expenses authorized under
25 this paragraph.”.

1 (c) EFFECTIVE DATE.—The amendments made by
2 this section shall apply with respect to applications for
3 monthly insurance benefits filed on or after the date of
4 the enactment of this section.

5 **SEC. 204. IMMEDIATE SUSPENSION OF CLAIMANT REP-**
6 **RESENTATIVES UPON CERTAIN CONVICTIONS**
7 **OR DISBARMENT.**

8 Section 206(a)(1) of the Social Security Act (42
9 U.S.C. 406(a)(1)) is amended—

10 (1) in the third sentence, by striking “disbarred
11 or” each place it appears; and

12 (2) by inserting after the third sentence the fol-
13 lowing: “Upon conviction of an individual for a fel-
14 ony or a crime of moral turpitude in a Federal or
15 State Court or, in the case of an attorney, upon dis-
16 barment from any court or bar to which he or she
17 was previously admitted to practice, the Commis-
18 sioner may, after due notice, immediately disqualify
19 or suspend the individual from appearing as a claim-
20 ant representative before the Social Security Admin-
21 istration, pending an expedited hearing.”.

1 **SEC. 205. RECONSIDERATIONS OF DISABILITY CESSATION**
2 **DETERMINATIONS.**

3 (a) **IN GENERAL.**—Section 205(b)(2) of the Social
4 Security Act (42 U.S.C. 405(b)(2)) is amended, in the
5 matter following subparagraph (C)—

6 (1) in the second sentence, by striking “where
7 the finding was originally made by the State agency,
8 and shall be made by the Commissioner of Social Se-
9 curity where the finding was originally made by the
10 Commissioner of Social Security” and inserting “re-
11 gardless of whether the finding was originally made
12 by the State agency or the Commissioner of Social
13 Security”;

14 (2) in the third sentence, by striking “which
15 was originally made by such State agency”; and

16 (3) in the fourth sentence, by striking “which
17 was originally made by the Commissioner of Social
18 Security”.

19 (b) **EFFECTIVE DATE.**—The amendments made by
20 subsection (a) shall apply with respect to determinations
21 of disability made on or after the date that is 180 days
22 after the date of the enactment of this Act.

1 **TITLE III—PROTECTING SOCIAL**
2 **SECURITY’S TRUST FUNDS**

3 **SEC. 301. TERMS OF PUBLIC TRUSTEES OF THE TRUST**
4 **FUNDS.**

5 (a) IN GENERAL.—Section 201(c) of the Social Secu-
6 rity Act (42 U.S.C. 401(c)) is amended—

7 (1) by striking “With respect to the Federal
8 Old-Age and Survivors Insurance Trust Fund” and
9 inserting “(1) With respect to the Federal Old-Age
10 and Survivors Insurance Trust Fund”;

11 (2) by redesignating paragraphs (1) through
12 (5) as subparagraphs (A) through (E), respectively;

13 (3) in the matter preceding subparagraph (A)
14 (as redesignated by paragraph (2))—

15 (A) by striking “of two members of the
16 public (both of whom may not be from the same
17 political party), who shall be nominated by the
18 President for a term of four years and subject
19 to confirmation by the Senate.” and inserting
20 “of four members of the public (hereinafter in
21 this title referred to as ‘public trustees’), to be
22 appointed in accordance with paragraph (2). A
23 public trustee may not serve more than two
24 consecutive full terms. In any case in which a
25 public trustee leaves office on any date prior to

1 the end of a term, the offices of both public
2 trustees shall be deemed vacant as of such
3 date.”;

4 (B) by striking “member of the Board of
5 Trustees serving as a member of the public
6 and” and inserting “public trustee”; and

7 (C) by striking “An individual nominated
8 and confirmed as a member of the public may
9 serve in such position after the expiration of
10 such member’s term until the earlier of the
11 time at which the member’s successor takes of-
12 fice or the time at which a report of the Board
13 is first issued under paragraph (2) after the ex-
14 piration of the member’s term” and inserting
15 “A public trustee may serve in such position
16 after the expiration of the public trustee’s term
17 until the time at which a successor takes of-
18 fice”;

19 (4) by striking “It shall be the duty of the
20 Board of Trustees to—” and inserting the following:

21 “(3) It shall be the duty of the Board of Trustees
22 to—”;

23 (5) by inserting after “not less frequently than
24 once each calendar year.” the following:

25 “(2)(A) Public trustees shall be appointed as follows:

1 “(i) Two members (each member from a
2 different political party) shall be appointed by
3 the President pro tempore of the Senate with
4 the advice of the Chairman and the Ranking
5 Minority Member of the Senate Committee on
6 Finance. At least one such member shall have
7 demonstrated expertise relating to the Old-Age,
8 Survivors, and Disability Insurance Program
9 and at least one shall have demonstrated exper-
10 tise relating to the Medicare program.

