

117TH CONGRESS  
1ST SESSION

# H. R. 4823

To help individuals receiving disability insurance benefits under title II of the Social Security Act obtain rehabilitative services and return to the workforce, and for other purposes.

---

## IN THE HOUSE OF REPRESENTATIVES

JULY 29, 2021

Mr. HILL (for himself and Mr. HUIZENGA) introduced the following bill; which was referred to the Committee on Ways and Means

---

## A BILL

To help individuals receiving disability insurance benefits under title II of the Social Security Act obtain rehabilitative services and return to the workforce, 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; TABLE OF CONTENTS.**

4       (a) SHORT TITLE.—This Act may be cited as the  
5       “Social Security Disability Insurance Return to Work  
6       Act”.

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

- Sec. 1. Short title; table of contents.  
 Sec. 2. Information relating to the Ticket to Work and Self-Sufficiency Program.  
 Sec. 3. Revising disability classifications.  
 Sec. 4. Requiring periodic continuing disability reviews for certain beneficiaries.  
 Sec. 5. Regulations related to disability classifications and CDRs.  
 Sec. 6. Time-limiting disability benefits for MIE and MIL individuals.  
 Sec. 7. Encouraging work by MIE and MIL individuals.  
 Sec. 8. Increased funding for continuing disability reviews.  
 Sec. 9. Work opportunity tax credit for hiring social security disability beneficiaries.

1 **SEC. 2. INFORMATION RELATING TO THE TICKET TO WORK**  
 2 **AND SELF-SUFFICIENCY PROGRAM.**

3 Section 1148(d) of the Social Security Act (42 U.S.C.  
 4 1320b–19(d)) is amended by adding at the end the fol-  
 5 lowing:

6 “(8) PROGRAM ADVERTISEMENT.—The Com-  
 7 missioner of Social Security shall disseminate infor-  
 8 mation relating to participation in the Program to  
 9 each disabled beneficiary at the time of such bene-  
 10 ficiary’s entitlement to benefits and every 6 months  
 11 thereafter.”.

12 **SEC. 3. REVISING DISABILITY CLASSIFICATIONS.**

13 Section 221 of the Social Security Act (42 U.S.C.  
 14 421) is amended by adding at the end the following new  
 15 subsection:

16 “(n)(1) Not later than 1 year after the date of the  
 17 enactment of this subsection, the Commissioner of Social  
 18 Security shall establish a system for classifying any indi-  
 19 vidual who is determined to be entitled to disability insur-  
 20 ance benefits under this title or to monthly benefits under

1 section 202 by reason of being under a disability in the  
2 following manner:

3           “(A) An individual shall be classified as ‘med-  
4 ical improvement expected’ if the impairment or  
5 combination of impairments causing the individual  
6 to be disabled is expected to medically improve to  
7 the point where the individual will no longer be dis-  
8 abled in 12 to 24 months.

9           “(B) An individual shall be classified as ‘med-  
10 ical improvement likely’ if the impairment or com-  
11 bination of impairments causing the individual to be  
12 disabled is expected to medically improve to the  
13 point where the individual will no longer be disabled  
14 in 25 months to 60 months.

15           “(C) An individual shall be classified as ‘med-  
16 ical improvement possible’ if the impairment or com-  
17 bination of impairments causing the individual to be  
18 disabled is not expected to medically improve to the  
19 point where the individual will no longer be disabled  
20 in 60 months, but future improvement is possible.

21           “(D) An individual shall be classified as ‘med-  
22 ical improvement not expected’ if the individual has  
23 an impairment or combination of impairments that  
24 is chronic or progressive with permanent, irreversible  
25 structural or functional loss, and for which there is

1 no known effective therapy, treatment, or surgical  
2 intervention that could result in medical improve-  
3 ment to the point where the individual is no longer  
4 disabled.

5 “(2) In classifying an individual under the system es-  
6 tablished under this subsection, the Commissioner of So-  
7 cial Security shall not classify an individual as ‘medical  
8 improvement not expected’ solely by reason of such indi-  
9 vidual’s age where a lesser classification is appropriate.

