

§§ 729 to 729a, 731. Omitted

Codenfication

Section 729, as added Aug. 14, 1935, ch. 531, title V, §531, as added Oct. 24, 1963, Pub. L. 88-156, §44, 77 Stat. 274, amended Jan. 2, 1968, Pub. L. 90-248, title III, §303, 81 Stat. 929, related to maternity and infant care projects, authorized appropriations of $5,000,000; $15,000,000; $30,000,000; and $35,000,000 for fiscal years ending June 30, 1964, 1965, 1966 and 1967, respectively; provided for grants to State health agencies, limitations on payments, scope of projects, health hazards, low-income families, other reasons for lack of health care; and provided for payments to States, adjustments, advances or reimbursement, installments, and conditions, prior to the general amendment of title V of the Social Security Act by Pub. L. 90-248, §301. See sections 701 and 702 of this title. Section 531 of act Aug. 14, 1935, as added July 30, 1965, Pub. L. 89-97, 79 Stat. 354, provided for projects for health of school and preschool children, authorized appropriations of $15,000,000; $25,000,000; $40,000,000; $45,000,000; and $50,000,000 for fiscal years ending June 30, 1966, 1967, 1968, 1969, and 1970, respectively; provided for grants to State health agencies, medical and dental schools, and teaching hospitals, limitations on payments, eligibility for grants, comprehensive care and services; and provided for payments to States, adjustments, advances or reimbursement, installments, and conditions, prior to the general amendment of title V of the Social Security Act by Pub. L. 90-248, §301. See sections 701 and 702 of this title.

Section 729a, as added Aug. 14, 1935, ch. 531, title V, §533, as added July 30, 1965, Pub. L. 89-97, title II, §205(b), 79 Stat. 354, renumbered July 30, 1965, Pub. L. 89-97, title II, §205(c), 79 Stat. 354, provided for research projects relating to maternal and child health services and crippled children’s services, authorized appropriations of $8,000,000 for fiscal year ending June 30, 1964, and each subsequent fiscal year; and provided for payments to eligible institutions, agencies, and organizations, adjustments, advances or reimbursements, installments, and conditions, prior to the general amendment of title V of the Social Security Act by Pub. L. 90-248, §301. See sections 701 and 702 of this title.


SUBCHAPTER VI—TEMPORARY STATE FISCAL RELIEF

Prior Provisions

A prior subchapter VI related to grants to States for services to the aged, blind, or disabled and consisted of sections 801 to 805, prior to repeal by Pub. L. 93-647, §3(b), Jan. 4, 1975, 88 Stat. 2349, 2351, effective with respect to payments under section 803 for quarters commencing after Sept. 30, 1975.


§ 801. Repealed


Prior Provisions

Prior sections 801 to 805 were repealed by Pub. L. 93-647, §§3(b), 7(b), Jan. 4, 1975, 88 Stat. 2349, 2351, effective with respect to payments under section 803 for quarters commencing after Sept. 30, 1975.

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


AMENDMENTS


EFFECTIVE DATE OF 1994 AMENDMENT


TRANSFER TO NEW SOCIAL SECURITY ADMINISTRATION

Section 105 of title I of Pub. L. 103–296 provided that:

“(a) Functions.—

“(1) In general.—There are transferred to the Social Security Administration all functions of the Secretary of Health and Human Services with respect to or in support of the programs and activities the administration of which is vested in the Social Security Administration by reason of this title [see Tables for classification] and the amendments made thereby.

The Commissioner of Social Security shall allocate such functions in accordance with sections 701, 702, 703, and 704 of the Social Security Act (this section and sections 902 to 904 of this title) (as amended by this title).

“(2) Functions of other agencies.—

“(A) In general.—Subject to subparagraph (B), the Social Security Administration shall also perform—

“(i) the functions of the Department of Health and Human Services, including functions relating to titles XVIII and XIX of the Social Security Act [subchapters XVIII and IX of this chapter] [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 [Aug. 15, 1994], and

“(ii) the functions of any other agency for which administrative responsibility was vested in the Social Security Administration in the Department of Health and Human Services as of immediately before the date of the enactment of this Act.

