

104TH CONGRESS  
2D SESSION

# H. R. 4039

To make technical and clarifying amendments to recently enacted provisions relating to titles II and XVI of the Social Security Act and to provide for a temporary extension of demonstration project authority in the Social Security Administration.

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## IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 10, 1996

Mr. BUNNING of Kentucky (for himself and Mr. JACOBS) introduced the following bill; which was referred to the Committee on Ways and Means

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## A BILL

To make technical and clarifying amendments to recently enacted provisions relating to titles II and XVI of the Social Security Act and to provide for a temporary extension of demonstration project authority in the Social Security Administration.

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 “Social Security Mis-  
5 cellaneous Amendments Act of 1996”.

1 **SEC. 2. TECHNICAL AMENDMENTS RELATING TO DRUG AD-**  
2 **ICTS AND ALCOHOLICS.**

3 (a) CLARIFICATIONS RELATING TO THE EFFECTIVE  
4 DATE OF THE DENIAL OF DISABILITY BENEFITS TO  
5 DRUG ADDICTS AND ALCOHOLICS.—

6 (1) AMENDMENTS RELATING TO DISABILITY  
7 BENEFITS UNDER TITLE II.—Section 105(a)(5) of  
8 the Contract with America Advancement Act of  
9 1996 (Public Law 104–121; 110 Stat. 853) is  
10 amended—

11 (A) in subparagraph (A), by striking “by  
12 the Commissioner of Social Security” and “by  
13 the Commissioner”; and

14 (B) by adding at the end the following new  
15 subparagraph:

16 “(D) For purposes of this paragraph, an  
17 individual’s claim, with respect to benefits  
18 under title II of the Social Security Act based  
19 on disability, which has been denied in whole  
20 before the date of the enactment of this Act,  
21 may not be considered to be finally adjudicated  
22 before such date if, on or after such date—

23 “(i) there is pending a request for ei-  
24 ther administrative or judicial review with  
25 respect to such claim, or

1           “(ii) there is pending, with respect to  
2           such claim, a readjudication by the Com-  
3           missioner of Social Security pursuant to  
4           relief in a class action or implementation  
5           by the Commissioner of a court remand  
6           order.”.

7           (2) AMENDMENTS RELATING TO SUPPLE-  
8           MENTAL SECURITY INCOME DISABILITY BENEFITS  
9           UNDER TITLE XVI.—Section 105(b)(5) of such Act  
10          (Public Law 104–121; 110 Stat. 853) is amended—

11           (A) in subparagraph (A), by striking “by  
12           the Commissioner of Social Security” and “by  
13           the Commissioner”; and

14           (B) by adding at the end the following new  
15           subparagraph:

16           “(D) For purposes of this paragraph, an  
17           individual’s claim, with respect to supplemental  
18           security income benefits under title XVI of the  
19           Social Security Act based on disability, which  
20           has been denied in whole before the date of the  
21           enactment of this Act, may not be considered to  
22           be finally adjudicated before such date if, on or  
23           after such date—

1                   “(i) there is pending a request for ei-  
2                   ther administrative or judicial review with  
3                   respect to such claim, or

4                   “(ii) there is pending, with respect to  
5                   such claim, a readjudication by the Com-  
6                   missioner of Social Security pursuant to  
7                   relief in a class action or implementation  
8                   by the Commissioner of a court remand  
9                   order.”.

10           (b) CORRECTIONS TO EFFECTIVE DATE OF PROVI-  
11           SIONS CONCERNING REPRESENTATIVE PAYEES AND  
12           TREATMENT REFERRALS OF DRUG ADDICTS AND ALCO-  
13           HOLICS.—

14                   (1) AMENDMENTS RELATING TO TITLE II DIS-  
15                   ABILITY BENEFICIARIES.—Section 105(a)(5)(B) of  
16                   such Act (Public Law 104–121; 110 Stat. 853) is  
17                   amended to read as follows:

18                           “(B) The amendments made by para-  
19                           graphs (2) and (3) shall take effect on July 1,  
20                           1996, with respect to any individual—

21                                   “(i) whose claim for benefits is finally  
22                                   adjudicated on or after the date of the en-  
23                                   actment of this Act, or

1                   “(ii) whose entitlement to benefits is  
2                   based upon an entitlement redetermination  
3                   made pursuant to subparagraph (C).”.

