A letter from the Secretary of Labor, transmitting a report on the evaluation of the pilot program of off-campus work authorization for foreign students—pursuant to Public Law 101–667, Section 22(b) (104 Stat. 5028), to the Committee on the Judiciary.

A letter from the Secretary of Health and Human Services, transmitting a report on participation, assignment, and extra billing in the Medicare Program, jointly, to the Committees on Ways and Means and Energy and Commerce.

1994

HOUSE OF REPRESENTATIVES

195.4 MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate also passed without amendment joint resolutions and a concurrent resolution of the House of the following titles:

H.J. Res. 131. Joint resolution, designating December 7 of each year as 'National Pearl Harbor Remembrance Day'

H.J. Res. 175. Joint resolution designating October 1993 and October 1994 as 'Italian-American Heritage and Culture Month'; and

H.J. Res. 223. Concurrent resolution, providing for the printing of eulogies, eulogies, and funeral services for the late President of the United States, Richard M. Nixon.

The message also announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 2218. An Act to provide authorization of appropriations for the Federal Emergency Food and Shelter Program for fiscal years 1995 and 1996.

The message also announced that the Senate agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 4426), making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 1995.

The message also announced that the Senate agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 4453), making appropriations for military construction for the Department of Defense for the fiscal year ending September 30, 1995, and for other purposes.

The message also announced that the Senate agreed to the amendments of the Senate to the amendments of the House to the concurrent resolution (Sec. 305), to authorize the printing of the book entitled 'The Cornerstones of the U.S. Capitol.'

95.5 SOCIAL SECURITY ADMINISTRATION REFORM

Mr. JACOBS, pursuant to the order of the House of August 5, 1994, called up the following conference report (Rept. No. 103–670):

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 4277), to establish the Social Security Administration as an independent agency and to make other improvements in the old-age, survivors, and disability insurance program, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment, insert the following:

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the 'Social Security Independence and Program Improvements Act of 1994.'

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

Title I—Establishment of the Social Security Administration as an Independent Agency

Title II—Establishment of Social Security Administration as an independent agency

Title III—Miscellaneous Provisions

Title IV—Miscellaneous Provisions

Sec. 1. Short title and table of contents.

Title I—Establishment of the Social Security Administration as an Independent Agency

Sec. 101. Establishment of Social Security Administration as an independent agency.

Sec. 102. Commissioner and Deputy Commissioner; other officers.

Sec. 103. Social Security Advisory Board.

Sec. 104. Personnel; budgetary matters; seal of office.

Sec. 105. Transfers to the new Social Security Administration.

Sec. 106. Transfers of functions.

Sec. 107. Conforming amendments to titles II and VI of the Social Security Act.

Sec. 108. Additional conforming amendments.


Sec. 110. Effective dates.

Title II—Program Improvements Relating to OASDI and SSI

Sec. 201. Restrictions on payment of benefits based on disability to substance abusers.


Sec. 203. Regulations regarding completion of plans for achieving self-support.

Sec. 204. Social security for students temporarily abroad.

Sec. 205. Disregard of cost-of-living increases for continued eligibility for work incentives.

Sec. 206. Expansion of the authority of the Social Security Administration to prevent, detect, and terminate fraudulent claims for OASDI and SSI benefits.

Sec. 207. Disability review required for SSI recipients who are 18 years of age or older.

Sec. 208. Continuing disability reviews.

Sec. 209. Exemption from adjustment in pass-along requirements.

Title III—Miscellaneous Program Improvements

Sec. 301. Issuance of physical documents in the form of bonds, notes, or certificates to the social security trust funds.

Sec. 302. GAO study regarding telephone access to local offices of the Social Security Administration.

Sec. 303. Expansion of State option to exclude service of election officials or election workers from purposes of public or private employer tax liability.

Sec. 304. Use of social security numbers by States and local governments and Federal district courts for jury selection purposes.

Sec. 305. Authorization for all States to extend coverage to State and local police and fire fighters under existing coverage agreements.

Sec. 306. Limited exemption for Canadian ministers from certain self-employment tax liability.

Sec. 307. Exclusion of totalization benefits from the application of the windfall elimination provision.

Sec. 308. Exclusion of military reservists from application of the government pension offset and windfall elimination provisions.

Sec. 309. Repeal of the facility-of-payment provision.

Sec. 310. Maximum family benefits in guaranteed cases.

Sec. 311. Authorization for disclosure of social security information for purposes of public or private epidepidemiological and similar research.

Sec. 312. Misuse of symbols, emblems, or names in reference to Social Security Administration, Department of Health and Human Services, and Department of the Treasury.

Sec. 313. Increased penalties for unauthorized disclosure of social security information.

Sec. 314. Increase in authorized period for extension of time to file annual earnings report.

Sec. 315. Extension of disability insurance program demonstration project authority.

Sec. 316. Cross-matching of social security account number information and employer identification number information maintained by the Department of Agriculture.

Sec. 317. Certain transfers to railroad retirement account trust fund.

Sec. 318. Authorization for use of social security account numbers by States and local governments and Federal district courts for jury selection purposes.

Sec. 319. Coverage under FICA of Federal employees transferred temporarily to international organizations.

Sec. 320. Extension of the FICA tax exemption and de minimus rule to individuals who enter the United States under a visa issued under section 101 of the Immigration and Nationality Act.
TITLE I—ESTABLISHMENT OF THE SOCIAL SECURITY ADMINISTRATION AS AN INDEPENDENT AGENCY.

SEC. 101. ESTABLISHMENT OF SOCIAL SECURITY ADMINISTRATION AS AN INDEPENDENT AGENCY.

Section 701 of the Social Security Act (42 U.S.C. 903) is amended to read as follows: "SOCIAL SECURITY ADMINISTRATION

"Sec. 701. (a) There is hereby established, as an independent agency in the executive branch of the Government, a Social Security Administration (in this title referred to as the 'Administration').

"(b) It shall be the duty of the Administration to administer the old-age, survivors, and disability insurance program under title II and the supplemental security income program under title XVI.

SEC. 102. COMMISSIONER AND DEPUTY COMMISSIONER; OTHER OFFICERS.

Section 702 of the Social Security Act (42 U.S.C. 902) is amended to read as follows: "COMMISSIONER; DEPUTY COMMISSIONER; OTHER OFFICERS.

"Commissioner of Social Security

"Sec. 702. (a)(1) There shall be in the Administration a Commissioner of Social Security (in this title referred to as the 'Commissioner') who shall be appointed by the President, by and with the advice and consent of the Senate.

"(2) The Commissioner shall be compensated at the rate provided for level I of the Executive Schedule.

"(3) The Commissioner shall be appointed for a term of 6 years, except that the initial term of the Commissioner shall terminate January 19, 2001. In any case in which a successor does not take office at the end of a Commissioner's term of office, such Commissioner may continue in office until the entry upon office of such successor.

"(4) The Commissioner shall perform such duties and exercise such powers as the Commissioner shall from time to time assign. The Commissioner shall be the principal advisor to the Administration during the absence or disability of the Commissioner and, unless the President shall otherwise provide, shall have the power to act for the Administration during the absence or disability of the Commissioner by appointment of the President to perform the duties of the Commissioner.

"Deputy Commissioner

"(c) There shall be in the Administration a Deputy Commissioner appointed by the Commissioner in accordance with section 901(2) of title 31, United States Code.

"(d) The Deputy Commissioner shall perform the duties and exercise the powers of the Commissioner to the extent necessary or appropriate to carry out the functions of the Administration. The functions assigned to the Deputy Commissioner by the Commissioner shall be subject to the rulemaking procedures established under section 553 of title 5, United States Code.

"(e) The Deputy Commissioner shall be responsible for the exercise of all powers and the discharge of all duties of the Administration and shall have authority and control over all personnel and activities thereof.

"(f) The Commissioner may prescribe such rules and regulations as are necessary or appropriate to carry out the functions of the Administration, the regulations prescribed by the Commissioner shall be subject to the rulemaking procedures established under section 553 of title 5, United States Code."

SEC. 103. SOCIAL SECURITY ADVISORY BOARD.

Section 703 of the Social Security Act (42 U.S.C. 903) is amended to read as follows: "SOCIAL SECURITY ADVISORY BOARD

"Establishment of Board

"Sec. 703. (a) There shall be established a Social Security Advisory Board (in this section referred to as the 'Board').

"Functions of the Board

"(b) On and after the date the Board takes office, the Board shall advise the Commissioner with respect to how the old-age, survivors, and disability insurance program under title II and the supplemental security income program under title XVI are, by reason of their education, experience, and good judgment, and shall be individuals who are, by reason of their education, experience, and attainments, exceptionally qualified to perform the duties of members of the Board.

"Terms of Appointment

"(d) Each member of the Board shall serve for a term of 6 years, except that—

"(1) a member appointed to a term of office before the commencement of such term may serve under such appointment only for the remainder of such term; and

"(2) the terms of the members initially appointed under this section shall begin on October 1, 1994, and expire as follows:

"(i) 2 years;

"(ii) 4 years; and

"(iii) 6 years.

"(B) 2 members (each member from a different political party) shall be appointed by the Speaker of the House of Representatives, with the advice and consent of the Chairman and the Ranking Minority Member of the House Committee on Ways and Means.

"(2) The members shall be chosen on the basis of their integrity, impartiality, and good judgment, and shall be individuals who are, by reason of their education, experience, and attainments, exceptionally qualified to perform the duties of members of the Board.

"Chairman

"(e) A member of the Board shall be designated by the President to serve as Chairman for a term of 4 years, coincident with..."
the term of the President, or until the designation of a successor.

"Expenses and Per Diem"

"(f) Members of the Board shall serve without compensation, except that, while serving on business of the Board away from their homes or regular places of business, members may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5 of United States Code, for persons in the Government employed intermittently.

"Meetings"

"(g)(1) The Board shall meet at the call of the Commissioner, and shall be constituted from the other members of the Board) not less than 4 times each year to consider a specific agenda of issues, as determined by the Chairman in consultation with the other members of the Board.

"(2) Four members of the Board (not more than 3 of whom may be of the same political party) shall constitute a quorum for purposes of conducting business.

"Federal Advisory Committee Act"

"(h) The Board shall be exempt from the provisions of the Federal Advisory Committee Act (5 U.S.C. App.).

"Personnel"

"(i) The Board shall, without regard to the provisions of title 5, United States Code, relating to the competitive service, appoint a Staff Director who shall be paid at a rate equivalent to a rate established for the Senior Executive Service under section 5302 of title 5, United States Code. The Board shall appoint such additional personnel as the Board deems necessary to provide adequate clerical support for the Board, and may compensate such additional personnel without regard to the provisions of title 5, United States Code, relating to the competitive service.

"Authorization of Appropriations"

"(j) There are authorized to be appropriated, out of the Federal Disability Insurance Trust Fund, the Federal Old-Age and Survivors Insurance Trust Fund, and the general fund of the Treasury, such sums as are necessary to carry out the purposes of this section.

SEC. 104. PERSONNEL; BUDGETARY MATTERS; SEAL OF OFFICE.

(a) In General.—Section 704 of the Social Security Act (42 U.S.C. 904) is amended to read as follows:

"ADMINISTRATIVE DUTIES OF THE COMMISSIONER"

"Personnel"

"Sec. 704. (a)(1) The Commissioner shall appoint such additional officers and employees as the Commissioner considers necessary to carry out the functions of the Administration under this Act, and appoint such additional officers and employees as the Commissioner considers necessary to carry out the functions of the Department of Health and Human Services, including functions of the Administrator for Health and Human Services, as of immediately before the date of the enactment of the Social Security Independence and Program Improvement Act of 1994 to the extent that the greater number of such authorized positions is specified in the comprehensive work force plan as established and revised by the Commissioner under subsection (b)(2). The total number of such positions authorized for the Administration shall not at any time be less than the number of such authorized positions as of immediately before such date.

"Budgetary Matters"

"(b)(1) The Commissioner shall prepare an annual budget for the Administration, which shall be submitted by the President to the Congress without revision, together with the President’s annual budget for the Administration.

"(2) Appropriations requests for staffing and personnel of the Administration shall be based upon a comprehensive work force plan, which shall be established and reviewed from time to time by the Commissioner.

"(3) Appropriations for administrative expenses of the Administration are authorized to be provided in each fiscal year.

"Employment Restriction"

"(c) The total number of positions in the Administration (other than positions established under section 702) which are held by noncareer appointees (within the meaning of section 332a(7) of title 5, United States Code) in the Senior Executive Service, or positions which are held by the President or the Office of Personnel Management to be of a confidential, policy-determining, policy-making, or policy-advocating character and which shall be established and revised from time to time by the Commissioner, shall not at any time exceed 20 full-time positions.

"Seal of Office"

"(d) The Commissioner shall cause a seal of office to be made for the Administration of such design as the Commissioner shall approve. Judicial notice shall be taken of such seal.

"Data Exchanges"

"(e)(1) Notwithstanding any other provision of law (including section 5 of title 5, United States Code), the Commissioner shall have the authority to make and administer agreements as may be necessary and appropriate for the purpose of exchanging information and data with the Commissioner in connection with such programs. Such agreement shall stipulate the terms and conditions under which the data are to be provided.

"(2) The Commissioner shall, to the extent that is practicable, effect exchanges of information not referred to in paragraph (1) and (2) and shall enter into such agreements as may be necessary and appropriate to provide for the exchange of information and data with the Commissioner in connection with such programs and activities the administration of which is vested in the Social Security Administration.

"(3) The Commissioner shall allocate resources and such other authority as the Commissioner deems necessary to implement agreements as may be necessary and appropriate for the purpose of exchanging information and data with the Commissioner in connection with such programs and activities the administration of which is vested in the Social Security Administration.

"(4)(A) Any disclosure from a system of records, including matching programs, between the Commissioner and the Secretary shall be made pursuant to the provisions of title 5, United States Code, relating to the competitive service.

"(B) Any computerized comparison of records, including matching programs, between the Commissioner and the Secretary shall be made pursuant to the provisions of title 5, United States Code, relating to the competitive service.

"Employment Restriction"

"(c) The total number of positions in the Administration (other than positions established under section 702) which are held by noncareer appointees (within the meaning of section 332a(7) of title 5, United States Code) in the Senior Executive Service, or positions which are held by the President or the Office of Personnel Management to be of a confidential, policy-determining, policy-making, or policy-advocating character and which shall be established and revised from time to time by the Commissioner, shall not at any time exceed 20 full-time positions.

"Seal of Office"

"(d) The Commissioner shall cause a seal of office to be made for the Administration of such design as the Commissioner shall approve. Judicial notice shall be taken of such seal.

"Data Exchanges"

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"(3) The Commissioner shall allocate resources and such other authority as the Commissioner deems necessary to implement agreements as may be necessary and appropriate for the purpose of exchanging information and data with the Commissioner in connection with such programs.