“(B) Rules governing continuation of functions in the administration.—The Social Security Administration shall perform, 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 to the extent that the Commissioner and the Secretary (or other agency head, as applicable) agree to alter such terms pertaining to any such function or to terminate the performance by the Social Security Administration of any such function.

“(c) Personnel, assets, etc.—

“(1) In general.—There are transferred from the Department of Health and Human Services to the Social Security Administration, for appropriate allocation by the Commissioner of Social Security in the Social Security Administration—

“(A) the personnel employed in connection with the functions transferred by this title and the amendments made thereby; and

“(B) the assets, liabilities, contracts, property, records, and unexpended balance of appropriations, authorizations, allocations, and other funds employed, held, or used in connection with such functions, arising from such functions, or available, or to be made available, in connection with such functions.

“(2) Unexpended funds.—Unexpended funds transferred pursuant to this subsection shall be used only for the purposes for which the funds were originally appropriated.

“(3) Employment protections.—

“(A) In general.—During the 1-year period beginning March 31, 1995—

“(i) the transfer pursuant to this section of any full-time personnel (except special Government employees) and part-time personnel holding permanent positions shall not cause any such personnel to be separated or reduced in grade or compensation solely as a result of such transfer, and

“(ii) except as provided in subparagraph (B), any such personnel who were not employed in the Social Security Administration in the Department of Health and Human Services immediately before the date of the enactment of this Act [Aug. 15, 1994] shall not be subject to directed reassignment to a duty station outside their commuting area.

“(B) Special rules.—

“(i) In the case of personnel whose duty station is in the Washington, District of Columbia, commuting area immediately before March 31, 1995, subparagraph (A)(ii) shall not apply with respect to directed reassignment to a duty station in the Baltimore, Maryland, commuting area after September 30, 1995.

“(ii) In the case of personnel whose duty station is in the Baltimore, Maryland, commuting area immediately before March 31, 1995, subparagraph (A)(ii) shall not apply with respect to directed reassignment to a duty station in the Washington, District of Columbia, commuting area after September 30, 1995.

“(4) Office space.—Notwithstanding section 7 of the Public Buildings Act of 1959 (40 U.S.C. 690), section 3 of the Act of August 28, 1959 (40 U.S.C. 689), and section 207 of the Act of September 2, 1950 (40 U.S.C. 689a), and the Zoning Act of March 3, 1911 (40 U.S.C. 552), the Administrator of General Services may, after consultation with the Commissioner of Social Security and under such terms and conditions as the Administrator finds to be in the interests of the United States—

“(A) acquire occupiable space in the metropolitan area of Washington, District of Columbia, for housing the Social Security Administration, and

“(B) renovate such space as necessary.

“(c) Inter-Agency Transfer Arrangement.—The Secretary of Health and Human Services and the Commissioner of Social Security shall enter into a written inter-agency transfer arrangement (in this subsection referred to as the ‘arrangement’), which shall be effective March 31, 1995. Transfers made pursuant to this section shall be in accordance with the arrangement, which shall specify the personnel and resources to be transferred as provided under this section. The terms of such arrangement shall be transmitted not later than January 1, 1995, to the Committee on Ways and Means of the House of Representatives, to the Committee on Finance of the Senate, and to the Comptroller General of the United States. Not later than February 15, 1995, the Comptroller General shall submit a report to each such Committee setting forth an evaluation of such arrangement.”

(Section 105(a)–(b)(3) of Pub. L. 103–296, set out above, effective Mar. 31, 1995, and section 105(b)(4), (c) of Pub.

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TRANSITION RULES

Section 106 of title I of Pub. L. 103–296 provided that:

"(a) TRANSITION RULES AS TO OFFICERS OF THE
SOCIAL SECURITY ADMINISTRATION.—

"(1) APPOINTMENT OF INITIAL COMMISSIONER OF SO-
CIAL SECURITY.—The President shall nominate for ap-
pointment the initial Commissioner of Social Security
to serve as head of the Social Security Adminis-
tration established under section 701 of the Social Se-
curity Act [this section] (as amended by this Act) not
later than 60 days after the date of the enactment of
this Act [Aug. 15, 1994].