11 “(ii) Two members (each member from a
12 different political party) shall be appointed by
13 the Speaker of the House of Representatives,
14 with the advice of the Chairman and the Rank-
15 ing Minority Member of the House Committee
16 on Ways and Means. At least one such member
17 shall have demonstrated expertise relating to
18 the Old-Age, Survivors, and Disability Insur-
19 ance Program and at least one shall have dem-
20 onstrated expertise relating to the Medicare
21 program.

22 “(B)(i) Except as provided in clause (ii), each public
23 trustee shall serve for a term beginning on the day after
24 the expiration of the term of such member’s predecessor
25 and expiring on the fourth April 1 occurring during such

1 term (or, if later, the date on which the fourth report of
2 the Board is issued under paragraph (2) during such
3 term).

4 “(ii) Clause (i) shall be applied with respect to initial
5 appointments under this subsection—

6 “(I) by substituting ‘first’ for ‘fourth’ each
7 place it appears in clause (i) with respect to one of
8 the public trustees appointed by the President pro
9 tempore of the Senate (as designated by the Presi-
10 dent pro tempore of the Senate at the time of nomi-
11 nation);

12 “(II) by substituting ‘second’ for ‘fourth’ each
13 place it appears in clause (i) with respect to one of
14 the public trustees appointed by the Speaker of the
15 House of Representatives (as designated by the
16 Speaker of the House of Representatives at the time
17 of nomination); and

18 “(III) by substituting ‘third’ for ‘fourth’ each
19 place it appears in clause (i) with respect to one of
20 the public trustees appointed by the President pro
21 tempore of the Senate (as designated by the Presi-
22 dent pro tempore of the Senate at the time of nomi-
23 nation).”;

24 (6) in subparagraph (B) (as redesignated by
25 paragraph (2))—

1 (A) by striking “the preceding fiscal year”
2 and inserting “the preceding calendar year (and
3 during the preceding fiscal year)”;

4 (B) by striking “the next ensuing five fis-
5 cal years” and inserting “the next ensuing 75
6 calendar years (and during the next ensuing 75
7 fiscal years)”;

8 (C) by inserting before the semicolon the
9 following: “(or, in any case in which the Board
10 of Trustees determines that such report will not
11 be completed by the first day of April, provide
12 written notification of the expected issue date to
13 the Committee on Ways and Means of the
14 House of Representatives and the Committee
15 on Finance of the Senate not later than the
16 first day of March, and written notification of
17 an updated expected issue date not later than
18 14 days prior to the issue date)”;

19 (7) in the matter following subparagraph (E)
20 (as redesignated by paragraph (2))—

21 (A) in the first sentence—

22 (i) by striking “the preceding fiscal
23 year” and inserting “the preceding cal-
24 endar year (and during the preceding fiscal
25 year)”;

1 (ii) by striking “the next ensuing five
2 fiscal years” and inserting “the next ensu-
3 ing 75 calendar years (and during the next
4 ensuing 75 fiscal years)”;

5 (B) by striking “are reasonable” and in-
6 serting the following: “are reasonable, along
7 with a justification by the public trustees for
8 any response by the Board of Trustees to rec-
9 ommendations from the Social Security Advi-
10 sory Board received during the previous year
11 regarding such techniques, methodologies, actu-
12 arial assumptions, and cost estimates. Such re-
13 port shall also include an assessment of the pre-
14 vious annual report made in the 1st calendar
15 year of the 10-calendar-year period ending on
16 the first day of the calendar year in which such
17 report is made comparing the projected values
18 in such previous annual report of each demo-
19 graphic and economic assumption made for
20 each of the 10 calendar years in such period
21 with the actual data available with respect to
22 each such assumption for each such calendar
23 year.”; and

24 (C) by inserting before “A person serving”
25 the following: “Such report shall also include

1 the full names of the attendees of the Trustees
2 Working Group during the report’s develop-
3 ment.”.