"(4)(A) Any disclosure from a system of records, including matching programs, between the Commissioner and the Secretary shall be made pursuant to the provisions of title 5, United States Code, relating to the competitive service.

"(B) Any computerized comparison of records, including matching programs, between the Commissioner and the Secretary shall be made pursuant to the provisions of title 5, United States Code, relating to the competitive service.

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"(4)(A) Any disclosure from a system of records, including matching programs, between the Commissioner and the Secretary shall be made pursuant to the provisions of title 5, United States Code, relating to the competitive service.

"(B) Any computerized comparison of records, including matching programs, between the Commissioner and the Secretary shall be made pursuant to the provisions of title 5, United States Code, relating to the competitive service.
tions relating to titles XVIII and XIX of the Social Security Act (including adjudications, subject to final decisions by the Secretary of Health and Human Services), that the Social Security Administration in such Department performed as of immediately before the date of the enactment of this Act, and
(ii) to any other agency for which administrative responsibility was vested in the Social Security Administration in the Department of Health and Human Services under such Act, before the date of the enactment of this Act.

(B) RULES GOVERNING CONTINUATION OF FUNCTIONS IN THE ADMINISTRATION.—The Social Security Administration shall perform functions on behalf of the Secretary of Health and Human Services (or the head of any other agency, as applicable), the functions described in subparagraph (A) in accordance with the same financial and other terms in effect on the day before the date of the enactment of this Act, except that the Commissioner and the Secretary (or other agency head, as applicable) agree to alter such terms pertaining to any such function to the performance by the Social Security Administration of any such function.

(ii) in the case of personnel whose duty station is in the Washington, District of Columbia, commuting area immediately before March 31, 1995.

(4) COMPENSATION FOR INITIAL OFFICERS AND OFFICIALS.—In the case of personnel whose duty station is in the Washington, District of Columbia, commuting area immediately before March 31, 1995.
were exercised by the Secretary of Health and Human Services (or the Secretary's delegate), and (B) which relate to functions which, by reason of this title, the amendments made thereby, and regulations prescribed thereunder, are vested in the Commissioner of Social Security; and (2) which are in effect immediately before March 31, 1995, shall (to the extent that they relate to functions described in paragraph (1)(B)) continue in effect until modified, terminated, suspended, set aside, or repealed by such Commissioner, except that any collective bargaining agreement shall remain in effect until the date of termination specified in such agreement.

(c) Continuation of Proceedings.—The provisions of this title (including the amendments made thereby) shall not affect any proceeding pending before the Secretary of Health and Human Services immediately before March 31, 1995, with respect to functions vested (or, if vested, the term immediately preceding the term modified, terminated, suspended, set aside, or repealed by such Commissioner, except that any collective bargaining agreement shall remain in effect until the date of termination specified in such agreement).

(g) Exercise of Functions.—In the exercise of the functions vested in the Commissioner of Social Security under this title, the amendments made thereby, and regulations prescribed thereunder, such Commissioner shall have the same authority as that vested in the Secretary of Health and Human Services under this title to make such regulations, interpret the provisions of this title, and perform the duties described in paragraph (4) of section 202 of such Act (42 U.S.C. 402), as the case may be, and for that purpose shall have such powers and authority as are necessary and proper to carry out the provisions of this title, and shall be subject to the provisions of this title, and shall perform all other duties and functions of the Commissioner of Social Security described in this title.

(1) Subsections (a)(3), (a)(4), (b)(1), and (b)(2) of section 201 of such Act (42 U.S.C. 401) are amended by striking "Secretary of Health and Human Services" and inserting "Commissioner of Social Security".

(ii) the Secretary of Health and Human Services' responsibilities under this title, title XVI, and title XVIII for which the Secretary of Health and Human Services is responsible, the costs of title XVIII for which the Secretary of Health and Human Services is responsible, and the costs of carrying out the functions of the Social Security Administration, specified in section 232, which are the administrative provisions of the Internal Revenue Code of 1986 (other than those referred to in clause (i) of the first sentence of subparagraph (A)), which shall have been borne by the general fund of the Treasury.

(II) the portion of such costs which should have been borne by the Federal Old-Age and Survivors Insurance Trust Fund.

(iii) the portion of such costs which should have been borne by the Federal Disability Insurance Trust Fund,

(iv) the portion of such costs which should have been borne by the Federal Hospital Insurance Trust Fund.

(ii) the portion of such costs which should have been borne by the Federal Disability Insurance Trust Fund,

(iii) the portion of such costs which should have been borne by the Federal Hospital Insurance Trust Fund,

(iv) the portion of such costs which should have been borne by the Federal Disability Insurance Trust Fund,

(iv) the portion of such costs which should have been borne by the Federal Disability Insurance Trust Fund,

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(xxix) the portion of such costs which should have been borne by the Federal Disability Insurance Trust Fund,

(xxx) the portion of such costs which should have been borne by the Federal Disability Insurance Trust Fund,
(c) AMENDMENT TO SECTION 231.—Section 231 of such Act (42 U.S.C. 431(c)) is amended by striking "Secretary determines" and inserting "Commissioner determines" and inserting "Commissioner of Social Security and the Secretary jointly determine".

(SEC. 108. ADDITIONAL CONFORMING AMENDMENTS.)

(a) AMENDMENTS TO TITLE VII.—

(1) Title VII of the Social Security Act (42 U.S.C. 901 et seq.) is amended by adding at the end the following new section:

"DUTIES AND AUTHORITY OF SECRETARY "Sec. 7. The Secretary shall perform the duties imposed upon the Secretary by this Act. The Secretary is authorized to appoint and fix the compensation of such officers and employees, and to make such expenditures as may be necessary for carrying out the functions of the Secretary under this Act. The Secretary shall consult with representatives of the beneficiaries and experts without regard to the civil service laws."

(2) Title 706 of such Act (42 U.S.C. 907) is repealed. This title shall not apply with respect to the Advisory Council for Social Security appointed in 1993.

(3) Paragraph (2) of section 706(b) of such Act (42 U.S.C. 907a(b)) is amended by striking "(as estimated by the Secretary)" and inserting "(for amounts which will be paid from the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund, as estimated by the Commissioner, and for amounts which will be paid from the Federal Hospital Insurance Trust Fund and the Federal Supplementary Medical Insurance Trust Fund, as estimated by the Secretary)."

(b) AMENDMENTS TO TITLE XI.—

(1) Section 1101(a) of such Act (42 U.S.C. 1301(a)) is amended by adding at the end the following new paragraph:

"(10) 'Administrations' means the Social Security Administration, except where the context requires otherwise.".

(2) Section 1106(a) of such Act (42 U.S.C. 1306(a)) is amended—

(A) by inserting "(1)" after "(a)";

(B) by striking "Department of Health and Human Services" each place it appears and inserting "Social Security Administration";

(C) by striking "Secretary" each place it appears and inserting "head of the applicable agency";

(D) by adding at the end the following new paragraph:

"For purposes of this subsection and subsection (b), the term 'applicable agency' means—

"'[A] the Social Security Administration, with respect to matter transmitted to or obtained such Administration or matter disclosed by such Administration, or

'[B] the Department of Health and Human Services, with respect to matter transmitted to or obtained by the Department or matter disclosed by such Department."

(3) Section 1106(b) of such Act (42 U.S.C. 1306(b)) is amended by striking "Secretary" each place it appears and inserting "head of the applicable agency";

(4) Section 1106(c) of such Act (42 U.S.C. 1306(c)) is amended by striking "Secretary" each place it appears and inserting "head of the applicable agency";

(5) Section 1106(d) of such Act (42 U.S.C. 1306(d)) is amended by striking "Secretary" each place it appears and inserting "Commissioner of Social Security"; and

(6) Section 1107(b) of such Act (42 U.S.C. 1307(b)) is amended by striking "the Secretary" and inserting "the Commissioner of Social Security or the Secretary".

(7) Section 1110 of such Act (42 U.S.C. 1310) is amended—

(A) by striking "he", "his", and "him" each place they appear (except in subsection (b)(2)(A) and inserting "the Commissioner", "the Commissioner’s", and "the Commissioner", respectively;

(B) in subsection (a), by inserting "(or the Commissioner, with respect to any jointly administered cooperative agreement or grant concerning titles II or XVI) " after "Secretary";

(C) in subsection (b)(1), by striking "Secretary" each place it appears in the first two sentences and inserting "Commissioner";

(ii) by striking in the third sentence "determined by the Secretary with respect to the old-age, survivors, and disability insurance programs under title II and the supplementary security income program under title XVI, and by the Secretary with respect to other titles of this Act.;" and

(iii) by striking the fourth sentence and inserting the following thereof: If, in order to carry out a project under this subsection, the Commissioner requests a State to make supplementary payments (or the Commissioner makes the demonstration agreement under section 1636) to individuals who are not eligible therefor, or in amounts or under circumstances in which the State does not make such payments, the Commissioner shall reimburse such State for the non-Federal share of such payments from amounts appropriated to carry out title XVI. If, in order to carry out a project under this subsection, the Commissioner requests a State to provide medical assistance under its plan approved under title XIX to individuals who are eligible therefor, or in amounts or under circumstances in which the State does not provide such medical assistance, the Secretary shall reimburse such State for the non-Federal share of such assistance from amounts appropriated to carry out title XVI, which shall be provided by the Commissioner to the Secretary for this purpose.

(D) in subsection (b)(2), by striking paragraph (b)(2) and inserting the following:

"(2) Subsections (b) and (c) of section 1127 of such Act (42 U.S.C. 1320a–6) are each amended by striking "Secretary" and inserting "Commissioner of Social Security".

(9) Section 1128(f) of such Act (42 U.S.C. 1328a–6(f)) is amended—

(A) in paragraph (1), by adding after "section 205(g)" the following: "., except that, in so applying such sections and section 205(i), any reference therein to the Commissioner of Social Security Administration shall be considered a reference to the Commissioner of Social Security Administration or the Commissioner in consultation with the Secretary of Health and Human Services; and

(B) in paragraph (3), by inserting after "title II" the following: "., except that, in so applying such section and section 205(i), any reference therein to the Commissioner of So-
[snip]
tioner of Social Security'' after “the Secretary”.

(g) AMENDMENTS TO TITLE 14, UNITED STATES CODE.—Section 707(e)(3) of title 14, United States Code, is amended—

(1) by striking “Secretary of Health and Human Services” each place it appears and inserting “Commissioner of Social Security”;

(2) by section 262(b)(10)(B) of such Code is amended by striking “Secretary of Health and Human Services” each place it appears and inserting “Commissioner of Social Security”;

(3) Section 3127 of such Code is amended by striking “Secretary of Health and Human Services” each place it appears and inserting “Commissioner of Social Security”;

(4) Section 6050F(c)(3)(A) of such Code is amended by striking “Secretary of Health and Human Services” and inserting “Commissioner of Social Security”;

(5) Subsections (d) and (f) of section 6057 of such Code are amended by striking “Secretary of Health and Human Services” each place it appears and inserting “Commissioner of Social Security”;

(6) Section 6103(5) of such Code is amended—

(A) by striking “DEPARTMENT OF HEALTH AND HUMAN SERVICES” in the heading and inserting “SOCIAL SECURITY ADMINISTRATION”;

(B) by striking “Secretary of Health and Human Services” and inserting “Commissioner of Social Security”;

(C) by inserting “in and inserting “Commissioner of Social Security”;

(D) in subsection (d)(3) and (e) of section 6402 of such Code are amended by striking “Secretary of Health and Human Services” each place it appears and inserting “Commissioner of Social Security”;

(E) Section 6511(a)(5) of such Code is amended by striking “Secretary of Health and Human Services” and inserting “Commissioner of Social Security”;

(F) Section 7906 of such Code is amended—

(i) by striking “Secretary of Health and Human Services” each place it appears and inserting “Commissioner of Social Security”;

(ii) in such section as amended by clause (i), by striking “Secretary” each place it appears and inserting “Commissioner”; and

(iii) in subsection (d)(3), by striking “Secretary’s” and inserting “Commissioner’s”.

(i) AMENDMENTS TO BLACK LUNG BENEFITS ACT.—

(1) Section 402(c) of the Black Lung Benefits Act (30 U.S.C. 922(c)) is amended by striking in the heading “Secretary” each place it appears and inserting “Commissioner”.

(2) Part B of such Act (30 U.S.C. 922 et seq.) is amended by striking “Secretary of Health and Human Services” each place it appears and inserting “Commissioner of Social Security”.

(3) Section 426 of such Act (30 U.S.C. 936) is amended—

(A) in subsection (a), by striking “and the Secretary of Health, Education, and Welfare” and inserting “, the Commissioner of Social Security, and the Secretary of Health and Human Services”;

(B) in subsection (b), by striking “the Secretary of Health, Education, and Welfare” and inserting “the Commissioner of Social Security”;

(C) Section 435 of such Act (30 U.S.C. 945) is amended by striking “Secretary of Health and Human Services” each place it appears and inserting “Commissioner of Social Security”;

(D) Section 509 of such Act (30 U.S.C. 957) is amended by striking “the Secretary of Health and Human Services” and inserting “the Commissioner of Social Security”;

(E) AMENDMENTS TO TITLE 31, UNITED STATES COINS—

(1) Section 901(b)(2) of title 31, United States Code, is amended by adding at the end the following:

“HEALTH AND HUMAN SERVICES.”

(F) Section 7204(f)(2) of such Act is amended by striking “Secretary of Health and Human Services”, each place it appears and inserting “Commissioner of Social Security”;

(G) Section 7205 of such Act (31 U.S.C. 5105) is amended—

(1) by striking “Secretary of Health and Human Services” and inserting “Commissioner of Social Security”;

(2) by striking the second sentence of subsection (b) and inserting the following new sentence: “A copy of each such application filed with either the Secretary or the Commissioner, together with any additional information and supporting documents (or certifications thereof) which may have been received by the Secretary or the Commissioner with such application, and which may be needed by the other official in connection therewith, shall be transmitted by the Secretary or the Commissioner receiving the application to the other official”;

(I) AMENDMENTS TO INSPECTOR GENERAL ACT OF 1978—


(A) by striking “at the end of such paragraph (V)”;

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

“ªIn the case of any experiment or demonstration project under paragraph (1) which is initiated before June 10, 1996, the Commissioner may waive compliance with the benefit requirements of title II of the Social Security Act, and the rules and regulations of the Social Security Administration (which may be issued by the Commissioner) waiving compliance with the benefits requirements of title XVIII of such Act, insofar as such waiver is necessary for the full and fair evaluation of the project through the use of alternative methods under consideration.’’;

and

(3) in subsections (a) and (c), by striking “Secretary” and inserting “Commissioner” each place it otherwise appears.

