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To amend title XVI of the Social Security Act to require periodic reapplications with respect to the continued receipt of supplemental security income benefits, to require that the administrative criteria regarding mental impairments be modified, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JUNE 30, 1995

Mr. BASS (for himself, Mr. BARTLETT of Maryland, Mr. BARTON of Texas, Ms. DANNER, Mr. DAVIS, Mr. KLUG, Mr. SMITH of Michigan, Mr. SOUDER, Mr. STOCKMAN, Mr. KASICH, Mr. SOLOMON, and Mr. HOSTETTLER) introduced the following bill; which was referred to the Committee on Ways and Means

A BILL

To amend title XVI of the Social Security Act to require periodic reapplications with respect to the continued receipt of supplemental security income benefits, to require that the administrative criteria regarding mental impairments be modified, 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.**

4 This Act may be cited as the “SSI Disability Benefits
5 Reform Act of 1995”.

1 **SEC. 2. REAPPLICATION REQUIREMENTS FOR ADULTS RE-**
2 **CEIVING SSI BENEFITS BY REASON OF DIS-**
3 **ABILITY.**

4 (a) IN GENERAL.—Section 1614(a)(3)(G) of the So-
5 cial Security Act (42 U.S.C. 1382c(a)(3)(G)) is amend-
6 ed—

7 (1) by inserting “(i)” after “(G)”; and

8 (2) by adding at the end the following clause:

9 “(ii) In the case of an individual who has attained
10 18 years of age and for whom a determination has been
11 made of eligibility for a benefit under this title by reason
12 of disability, the following applies:

13 “(I) Subject to the provisions of this clause, the
14 determination of eligibility is effective for the 3-year
15 period beginning on the date of the determination,
16 and the eligibility of the individual lapses unless a
17 determination of continuing eligibility is made before
18 the end of such period, and before the end of each
19 subsequent 3-year period. This subclause ceases to
20 apply to the individual upon the individual attaining
21 65 years of age. This subclause does not apply to
22 the individual if the individual has an impairment
23 that is not expected to improve (or a combination of
24 impairments that are not expected to improve).

25 “(II) With respect to a determination under
26 subclause (I) of whether the individual continues to

1 be eligible for the benefit (in this clause referred to
2 as a 'redetermination'), the Commissioner may not
3 make the redetermination unless the individual sub-
4 mits to the Commissioner an application requesting
5 the redetermination. If such an application is sub-
6 mitted, the Commissioner shall make the redeter-
7 mination. This subclause is subject to subclause (V).

8 “(III) If as of the date on which this clause
9 takes effect the individual has been receiving the
10 benefit for three years or less, the first period under
11 subclause (I) for the individual is deemed to end on
12 the expiration of the period beginning on the date on
13 which this clause takes effect and continuing
14 through a number of months equal to 12 plus a
15 number equal to 36 minus the number of months
16 the individual has been receiving the benefit.

17 “(IV) If as of the date on which this clause
18 takes effect the individual has been receiving the
19 benefit for five years or less, but for more than three
20 years, the first period under subclause (I) for the in-
21 dividual is deemed to end on the expiration of the
22 1-year period beginning on the date on which this
23 clause takes effect.

24 “(V) If as of the date on which this clause
25 takes effect the individual has been receiving the

1 benefit for more than five years, the Commissioner
2 shall make redeterminations under subclause (I) and
3 may not require the individual to submit applica-
4 tions for the redeterminations. The first 3-year pe-
5 riod under subclause (I) for the individual is deemed
6 to begin upon the expiration of the period beginning
7 on the date on which this clause takes effect and
8 ending upon the termination of a number of years
9 equal to the lowest number (greater than zero) that
10 can be obtained by subtracting the number of years
11 that the individual has been receiving the benefit
12 from a number that is a multiple of three.

13 “(VI) If the individual first attains 18 years of
14 age on or after the date on which this clause takes
15 effect, the first 3-year period under subclause (I) for
16 the individual is deemed to end on the date on which
17 the individual attains such age.

18 “(VII) Not later than one year prior to the date
19 on which a determination under subclause (I) ex-
20 pires, the Commissioner shall (except in the case of
21 an individual to whom subclause (V) applies) provide
22 to the individual a written notice explaining the ap-
23 plicability of this clause to the individual, including
24 an explanation of the effect of failing to submit the
25 application. If the individual submits the application

1 not later than 180 days prior to such date and the
2 Commissioner does not make the redetermination
3 before such date, the Commissioner shall continue to
4 provide the benefit pending the redetermination and
5 shall publish in the Federal Register a notice that
6 the Commissioner was unable to make the redeter-
7 mination by such date.

8 “(VIII) If the individual fails to submit the ap-
9 plication under subclause (II) by the end of the ap-
10 plicable period under subclause (I), the individual
11 may apply for a redetermination. The Commissioner
12 shall make the redetermination for the individual
13 only after making redeterminations for individuals
14 for whom eligibility has not lapsed pursuant to
15 subclause (I).”.

16 (b) EFFECTIVE DATE.—The amendment made by
17 subsection (a) takes effect upon the expiration of the 9-
18 month period beginning on the date of the enactment of
19 this Act.

20 (c) CONFORMING REPEAL.—Section 207 of the So-
21 cial Security Independence and Program Improvements
22 Act of 1994 (42 U.S.C. 1382 note; 108 Stat. 1516) is
23 hereby repealed.

1 **SEC. 3. STRIKING OF RESTRICTIONS REGARDING DETER-**
2 **MINATION OF INELIGIBILITY.**

3 Section 1614(a) of the Social Security Act (42 U.S.C.
4 1382c(a)) is amended by striking paragraph (4).

5 **SEC. 4. NARROWING OF SSI ELIGIBILITY ON BASIS OF MEN-**
6 **TAL IMPAIRMENTS.**

7 (a) **IN GENERAL.**—Section 1614(a)(3)(A) of the So-
8 cial Security Act (42 U.S.C. 1382c(a)(3)(A)) is amend-
9 ed—

10 (1) by inserting “(i)” after “(3)(A)”; and

11 (2) by adding at the end the following clause:

12 “(ii) In making determinations under clause (i) re-
13 garding the severity of mental impairments, the Secretary
14 shall revise the regulations under subpart P of part 404
15 of title 20, Code of Federal Regulations in order to accom-
16 plish the result that (relative to such regulations as in ef-
17 fect prior to the date on which this clause takes effect)
18 the growth in the enrollment of the program under this
19 title on the basis of mental impairments is slowed. The
20 final rule issued pursuant to the preceding sentence ap-
21 plies to individuals without regard to whether the individ-
22 uals were receiving benefits under this title prior to the
23 effective date of such rule.”.

24 (b) **FINAL REGULATIONS.**—The final rule for the
25 regulations required in subsection (a) shall be issued be-
26 fore the expiration of the 9-month period beginning on the

- 1 date of the enactment of this Act, and shall take effect
- 2 upon the expiration of such period.

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