4                   (2) AMENDMENTS RELATING TO SUPPLE-  
5                   MENTAL SECURITY INCOME RECIPIENTS.—Section  
6                   105(b)(5)(B) of such Act (Public Law 104–121; 110  
7                   Stat. 853) is amended to read as follows:

8                   “(B) The amendments made by para-  
9                   graphs (2) and (3) shall take effect on July 1,  
10                  1996, with respect to any individual—

11                  “(i) whose claim for benefits is finally  
12                  adjudicated on or after the date of the en-  
13                  actment of this Act, or

14                  “(ii) whose eligibility for benefits is  
15                  based upon an eligibility redetermination  
16                  made pursuant to subparagraph (C).”.

17                  (c) REPEAL OF OBSOLETE REPORTING REQUIRE-  
18                  MENTS.—Subsections (a)(3)(B) and (b)(3)(B)(ii) of sec-  
19                  tion 201 of the Social Security Independence and Program  
20                  Improvements Act of 1994 (Public Law 103–296; 108  
21                  Stat. 1497, 1504) are repealed.

22                  (d) EFFECTIVE DATES.—

23                  (1) The amendments made by subsections (a)  
24                  and (b) shall be effective as though they had been  
25                  included in the enactment of section 105 of the Con-

1       tract with America Advancement Act of 1996 (Pub-  
2       lic Law 104–121; 110 Stat. 852 et seq.).

3               (2) The repeals made by subsection (c) shall  
4       take effect on the date of the enactment of this Act.

5       **SEC. 3. CLARIFICATION REGARDING REVIEW OF DETER-**  
6                       **MINATIONS BY STATE DISABILITY DETER-**  
7                       **MINATION SERVICES.**

8       Section 221(d) of the Social Security Act (42 U.S.C.  
9       421(d)) is amended—

10               (1) by inserting “(1)” after “(d)”; and

11               (2) by adding at the end the following new  
12       paragraph:

13       “(2) No determination under this section shall be re-  
14       viewed by any person, tribunal, or governmental agency,  
15       except as provided in paragraph (1).”.

16       **SEC. 4. EXTENSION OF DISABILITY INSURANCE PROGRAM**  
17                       **DEMONSTRATION PROJECT AUTHORITY.**

18       (a) IN GENERAL.—Section 505 of the Social Security  
19       Disability Amendments of 1980 (Public Law 96–265; 94  
20       Stat. 473), as amended by section 12101 of the Consoli-  
21       dated Omnibus Budget Reconciliation Act of 1985 (Public  
22       Law 99–272; 100 Stat. 282), section 10103 of the Omni-  
23       bus Budget Reconciliation Act of 1989 (Public Law 101–  
24       239; 103 Stat. 2472), section 5120(f) of the Omnibus  
25       Budget Reconciliation Act of 1990 (Public Law 101–508;

1 104 Stat. 1388–282), and section 315 of the Social Secu-  
2 rity Independence and Program Improvements Act of  
3 1994 (Public Law 103–296; 108 Stat. 1531), is further  
4 amended—

5 (1) in paragraph (1) of subsection (a), by strik-  
6 ing “Secretary of Health and Human Services” and  
7 inserting “Commissioner of Social Security”, and by  
8 adding at the end the following new sentence: “The  
9 Commissioner may expand the scope of any such ex-  
10 periment or demonstration project to include any  
11 group of applicants for benefits under such program  
12 with impairments which may reasonably be pre-  
13 sumed to be disabling for purposes of such experi-  
14 ment or demonstration project, and may limit any  
15 such experiment or demonstration project to any  
16 such group of applicants, subject to the terms of  
17 such experiment or demonstration project which  
18 shall define the extent of any such presumption.”;

19 (2) in paragraph (3) of subsection (a), by strik-  
20 ing “Secretary” each place it appears and inserting  
21 “Commissioner”, and by striking “June 10, 1996”  
22 and inserting “June 10, 1997”;

23 (3) in paragraph (4) of subsection (a), by strik-  
24 ing “Secretary” each place it appears and inserting

1 “Commissioner”, and by inserting “and on or before  
2 October 1, 1996,” after “1995,”; and

3 (4) in subsection (c), by striking “Secretary”  
4 and inserting “Commissioner”, and by striking “Oc-  
5 tober 1, 1996” and inserting “October 1, 1997”.

6 (b) EFFECTIVE DATE.—The amendments made by  
7 subsection (a) shall take effect on the date of the enact-  
8 ment of this Act.