(SECTION 108. RULES OF CONSTRUCTION.

(a) REFERENCES TO THE DEPARTMENT OF HEALTH AND HUMAN SERVICES—Whenever any reference is made in any provision of law (other than this title or a provision of law amended by this title), regulation, rule, record, or document to the Department of Health and Human Services with respect to such Department’s functions under the old-age, survivors, and disability insurance program under title II of the Social Security Act or the supplemental security income program under title XVI of such Act, such reference shall be considered a reference to the Social Security Administration pursuant to section 105(a)(2) of this Act, such reference shall be considered a reference to the Social Security Administration.

(b) REFERENCES TO THE SECRETARY OF HEALTH AND HUMAN SERVICES.—Whenever any reference is made in any provision of law (other than this title or a provision of law amended by this title), regulation, rule, record, or document to the Secretary of Health and Human Services with respect to such Secretary’s functions under the old-age, survivors, and disability insurance program under title II of the Social Security Act or the supplemental security income program under title XVI of such Act, such reference shall be considered a reference to the Secretary of Social Security.

(c) REFERENCES TO OTHER OFFICERS AND EMPLOYEES.—Whenever any reference is made in any provision of law (other than this title or a provision of law amended by this title), regulation, rule, record, or document to any other officer or employee of the Department of Health and Human Services with respect to such officer or employee’s functions under the old-age, survivors, and disability insurance program under title II of the Social Security Act or the supplemental security income program under title XVI of such Act, such reference shall be considered a reference to a United States officer or employee of the Social Security Administration.

SECTIONS EFFECTIVE DATES.

(a) IN GENERAL.—Except as otherwise provided in this title, this title, and the amendments made by such title, shall take effect March 31, 1995.

(b) TRANSITION RULES.—Section 106 shall take effect on the date of the enactment of this Act.

(C) EXCEPTIONS.—The amendments made by section 103, subsections (b)(4) and (c) of section 105, and subsections (a1)(1), (e)(1), (e)(2), (e)(3), and (I)(2) of section 106 shall take effect on the date of the enactment of this Act.

TITLE II—PROGRAM IMPROVEMENTS RELATING TO OASDI AND SSI

SECTION 201. RESTRICTIONS ON PAYMENT OF BENEFITS BASED ON DISABILITY AMONG SUBSTANCE ABUSERS.

(a) AMENDMENTS RELATING TO BENEFITS BASED ON DISABILITY UNDER TITLE II OF THE SOCIAL SECURITY ACT—

1560
(A) IN GENERAL.—Section 205(j)(1) of the Social Security Act (42 U.S.C. 405(j)(1)) is amended—
(i) by inserting ``(A)'' after ``(j)(1)'';
(ii) in the last sentence, by inserting `, if the interest of the individual under this title would be served by such an alternative representative payee;'' after ```````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````
"Nonpayment or Termination of Benefits Where Entitlement Involves Alcoholism or Drug Addiction"

“(c)(1)(A) In the case of any individual entitled to benefits based on disability, if alcoholism or drug addiction is a contributing factor material to the Secretary’s determination that such individual is under a disability, such individual shall comply with the provisions of the subsection in which an individual is required to comply with the provisions of this subsection, the Secretary shall include, in such individual’s notification of entitlement, a notice informing such individual of such requirement.

“(B) Notwithstanding any other provision of this title, if an individual who is required under subparagraph (A) to comply with the provisions of this subsection is determined by the Secretary not to be in compliance with the provisions of this subsection, such individual’s benefits based on disability shall be suspended for a period—

“(i) commencing with the first month following the month in which such individual is notified by the Secretary of the determination of noncompliance and that the individual’s benefits will be suspended, and

“(ii) beginning with the month preceding the first month, after the determination of noncompliance, in which such individual demonstrates that he or she has reestablished and maintained compliance with such provisions for the applicable period specified in paragraph (3).

“(2)(A) An individual described in paragraph (1) who fails to comply with the requirements of this subsection for a month for which the applicable period specified in paragraph (3) is in effect for the individual under paragraph (1)(B) shall not be treated as having a disability for the purposes of such period unless the Secretary determines, in accordance with regulations of the Secretary, that such individual’s benefits based on disability shall continue to be treated as having a disability for the purposes of such period.

“(B) An individual described in paragraph (1) may be determined as failing to comply with the requirements of this subsection for a month only if treatment meeting the requirements of this subsection for such month is available for that month, as determined pursuant to regulations of the Secretary.

“(C) An individual described in paragraph (1) may be determined as failing to comply with the requirements of this subsection for a month only if treatment meeting the requirements of this subsection for such month is available for that month, as determined pursuant to regulations of the Secretary.

“(3) The applicable period specified in this paragraph is—

“(A) 2 consecutive months, in the case of a first determination that an individual is not in compliance with the requirements of this subsection;

“(B) 3 consecutive months, in the case of the second such determination with respect to the individual;

“(C) 4 consecutive months, in the case of the third or subsequent such determination with respect to the individual.

“(4) No benefit in the case of an individual’s benefit is suspended for a period of 12 consecutive months for failure to comply with treatment described in paragraph (2) of this subsection, the month following such period shall be purged for purposes of subparagraph (A) of section 223(a)(1) or subsection (d)(1)(G)(i), (e)(1), or (f)(1) of section 202 as applicable, the termination month with respect to such entitlement.

“(5)(A) The Secretary shall provide for the monitoring and testing of individuals who are required under this paragraph and complying with the terms, conditions, and requirements thereof as described in paragraph (2)(A), in order to assure such compliance.

“(B) The Secretary, in consultation with drug and alcohol treatment professionals, shall issue regulations—

“(i) defining appropriate treatment for alcoholics and drug addicts who are subject to appropriate measures of treatment required under this subsection, and

“(ii) establishing guidelines to be used to review and evaluate their compliance, including measures of progress expected to be achieved by participants in such programs.

“(C)(i) For purposes of carrying out the requirements of this paragraph, the Secretary shall provide for the establishment of one or more referral and monitoring agencies for each State—

“(ii) Each referral and monitoring agency for a State shall—

“(I) identify appropriate placements, for individuals residing in such State who are entitled to benefits based on disability and with respect to whom alcoholism or drug addiction is a contributing factor material to the Secretary’s determination that they are under a disability, where they may obtain treatment described in paragraph (2)(A),

“(II) refer such individuals to such placements as required under subparagraph (A) of section 223(a)(1) or subsection (d)(1)(G)(i), (e)(1), or (f)(1) of section 202 (as applicable), the termination month with respect to such entitlement

“(iii) monitor compliance with the requirements of paragraph (2)(A) by individuals who are referred by the agency to such placements and who fail to report failures to comply to the Secretary.

“(D) There are authorized to be transferred from the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund such sums as are necessary to carry out the requirements of this paragraph for referral, monitoring, and testing.

“(E)(A) In the case of any individual who is entitled to a benefit based on disability for any month, if alcoholism or drug addiction is a contributing factor material to the Secretary’s determination that the individual is under a disability, payment of any past-due insurance benefits under this title to which such individual is entitled shall be made in any month only to the extent that the sum of—

“(i) the amount of such past-due benefit paid in such month, and

“(ii) the amount of any benefit for the preceding month for current entitlement which is payable in such month, does not exceed, subject to subparagraph (B), twice the amount of such individual’s benefit for the preceding month, as determined without applying any reductions or deductions under this title.

“(B)(i) In the case of an individual who is no longer currently entitled to monthly insurance benefits under this title but to whom any amount of past-due benefits has not been paid, such individual’s monthly insurance benefits shall be limited under subparagraph (A), such individual’s monthly insurance benefits for such individual’s last month of entitlement shall be treated as such individual’s benefit for that month.

“(ii) For the first month in which an individual’s past-due benefits referred to in subparagraph (A) are paid, the amount of the individual’s benefit shall be increased by the amount of any debts of such individual related to housing or medical care which are resulting from the payment of the individual’s benefit for the preceding month and which are resulting in a high risk of homelessness for such individual.

“(C) Upon the death of an individual to whom payment of past-due benefits has not been paid, such individual’s past-due benefits shall be limited under subparagraph (A), any amount of such past-due benefits remaining unpaid shall be treated as an underpayment for purposes of section 204.

“(D) In the case of an individual who would be entitled to benefits based on disability but for termination of such benefits under paragraph (4) or (7), such individual shall be entitled to payment of past-due benefits under this paragraph as if such individual continued to be entitled to such terminated benefits.

“(7)(A) Subject to subparagraph (B), in the case of any individual entitled to benefits based on disability, if—

“(i) alcoholism or drug addiction is a contributing factor material to the Secretary’s determination that such individual is under a disability, and

“(ii) as of the end of the 36-month period beginning with such individual’s first month of entitlement under this title which is not otherwise determined to be under a disability, and

“(iii) the month following such 36-month period

“(iv) Such individual shall be referred to such agency for each State as determined pursuant to regulations of the Secretary, for purposes of paragraph (1)(B).

“(8) Monthly insurance benefits under this title which would be payable to any individual described in paragraph (7)(B) and would otherwise be payable to any individual for whom benefits are not payable by reason of this subsection on the basis of the wages and self-employment income of such disabled individual but for the provisions of paragraph (7)(B) and (9)

“(B) In determining whether the 36-month period referred to in subparagraph (A) has elapsed—

“(i) a month shall not be taken into account unless the Secretary determines, under regulations of the Secretary, that the individual is under a disability, and

“(ii) any month for which a suspension is in effect for the individual under paragraph (1)(B) shall not be taken into account.

“(9) For purposes of this subsection, the term ‘individual means a disability insurance benefit of such individual under section 223 or a child’s, widow’s or widower’s insurance benefit of such individual under section 223 on the basis of the wages and self-employment income of such disabled individual but for the provisions of paragraph (1)(B)’.

“REPORT.—Not later than December 31, 1996, the Secretary shall submit to the Committee on Education and Labor of the House of Representatives and the Committee on Finance of the Senate a full and complete report on the Secretary’s activities under paragraph (9) of section 225(c) of the Social Security Act (as amended by subparagraph (A)). Such report shall include the number and percentage of individuals referred to in such paragraph who have not received regular drug testing since the effective date of such paragraph.

“C. Sunet of 36-Month Rule.—Section 225(c)(7) of the Social Security Act (added by subparagraph (A)) shall cease to be effective with respect to benefits for months before September 2004.

“D. Preservation of Medicare Benefits.—

“(i) Section 226 of such Act (42 U.S.C. 426) is amended by adding at the end the following:

“'For purposes of this paragraph, a person whose monthly insurance benefit for any month is terminated or is otherwise not payable solely by reason of paragraph (1) or (7) shall be treated as entitled to such benefit for such month.’

“(ii) Section 269A of such Act (42 U.S.C. 426a) is amended by adding at the end the following:

""
"(c) For purposes of this section, each person whose monthly insurance benefit for any month is terminated or is otherwise not payable solely by reason of paragraph (1) or (7) of this subsection or is treated as entitled to such benefit for such month.".

(E) EFFECTIVE DATE.—

(i) IN GENERAL.—Except as otherwise provided in this paragraph, the amendments made by this subsection shall apply with respect to benefits based on disability (as defined in section 225(c)(17) of the Social Security Act, as added by this section) which are otherwise payable in months beginning after 180 days after the date of the enactment of this Act. The Secretary of Health and Human Services shall issue regulations necessary to carry out the amendments made by this paragraph not later than 180 days after the date of the enactment of this Act.

(ii) REFERRAL AND MONITORING AGENCIES.—Section 225(c)(5) of the Social Security Act (added by this subsection) shall take effect 180 days after the date of the enactment of this Act.

(iii) TERMINATION AFTER 36 MONTHS.—Section 225(c)(2) of the Social Security Act (as amended by subsection (b)) is available, as determined under regulations of the Secretary of Health and Human Services, in any case in which an individual is not undergoing treatment required under section 1631(a)(2)(A) of such Act (42 U.S.C. 1383a(2)(A)), not later than 180 days after the date of the enactment of this Act.

(F) TRANSITION RULES FOR CURRENT BENEFICIARIES.—In any case in which an individual is entitled to benefits based on disability, the determination of disability was made by the Secretary of Health and Human Services during or before the 180-day period following the date of the enactment of this Act, and alcoholism or drug addiction is a contributing factor material to the Secretary's determination that the individual is under a disability,

(1) TREATMENT REQUIREMENT.—Paragraphs (1) through (4) of section 225(c) of the Social Security Act (as added by this subsection) shall apply only with respect to benefits paid in months after the month in which such individual is notified by the Secretary in writing that alcoholism or drug addiction is a contributing factor material to the Secretary's determination and that such individual is therefore required to comply with the provisions of section 225(c) of such Act.

(ii) THE 180 DAYS.—

(I) IN GENERAL.—For purposes of section 225(c)(7) of the Social Security Act (as added by this subsection), the first month of entitlement beginning after 180 days after the date of the enactment of this Act shall be treated as the individual's first month of entitlement under such benefits.

(ii) CONCURRENT BENEFICIARIES CURRENTLY UNDER TREATMENT.—In any case in which the individual is also entitled to benefits under title XVI and, as of 180 days after the date of the enactment of this Act, such individual is undergoing treatment required under section 1611(e)(3) of the Social Security Act (as in effect immediately before the date of the enactment of this Act), the Secretary of Health and Human Services shall notify such individual of the provisions of section 225(c)(7) of the Social Security Act (as added by this subsection) not later than 180 days after the date of the enactment of this Act.

(iii) CONCURRENT BENEFICIARIES NOT CURRENTLY UNDER TREATMENT.—In any case in which the individual is also entitled to benefits under title XVI and, as of 180 days after the date of the enactment of this Act, such individual is not undergoing treatment required under section 1611(e)(3) of the Social Security Act (as added by subsection (b)) is available, as determined under regulations of the Secretary of Health and Human Services, and the Secretary notifies such individual of the availability of such treatment and describes in such notification the provisions of section 225(c)(7) of the Social Security Act (added by this subsection), such individual is entitled to such benefits beginning after 180 days after the date of the enactment of this Act. The Secretary of Health and Human Services shall issue regulations necessary to carry out the amendments made by this paragraph not later than 180 days after the date of the enactment of this Act.

(iii) EFFECTIVE DATE.—The amendments made by this paragraph shall apply with respect to months beginning after 180 days after the date of the enactment of this Act.