4 (b) EFFECTIVE DATE.—The amendments made by
5 subsection (a) shall apply with respect to public trustees
6 appointed for terms beginning after April 1, 2019, and
7 with respect to reports issued for fiscal years after 2018.

8 **SEC. 302. REVISIONS TO PROVISIONS LIMITING PAYMENT**
9 **OF BENEFITS TO FUGITIVE FELONS UNDER**
10 **TITLE II OF THE SOCIAL SECURITY ACT.**

11 (a) IN GENERAL.—

12 (1) FUGITIVE FELON WARRANT REQUIRE-
13 MENT.—Section 202(x)(1)(A)(iv) of the Social Secu-
14 rity Act (42 U.S.C. 402(x)(1)(A)(iv)) is amended—

15 (A) by striking “fleeing to avoid” and in-
16 serting “the subject of an arrest warrant for
17 the purpose of”;

18 (B) by striking “the place from which the
19 person flees” the first place it appears and in-
20 serting “the jurisdiction issuing the warrant”;
21 and

22 (C) by striking “the place from which the
23 person flees” the second place it appears and
24 inserting “the jurisdiction”.

1 (2) PROBATION AND PAROLE VIOLATOR WAR-
2 RANT REQUIREMENT.—Section 202(x)(1)(A)(v) of
3 the Social Security Act (42 U.S.C. 402(x)(1)(A)(v))
4 is amended to read as follows:

5 “(v) is the subject of an arrest war-
6 rant for violating a condition of probation
7 or parole imposed under Federal or State
8 law.”.

9 (b) EFFECTIVE DATE.—The amendments made by
10 this section shall be effective with respect to benefits pay-
11 able under the Social Security Act for months that begin
12 after the date that is 1 year following the date of the en-
13 actment of this section.

14 **SEC. 303. REAL PROPERTY ACQUIRED BY THE TRUST**
15 **FUNDS.**

16 (a) IN GENERAL.—Section 201(g) of the Social Secu-
17 rity Act (42 U.S.C. 401(g)) is amended by adding at the
18 end the following:

19 “(5)(A) Notwithstanding any other provision of law,
20 for any real property acquired using funds derived from
21 the Trust Funds—

22 “(i) the Managing Trustee shall record such
23 property as an asset of the Trust Fund from which
24 such funds were derived;

1 “(ii) any net proceeds from the disposition of
2 such property sold at any time shall be deposited in
3 such Trust Fund, to be invested by the Managing
4 Trustee in the same manner and to the same extent
5 as the other assets of such Trust Fund; and

6 “(iii) the use of such real property shall be re-
7 stricted to purposes of carrying out the duties of the
8 Commissioner as authorized by this Act and any
9 other Federal law.”.

10 (b) PROHIBITION ON USE OF TRUST FUNDS FOR
11 CERTAIN ADMINISTRATIVE COSTS.—Section 201(g)(5) of
12 the Social Security Act (42 U.S.C. 401(g)(5)), as added
13 by subsection (a), is further amended by adding at the
14 end the following:

15 “(B)(i) Funds made available for expenditure pursu-
16 ant to the authorization in this subsection may not be used
17 for the operation and maintenance of real property in
18 amounts that exceed the actual costs of such operation
19 and maintenance, including any amounts for overhead,
20 space and services, repair, replacement, or depreciation.

21 “(ii) For purposes of this subparagraph, funds made
22 available for the replacement of the National Computer
23 Center shall be deemed to be funds made available as de-
24 scribed in clause (i).”.

1 (c) ANNUAL REPORT.—Section 201(c) of the Social
 2 Security Act (42 U.S.C. 401(c)) is amended by inserting
 3 after the second sentence in the matter following para-
 4 graph (5) the following: “Such statement of assets shall
 5 include an estimate of the fair market value of all real
 6 property recorded as an asset of the Trust Funds at the
 7 end of the preceding fiscal year.”.

8 (d) EFFECTIVE DATE.—The amendments made by
 9 subsection (a) shall apply with respect to real property ac-
 10 quired using funds solely derived from the Trust Funds
 11 and disposed of on, before, or after the date of enactment
 12 of this Act.