10 “(3) Notwithstanding section 205(b)(1) or subsection  
11 (c)(1) or (d) of this section, there shall be no review of,  
12 or right to appeal, a classification made under the system  
13 established under this subsection.”.

14 **SEC. 4. REQUIRING PERIODIC CONTINUING DISABILITY RE-**  
15 **VIEWS FOR CERTAIN BENEFICIARIES.**

16 (a) IN GENERAL.—Section 221(i) of the Social Secu-  
17 rity Act (42 U.S.C. 421(i)) is amended—

18 (1) by amending paragraph (1) to read as fol-  
19 lows:

20 “(1)(A) In the case of any individual who has not  
21 attained age 63, is determined to be under a disability,  
22 and is classified as ‘medical improvement possible’ or  
23 ‘medical improvement not expected’, the applicable State  
24 agency or the Commissioner of Social Security (as may

1 be appropriate) shall, for purposes of determining such in-  
2 dividual’s continuing disability—

3           “(i) if the individual is classified as ‘medical im-  
4           provement possible’, conduct a review to determine  
5           whether the individual remains under a disability  
6           during the 5th year following the first month after  
7           the individual’s waiting period (as defined in section  
8           223(c)(2)); and

9           “(ii) if the individual is classified as ‘medical  
10          improvement not expected’, conduct a review to de-  
11          termine whether the individual remains under a dis-  
12          ability during the 10th year following the first  
13          month after the individual’s waiting period (as so  
14          defined).

15          “(B) In addition to the continuing disability reviews  
16          required under subparagraph (A) and notwithstanding  
17          how an individual is classified under the system estab-  
18          lished by the Commissioner of Social Security under sub-  
19          section (n), if the Commissioner has reason to believe that  
20          an individual that has been determined to be under a dis-  
21          ability is not under a disability, the Commissioner may  
22          review such individual’s case at such time and in such  
23          manner as the Commissioner determines appropriate ex-  
24          cept that the Commissioner shall not initiate a review on

1 the basis of income earned by an individual who is a par-  
2 ticipant in the process established under section 223(l).

3 “(C) Reviews of cases which are required or per-  
4 mitted under this paragraph shall be in addition to, and  
5 shall not be considered as a substitute for, any other re-  
6 views which are required or provided for under or in the  
7 administration of this title.”;

8 (2) by striking paragraph (2); and

9 (3) by redesignating paragraphs (3) through  
10 (5) as paragraphs (2) through (4), respectively.

11 (b) STANDARD OF REVIEW FOR CONTINUING DIS-  
12 ABILITY REVIEWS.—

13 (1) IN GENERAL.—Section 223(f) of the Social  
14 Security Act (42 U.S.C. 423(f)) is amended—

15 (A) in paragraph (4), by striking the pe-  
16 riod at the end and inserting “; or”;

17 (B) by inserting after paragraph (4) the  
18 following new paragraph:

19 “(5) in the case of a continuing disability re-  
20 view under section 221(i), evidence that would be  
21 sufficient to support a finding in an initial deter-  
22 mination that the individual is not under a disability  
23 and is able to engage in substantial gainful activ-  
24 ity.”; and

1           (C) in the flush matter at the end, by in-  
2           serting “, except that, in the case of a con-  
3           tinuing disability review under section 221(i),  
4           the Commissioner shall not consider the fact  
5           that an individual is engaged in substantial  
6           gainful work as part of the process established  
7           under subsection (1) as evidence that the indi-  
8           vidual is able to engage in substantial gainful  
9           activity” after “secured by the Commissioner of  
10          Social Security”.