(A) IN GENERAL.—Section 225(d)(4) of such Act (42 U.S.C. 423(d)(4)) is amended—

(i) by inserting "(A)" after "(4):" and

(ii) by adding at the end the following new subparagraph:

"(B) In determining under subparagraph (A) when services performed or earnings described in subparagraph (A) would be deemed to serve the interest of the individual under section 225(c)(7) of such Act (42 U.S.C. 1383a(7)), the Secretary shall apply the criteria described in subparagraph (A) with respect to benefits based on disability (as so determined) for months beginning after 180 days after the date of the enactment of such Act. The Secretary of Health and Human Services shall notify such individual of the availability of such treatment and describes in such notification the provisions of section 225(c)(7) of the Social Security Act (added by this subsection), such individual is entitled to such benefits beginning after 180 days after the date of the enactment of this Act. The Secretary of Health and Human Services shall issue regulations necessary to carry out the amendments made by this paragraph not later than 180 days after the date of the enactment of this Act.

(iv) CONFORMING AMENDMENT RELATING TO TRAVEL.—Section 225(c)(2) of such Act (42 U.S.C. 423(c)(2)) is amended by inserting "(whether legal or illegal)" after "activity".

(C) EFFECTIVE DATE.—The amendments made by this paragraph shall take effect on the date of the enactment of this Act.

(2) AMENDMENTS RELATING TO SUPPLEMENTAL SECURITY INCOME UNDER TITLE XVI OF THE SOCIAL SECURITY ACT.—

(A) REQUIRED PAYMENT OF BENEFITS TO REPRESENTATIVE PAYEES.—

(i) IN GENERAL.—Section 1631(a)(2)(A) of the Social Security Act (42 U.S.C. 1383a(2)(A)) is amended—

(I) by inserting "(I)" after "(ii)";

(ii) by striking "or" in the case of any individual or eligible spouse referred to in section 1611(e)(3)(A),"; and

(iii) by adding after and below the end the following:

"(III) In the case of an individual eligible for benefits under this title by reason of disability, if alcoholism or drug addiction is a contributing factor material to the Secretary's determination that the individual is disabled, the payment of such benefits to a representative payee shall be deemed to serve the interest of the individual under this title. In any case in which such payment is so deemed, the regulations prescribed in subclause (II) may be applied for purposes of clause (i), any amount of such benefits shall be increased that is not a multiple of $1.00 shall be rounded to the nearest multiple of $1.00.";

(B) CONFORMING AMENDMENT.—Section 1631(a)(2)(B)(viii) of such Act (42 U.S.C. 1383a(2)(B)(viii)) is amended by striking "35 years" and all that follows and inserting "of 15 years, or (if alcoholism or drug addiction is a contributing factor material to the Secretary's determination that the individual is disabled) eligible for benefits under the terms of this title by reason of disability, if alcoholism or drug addiction is a contributing factor material to the Secretary's determination that the individual is disabled),"; and

(C) EFFECTIVE DATE.—The amendments made by this paragraph shall apply with respect to months beginning after 180 days after the date of the enactment of this Act.

(2) INCREASED RELIANCE ON PROFESSIONAL REPRESENTATIVE PAYEES.—

(A) PREFERENCE REQUIRED FOR ORGANIZATIONAL REPRESENTATIVE PAYEES.—Section 1631(a)(2)(B) of such Act (42 U.S.C. 1383a(2)(B)), as amended by paragraph (1)(B) of this subsection, is amended—

(i) by redesignating clauses (vii) through (x) as clauses (viii) through (xii), respectively;

(ii) by inserting after clause (vi) the following new clause:

"(vii) In the case of an individual eligible for benefits under this title by reason of disability, if alcoholism or drug addiction is a contributing factor material to the Secretary's determination that the individual is disabled, when selecting such individual's representative payee, preference shall be given to a community-based nonprofit social service agency licensed or bonded by the State,";

(iii) a Federal, State, or local government agency whose mission is to carry out income maintenance, social service, or health care-related activities; and

(iv) a State or local government agency with fiduciary responsibilities; or

(iv) a Federal, State, or local government agency whose mission is to carry out income maintenance, social service, or health care-related activities; and

(B) REPRESENTATIVE PAYEES.—

(A) IN GENERAL.—Section 1631(a)(2)(A) of the Social Security Act (42 U.S.C. 1383a(2)(A)) is amended—

(i) by adding at the end the following:

"(aa) by striking clause (ii) and inserting "(ii)"; and

(bb) by inserting after the 1st sentence the following:

"(i) In clause (i)—

(aa) by striking "(x)" and inserting "(x)"; and

(bb) by inserting after the 1st sentence the following:

"(xx) by striking "(x)" and inserting "(xx)".";

(B) AVAILABILITY OF PUBLIC AGENCIES AND OTHER QUALIFIED ORGANIZATIONS TO SERVE AS REPRESENTATIVE PAYEES.—

(i) ALLOWABLE FEES.—Section 1631(a)(2)(D) of such Act (42 U.S.C. 1383a(2)(D)) is amended—

(I) by adding at the end the following:

"(I) by striking "(xi)" and inserting "(xii)"; and

(v) in clause (xi) (as so redesignated), by striking "(xii)" and inserting "(xii)"; and

(ii) by striking clause (v) and inserting the following:

"(v) In clause (v) of subsection (a), the term "representative payee" shall be defined to include—

(I) any person designated by the individual or eligible representative payee of the individual or eligible spouse as the person to whom such benefits shall be payable, or any'' after "means any'';

(ii) by striking "of a family member'' and to the same extent as adjustments are provided for under the procedures used to adjust benefit amounts under section 221(b)(2)(A), except that any amount so adjusted that is not a multiple of $1.00 shall be rounded to the nearest multiple of $1.00.";

(iii) by striking clause (v) and inserting the following:

"(vi) by striking clause (v) and inserting the following:

"(vi) by striking "(x)" and inserting "(x)".";

(C) EFFECTIVE DATE.—The amendments made by this paragraph shall apply with respect to months beginning after 180 days after the date of the enactment of this Act.

(D) INCLUSION OF STATE AND LOCAL AGENCIES AS QUALIFIED ORGANIZATIONS.—Section 1631(a)(2)(D)(ii) of such Act (42 U.S.C. 1383a(2)(D)(ii)) is amended—

(i) by inserting "State or local government agency whose mission is to carry out income maintenance, social service, or health care-related activities, any State or local government agency with fiduciary responsibilities, or any" after "means any";

(E) EFFECTIVE DATE.—The amendments made by this paragraph shall apply with respect to months beginning after 180 days after the date of the enactment of this Act.
(ii) by inserting a comma after “service agency”;

(iii) by adding “and” at the end of subclause (I); and

(iv) by adding clause (I)—

(aa) by adding “and” at the end of item (aa);

(bb) by striking “; and” at the end of item (bb) and inserting a period; and

(cc) by striking item (cc).

(iii) RETROACTIVE REPEAL OF SUNSET.—

(1) EFFECTIVE.—Section 1631(a)(2)(D) of such Act (42 U.S.C. 1383(a)(2)(D)) is amended by striking clause (iv).

(ii) CONFORMING AMENDMENT.—Section 1631(a)(2)(D) of such Act (42 U.S.C. 1383(a)(2)(D)) is amended by redesignating clause (v) as added by clause (i) of this subparagraph as clause (iv).

(i) EFFECTIVE DATE.—Except as provided in subparagraph (B), the amendments made by this paragraph shall apply with respect to months beginning after the date of the enactment of this Act.

(3) NONPAYMENT OR TERMINATION OF BENEFITS.—

(A) IN GENERAL.—Section 1611(e)(3)(A) of such Act (42 U.S.C. 1382(e)(3)(A)) is amended to read as follows:

“(iii) The applicable period specified in this clause is—

(I) 2 consecutive months, in the case of a 1st determination that an individual is not in compliance with the requirements of this subparagraph;

(II) 6 consecutive months, in the case of a 2nd such determination with respect to the individual; or

(III) 12 consecutive months, in the case of the 3rd and subsequent such determination with respect to the individual.

(iv) An individual who is not in compliance with this paragraph for 12 consecutive months shall not be eligible for any supplemental security income benefits under this title. The preceding sentence shall not be construed to prevent the individual from reapplying and becoming eligible for such benefits.

(v) In the case of any individual eligible for benefits under this title by reason of disability, if—

(aa) alcoholism or drug addiction is a contributing factor material to the Secretary’s determination that the individual is disabled; and

(bb) the end of the 36-month period beginning with the 1st month for which such benefits by reason of disability are payable to the individual, the individual would not otherwise be disabled but for alcoholism or drug addiction,

the individual shall not be eligible for such benefits by reason of disability for any month following such 36-month period if, in such individual’s case, it is determined that alcoholism or drug addiction would be a contributing factor material to the Secretary’s determination that the individual is disabled, notwithstanding section 1616A.

(ii) An individual whose entitlement to benefits under title II based on disability has been terminated by reason of section 223(c)(7) shall not be eligible for benefits under this title by reason of disability, if alcoholism or drug addiction is a contributing factor material to the Secretary’s determination that the individual is disabled, for any month after the individual’s termination month (within the meaning of section 223(a)(1) or subsection (d)(1)(i), (e)(1), or (f)(1) of section 202) with applicability and becoming eligible for such benefits.

(iii) Upon the death of an individual to whom payment of past-due benefits has been limited under subclause (I), any amount of such past-due benefits remaining unpaid shall be treated as an underpayment for purposes of section 1631(b)(2)(A).

(iv) As used in this clause, the term ‘benefits under this title’ includes supplementary payments pursuant to an agreement for Federal administration under section 1616, payments pursuant to a law enacted into law under section 212(b) of Public Law 93–66.

(v) In the case of an individual who would be eligible for benefits under this title by reason of disability but for termination of such benefits under clause (iv) or (v), the individual shall be eligible for payment of such benefits under this clause if the individual continued to be eligible for such terminated benefits.

(vi) Subclause (I) shall not apply to payments under section 1631(g).

(B) REFERRAL, MONITORING, AND TREATMENT.—

(i) IN GENERAL.—Section 1611(e)(3)(B) of such Act (42 U.S.C. 1382(e)(3)(B)) is amended—

(I) by inserting “(i)” after “(B)”; and

(II) by striking the 2nd sentence; and

(jj) by adding after and below the end of

(ii) The Secretary, in consultation with drug and alcohol treatment professionals, shall issue regulations—

(I) defining appropriate treatment for alcoholics and drug addicts who are subject to required appropriate substance abuse treatment under this subpart of this paragraph; and

(II) establishing guidelines to be used to review and evaluate their compliance, including measures of the progress expected to be achieved by participants in such programs.

(ii) For purposes of carrying out the requirements of clauses (i) and (ii), the Secretary may—

(aa) identify appropriate placements, for individuals residing in the State who are eligible for benefits under this title by reason of alcoholism or drug addiction, which comply with the requirements of subparagraph (A) by individuals referred by the agency to such placement;

(bb) refer such individuals to such placements for such treatment; and

(cc) monitor compliance with the requirements of subparagraph (A) by individuals who are referred by the agency to such placements, and promptly report to the Secretary any failure to comply with such requirements.

(ii) REPORT.—Not later than December 31, 1996, the Secretary shall submit to the Comptroller General of the United States the report specified in section 1311(8) of the Social Security Act.

(iii) The report shall include the number and percentage of individuals referred to in such subparagraph who have not received regular or periodic follow-up since the effective date of the amendments made by this clause (i) of this subparagraph.

(A) SUNSET OF 36-MONTH RULE.—Section 1611(e)(3)(A)(V) of the Social Security Act (added by subparagraph (A) of this paragraph) shall cease to be effective with respect to benefits for months after September 2004.

(B) PRESERVATION OF MEDICAID BENEFITS.—Section 1634 of such Act (42 U.S.C. 1320c–3) is amended by adding at the end the following:
(e) Each person to whom benefits under this title by reason of disability are not payable for any month solely by reason of clause (i) or (v) of section 1611(e)(3)(A) shall be treated as if the amendments made by this paragraph do not apply with respect to supplemental security income benefits under title XVI of the Social Security Act (added by the amendment made by this paragraph) shall apply with respect to individuals described in subparagraph (A) or (B) of section 1611(e)(3)(A) of the Social Security Act (42 U.S.C. 1382c(a)(3)(D)) is amended on the date of the enactment of this Act.

(F) TRANSITION RULES FOR CURRENT BENEFICIARIES.—In any case in which an individual is eligible for supplemental security income benefits under title XVI of the Social Security Act by reason of disability which becomes payable in months beginning after 180 days after the date of the enactment of this Act, The Secretary of Health and Human Services shall make any necessary determinations under title XVI of the Social Security Act by reason of disability for months beginning after 180 days after the date of the enactment of this Act.

(F) TERMINATION AFTER 36 MONTHS.—Clause (v) of section 1611(e)(3)(A) of the Social Security Act (added by the amendment made by subparagraph (A) of this paragraph) shall apply with respect to supplemental security income benefits under title XVI of the Social Security Act by reason of disability for months beginning after 180 days after the date of the enactment of this Act.

(F) TRANSITION RULES FOR CURRENT BENEFICIARIES.—In any case in which an individual is eligible for supplemental security income benefits under title XVI of the Social Security Act by reason of disability which becomes payable in months beginning after 180 days after the date of the enactment of this Act, the determination of the alternative approaches under consideration with the National Academy of Science Act (42 U.S.C. 1382 et seq.) in effect on the date of the enactment of this Act, as such definition applies to determining whether a child under the age of 18 is eligible to receive supplemental security income benefits under title XVI of the Social Security Act, might appropriately be met through expansion of Federal health assistance programs; the feasibility of providing benefits to children through noncash means, including but not limited to vouchers, debit cards, and electronic benefit transfer systems; the extent to which the Social Security Administration can involve private organizations in an effort to increase the provision of social services, education, and vocational instruction to children who are disabled; and the report on the demonstration projects carried out under this subsection, together with any related data and materials which the Secretary determines to be appropriate, shall be made no later than 180 days after the date of the enactment of this Act to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate which shall summarize the results of the study described in subsection (e) and include any recommendations that the Commission determines to be appropriate.

(G) REGULATIONS REGARDING COMPLETION OF PLANS FOR ACHIEVING GENERAL.—Section 1611(a)(2)(D) of such Act (42 U.S.C. 1382a(a)(2)(D)) is amended by adding at the end the following: "(F) the effects of the supplemental security income benefits to disabled children, including the desirability and feasibility of conserving some portion of such benefits to promote the long-term well-being of such children;" and

(G) SUCH OTHER ISSUES THAT THE SECRETARY DETERMINES TO BE APPROPRIATE.

(H) ON August 1, 1995, without regard to the provisions of title 5, United States Code, governing appointments to competitive service.

(I) Members appointed under this subsection may serve for a period equivalent to the duration of the Commission.

(J) The Secretary shall designate a member of the Commission to serve as Chair of the Commission, and the term equivalent to the duration of the Commission.

(K) The term of appointment of such member is for a period equivalent to the duration of the Commission.

(L) The administrative provisions of this Act (42 U.S.C. 1381 et seq.) in effect on the date of the enactment of this Act shall apply with respect to the operation of the programs involved without committing such programs to the adoption of any particular system either locally or nationally.

