

103<sup>D</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. R. 648

To amend title II of the Social Security Act to provide that, in determining whether an individual applying for or receiving benefits based on disability is engaging in substantial gainful activity, a portion of the cost of acquiring a van which is specially equipped for the individual's disability and which the individual needs for transportation to work shall be excluded from amounts treated as such individual's earnings, and to make conforming changes in title XVI.

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## IN THE HOUSE OF REPRESENTATIVES

JANUARY 27, 1993

Mr. JACOBS introduced the following bill; which was referred to the Committee on Ways and Means

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## A BILL

To amend title II of the Social Security Act to provide that, in determining whether an individual applying for or receiving benefits based on disability is engaging in substantial gainful activity, a portion of the cost of acquiring a van which is specially equipped for the individual's disability and which the individual needs for transportation to work shall be excluded from amounts treated as such individual's earnings, and to make conforming changes in title XVI.

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

1 **SECTION 1. EXCLUSION FROM EARNINGS OF PORTION OF**  
2 **COST OF VAN NECESSARY FOR TRANSPOR-**  
3 **TATION TO WORK IN DETERMINING ABILITY**  
4 **TO ENGAGE IN SUBSTANTIAL GAINFUL AC-**  
5 **TIVITY.**

6 (a) BENEFITS UNDER TITLE II.—Section 223(d)(4)  
7 of the Social Security Act (42 U.S.C. 423(d)(4)) is amend-  
8 ed—

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

10 (2) by adding at the end the following new sub-  
11 paragraph:

12 “(B) A van which is specially equipped for the indi-  
13 vidual’s disability and which the individual needs for  
14 transportation to work shall be treated as equipment re-  
15 ferred to in subparagraph (A), except that the cost of the  
16 van taken into account for purposes of subparagraph (A)  
17 shall consist of—

18 “(i) 100 percent of the cost of modifications ne-  
19 cessitated by the individual’s disability, plus

20 “(ii) the lesser of 50 percent of the remaining  
21 cost of the van or \$12,000.

22 The Secretary shall prescribe regulations providing for ap-  
23 propriate allocation over time of the costs referred to in  
24 this subparagraph.”.

25 (b) BENEFITS UNDER TITLE XVI.—

1           (1) EXCLUSIONS FROM INCOME.—Section  
2           1612(b)(4)(B)(ii) of such Act (42 U.S.C.  
3           1382a(b)(4)(B)(ii)) is amended—

4                   (A) by inserting “(I)” after “except that”;

5                   and

6                   (B) by inserting after “prescribe,” the fol-  
7                   lowing: “and (II) the provisions of section  
8                   223(d)(4)(B) shall apply with respect to this  
9                   clause in the same manner and to the same ex-  
10                  tent as such provisions apply with respect to  
11                  section 223(d)(4)(A),”.

12           (2) DETERMINATION OF SUBSTANTIAL GAINFUL  
13           ACTIVITY.—Section 1614(a)(3)(D) of such Act (42  
14           U.S.C. 1382c(a)(3)(D)) is amended—

15                   (A) in the second sentence, by inserting  
16                   “(i)” after “except that”; and

17                   (B) by striking “prescribe.” and inserting  
18                   the following: “prescribe, and (ii) the provisions  
19                   of section 223(d)(4)(B) shall apply with respect  
20                   to this subparagraph in the same manner and  
21                   to the same extent as such provisions apply  
22                   with respect to section 223(d)(4)(A).”.

1 **SEC. 2. EFFECTIVE DATE.**

2       The amendments made by section 1 shall apply with  
3 respect to vans purchased on or after the date of the en-  
4 actment of this Act.

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