11          (2) CONFORMING AMENDMENT TO DEFINITION  
12          OF DISABILITY.—Section 223(d)(2) of the Social Se-  
13          curity Act (42 U.S.C. 423(d)(2)) is amended—

14                 (A) in subparagraph (A), by striking “An  
15                 individual” and inserting “Subject to subpara-  
16                 graph (D), an individual”; and

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

19                 “(D) In the case of a continuing disability re-  
20                 view under section 221(i), an individual may be  
21                 found to be under a disability even though the indi-  
22                 vidual is engaged in substantial gainful work as part  
23                 of the process established under subsection (1).”.

1 **SEC. 5. REGULATIONS RELATED TO DISABILITY CLASSI-**  
 2 **FICATIONS AND CDRS.**

3 The Commissioner of Social Security shall promul-  
 4 gate or revise, as appropriate, regulations relating to the  
 5 determination, classification, and review of the disability  
 6 status of individuals who apply for or receive disability in-  
 7 surance benefits under title II of the Social Security Act  
 8 and related provisions of agency guidance to carry out sec-  
 9 tion 3 and the amendments made by section 4.

10 **SEC. 6. TIME-LIMITING DISABILITY BENEFITS FOR MIE AND**  
 11 **MIL INDIVIDUALS.**

12 Section 223 of the Social Security Act (42 U.S.C.  
 13 423) is amended—

14 (1) in subsection (a)(1), in the flush language  
 15 after and below subparagraph (E), by striking “sub-  
 16 section (e)” and inserting “subsections (e) and (k)”;  
 17 and

18 (2) by adding at the end the following new sub-  
 19 section:

20 “Time-Limited Disability Benefits

21 “(k)(1) In the case of an individual who files an appli-  
 22 cation for disability insurance benefits under this section  
 23 or for monthly benefits under section 202 by reason of  
 24 being under a disability for any month that begins on or  
 25 after the date that is 1 year after the date of the enact-  
 26 ment of the Social Security Disability Insurance Return



1 to Work Act, is determined to be under a disability, and  
2 is classified by the Commissioner of Social Security as  
3 ‘medical improvement expected’ or ‘medical improvement  
4 likely’, the termination month applicable to the individual  
5 shall be—

6           “(A) if the individual has been classified as  
7           ‘medical improvement expected’, the 23rd month fol-  
8           lowing the first month after the individual’s waiting  
9           period (as defined in subsection (c)(2)); or

10           “(B) if the individual has been classified as  
11           ‘medical improvement likely’, the 59th month fol-  
12           lowing the first month after the individual’s waiting  
13           period (as so defined).

14           “(2)(A)(i) For purposes of this paragraph, the term  
15           ‘timely reapplication’ means an application for disability  
16           insurance benefits under this section or for monthly bene-  
17           fits under section 202 by reason of being under a disability  
18           that is submitted—

19           “(I) by an individual who is a recipient of such  
20           benefits; and

21           “(II) during the period that is 14 months be-  
22           fore the end of the termination month applicable (or  
23           most recently applicable) to the individual under  
24           paragraph (1) as of the date of such application and

1 ending with the date that is 12 months before the  
2 end of such termination month.

3 “(ii) Notwithstanding clause (i), the Commissioner of  
4 Social Security may deem an application for disability in-  
5 surance benefits under this section or for monthly benefits  
6 under section 202 by reason of being under a disability  
7 submitted by an individual who is a recipient of such bene-  
8 fits that is submitted after the period described in clause  
9 (i)(II) to be a timely reapplication if—

10 “(I) the individual can show good cause for why  
11 the application was not submitted during such pe-  
12 riod; and

13 “(II) the application is submitted not later than  
14 6 months before the end of the termination month  
15 applicable (or most recently applicable) to the indi-  
16 vidual under paragraph (1) as of the date of such  
17 application.

18 “(B)(i) An individual who submits a timely reapplica-  
19 tion and who is determined to be under a disability shall  
20 be deemed to have satisfied the waiting period applicable  
21 under subsection (c)(2).

22 “(ii)(I) If the Commissioner of Social Security fails  
23 to make an initial determination with respect to the timely  
24 reapplication of an individual who is a recipient of dis-  
25 ability insurance benefits under this section or monthly

1 benefits under section 202 by reason of being under a dis-  
2 ability before the end of the termination month applicable  
3 to the individual as of the date of such reapplication, such  
4 individual shall continue to be entitled to such benefits  
5 until an initial determination with respect to such timely  
6 reapplication is made.