9 **SEC. 5. PERFECTING AMENDMENTS RELATED TO WITH-**  
10 **HOLDING FROM SOCIAL SECURITY BENEFITS.**

11 (a) INAPPLICABILITY OF ASSIGNMENT PROHIBI-  
12 TION.—Section 207 of the Social Security Act (42 U.S.C.  
13 407) is amended by adding at the end the following new  
14 subsection:

15 “(c) Nothing in this section shall be construed to pro-  
16 hibit withholding taxes from any benefit under this title,  
17 if such withholding is done pursuant to a request made  
18 in accordance with section 3402(p)(1) of the Internal Rev-  
19 enue Code of 1986 by the person entitled to such benefit.”.

20 (b) PROPER ALLOCATION OF COSTS OF WITHHOLD-  
21 ING BETWEEN THE TRUST FUNDS AND THE GENERAL  
22 FUND.—Section 201(g) of such Act (42 U.S.C. 401(g))  
23 is amended—

24 (1) by inserting before the period in paragraph  
25 (1)(A)(ii) the following: “and the functions of the

1 Social Security Administration in connection with  
2 the withholding of taxes from benefits, as described  
3 in section 207(c), pursuant to requests by persons  
4 entitled to such benefits”;

5 (2) by inserting before the period at the end of  
6 paragraph (1)(A) the following: “and the functions  
7 of the Social Security Administration in connection  
8 with the withholding of taxes from benefits, as de-  
9 scribed in section 207(c), pursuant to requests by  
10 persons entitled to such benefits”;

11 (3) in paragraph (1)(B)(i)(I), by striking “sub-  
12 paragraph (A)),” and inserting “subparagraph (A))  
13 and the functions of the Social Security Administra-  
14 tion in connection with the withholding of taxes from  
15 benefits, as described in section 207(c), pursuant to  
16 requests by persons entitled to such benefits,”;

17 (4) in paragraph (1)(C)((iii), by inserting be-  
18 fore the period the following: “and the functions of  
19 the Social Security Administration in connection  
20 with the withholding of taxes from benefits, as de-  
21 scribed in section 207(c), pursuant to requests by  
22 persons entitled to such benefits”;

23 (5) in paragraph (1)(D), by inserting after  
24 “section 232” the following: “and the functions of  
25 the Social Security Administration in connection

1 with the withholding of taxes from benefits as de-  
 2 scribed in section 207(c)”; and

3 (6) in paragraph (4), by inserting after the first  
 4 sentence the following: “The Boards of Trustees of  
 5 such Trust Funds shall prescribe before January 1,  
 6 1997, the method of determining the costs which  
 7 should be borne by the general fund in the Treasury  
 8 of carrying out the functions of the Social Security  
 9 Administration in connection with the withholding of  
 10 taxes from benefits, as described in section 207(c),  
 11 pursuant to requests by persons entitled to such  
 12 benefits.”.

13 **SEC. 6. TREATMENT OF PRISONERS.**

14 (a) IMPLEMENTATION OF PROHIBITION AGAINST  
 15 PAYMENT OF TITLE II BENEFITS TO PRISONERS.—

16 (1) IN GENERAL.—Section 202(x)(3) of the So-  
 17 cial Security Act (42 U.S.C. 402(x)(3)) is amend-  
 18 ed—

19 (A) by inserting “(A)” after “(3)”; and

20 (B) by adding at the end the following new  
 21 subparagraph:

22 “(B)(i) The Commissioner shall enter into an agree-  
 23 ment, with any interested State or local institution com-  
 24 prising a jail, prison, penal institution, correctional facil-  
 25 ity, or other institution a purpose of which is to confine

1 individuals as described in paragraph (1)(A), under  
2 which—

3           “(I) the institution shall provide to the Com-  
4           missioner, on a monthly basis and in a manner spec-  
5           ified by the Commissioner, the names, social security  
6           account numbers, dates of birth, confinement com-  
7           mencement dates, and, to the extent available to the  
8           institution, such other identifying information con-  
9           cerning the individuals confined in the institution as  
10          the Commissioner may require for the purpose of  
11          carrying out paragraph (1); and

12          “(II) except as provided in clause (ii), the Com-  
13          missioner shall pay to the institution, with respect to  
14          information described in subclause (I) concerning  
15          each individual who is confined therein as described  
16          in paragraph (1)(A), to whom a benefit under this  
17          title is payable for the month preceding the first  
18          month of such confinement, and whose benefit under  
19          this title ceases to be payable as a result of the ap-  
20          plication of this subsection, \$400 (subject to reduc-  
21          tion under clause (iii)) if the institution furnishes  
22          the information to the Commissioner within 30 days  
23          after the date such individual’s confinement in such  
24          institution begins, or \$200 (subject to reduction  
25          under clause (iii)) if the institution furnishes the in-

1       formation after 30 days after such date but within  
2       90 days after such date.