(M) The termination of disability was made by the Secretary of Health and Human Services (in this section referred to as the "Secretary") shall be for purposes of section 1611(e)(3)(A)(v) of the Social Security Act (added by the amendment made by subparagraph (A) of this paragraph).

(N) the study described in paragraph (1) shall be of sufficient scope and shall be carried out on a wide basis to include substantial participation in the evaluation of the alternative approaches under consideration while giving assurance that the results derived from the projects will provide generally applicable information which may be necessary to carry out the functions of the Commission.

(O) The demonstration projects developed under paragraph (1) shall be of sufficient scope and shall be carried out on a wide basis to include substantial participation in the evaluation of the alternative approaches under consideration while giving assurance that the results derived from the projects will provide generally applicable information which may be necessary to carry out the functions of the Commission.

(P) The Secretary shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate no later than December 31, 1997, a final report on the demonstration projects carried out under this subsection, together with any related data and materials which the Secretary determines to be appropriate, shall be made no later than 180 days after the date of the enactment of this Act to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate which shall summarize the results of the study described in subsection (e) and include any recommendations that the Commission determines to be appropriate.

(Q) The study described in paragraph (1) shall include issues of—

(R) (A) the desirability and methods of increasing the extent to which benefits are used in the effort to assist disabled children in achieving independence and engaging in substantial gainful activity; (B) the feasibility of providing benefits to children through noncash means, including but not limited to vouchers, debit cards, and electronic benefit transfer systems; (C) the extent to which the Social Security Administration can involve private organizations in an effort to increase the provision of social services, education, and vocational instruction to children who are disabled; and (D) the report on the demonstration projects carried out under this subsection, together with any related data and materials which the Secretary determines to be appropriate, shall be made no later than 180 days after the date of the enactment of this Act.
(2) A translation into English by a third party of a statement made in a foreign language by an applicant for or recipient of benefits under this title shall not be regarded as reliable for any purpose under this title unless the third party, under penalty of perjury—

(A) certifies that the translation is accurate; and

(B) discloses the nature and scope of the relationship between the third party and the applicant or recipient, as the case may be.

(3) In a proceeding under this section which—

(a) is against a person who has been convicted (whether upon a verdict after trial or upon a plea of guilty or nolo contendere) of a Federal or State crime charging fraud or false statements; and

(b) involves the same transaction as in the criminal action; the person is estopped from denying the essential elements of the criminal offense.

(4) The official conducting a hearing under this section may sanction a person, including any party or attorney, for failing to comply with an order or procedure, for failing to defend an action, or for such other misconduct as would interfere with the orderly, or fairly, the hearing. Such sanction shall reasonably relate to the severity and nature of the failure or misconduct. Such sanction may include—

(A) an order to produce or permit discovery, drawing negative factual inference or treating such refusal as an admission by deeming the matter, or certain facts, to be established;

(B) prohibiting a party from introducing certain evidence or otherwise supporting a particular claim or defense;

(C) striking pleadings, in whole or in part;

(D) staying the proceedings;

(E) dismissal of the action;

(F) entering a default judgment;

(G) refusing to consider any motion or other action which is not filed in a timely manner.

(5) In determining pursuant to subsection (a) the amount or scope of any penalty or assessment, or whether to recommend an exclusion, the Secretary shall take into account—

(A) the nature of the statements and representations referred to in subsection (a) and the circumstances under which they occurred;

(B) the degree of culpability, history of prior offenses, and financial condition of the person committing the offense; and

(C) such other matters as justice may require.

(6) Any person adversely affected by a determination of the Secretary under this section may obtain a review of such determination in the United States Court of Appeals for the circuit in which the person resides, or in which the statement or representation referred to in subsection (a) was made, by filing in such court (within 60 days following the date the person is notified of the determination) a written petition requesting that the determination be reviewed.

(7) In the proceedings described in section 1129, the Secretary may make a written recommendation to the person who is a medical provider or physician with respect to the person's participation in any Medicare program. Such recommendation may include—

(A) denial, exclusion, denial of payment, or other action which is not filed in a timely manner.

(8) For purposes of this section, a material fact is one which the Secretary may consider in evaluating whether an applicant is entitled to benefits under title II or eligible for benefits or payments under title XVI.

(9) The Secretary may not initiate an action under subsection (a) only as authorized by the Attorney General pursuant to procedures agreed upon by the Secretary and the Attorney General. The Secretary may not initiate an action under this section with respect to any violation determined therein, and shall have the power to make and enter upon the pleadings, testimony, and proceedings set forth in such record a decree affirming, modifying, or setting aside, in whole or in part, the determination of the Secretary and enforcing the same to the extent that such order is affirmed or modified. No objection that has not been timely raised in the proceedings described in section 1129 shall be considered by the court, unless the failure or misconduct was the result of extraordinary circumstances.

(10) The findings of the Secretary with respect to the amount or scope of any penalty or assessment or other action which is not filed in a timely manner shall be conclusive in the review described in paragraph (9). If any party shall apply to the court for leave to adduce
additional evidence and shall show to the satisfaction of the court that such additional evidence is material and that there were reasonable grounds for the failure to adduce such evidence before the Secretary. If, after the record is closed, the Secretary may modify such findings as to the facts, or make new findings, by reason of additional evidence so taken and filed, and the Secretary shall consider the same as a whole. If the Secretary considers such modified or new findings, which findings with respect to questions of fact, if supported by substantial evidence on the record considered as a whole, shall be final, except that the same shall be subject to review by the Supreme Court of the United States, as provided in section 1254 of title 28, United States Code.

(e)(1) Civil money penalties and assessments imposed under this section may be recovered by the Secretary and shall be deposited by the Secretary into the general fund of the Treasury as miscellaneous receipts.

(f) The Secretary may redetermine the entitlement of an individual for benefits under this title if there is reason to believe that fraud or similar fault was involved in the application of the individual for such benefits, unless a United States attorney, or equivalent State prosecutor, with jurisdiction over potential or actual related criminal cases, certifies, in writing, that there is a substantial risk that such action by the Secretary with regard to beneficiaries in a particular investigation would jeopardize the criminal prosecution of a person involved in a suspected fraud.

(g) Whenever the Secretary’s determination to impose a penalty or assessment under this section is made by a local provider or physician becomes final, the provisions of section 1128A(h) shall apply.

(h)(1) Where there is reason to believe that any person has engaged, is engaging, or is about to engage in any activity which makes the person subject to a civil money penalty under this section, the Secretary may bring an action in an appropriate district court of the United States (or, if applicable, a United States court of any other country) to enjoin the person from concealing, removing, encumbering, or disposing of assets which may be required in order to pay a civil money penalty and assessment if any such penalty were to be imposed or to seek other appropriate relief.

(i)(1) The provisions of subsections (d) and (e) of section 205 shall apply with respect to this section to the same extent as they are applicable with respect to title II. The Secretary may delegate the authority granted by this subsection (B) to any individual to whom is applicable section 7701(a)(2) (applicable to this section) to the Inspector General for purposes of any investigation under this section.

(2) The Secretary may delegate authority granted under this section to the Inspector General.

(i)(1) For purposes of this section, the term ‘State agency’ shall have the same meaning as in section 1128A(i)(1).

(2) A principal is liable for penalties and assessments under subsection (a), and for an exclusion under subsection (g), for the actions of the principal’s agent acting within the scope of the agency.

(j) CONFORMING AMENDMENTS.—Section 1128 of such Act (42 U.S.C. 1320a-7) is amended—

(A) in subsection (b)(7), by striking ‘‘or section 1128B’’ and inserting ‘‘1128B, or 1129’’;

(B) in subsection (b)(8)(B)(iii), by inserting ‘‘or 1129’’ after ‘‘1128B’’; and

(C) in subsection (f)(3), by inserting ‘‘1129’’ after ‘‘sections 1128B’’.

(k) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on October 1, 1994.

(l) As soon as the Inspector General, Department of Health and Human Services, certifies, in writing, that there is a substantial risk that such action by the Secretary with regard to beneficiaries in a particular investigation would jeopardize the criminal prosecution of a person involved in a suspected fraud.

(m) (1) For purposes of this subsection, ‘‘section 1128A’’ shall mean—

(i) (A) the provisions of subsection (b) of title 28, United States Code;

(ii) when redetermining the eligibility, or the amount agreed upon in connection with, any determination or representation referred to in subsection (a), by any combination of the foregoing.

(n) For purposes of paragraphs (a) and (b), ‘‘the General’’ shall mean—

(i) the Inspector General, Department of Health and Human Services, as provided in section 552A of title 5, United States Code;

(ii) the Attorney General, Department of Justice, as provided in section 3621 of title 28, United States Code.

(o) Placement of Title.—The amendments made by this section are subject to review by the Supreme Court of the United States.

(p) Civil money penalties and assessments imposed under this section may be recovered by the Secretary and shall be deposited by the Secretary into the general fund of the Treasury as miscellaneous receipts.
reason to believe that fraud was involved in the application of an individual for monthly insurance benefits under title II or for benefits under title XVI, the Inspector General shall make available to the Secretary information identifying the individual, unless a United States attorney, or equivalent State prosecutor, with jurisdiction over potential or actual cases, concurs in writing, that there is a substantial risk that making the information so available in a particular or random case or cases might jeopardize the eligibility of the individual for such benefits; and the Secretary shall conduct redeterminations under title XVI to the extent that the information, identification information, and employment history either with respect to any alien who has applied for benefits under title XVI to the extent that the information is relevant to any determination relating to eligibility for such benefits under title XVI. .

(2) Subparagraph (A) shall not be construed to prevent the Secretary from adjudicating the case before receiving such information.

(3) In general.—Section 1631(e) of the Social Security Act (42 U.S.C. 1383(e)) as amended by subsection (d)(2) of this section, is amended by adding at the end the following:

"(7)(A) The Secretary shall request the Secretary of Health and Human Services to provide the Secretary with whatever medical information, identification information, and employment history either with respect to any alien who has applied for benefits under title XVI to the extent that the information is relevant to any determination relating to eligibility for such benefits under title XVI.

(B) Subparagraph (A) shall not be construed to prevent the Secretary from adjudicating the case before receiving such information.

(4) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect on October 1, 1994.

(f) AUTHORITY TO USE AVAILABLE PREADMISSION IMMIGRANT AND REFUGEE MEDICAL INFORMATION.—

(1) IN GENERAL.—Section 1631(e) of the Social Security Act (42 U.S.C. 1383(e)) as amended by subsection (d)(2) of this section, is amended by adding at the end the following:

"(7)(A) The Secretary shall request the Immigration and Naturalization Service or the Center for Health Care, as the case may be, to provide the Secretary with whatever medical information, identification information, and employment history either with respect to any alien who has applied for benefits under title XVI to the extent that the information is relevant to any determination relating to eligibility for such benefits under title XVI.

(B) Subparagraph (A) shall not be construed to prevent the Secretary from adjudicating the case before receiving such information.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect on October 1, 1994.

(g) ANNUAL REPORTS ON REVIEWS OF OASDI AND SSI CASES.—The Secretary of Health and Human Services shall annually submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a report on the activities conducted under subsection (a).
Act (42 U.S.C. 410(a)(7)(F)(i)(iv) (as amended by section 11332(a) of the Omnibus Budget Reconciliation Act of 1990) is amended by striking "$100" and inserting "$1,000 with respect to service performed during any calendar year commencing on or after January 1, 1995, ending on or before December 31, 1999, and the adjusted amount determined under section 218(c)(8)(B) for any calendar year commencing on or after January 1, 2000, with respect to service performed during such calendar year.").

(2) AMENDMENT TO FICA.—Section 3121(b)(7)(F)(iv) of the Internal Revenue Code of 1986 (as amended by section 11332(b) of the Omnibus Budget Reconciliation Act of 1990) is amended by striking "$100" and inserting "$1,000 with respect to service performed during any calendar year commencing on or after January 1, 1995, ending on or before December 31, 1999, and the adjusted amount determined under section 218(c)(8)(B) of the Social Security Act for any calendar year commencing on or after January 1, 2000, with respect to service performed during such calendar year").

(3) AMENDMENT TO SOCIAL SECURITY ACT.—Section 201(a)(2)(E) of the Social Security Act (42 U.S.C. 413(a)(1)(E)) is amended by striking "$100" and inserting "$1,000 with respect to service performed during any calendar year commencing on or after January 1, 1995, ending on or before December 31, 1999, and the adjusted amount determined under section 218(c)(8)(B) of the Social Security Act for any calendar year commencing on or after January 1, 2000, with respect to service performed during such calendar year").

(4) CONFORMING AMENDMENTS RELATING TO MEDICARE QUALIFIED GOVERNMENT EMPLOYMENT.—

(a) In General.—Section 21321(u)(2)(B)(ii) of the Internal Revenue Code of 1986 is amended by striking "$100" and inserting "$1,000 with respect to service performed during any calendar year commencing on or after January 1, 1995, ending on or before December 31, 1999, and the adjusted amount determined under section 218(c)(8)(B) of the Social Security Act for any calendar year commencing on or after January 1, 2000, with respect to service performed during such calendar year").

(b) Conforming Amendments Relating to Medicare Qualified Government Employment.—

(1) Amendment to section 205(c)(2) of the Social Security Act (42 U.S.C. 405(c)(2)) is amended—

(1) in subparagraph (B), by striking "(E)" in the matter preceding clause (I) and inserting "(F)");

(2) by redesignating subparagraphs (E) and (F) as subparagraphs (F) and (G), respectively; and

(3) by inserting after subparagraph (D) the following:

"(E) It is the policy of the United States that—

(I) any State (or political subdivision of a State) may utilize the social security account numbers issued by the Secretary for the additional purposes described in clause (ii) if such numbers have been collected and are only used by such State (or political subdivision) in accordance with applicable law, and

(ii) any distinct court of the United States as may use, for such additional purposes, any such social security account numbers which have been so collected and are so utilized by any State.

(II) The additional purposes described in this clause are the following:

"(I) identifying duplicate names of individuals on master lists used for jury selection purposes.

(ii) identifying on such master lists those individuals who are ineligible to serve on a jury by reason of their conviction of a felony.

(iii) To the extent that any provision of Federal law enacted before the date of the enactment of this subsection is inconsistent with the policy set forth in clause (I), such provision shall, on and after that date, be null, void, and of no effect.

(iv) For purposes of this subparagraph, the term ‘State’ has the meaning such term has in subparagraph (D).

(2) Conforming Amendment.—Section 11221(a)(2) of the Social Security Act (42 U.S.C. 1320b-10(a)(2)) is amended by striking "205(c)(2)(E)" and inserting "205(c)(2)(F)".

(3) Effective Date.—The amendments made by this section shall be effective with respect to the date of the enactment of this Act.