7       “(II) If the Commissioner of Social Security makes  
8 an initial adverse determination with respect to the timely  
9 reapplication of an individual who is a recipient of dis-  
10 ability insurance benefits under this section or monthly  
11 benefits under section 202 by reason of being under a dis-  
12 ability and such individual files a timely request for a  
13 hearing under section 221(d), such individual may elect  
14 to have the payment of such benefits (as well as any other  
15 benefits payable under this title or title XVIII on the basis  
16 of such individual’s entitlement to such benefits) continue  
17 in the same manner and subject to the same conditions  
18 as an election made under subsection (g).

19       “(C) For purposes of reviewing a timely reapplication  
20 submitted by an individual who is a recipient of disability  
21 insurance benefits under this section or monthly benefits  
22 under section 202 by reason of being under a disability—

23               “(i) the fact that the individual was previously  
24 found to be under a disability shall have no evi-  
25 dentiary weight;

1           “(ii) the fact that the individual participated in  
2           the process established under subsection (l) may be  
3           taken into account for purposes of determining  
4           whether such individual is under a disability; and  
5           “(iii) subsection (f) shall not apply.”.

6 **SEC. 7. ENCOURAGING WORK BY MIE AND MIL INDIVID-**  
7 **UALS.**

8           (a) IN GENERAL.—Section 223 of the Social Security  
9 Act (42 U.S.C. 423), as amended by section 6, is further  
10 amended—

11           (1) in subsection (a)(2), by striking “section  
12           202(q) and section 215(b)(2)(A)(ii)” and inserting  
13           “subsection (l) and sections 202(q) and  
14           215(b)(2)(A)(ii)”;

15           (2) by adding at the end the following new sub-  
16 section:

17           “Treatment of Work Performed by Certain Disabled  
18    Individuals

19           “(l)(1) The Commissioner of Social Security shall es-  
20 tablish a process whereby an eligible individual who is enti-  
21 tled to a disability insurance benefit under this section  
22 may elect to return to employment and receive an adjusted  
23 disability insurance benefit amount (as determined pursu-  
24 ant to paragraph (3)).

1           “(2)(A) For purposes of this subsection, the term ‘eli-  
2   gible individual’ means an individual who has been classi-  
3   fied as ‘medical improvement expected’ or ‘medical im-  
4   provement likely’.

5           “(B) Participation by an eligible individual in the  
6   process established under this subsection shall be sus-  
7   pended if such individual has no reported wages or self-  
8   employment income for the 4 preceding calendar quarters  
9   (as defined in section 213(a)(1)).

10          “(3)(A) For purposes of subsection (a)(2), the  
11   amount of the disability insurance benefit provided to an  
12   eligible individual who has elected to return to employment  
13   for any month shall be equal to—

14               “(i) in the case of an individual who has aver-  
15            age monthly earnings (as determined under subpara-  
16            graph (B)) equal to or less than the level of monthly  
17            earnings established by the Commissioner to rep-  
18            resent substantial gainful activity, the amount other-  
19            wise applicable for such individual under subsection  
20            (a)(2); or

21               “(ii) in the case of an individual who has aver-  
22            age monthly earnings (as determined under subpara-  
23            graph (B)) that are in excess of the level of monthly  
24            earnings established by the Commissioner to rep-  
25            resent substantial gainful activity, the amount of the

1 disability insurance benefit that would otherwise  
2 apply for such individual under subsection (a)(2) re-  
3 duced (but not below zero) by an amount equal to  
4 50 percent of the excess of such individual's average  
5 monthly earnings over the level of monthly earnings  
6 established by the Commissioner to represent sub-  
7 stantial gainful activity.