3       “(ii) No amount shall be payable to an institution  
4 with respect to information concerning an individual under  
5 an agreement entered into under clause (i) if, prior to the  
6 Commissioner’s receipt of the information, the Commis-  
7 sioner has determined that benefits under this title are  
8 no longer payable to such individual as a result of the ap-  
9 plication of this subsection.

10       “(iii) The dollar amounts specified in clause (i)(II)  
11 shall be reduced by 50 percent if the Commissioner is also  
12 required to make a payment to the institution with respect  
13 to the same individual under an agreement entered into  
14 under section 1611(e)(1)(I).

15       “(iv) There shall be transferred from the Federal  
16 Old-Age and Survivors Insurance Trust Fund and the  
17 Federal Disability Insurance Trust Fund, as appropriate,  
18 such sums as may be necessary to enable the Commis-  
19 sioner to make payments to institutions required by clause  
20 (i)(II). Sums so transferred shall be treated as direct  
21 spending for purposes of the Balanced Budget and Emer-  
22 gency Deficit Control Act of 1985.

23       “(v) The Commissioner is authorized to provide, on  
24 a reimbursable basis, information obtained pursuant to  
25 agreements entered into under clause (i) to any Federal

1 or federally assisted cash, food, or medical assistance pro-  
2 gram for eligibility purposes.”.

3 (2) EFFECTIVE DATE.—The amendments made  
4 by this subsection shall apply as if included in the  
5 enactment of section 203(a) of the Personal Respon-  
6 sibility and Work Opportunity Reconciliation Act of  
7 1996.

8 (b) ELIMINATION OF TITLE II REQUIREMENT THAT  
9 CONFINEMENT STEM FROM CRIME PUNISHABLE BY IM-  
10 PRISONMENT FOR MORE THAN 1 YEAR.—

11 (1) IN GENERAL.—Section 202(x)(1)(A) of such  
12 Act (42 U.S.C. 402(x)(1)(A)) is amended—

13 (A) in the matter preceding clause (i), by  
14 striking “during” and inserting “throughout”;

15 (B) in clause (i), by striking “an offense  
16 punishable by imprisonment for more than 1  
17 year (regardless of the actual sentence im-  
18 posed)” and inserting “a criminal offense”; and

19 (C) in clause (ii)(I), by striking “an of-  
20 fense punishable by imprisonment for more  
21 than 1 year” and inserting “a criminal of-  
22 fense”.

23 (2) EFFECTIVE DATE.—The amendments made  
24 by this subsection shall be effective with respect to  
25 benefits payable for months after February 1997.

1 (c) INCLUSION OF TITLE II ISSUES IN STUDY AND  
2 REPORT REQUIREMENTS RELATING TO PRISONERS.—

3 (1) Section 203(b)(1) of the Personal Respon-  
4 sibility and Work Opportunity Reconciliation Act of  
5 1996 (Public Law 104–193) is amended—

6 (A) in subparagraph (A), by striking “sec-  
7 tion 1611(e)(1)” and inserting “sections 202(x)  
8 and 1611(e)(1)”; and

9 (B) in subparagraph (B), by striking “sec-  
10 tion 1611(e)(1)(I)” and inserting “section  
11 202(x)(3)(B) or 1611(e)(1)(I)”.

12 (2) Section 203(c) of such Act is amended by  
13 striking “section 1611(e)(1)(I)” and all that follows  
14 and inserting the following: “sections 202(x)(3)(B)  
15 and 1611(e)(1)(I) of the Social Security Act.”.

16 (3) The amendments made by paragraph (1)  
17 shall apply as if included in the enactment of section  
18 203(b) of the Personal Responsibility and Work Op-  
19 portunity Reconciliation Act of 1996 (Public Law  
20 104–193). The amendments made by paragraph (2)  
21 shall apply as if included in the enactment of section  
22 203(c) of such Act.