SEC. 305. AUTHORIZATION FOR ALL STATES TO EXTEND TOTALIZATION AGREEMENTS TO STATE AND LOCAL POLICE OFFICERS AND FIREFIGHTERS UNDER EXISTING COVERAGE.

(a) In General.—Section 212(b)(1) of the Social Security Act (42 U.S.C. 415(a)(7)) is amended—

(1) in paragraph (1), by striking "(A)" after "(B)"; and

(2) by adding at the end the following new subparagraph:

"(B) For each year after 1999, the Secretary shall adjust the amount referred to in subparagraph (A) at the same time and in the same manner as is provided under section 212(b)(1)(B)(i) with respect to the amounts referred to in section 212(b)(1)(B)(i), except that—

"(ii) for purposes of this subparagraph, 1997 shall be substituted for the calendar year referred to in section 212(a)(1)(B)(i)(ii), and

(ii) such amount as so adjusted, if not a multiple of $100, shall be rounded to the next higher multiple of $100 where such amount is a multiple of $50 and to the nearest multiple of $100 in any other case.

The Secretary shall determine and publish in the Federal Register each adjusted amount determined under this subparagraph not later than November 1 preceding the year for which such adjustment is made.

(b) Effective Date.—The amendments made by this section shall apply with respect to modifications filed by States after the date of the enactment of this Act.

SEC. 306. LIMITED EXEMPTION FOR CANADIAN SELF-EMPLOYMENT TAX LIABILITY.

(a) In General.—Notwithstanding any other provision of law—

(1) an individual performing services described in section 1402(c)(4) of the Internal Revenue Code of 1986 which are subject to tax under section 1403 of such Code.

(b) Services furnished by States or local governments in Canada at a time when agreement between the United States and Canada pursuant to section 230 of the Social Security Act was in effect.

(c) Taxable Years Affected by Certificate.—A certificate referred to in subsection (a) shall affect taxable years beginning after December 31, 1978, and before January 1, 1985.

SEC. 307. EXCLUSION OF TOTALIZATION BENEFITS FROM THE APPLICATION OF THE WINDFALL ELIMINATION PROVISION.

(a) In General.—Section 215(a)(7) of the Social Security Act (42 U.S.C. 415(a)(7)) is amended—

(1) in subparagraph (A), by striking "but excluding all and only that follows through (B) and inserting "but excluding (I) a payment under the Railroad Retirement Act of 1974 or 1937, and (II) a payment by a social security system of a foreign country based on agreements concluded between the United States and such foreign country pursuant to section 233"; and

(2) in subparagraph (E), by inserting after "in the case of an individual" the following:
whose eligibility for old-age or disability insurance benefits is based on an agreement concluded pursuant to section 233 or an individual.

(b) CONFORMING AMENDMENT RELATING TO BENEFITS UNDER 1990 ACT.—Section 215(d)(3) of such Act (42 U.S.C. 415(d)(3)) is amended by striking “but excluding “(b)” and all that follows thereto of the Act, by substituting “but excluding “(i) a payment under the Railroad Retirement Act of 1974 or 1997, and (ii) a payment by a social security system of a foreign country based on an agreement concluded between the United States and such foreign country pursuant to section 233”.

(c) Effective Date.—The amendments made by this section shall apply (notwithstanding section 215(f)(1) of the Social Security Act (42 U.S.C. 415(f)(1)) with respect to benefits payable for months after December 1994.

SEC. 308. EXCLUSION OF MILITARY RESERVISTS FROM APPLICATION OF THE GOVERNMENT PENSION OFFSET AND WINDFALL ELIMINATION PROVISIONS.

(a) EXCLUSION FROM GOVERNMENT PENSION OFFSET PROVISIONS.—Subsections (b)(4), (c)(2), (e)(7), (f)(2), and (g)(4) of section 202 of the Social Security Act (42 U.S.C. 402(b)(4), (c)(2), (e)(7), (f)(2), and (g)(4)) are each amended—

(1) in subparagraph (A)(i), by striking “unless subparagraph (B) applies.”;

(2) in subparagraph (B), by striking “except as in effect in December 1978.”.

(b) CONFORMING AMENDMENT.—Section 202(a)(3) of such Act (42 U.S.C. 402(a)(3)) is amended by striking “as in effect in December 1978.”.

(c) Effective Date.—The amendments made by this section shall apply as of December 1, 1995.

SEC. 309. REPEAL OF THE FACILITY-OF-PAYMENT PROVISION.

(a) REPEAL OF RULE PRECLUDING REDISBURSEMENT UNDER FAMILY MAXIMUM.—Section 203(a) of the Social Security Act (42 U.S.C. 403(a)) is repealed.

(b) CONFORMING AMENDMENT UNDER FAMILY MAXIMUM OF REDUCTION IN BENEFICIARY'S AUXILIARY BENEFITS WITH SUSPENSION OF AUXILIARY BENEFIT.—Section 203(a)(1)(A) of the Social Security Act (42 U.S.C. 403(a)(1)(A)) is amended by striking the following: “(i) such individual is entitled to benefits under subsection (b), (c), (d), (e), (f), (g), or (h) of section 202, and

(ii) if such individual attained age 70, or

(iii) if such individual attained age 85, or

(iv) if such individual is entitled to benefits under section 122(b).”;

(c) Effective Date.—The amendments made by this section shall apply (notwithstanding section 215(f)(1) of the Social Security Act (42 U.S.C. 415(f)(1)) with respect to benefits payable for months after December 1994.

SEC. 310. MAXIMUM FAMILY BENEFITS IN GUARDIAN CASES.

(a) In General.—Section 203(a) of the Social Security Act (42 U.S.C. 403(a)) is amended by adding at the end of the following new paragraph: “(10)(A) Subject to subparagraphs (B) and (C) of this section, in any case in which—

(i) the month in which such individual attained age 70 has been suspended under the provisions of the first sentence of paragraph (3) of this subsection, unless—

(I) such individual is entitled to benefits under subsection (b), (c), (d), (e), (f), (g), or (h) of section 202, and

(II) if such individual attained age 70, or

(iii) if such individual attained age 85, or

(iv) if such individual is entitled to benefits under section 122(b).

(b) Repeal.—Section 203(a)(10) of the Social Security Act (42 U.S.C. 403(a)(10)) is repealed.

(c) Effective Date.—The amendments made by this section shall apply (notwithstanding section 215(f)(1) of the Social Security Act (42 U.S.C. 415(f)(1)) with respect to benefits payable for months after December 1994.

SEC. 311. AUTHORIZATION FOR DISCLOSURE OF SOCIAL SECURITY INFORMATION FOR PURPOSES OF PUBLIC OR PRIVATE EPIDEMIOLOGICAL AND SIMILAR RESEARCH.

(a) In General.—Section 1106 of the Social Security Act (42 U.S.C. 1306) is amended—

(1) by redesignating subsections (d) and (e) as subsections (e) and (f), respectively;

(2) in subsection (f), by striking “for the purpose of determining the total monthly benefits to which beneficiaries may be entitled under subsections (a) and (b) of section 202” and inserting “for the purpose of determining the total monthly benefits to which beneficiaries may be entitled under sections 202 and 223 of the Social Security Act based on the wages and self-employment income and who also is entitled to benefits under sections 202 and 223 of the Social Security Act based on the wages and self-employment income of an individual who—

(i) becomes entitled to disability insurance benefit under section 202(a) of such Act, or

(ii) becomes reentitled to a disability insurance benefit under section 223 of such Act, or

(iii) dies, after December 1995.

(b) Repeal.—Section 1106 of the Social Security Act (42 U.S.C. 1306) is amended by striking “for the purpose of administering the Internal Revenue Code of 1986 (relating to income tax on social security benefits)” and inserting “for the purpose of determining the total monthly benefits to which beneficiaries may be entitled under section 202 or 223 of the Social Security Act, or for the purpose of—

(i) the month in which such individual attained age 70 has been suspended under the provisions of the first sentence of paragraph (3) of this subsection, unless—

(I) such individual is entitled to benefits under subsection (b), (c), (d), (e), (f), (g), or (h) of section 202, and

(II) if such individual attained age 70, or

(iii) if such individual is entitled to benefits under section 122(b).”

(c) Effective Date.—The amendments made by this section shall apply (notwithstanding section 215(f)(1) of the Social Security Act (42 U.S.C. 415(f)(1)) with respect to benefits payable for months after December 1994.

SEC. 312. CONFORMING AMENDMENT APPLICABLE TO PAYMENT OF BENEFITS UNDER THE RAILROAD RETIREMENT ACT.

(a) In General.—Section 203(a) of the Social Security Act (42 U.S.C. 403(a)) is amended by—

(1) inserting “for the purpose of—” after “the payment of benefits” in section 203(a)(6), and

(2) by striking “for the purpose of—” in section 203(a)(7).

(b) Effective Date.—The amendments made by this section shall apply (notwithstanding section 215(f)(1) of the Social Security Act (42 U.S.C. 415(f)(1)) with respect to benefits payable for months after December 1994.

SEC. 313. AUTHORIZATION FOR DISCLOSURE OF SOCIAL SECURITY INFORMATION TO PROVIDE TAX ADMINISTRATION.

(a) In General.—Section 6101(f)(1) of the Internal Revenue Code of 1986 (relating to information to the Secretary for providing such information) is amended by—

(1) inserting “for the purpose of—” after “the payment of benefits” in section 6101(f)(1), and

(2) by striking “for the purpose of—” in section 6101(f)(1).
“(A) carrying out, in accordance with an agreement';

(3) by striking "program;” and inserting "program; or"; and

(4) by adding at the end the following new subparagraph:

"(b) providing information regarding the mortality status of individuals for epidemiological research in accordance with section 1106(d) of the Social Security Act.’’.

C. EFFECTIVE DATE.—The amendments made by this section shall apply with respect to requests for information made after the date of the enactment of this Act.

SEC. 312. ADDITION TO PROHIBITED WORDS, LETTERS, SYMBOLS, AND EMBLEMS IN REFERENCE TO SOCIAL SECURITY ADMINISTRATION OR DEPARTMENT OF HEALTH AND HUMAN SERVICES.

(a) PROHIBITION OF UNAUTHORIZED REPRODUCTION, REPRINTING, OR DISTRIBUTION FOR FEES OR CERTAIN OFFICIAL PUBLICATIONS.—Section 1140(a) of the Social Security Act (42 U.S.C. 1320b–10(a)) is amended—

(1) by redesignating paragraphs (1) and (2) as paragraphs (A) and (B), respectively;

(2) by inserting "(1)" after "’a);" and

(3) by adding at the end the following new paragraph:

"No person may, for a fee, reproduce, reprint, or distribute any item consisting of a form, application, or other publication of the Social Security Administration or of the Department of Health and Human Services unless such person has obtained specific, written authorization for such activity in accordance with regulations which the Secretary shall prescribe.'’

(b) ADDITION TO PROHIBITED WORDS, LETTERS, SYMBOLS, AND EMBLEMS.—Paragraph (1) of section 1140(a) of the Social Security Act (42 U.S.C. 1320b–10(a)) is further amended by adding at the end the following new sentence: ‘’In the case of any items referred to in subsection (a)(1) consisting of pieces of mail, each such piece of mail which contains one or more words, letters, symbols, or emblems in violation of subsection (a)(1) shall represent a separate violation. In the case of any item referred to in subsection (a)(2), the reproduction, reprinting, or distribution of such item shall be treated as a separate violation with respect to each copy thereof so reproduced, reprinted, or distributed.’’

(c) EXEMPTION FOR USE OF WORDS, LETTERS, SYMBOLS, AND EMBLEMS.—Paragraph (2) of section 1140(a) of the Social Security Act (42 U.S.C. 1320b–10(b)(2)) is replaced—

(1) by striking "(1) Subject to paragraph (2), the regulations in section 1106(d) of this Act shall be treated as a separate violation with respect to the use by any agency or instrumentality of any word, letter, symbol, or emblem in violation of subsection (a) or (b) of this section during the period in question; or'

(2) by redesigning subparagraphs (A) and (B) as paragraphs (1) and (2), respectively; and

(3) by inserting in paragraph (1) (as redesignated), by striking "paragraph (B)" and inserting "paragraph (2)".

(d) REMOVAL OF DECLARATORY REQUIREMENT.—Section 1140(b) of such Act (42 U.S.C. 1320b–10(c)(1)) is amended by inserting ‘’and the first sentence of subsection (c)’’ after ‘’and (ii)’’.

(e) PENALTIES RELATING TO SOCIAL SECURITY ADMINISTRATION DEPOSITED IN OASDI TRUST FUND, AND PENALTIES RELATED TO HEALTH CARE FINANCING ADMINISTRATION DEPOSITED IN THE MEDICAID TRUST FUND.—Section 1140(c)(2) of such Act (42 U.S.C. 1320b–10(c)(2)) is amended in the second sentence by inserting ‘‘United States’’ after ‘‘Social Security Administration’’ and inserting ‘‘United States’’ after ‘‘Secretary’’.

(f) TREATMENT OF DISAMBIGUITY.—Section 1140 of such Act (42 U.S.C. 1320b–10) is amended by adding at the end the following new subsection:

‘’(d) Penalties.—Subsection (c) of this section may be enforced through the Office of the Inspector General of the Department of Health and Human Services.’’.

(g) IN GENERAL.—The Secretary of Health and Human Services and the Commissioner of Social Security shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate 3 reports on the operation of section 1140 of the Social Security Act with respect to the Social Security Administration or the Department of Health and Human Services during the period covered by the report, which shall specify—

(A) the number of indications of such section received by the Social Security Administration or the Department of Health and Human Services during the period covered by the report, which shall specify—

(B) the number of cases in which the Social Security Administration or the Department, during the period, sent a notice of violation requiring that an individual cease activities in violation of such section,

(C) the number of cases in which the Social Security Administration or the Department, during the period, formally proposed a civil money penalty in a demand letter during the period,

(D) the total amount of civil money penalties assessed by the Social Security Administration or the Department under this section during the period,

(E) the number of requests for hearings filed during the period by the Social Security Administration or the Department pursuant to sections 1140(c)(1) and 1128a(c)(2) of the Social Security Act,

(F) the disposition during the period of hearings filed pursuant to sections 1140(c)(1) and 1128a(c)(2) of the Social Security Act, and

(G) the total amount of civil money penalties collected under this section and deposited into the Federal Old-Age and Survivors Insurance Trust Fund or the Health Insurance and Supplementary Medical Insurance Trust Funds, as applicable, during the period.

(h) WHEN DUE.—The reports required by paragraph (1) shall be submitted not later than December 1, 1994, not later than December 1, 1997, and not later than December 1, 1999, respectively.

