

105TH CONGRESS
2D SESSION

H. R. 3459

To amend title XVI of the Social Security Act to require the medical improvement standard to be used in redetermining the eligibility of 18-year-olds for supplemental security income benefits by reason of disability, and to allow funds in dedicated savings accounts to be used for food, clothing, shelter, utility, and personal items of a child.

IN THE HOUSE OF REPRESENTATIVES

MARCH 12, 1998

Mr. RUSH (for himself, Mr. WAXMAN, and Mr. MARTINEZ) 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 the medical improvement standard to be used in redetermining the eligibility of 18-year-olds for supplemental security income benefits by reason of disability, and to allow funds in dedicated savings accounts to be used for food, clothing, shelter, utility, and personal items of a child.

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 “Disabled Children’s
5 Fairness Act of 1998”.

1 **SEC. 2. USE OF MEDICAL IMPROVEMENT STANDARD IN SSI**
2 **DISABILITY ELIGIBILITY REDETERMINA-**
3 **TIONS FOR 18-YEAR-OLDS.**

4 (a) IN GENERAL.—Section 1613(a)(3)(H)(iii) of the
5 Social Security Act (42 U.S.C. 1382e(a)(3)(H)(iii)) is
6 amended to read as follows:

7 “(iii) If an individual is eligible for benefits under this
8 title by reason of disability for the month preceding the
9 month in which the individual attains the age of 18 years,
10 the Commissioner shall redetermine such eligibility—

11 “(I) during the 1-year period beginning on the
12 individual’s 18th birthday or, in lieu of a continuing
13 disability review, whenever the Commissioner deter-
14 mines that an individual’s case is subject to a rede-
15 termination under this clause; and

16 “(II) by applying paragraph (4).”.

17 (b) APPLICABILITY.—The amendment made by sub-
18 section (a) shall apply to redeterminations made on or
19 after the date of the enactment of this Act.

20 **SEC. 3. USE OF DEDICATED SAVINGS ACCOUNT FUNDS FOR**
21 **FOOD, CLOTHING, SHELTER, UTILITY, AND**
22 **PERSONAL ITEMS OF DISABLED CHILDREN.**

23 (a) IN GENERAL.—Section 1631(a)(2)(F)(ii)(II) of
24 the Social Security Act (42 U.S.C. 1383(a)(2)(F)(ii)(II))
25 is amended—

26 (1) by striking “or” at the end of item (ff);

1 (2) by redesignating item (gg) as item (hh) and
2 inserting after item (ff) the following:

3 “(gg) food, clothing, shelter, utility, or personal
4 items; or”; and

5 (3) by striking “(gg),” and inserting “(hh),”.

6 (b) APPEAL RIGHTS.—Section 1631(c)(1)(A) of such
7 Act (42 U.S.C. 1383(c)(1)(A)) is amended by inserting
8 after the 3rd sentence the following: “The Commissioner
9 of Social Security shall provide reasonable notice and op-
10 portunity for a hearing and review to an eligible individual
11 or eligible spouse (or the representative payee for an eligi-
12 ble individual or eligible spouse) who is in disagreement
13 with any determination to disallow an expense from an
14 account established for the eligible individual or eligible
15 spouse (or by the representative payee) under subsection
16 (a)(2)(F), if the eligible individual or eligible spouse (or
17 the representative payee) requests a hearing or review on
18 the matter in disagreement within sixty days after notice
19 of such determination is received, and, if a hearing or re-
20 view is held, shall, on the basis of evidence adduced at
21 the hearing or review affirm, modify, or reverse his find-
22 ings of fact and such decision. A determination described
23 in the preceding sentence shall be considered to be an ini-
24 tial determination for purposes of any further administra-
25 tive action.”.

1 (c) APPLICABILITY.—The amendments made by sub-
2 section (a) shall apply to expenditures made before, on,
3 or after the date of the enactment of this Act.

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