23 (d) CONFORMING TITLE XVI AMENDMENTS.—

24 (1) PRECLUSION OF TITLE XVI PAYMENT WHEN  
25 INFORMATION FURNISHED BY AN INSTITUTION IS

1 ALREADY KNOWN BY THE COMMISSIONER.—Section  
2 1611(e)(1)(I) of such Act (as added by section  
3 203(a)(1) of the Personal Responsibility and Work  
4 Opportunity Reconciliation Act of 1996 (Public Law  
5 104–193)) is amended—

6 (A) in clause (i)(II), by inserting “except  
7 as provided in clause (ii),” after “(II)”;

8 (B) by redesignating clauses (ii) and (iii)  
9 as clauses (iv) and (v), respectively; and

10 (C) by inserting after clause (i) the follow-  
11 ing new clause:

12 “(ii) No amount shall be payable to an institution  
13 with respect to information concerning an inmate under  
14 an agreement entered into under clause (i) if, prior to the  
15 Commissioner’s receipt of the information, the Commis-  
16 sioner has determined that the inmate is no longer an eli-  
17 gible individual or eligible spouse for purposes of this title  
18 as a result of the application of this paragraph.”.

19 (2) FIFTY PERCENT REDUCTION IN TITLE XVI  
20 PAYMENT IN CASE INVOLVING COMPARABLE TITLE II  
21 PAYMENT.—Section 1611(e)(1)(I) of such Act (as  
22 amended by paragraph (1)) is amended further—

23 (A) in clause (i)(II), by inserting “(subject  
24 to reduction under clause (iii))” after “\$400”  
25 and after “\$200”; and

1 (B) by inserting after clause (ii) the follow-  
2 ing new clause:

3 “(iii) The dollar amounts specified in clause (i)(II)  
4 shall be reduced by 50 percent if the Commissioner is also  
5 required to make a payment to the institution with respect  
6 to the same individual under an agreement entered into  
7 under section 202(x)(3)(B).”.

8 (3) EXPANSION OF CATEGORIES OF INSTITU-  
9 TIONS ELIGIBLE TO ENTER INTO AGREEMENTS WITH  
10 THE COMMISSIONER.—Section 1611(e)(1)(I)(i) of  
11 such Act (as added by section 203(a)(1) of the Per-  
12 sonal Responsibility and Work Opportunity Rec-  
13 onciliation Act of 1996 (Public Law 104–193)) is  
14 amended in the matter preceding subclause (I) by  
15 striking “institution” and all that follows through  
16 “section 202(x)(1)(A),” and inserting “institution  
17 comprising a jail, prison, penal institution, or correc-  
18 tional facility, or with any other interested State or  
19 local institution a purpose of which is to confine in-  
20 dividuals as described in section 202(x)(1)(A)(ii),”.

21 (4) TECHNICAL CORRECTION.—Section  
22 1611(e)(1)(I)(i)(II) of such Act (as amended by the  
23 preceding provisions of this subsection) is amended  
24 further by striking “subparagraph” and inserting  
25 “paragraph”.

1           (5) EFFECTIVE DATE.—The amendments made  
2           by this subsection shall apply as if included in the  
3           enactment of section 203(a) of the Personal Respon-  
4           sibility and Work Opportunity Reconciliation Act of  
5           1996 (Public Law 104–193). The reference to sec-  
6           tion 202(x)(1)(A)(ii) of the Social Security Act in  
7           section 1611(e)(1)(I)(i) of such Act as amended by  
8           paragraph (3) shall be deemed a reference to such  
9           section 202(x)(1)(A)(ii) as amended by subsection  
10          (b)(1)(C).

11          (e) EXEMPTION FROM COMPUTER MATCHING RE-  
12          QUIREMENTS.—

13           (1) IN GENERAL.—Section 552a(a)(8)(B) of  
14          title 5, United States Code, is amended—

15                   (A) by striking “or” at the end of clause  
16                   (vi);

17                   (B) by adding “or” at the end of clause  
18                   (vii); and

19                   (C) by inserting after clause (vii) the fol-  
20          lowing new clause:

21                           “(viii) matches performed pursuant to  
22                           section 202(x) or 1611(e)(1) of the Social  
23                           Security Act;”.

24           (2) CONFORMING AMENDMENT.—Section  
25          1611(e)(1)(I)(iv) of the Social Security Act (as

1 added by section 203(a)(1) of the Personal Respon-  
2 sibility and Work Opportunity Reconciliation Act of  
3 1996 (Public Law 104–193) and redesignated by  
4 subsection (b)(1)) is amended further by striking  
5 “(I) The Commissioner” and all that follows through  
6 “(II) The Commissioner” and inserting “The Com-  
7 missioner”.

8 (3) EFFECTIVE DATE.—The amendments made  
9 by this subsection shall take effect on the date of the  
10 enactment of this Act.

○