(i) PROHIBITION OF MISUSE OF THE DEPARTMENT OF THE TREASURY NAMES, SYMBOLS, ETC.—

(1) GENERAL RULE.—Subchapter II of chapter 3 of title 31, United States Code, is amended by adding at the end thereof the following new section:

‘’§333. Prohibition of misuse of Department of the Treasury names, symbols, etc.

(a) GENERAL RULE.—No person may, in any manner approved, endorsed, sponsored, or connected with, as a part of, any advertisement, solicitation, business activity, or product, whether alone or with other words, letters, symbols, or emblems, use, reproduce, reprint, or distribute any item consisting of a form, application, or other publication of the Social Security Administration, the Department of the Treasury, or authorized by, or associated with, the Department of the Treasury, or the name of any service, bureau, office, or other subdivision of the Department of the Treasury.

(b) The titles 'Secretary of the Treasury' or 'Treasurer of the United States' or the title of any other officer or employee of the Department of the Treasury.

(c) The abbreviations or initials of any entity referred to in paragraph (1).

(d) The words 'United States Savings Bond' or the name of any other obligation issued by the Department of the Treasury.

(e) Any symbol or emblem of an entity referred to in paragraph (1) (including the design of any envelope or stationary used by such entity).

(f) Any colorable imitation of any such words, titles, abbreviations, initials, symbols, or emblems, in a manner which could reasonably be interpreted or construed as conveying the false impression that such advertisement, solicitation, business activity, or product is in any manner approved, endorsed, sponsored, or authorized by, or associated with, the Department of the Treasury or any entity referred to in paragraph (1) or any officer or employee thereof.

(g) TREATMENT OF DISCLAIMERS.—Any determination of whether a person has violated the provisions of subsection (a) shall be made..."
without regard to any use of a disclaimer of affiliation with the United States Government or any particular agency or instrumentality.

(C) CIVIL PENALTY.—

“(1) IN GENERAL.—The Secretary of the Treasury may impose a civil penalty on any person who violates the provisions of subsection (a).

“(2) AMOUNT OF PENALTY.—The amount of the civil penalty imposed by paragraph (1) shall not exceed $5,000 for each use of any material in violation of subsection (a). If such use is in a broadcast or telecast, the preceding sentence shall be applied by substituting ‘‘$10,000’’ for ‘‘$5,000’’.

“(3) TIME LIMITATIONS.—

“(A) ASSSESSMENT.—The Secretary of the Treasury may assess a civil penalty under paragraph (1) at any time before the end of the 3-year period beginning on the date of the violation with respect to which such penalty is imposed.

“(B) CIVIL ACTION.—The Secretary of the Treasury may commence a civil action to recover any penalty imposed under this subsection at any time before the end of the 3-year period beginning on the date on which such penalty was assessed.

“(4) COORDINATION WITH SUBSECTION (d).—

No penalty may be assessed under this subsection with respect to any violation after a criminal proceeding with respect to such violation has been commenced under subsection (d).

“(d) CRIMINAL PENALTY.—

“(1) IN GENERAL.—If any person knowingly violates subsection (a), such person shall, upon conviction thereof, be fined not more than $10,000 for each such use or imprisoned not more than 1 year, or both. If such use is in a broadcast or telecast, the preceding sentence shall be applied by substituting ‘‘$50,000’’ for ‘‘$10,000’’.

“(2) TIME LIMITATIONS.—No person may be prosecuted with respect to any violation subject to subsection (a) unless the indictment is found or the information instituted during the 3-year period beginning on the date of the violation.

“(3) COORDINATION WITH SUBSECTION (c).—

No criminal proceeding may be commenced under this subsection with respect to any violation unless such criminal proceeding has previously been assessed under subsection (c) with respect to such violation.

“(2) CIVIL AMENDMENT.—

The analysis for chapter 3 of title 31, United States Code, is amended by adding after the item relating to section 332 the following new item:

‘‘333. Prohibition of misuse of Department of the Treasury names, symbols, etc.’’

(3) REPORT.—Not later than May 1, 1996, the Secretary of the Treasury shall submit a report to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate on the implementation of the amendments made by this section. Such report shall include the number of cases in which the Secretary has notified persons of violations of section 333 of title 31, United States Code (as added by subsection (a)), the number of prosecutions commenced under such section, and the total amount of the penalties collected in such prosecutions.

(m) EFFECTIVE DATE.—

“(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall take effect on the date of the enactment of this Act, and the amendments made by paragraphs (1) and (2) of subsection (l) shall apply with respect to violations occurring after such date.

SEC. 313. INCREASED PENALTIES FOR UNAUTHORIZED DISCLOSURE OF SOCIAL SECURITY INFORMATION.

(a) UNAUTHORIZED DISCLOSURE.—Section 1106(a) of the Social Security Act (42 U.S.C. 1306(a)) is amended—

“(1) by striking ‘‘misdeemeanor’’ and inserting ‘‘felony’’;

“(2) by striking ‘‘$1,000’’ and inserting ‘‘$10,000 for each occurrence of a violation’’; and

“(3) by striking ‘‘one year’’ and inserting ‘‘5 years’’.

(b) UNAUTHORIZED DISCLOSURE BY FRAUD.—

Section 1107(b) of such Act (42 U.S.C. 1307(b)) is amended—

“(1) by inserting ‘‘social security account number,’’ after ‘‘information as to the’’;

“(2) by striking ‘‘misdeemeanor’’ and inserting ‘‘felony’’;

“(3) by striking ‘‘$1,000’’ and inserting ‘‘$10,000 for each occurrence of a violation’’; and

“(4) by striking ‘‘one year’’ and inserting ‘‘5 years’’.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to violators occurring after the date of the enactment of this Act.

SEC. 314. INCREASE IN AUTHORIZED PERIOD FOR EXTENSION OF TIME TO FILE ANNUAL EARNINGS REPORT.

(a) IN GENERAL.—Section 203(h)(1)(A) of the Social Security Act (42 U.S.C. 403(h)(1)(A)) is amended—

“(1) by inserting ‘‘social security account number’’ after ‘‘information as to the’’;

“(2) by striking ‘‘one year’’ and inserting ‘‘five months’’;

“(3) by striking ‘‘misdemeanor’’ and inserting ‘‘felony’’;

“(4) by striking ‘‘one year’’ and inserting ‘‘four months’’.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to reports of earnings for taxable years ending on or after December 31, 1994.

SEC. 315. EXTENSION OF DISABILITY INSURANCE PROJECT AUTHORITY.

(a) IN GENERAL.—Section 505 of the Social Security Disability Amendments of 1980 (Public Law 96-204, 94 Stat. 1572) is amended—

“(1) by striking paragraph (2) and inserting—

‘‘(2) by striking ‘‘3 months’’ and inserting ‘‘4 months’’; and

‘‘(3) by striking ‘‘misdemeanor’’ and inserting ‘‘felony’’.’’

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

SEC. 316. CROSS-MATCHING OF SOCIAL SECURITY ACCOUNT NUMBER INFORMATION AND EMPLOYER IDENTIFICATION NUMBER INFORMATION MAINTAINED BY THE DEPARTMENT OF AGRICULTURE.

(a) SOCIAL SECURITY ACCOUNT NUMBER INFORMATION.—Clause (iii) of section 208(c)(2) of the Social Security Act (42 U.S.C. 408(c)(2)) (as added by section 1735(a) of the Food, Agriculture, Conservation, and Trade Act of 1990 (Public Law 101-624; 104 Stat. 3791)) is amended—

“(1) by striking ‘‘October 1, 1993’’ and inserting ‘‘October 1, 1995’’;

“(2) in paragraph (4) of subsection (a), by striking ‘‘1992’’ and inserting ‘‘1995’’; and

“(3) in subsection (c), by striking ‘‘October 1, 1993’’ and inserting ‘‘October 1, 1995’’.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.
with which information is shared pursuant to paragraph (2)， and by striking "social security account numbers" and inserting "employer identification numbers"； and

(3) by striking "by striking "by the Secretary of Agriculture pursuant to this subsection" and inserting "pursuant to this subsection by the Secretary of Agriculture or any agency or instrumentality of the United States under a visa issued under section 101 of the Immigration and Nationality Act.".

SEC. 317. CERTAIN TRANSFERS TO RAILROAD RETIREMENT ACCOUNT MADE PERMANENT.

Subsection (c)(1)(A) of section 224 of the Railroad Retirement Act of 1974 is amended by striking (relating to section 72(r) revenue increase transferred to certain railroad accounts) and inserting "appropriates to protect the confidentiality of the information is shared pursuant to paragraph (2)."

SEC. 318. AUTHORIZATION FOR USE OF SOCIAL SECURITY ACCOUNT NUMBERS BY DEPARTMENT OF LABOR IN ADMINISTRATION OF FEDERAL WORKERS' COMPENSATION LAWS.

Section 3581(1) of title 5, United States Code, is amended by striking paragraph (b)(4) and inserting "(b)(4) and (c)(2)(C)) is amended—

(a) AMENDMENTS TO THE INTERNAL REVENUE CODE OF 1986.—

(1) The following provisions of the Internal Revenue Code of 1986 are each amended by striking "(J), or (M), or (Q)" each place it appears inserting "(J), (M), or (Q)":

(A) Section 7871(c).
(B) Section 1441(b).
(C) Section 3121(b)(19).
(D) Section 3231(e)(1).
(E) Section 3306(c)(19).

(2) Paragraph (3) of section 7872(b) of such Code is amended by striking "(F) or (I)" and inserting "(D), (I), or (Q)".

(3) Paragraph (5) of section 7701(b) of such Code is amended by striking "paragraph (I)" in subparagraphs (C)(i) and (D)(ii) and inserting "paragraph (J) or (Q)".

(b) AMENDMENT TO SOCIAL SECURITY ACT.—

Paragraph (19) of section 221(a) of the Social Security Act is amended by striking "(J), or (M), or (Q)" each place it appears and inserting "(J), (M), or (Q)".

(c) EFFECTIVE DATE.—The amendments made by this subsection shall take effect with the calendar quarter following the date of the enactment of this Act.

SEC. 321. TECHNICAL AND CLERICAL AMENDMENTS.

(a) AMENDMENTS TO TITLE II OF THE SOCIAL SECURITY ACT.—

(1) Subsection (a) of section 201(a) of the Social Security Act (42 U.S.C. 401(a)) is amended, in the matter following clause (4), by striking "and" and inserting "and reporting for, and inserting "paragraph (J) or (Q)."

(b) AMENDMENTS TO SECTION 221—

Paragraph (19) of section 221(a) of the Social Security Act is amended by striking "(J), or (M), or (Q)."

(c) EFFECTIVE DATE.—The amendments made by this subsection shall take effect with the calendar quarter following the date of the enactment of this Act.

SEC. 320. EXTENSION OF THE FICA TAX EXEMPTION AND CERTAIN TAX RULES TO INDIVIDUALS WHO ENTER THE UNITED STATES UNDER A VISA.

(a) AMENDMENTS TO THE INTERNAL REVENUE CODE OF 1986.—

(1) The following provisions of the Internal Revenue Code of 1986 are each amended by striking "(J), or (M), or (Q)" each place it appears inserting "(J), (M), or (Q)":

(A) Section 7871(c).
(B) Section 1441(b).
(C) Section 3121(b)(19).
(D) Section 3231(e)(1).
(E) Section 3306(c)(19).

(2) Paragraph (3) of section 7872(b) of such Code is amended by striking "(F) or (I)" and inserting "(D), (I), or (Q)".

(3) Paragraph (5) of section 7701(b) of such Code is amended by striking "paragraph (I)" in subparagraphs (C)(i) and (D)(ii) and inserting "paragraph (J) or (Q)".

(b) AMENDMENT TO SOCIAL SECURITY ACT.—

Paragraph (19) of section 221(a) of the Social Security Act is amended by striking "(J), or (M), or (Q)" each place it appears and inserting "(J), (M), or (Q)".

(c) EFFECTIVE DATE.—The amendments made by this subsection shall take effect with the calendar quarter following the date of the enactment of this Act.
(A) by striking the clause (vi) added by section 220(c) of Public Law 101-624;

(B) by redesigning the clause (iii) added by section 220(b)(3) of Public Law 101-624, clause (iv), clause (v), clause (vi), and the clause (vii) added by section 173(b) of Public Law 101-624 as clause (iv), clause (v), clause (vi), clause (vii), and clause (viii), respectively;

(C) in clause (v) (as redesignated) by striking “subclause (I) of”, and by striking “subclause (II) of clause (i)” and inserting “clauses (I) and (II) of clause (i)”;

(D) in clause (viii)(IV) (as redesignated) by inserting “a social security account number or” before “a request for”;

(10) Rules for section 205(i) of such Act (42 U.S.C. 405(j)) is amended to read as follows: “Representative Payees.”

(11) The heading for section 205(i) of such Act (42 U.S.C. 405(i)) is amended to read as follows: “Notice Requirements.”

(12) Section 208(c) of such Act (42 U.S.C. 408(c)) is amended by striking “subsection (g)” and inserting “subsection (a)(7)”.

(13) Section 210(a)(5)(B)(iv) of such Act (42 U.S.C. 410(a)(5)(B)(iv)) is amended by striking “section 105(e)(2)” and inserting “section 104(e)(2)”.

(14) Section 211(a) of such Act (42 U.S.C. 411(a)) is amended—

(A) in paragraph (13), by striking “and” at the end of

(B) in paragraph (14), by striking the period and inserting “;”.

(15) Section 213(c) of such Act (42 U.S.C. 413(c)) is amended—

(A) by inserting “section” the first place it appears and inserting “sections”;

(B) Section 215(f)(7) of such Act (42 U.S.C. 415(f)(7)) is amended by inserting a period after “1990”.

(18) Subparagraph (F) of section 218(c)(6) of such Act (42 U.S.C. 418(c)(6)) is amended by adjusting the left-hand margination thereof so as to align with section 218(c)(6)(E) of such Act.

(19) Subsection (d) of such Act (42 U.S.C. 419(d)) is amended by adding at the beginning the following heading: “Limitation on Payments to Prisoners.”

(B) RELATED AMENDMENTS.—

(1) Section 603(b)(5)(A) of Public Law 101-649 (amending section 202(n)(1) of the Social Security Act (104 Stat. 5065) is amended by inserting “under” before paragraph “(1)” and by striking “(17) or (18)” and inserting “(17), (18), or (19), effective as if this paragraph were included in such section 603(b)(5)(A).”

(2) Section 10020(b)(1) of Public Law 101-239 amended section 230(b)(2)(A) of the Social Security Act (103 Stat. 2477) by striking “230(b)(2)(A)” and “430(b)(2)(A)” and inserting “230(b)(2)” and “430(b)(2),” respectively. Effective if this paragraph were included in such section 10020(b)(1).