8 “(B)(i) The average monthly earnings for an eligible  
9 individual shall be equal to the quotient of—

10 “(I) the total amount of wages and self-employ-  
11 ment income for such individual in any eligible  
12 months during the 2 calendar quarters (as defined  
13 in section 213(a)(1)) that precede the most recently  
14 completed calendar quarter; and

15 “(II) the total number of eligible months during  
16 such 2-calendar-quarter period.

17 “(ii) For purposes of clause (i), the term ‘eligible  
18 month’ means any month subsequent to the month in  
19 which an eligible individual became entitled to a disability  
20 insurance benefit.

21 “(4) For purposes of paragraph (3)(B), wages and  
22 self-employment income of an individual shall be deter-  
23 mined based on relevant information for such individual  
24 as provided by the State agency responsible for the admin-  
25 istration of State unemployment compensation law.

1       “(5) For purposes of an eligible individual who has  
2 elected to return to employment under this subsection, any  
3 services performed or earnings derived from services dur-  
4 ing the period of such participation shall not be considered  
5 for purposes of demonstrating an individual’s ability to en-  
6 gage in substantial gainful activity under subsection (d)(4)  
7 and shall not be considered substantial gainful activity for  
8 purposes of subsection (e).

9       “(6) For purposes of this title, the disability insur-  
10 ance benefit received by an individual under this sub-  
11 section shall not be applied for purposes of determining  
12 any monthly benefits payable to any other individuals enti-  
13 tled to benefits for any month based on the wages and  
14 self-employment income of such individual.”.

15       (b)       CONFORMING       AMENDMENT.—Section  
16 221(m)(2)(B) of the Social Security Act (42 U.S.C.  
17 421(m)(2)(B)) is amended by inserting “(unless such indi-  
18 vidual is participating in the process established under  
19 section 223(l))” before the period.

20       (c) EFFECTIVE DATE.—The amendments made by  
21 this section shall apply to benefits payable for months be-  
22 ginning on or after April 1, 2022.

1 **SEC. 8. INCREASED FUNDING FOR CONTINUING DISABILITY**  
2 **REVIEWS.**

3 Notwithstanding any other provision of law, for any  
4 calendar year after 2021—

5 (1) the Commissioner of Social Security shall  
6 determine the amount of any reduction in expendi-  
7 tures from the Federal Disability Insurance Trust  
8 Fund (as defined in section 201(b) of the Social Se-  
9 curity Act (42 U.S.C. 401(b))) during the preceding  
10 calendar year by reason of the provisions of this Act  
11 and the amendments made by this Act; and

12 (2) 10 percent of the amount determined under  
13 paragraph (1) shall be authorized to be made avail-  
14 able from the Federal Disability Insurance Trust  
15 Fund for continuing disability reviews (as defined in  
16 section 201(g)(1)(A) of the Social Security Act (42  
17 U.S.C. 401(g)(1)(A))).

18 **SEC. 9. WORK OPPORTUNITY TAX CREDIT FOR HIRING SO-**  
19 **CIAL SECURITY DISABILITY BENEFICIARIES.**

20 (a) IN GENERAL.—Section 51(d) of the Internal Rev-  
21 enue Code of 1986 is amended—

22 (1) in paragraph (1)—

23 (A) in subparagraph (I), by striking “or”;

24 (B) in subparagraph (J), by striking the  
25 period and inserting “, or”; and

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



1           “(K) a qualified social security disability  
2 insurance beneficiary.”; and

3           (2) by adding at the end the following:

4           “(16) QUALIFIED SOCIAL SECURITY DISABILITY  
5 INSURANCE BENEFICIARY.—The term ‘qualified so-  
6 cial security disability insurance beneficiary’ means  
7 any individual who is certified by the designated  
8 local agency as being entitled to disability insurance  
9 benefits under title II of the Social Security Act for  
10 any month ending within the 60-day period ending  
11 on the hiring date.”.

12          (b) EFFECTIVE DATE.—The amendments made by  
13 subsection (a) shall apply to individuals who begin work  
14 for the employer after December 31, 2021.

○