13 **SEC. 304. REQUIRE CHILD BENEFICIARIES TO ATTEND**
 14 **SCHOOL.**

15 (a) CHILD’S BENEFITS UNDER TITLE II.—

16 (1) IN GENERAL.—Section 202(d)(1)(B)(i) of
 17 the Social Security Act (42 U.S.C. 402(d)(1)(B)(i))
 18 is amended by striking “age of 18” and inserting
 19 “applicable full-time attendance age”.

20 (2) APPLICABLE FULL-TIME ATTENDANCE
 21 AGE.—Section 202(d)(7) of such Act (42 U.S.C.
 22 402(d)(7)) is amended by adding at the end the fol-
 23 lowing:

24 “(E) The ‘applicable full-time attendance age’
 25 is—

1 “(i) the age of 18 (in the case of an indi-
2 vidual who becomes entitled to child’s insurance
3 benefits before 2019), and

4 “(ii) the age of 15 (in the case of an indi-
5 vidual who becomes entitled to child’s insurance
6 benefits in or after 2019).”.

7 (3) CONFORMING AMENDMENTS.—

8 (A) TERMINATION.—Section 202(d)(1) of
9 such Act (42 U.S.C. 402(d)(1)) is amended in
10 each of subparagraphs (E), (F), and (G) by
11 striking “age of 18” each place it appears and
12 inserting “applicable full-time attendance age”.

13 (B) REENTITLEMENT.—Section 202(d)(6)
14 of such Act (42 U.S.C. 402(d)(6)) is amended
15 by striking “age of 18” and inserting “applica-
16 ble full-time attendance age”.

17 **SEC. 305. MINIMUM MONTHLY WITHHOLDING TO RECOVER**
18 **OLD-AGE, SURVIVORS, AND DISABILITY IN-**
19 **SURANCE OVERPAYMENTS.**

20 (a) MINIMUM MONTHLY WITHHOLDING.—

21 (1) IN GENERAL.—Section 204(a)(1) of the So-
22 cial Security Act (42 U.S.C. 404(a)(1)) is amend-
23 ed—

24 (A) by redesignating subparagraph (A) as
25 clause (i) of subparagraph (A);

1 (B) in subparagraph (A)(i) (as so redesignig-
2 nated), by striking “With” and inserting “Sub-
3 ject to clause (ii), with”; and

4 (C) by adding at the end the following:

5 “(ii) If the Commissioner determines that
6 withholding the full amount of a monthly ben-
7 efit payment to which an individual is otherwise
8 entitled under this title to recover an overpay-
9 ment pursuant to this section would defeat the
10 purpose of this title, the Commissioner may
11 withhold from such payment an amount that is
12 less than such full amount but not less than 10
13 percent of such full amount.”.

14 (2) REGULATIONS.—The Commissioner of So-
15 cial Security shall prescribe such regulations and
16 make any conforming changes to regulations as the
17 Commissioner determines appropriate to carry out
18 the amendments made by this subsection.

19 (3) EFFECTIVE DATE.—The amendments made
20 by this subsection shall apply with respect to over-
21 payments established on or after the date that is 1
22 year after the date of the enactment of this section.

23 (b) ANNUAL REPORT.—

1 (1) IN GENERAL.—Section 845(c) of the Bipar-
2 tisan Budget Act of 2015 (42 U.S.C. 404 note) is
3 amended—

4 (A) in paragraph (1), by striking “and” at
5 the end;

6 (B) by redesignating paragraph (2) as
7 paragraph (3); and

8 (C) by inserting after paragraph (1) the
9 following:

10 “(2) the average length of repayment plans for
11 the recovery of such overpayments; and”.

12 (2) EFFECTIVE DATE.—The amendment made
13 by paragraph (1) shall apply with respect to the an-
14 nual report due on January 1, 2019.

15 **SEC. 306. CLARIFICATION OF THE TREATMENT OF OVER-**
16 **PAYMENTS.**

17 Section 207 of the Social Security Act (42 U.S.C.
18 407) is amended by adding at the end the following:

19 “(d)(1) The amount of any overpayment of benefits
20 to an individual under this title, and any obligation of the
21 individual to repay such overpayment, shall be determined
22 solely under this title.

23 “(2) No other provision of law, including title 11 of
24 the United States Code, may be construed to limit, super-
25 sede, or otherwise modify the provisions of this subsection

- 1 except to the extent that it does so by express reference
- 2 to this subsection.”.

○