(3) CONFORMING CLERICAL AMENDMENTS UPDATING SUBCHAPTER C.—

AFFECTING REFERENCES IN TITLE II OF THE SOCIAL SECURITY ACT TO THE INTERNAL REVENUE CODE.—

(A) in subsection (a)(1) of such Act (42 U.S.C. 401(a)(1)), and

(B) in subsection (a)(1)(D)(I) of such Act (42 U.S.C. 401(a)(1)(D)(I)), by striking “representative payees” and inserting “representative payee”;

(C) in the matter in subsection (a)(1) of such Act (42 U.S.C. 401(a)(1)), preceding paragraph (1) and in paragraphs (1)(B) and (10) of section 216(i), by striking “the amount of” and inserting “the amount of the”; and

(D) in subsection (b)(4) and (g) of section 210 (42 U.S.C. 410), by striking “the average amount of Social Security benefits payable under title II of the Social Security Act” and inserting “the average amount of”;

(E) in the matter in subsection (a)(1) of such Act (42 U.S.C. 401(a)(1)), preceding paragraph (1) and in paragraphs (3), (4), (6), (10), (11), and (12) and clauses (iii) and (iv) of section 213(a), by striking “(deemed average total wages)” and inserting “deemed average total wages”;

(F) in the matter in subsection (c)(4) of such Act (42 U.S.C. 413(c)(4)), preceding paragraph (1), in paragraphs (3) and (6) of section 211(c), and in the matter following paragraph (6) of section 211(c), by striking “the average amount of” and inserting “the average amount of”; and

(G) in subsection (d), and (h)(1)(B) of section 211 (42 U.S.C. 411(b)), by striking “the average amount of” and inserting “the average amount of”;


(3) RULES OF CONSTRUCTION.—

(1) The preceding provisions of this section shall be construed only as technical and clerical corrections and as reflecting the original intent of the provisions amended thereby.

(2) Any reference in title II of the Social Security Act to the Internal Revenue Code of 1986 shall be construed as a reference to the Internal Revenue Code of 1986 to the extent necessary to carry out the provisions of paragraph (1).

(4) UTILIZATION OF NATIONAL AVERAGE WAGE INDEX FOR WAGE-BASED ADJUSTMENTS.—

(1) DEFINITION OF NATIONAL AVERAGE WAGE INDEX.—Section 204(k) of the Social Security Act (42 U.S.C. 404(k)) is amended—

(A) by redesignating paragraph (2) as paragraph (3);

(B) in paragraph (3) (as redesignated), by striking “paragraph (1)” and inserting “this paragraph”;

(C) by striking paragraph (1) and inserting the following new paragraph:

“(k)(1) For purposes of sections 204(f)(1)(A), 213(d)(2)(B), 215(a)(1)(B)(iii), 215(a)(1)(C)(ii), 215(a)(1)(D)(iii), 215(b)(2)(C)(iii), 215(b)(2)(C)(iv), 215(b)(2)(C)(v), 215(b)(2)(D), and 230(b)(2) and 230(b)(2) as in effect immediately prior to the enactment of the Social Security Amendments of 1977, the term ‘national average wage index’ for any particular calendar year means, subject to regulations of the Secretary under paragraph (2), the average of the total wages for such particular calendar year.

(2) The Secretary shall prescribe regulations under which the national average wage index for any calendar year shall be computed—

(A) on the basis of amounts reported to the Secretary of the Treasury or his delegate for such year;

(B) by disregarding the limitation on wages specified in subsection (a)(1),

(C) in respect to calendar years after 1990, by incorporating deferred compensation amounts and factoring in in such years the rate of change from year to year in such amounts, in a manner consistent with the requirements of subsection (a)(1), and

(D) with respect to calendar years before 1978, in a manner consistent with the manner in which the average of the total wages for each of such calendar years was determined as provided by applicable law as in effect for such years.”

(2) CONFORMING AMENDMENTS.—

(A) Section 213(d)(2)(B) of such Act (42 U.S.C. 413(d)(2)(B)) is amended by striking “deemed average total wages” and inserting “average total wages”;

(B) in the matter in subsection (a)(1) of such Act (42 U.S.C. 410(a)(1)), preceding paragraph (1) and in paragraphs (9) and (10) of section 216(i), by striking “average total wages” and inserting “average total wages”;

(C) in the matter in subsection (a)(1) of such Act (42 U.S.C. 410(a)(1)), preceding paragraph (1) and in paragraph (9) of section 216(i), by striking “average total wages” and inserting “average total wages”;
(ii) in subclause (II), by striking “the average of the total wages” and all that follows and inserting “the national average wage index (as so defined) for 1977.”

(3) Section 215(d)(1)(C)(i) of such Act (42 U.S.C. 415(a)(1)(C)(i)) is amended by striking “deemed average total wages” and inserting “national average wage index”.

(D) Section 215(a)(1)(D) of such Act (42 U.S.C. 415(a)(1)(D)) is amended—

(i) by striking “after 1978;”

(ii) by striking “and the average of the total wages (as described in subparagraph (B)(iii)))” and inserting “and the national average wage index (as defined in section 209(k)(1));”

(iii) by striking the last sentence.

(E) Section 215(b)(3)(A)(ii) of such Act (42 U.S.C. 415(b)(3)(A)(ii)) is amended by striking “deemed average total wages” each place it appears and inserting “national average wage index.”

(F) Section 215(I)(U) of such Act (42 U.S.C. 415(I)(U)) is amended—

(i) in subparagraph (E), by striking “SSA average wage index” and inserting “national average wage index” (as defined in section 209(k)(1));”

(ii) by striking subparagraph (G) and redesignating subparagraph (H) as subparagraph (G).

(G) Section 215(I)(2)(C)(i) of such Act (42 U.S.C. 415(I)(2)(C)(i)) is amended to read as follows:

“(ii) the individual is now able to engage in substantial gainful activity;”.

(H) Section 224(f)(2) of such Act (42 U.S.C. 424a(f)(2)) is amended—

(i) in subparagraph (A), by adding “and” at the end;

(ii) by striking subparagraph (C); and

(iii) by redesigning subparagraph (B) and inserting the following:

“(B) the ratio of (i) the national average wage index (as defined in section 209(k)(1) for the year in which the determination is made) to (ii) the national average wage index (as so defined) for the calendar year before the year in which the determination is made but not counting any reduction made in benefits for a previous period of disability);”.

(I) Technical Corrections Related to OASDI in the Omnibus Budget Reconciliation Act of 1990.—

(1) Amendments Related to Provisions in Section 222(A) Relating to Disabled Widows.—Section 222(A)(2) of the Social Security Act (42 U.S.C. 423(2)(A)) is amended—

(A) in subparagraph (A), by striking “in a case to which clause (ii)(I) does not apply”; and

(B) by striking subparagraph (B)(ii) and inserting the following:

“(II) the individual is now able to engage in substantial gainful activity;”.

(2) Amendments Related to Provisions in Section 5103(d) Relating to Representative Payees.—

(A) Title XVI Amendments.—Section 1631(a)(2) of the Social Security Act (42 U.S.C. 1383(a)(2)) is amended—

(i) by redesignating subparagraphs (E) and (F) as subparagraphs (F) and (G), respectively; and

(ii) by inserting after subparagraph (D) the following subparagraph:

“(E) Restitution.—In cases where the negligent failure of the Secretary to investigate or monitor a representative payee results in misused benefits, the Secretary shall make payment to the beneficiary or the beneficiary’s representative payee of an amount equal to such misused benefits. The Secretary shall make a good faith effort to obtain restitution from the terminated representative payee.”

(3) Amendments Related to Provisions in Section 5106 Relating to Coordination of Rules Under Titles II and XVI Governing Entitlements of Claimants with Entitlements Under Both Titles.—

(A) Calculation of Fee of Claimant’s Representative Based on Amount of Past-Due Social Security Income Benefits After Application of Windfall Offset Provision.—Section 1631(d)(2)(A)(i) of the Social Security Act (as amended by section 106(c)(3) of the Omnibus Budget Reconciliation Act of 1990) (42 U.S.C. 1383d(2)(A)(i)) is amended to read as follows:

“(i) by substituting, in subparagraphs (A)(i) and (C)(i), the phrase ‘(as determined before any applicable reduction under section 1631(g), and reduced by the amount of any reduction in benefits under this title or (II), made pursuant to section 1127(a))’ for the parenthetical phrase contained therein; and”.

(B) Calculation of Past-Due Benefits for Purposes of Subsection (B) of Section 206.—Section 206(b)(2) of the Social Security Act (42 U.S.C. 406(b)(2)) is amended to read as follows:

“(B) for purposes of this paragraph—

(i) the term ‘past-due benefits’ excludes any benefits with respect to which payment has been continued pursuant to subsection (g) or (h) of section 223, and

(ii) amount of past-due benefits shall be determined before any applicable reduction under section 1127(a).”.

(4) Adjustment of OASDI Contribution and Benefit Base.—

(A) In General.—Section 206(b)(1) of such Act (42 U.S.C. 406(b)(1)) is amended—

(i) by inserting “after ‘(B)’”;

(ii) by adding at the end the following new subparagraph:

“(B) for purposes of this paragraph—

(i) the term ‘past-due benefits’ excludes any benefits with respect to which payment has been continued pursuant to subsection (g) or (h) of section 223, and

(ii) amount of past-due benefits shall be determined before any applicable reduction under section 1127(a).”.

(B) Application of Single Dollar Amount Ceiling to Concurrent Claims Under Titles II and XVI.—

(A) In General.—Section 206(a)(2) of such Act (as amended by section 5106(b)(1) of the Omnibus Budget Reconciliation Act of 1990) (42 U.S.C. 406(a)(2)) is amended—

(i) by redesigning subparagraph (C) as subparagraph (D); and

(ii) by inserting after subparagraph (B) the following new subparagraph:

“(C) in any case involving—

(i) an agreement described in subparagraph (A), the Secretary may approve such agreement only if the total fee or fees specified in such agreement does not exceed, in the aggregate, the dollar amount in effect under subparagraph (A)(ii).”.

(B) Conforming Amendment.—Section 206(a)(3)(A) of such Act (as amended by section 5106(a)(1) of the Omnibus Budget Reconciliation Act of 1990) (42 U.S.C. 406(a)(3)(A)) is amended—

(i) by redesigning subparagraphs (E) and (F) as subparagraphs (F) and (G), respectively; and

(ii) by inserting after subparagraph (D) the following new subparagraph:

“(E) Restitution.—In cases where the negligent failure of the Secretary to investigate or monitor a representative payee results in misused benefits, the Secretary shall make payment to the beneficiary or the beneficiary’s representative payee of an amount equal to such misused benefits. The Secretary shall make a good faith effort to obtain restitution from the terminated representative payee.”

(5) Effective Date.—Each amendment made by this section shall take effect as if included in the provisions of the Omnibus Budget Reconciliation Act of 1990 to which such amendment relates, except that the amendments made by paragraph (3)(ii) shall apply with respect to favorable judgments made after 180 days after the date of the enactment of this Act.

(6) Elimination of Rounding Distortion in the Calculation of the Old-Age, Survivors, and Disability Insurance Contribution and Benefit Base and the Earnings Test Exempt Amount.—Section 213 of such Act (42 U.S.C. 401(f)(8)(B)(ii)) is amended by striking “(except that)” and all that follows through the end and inserting “(except that, for purposes of subsection (b) of such section 230 as so in effect, the reference to the contribution and benefit base in paragraph (1) of such subsection shall be deemed a reference to the national average wage index (as so defined for 1992)”.

(B) Conforming Amendment Relating to Agricultural Prior Law.—Section 230(d) of such Act (42 U.S.C. 430(d)) is amended by striking “(except that)” and all that follows through the end and inserting “(except that, for purposes of subsection (b) of such section 230 as so in effect, the reference to the contribution and benefit base in paragraph (1) of such subsection shall be deemed a reference to the national average wage index (as so defined for 1992)”.}

(1) Adjustment of OASDI Contribution and Benefit Base Applicable in Determining Years of Coverage for Purposes of Special Minimum Primary Insurance Amount.—Section 215(a)(1)(I)(ii) of such Act is amended by striking “(except that)” and all that follows through the end and inserting “(except that, for purposes of subsection (b) of such section 230 as so in effect, the reference to the contribution and benefit base in paragraph (1) of such subsection shall be deemed a reference to the national average wage index (as so defined for 1992), and the reference to a calendar year before the calendar year in which the determination under subsection (a) of such section 230 is made to (B) the national average wage index (as so defined for 1992)”.

(2) Adjustment of Earnings Test Exempt Amount.—Section 213(I)(ii) of the Social Security Act (42 U.S.C. 401(f)(8)(B)(ii)) is amended to read as follows:

“(ii) the product of the corresponding exempt amount which is in effect with respect
to months in the taxable year ending after 1993 and before 1995, and the ratio of—

“(I) the national average wage index (as defined in section 200A(1)) for the calendar year before the calendar year in which the determination under subparagraph (A) is made, to

“(II) the national average wage index (as so defined) for 1992, with such product, if not a multiple of $10, being rounded to the next higher multiple of $10 where such product is a multiple of $5 but not of $10 and to the nearest multiple of $10 on any other case.

(3) EFFECTIVE DATES.—

(A) The amendments made by paragraph (1) shall be effective with respect to the determination of the contribution and benefit base for years after 1994.

(B) The amendment made by paragraph (2) shall be effective with respect to the determination of the exempt amounts applicable to any taxable year ending after 1994.

(h) TECHNICAL AMENDMENTS TO TITLE XVI.—(1) Section 1631 of the Social Security Act (42 U.S.C. 1383) is amended—

(A) in the 1st subsection (n), by striking “subsection” and inserting “title”;

(B) by redesignating the 2nd subsection (n) as subsection (o); and

(2) Section 1613(a) of such Act (42 U.S.C. 1382(a)) is amended—

(A) by striking “and” at the end of paragraph (9); and

(B) by amending such paragraph (9) to read—

(9) The amendment made by this subsection shall take effect on the date of the enactment of this Act.

And the Senate agrees to the same.

Present and not voting.

SERRANO, announced that the yeas and nays were ordered to be reported to its adoption or rejection.

The amendment made by paragraph (11) to any taxable year ending after 1994.

The Senate agreed to the yeas and nays being ordered to be reported to its adoption or rejection.

The amendment made by paragraph (1) shall take effect on the date of the enactment of this Act.

The amendment made by this subsection shall take effect on the date of the enactment of this Act.

The Senate agreed to the yeas and nays being ordered to be reported to its adoption or rejection.

When said conference report was considered, its adoption or rejection was put to the vote whereupon the Senate agreed to the same.

The Senate agreed to the yeas and nays being ordered to be reported to its adoption or rejection.

So the conference report was agreed to.

A motion to reconsider the vote whereby said conference report was agreed to was, by unanimous consent, laid on the table.

Ordered, That the Clerk notify the Senate thereof.