"(2) ASSUMPTION OF OFFICE OF INITIAL COMMISSIONER
BEFORE EFFECTIVE DATE OF NEW AGENCY.—If the ap-
pointment of the initial Commissioner of Social Se-
curity pursuant to section 702 of the Social Security
Act [section 902 of this title] (as amended by this Act)
is confirmed by the Senate pursuant to such section
702 before March 31, 1995, the individual shall take of-
fice as Commissioner immediately upon confirm-
ation, and, until March 31, 1995, such Commissioner
shall perform the functions of the Commissioner of
Social Security in the Department of Health and
Human Services.

"(3) TREATMENT OF INSPECTOR GENERAL AND OTHER
APPOINTMENTS.—At any time on or after the date of
the enactment of this Act [Aug. 15, 1994], any of the
officers provided for in section 702 of the Social Secu-
rrity Act [as amended by this title] and any of the
members of the Social Security Advisory Board pro-
vided for in section 703 of such Act [section 903 of this
title] (as so amended) may be nominated and take of-
Fice, under the terms and conditions set out in such
sections.

"(4) COMPENSATION FOR INITIAL OFFICERS AND BOARD
MEMBERS BEFORE EFFECTIVE DATE OF NEW AGENCY.—Funds
available to any official or component of the
Department of Health and Human Services, functions
of which are transferred to the Commissioner of So-
cial Security or the Social Security Administration
by this title (see Tables for classification), may, with
the approval of the Director of the Office of Manage-
ment and Budget, be used to pay the compensation
and expenses of any officer or employee of the new
Social Security Administration and of any member
or staff of the Social Security Advisory Board who
takes office pursuant to this subsection before March
31, 1995, until such time as funds for that purpose are
otherwise available.

"(5) INTERIM ROLE OF CURRENT COMMISSIONER AFTER
EFFECTIVE DATE OF NEW AGENCY.—In the event that,
as of March 31, 1995, an individual appointed to serve
as the initial Commissioner of Social Security has
done take office, until such initial Commissioner has
taken office, the officer serving on March 31, 1995, as
Commissioner of Social Security (or Acting Com-
missioner of Social Security, if applicable) in the De-
partment of Health and Human Services shall become
the Acting Commissioner of Social Secu-
ry in the Social Security Administration as so es-
tablished under such section 701.

"(6) INTERIM INSPECTOR GENERAL.—The Commiss-
ioner of Social Security may appoint an individual
to assume the powers and duties under the Inspector
pendix to Title 5, Government Organization (Gov-
ernment Employees).]

"(7) ABOLISHMENT OF OFFICE OF COMMISSIONER OF
SOCIAL SECURITY IN THE DEPARTMENT OF HEALTH AND
HUMAN SERVICES.—Effective when the initial Com-
mis-
ioner of Social Security of the Social Security Ad-
ministration established under section 701 of the So-
cial Security Act (as amended by this title) takes of-
Fice pursuant to section 702 of such Act (as so amended),

"(A) the position of Commissioner of Social Secu-
rity in the Department of Health and Human Serv-
ces is abolished; and

"(B) [Amended section 5315 of Title 5, Govern-
ment Organization and Employees.]

"(b) CONTINUATION OF ORDERS, DETERMINATIONS,
RULES, REGULATIONS, ETC.—All orders, determinations,
rules, regulations, permits, contracts, collective bar-
gaining agreements (and ongoing negotiations relating
to such collective bargaining agreements), recog-
nizations of labor organizations, certificates, licenses, and privi-
leges—

"(1) which have been issued, made, promulgated,
granted, or allowed to become effective, in the exer-
cise of functions (A) which were exercised by the Sec-
etary of Health and Human Services (or the Sec-
retary’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 de-
scribed in paragraph (1)(B)) continue in effect accord-
ing to their terms 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 Sec-
retary of Health and Human Services immediately be-
fore March 31, 1995, with respect to functions vested (by
reason of this title, the amendments made thereby, and
regulations prescribed thereunder) in the Commis-
ioner of Social Security, except that such proceedings,
to the extent that such proceedings relate to such func-
tions, shall continue before such Commissioner. Orders
shall be issued under any such proceeding, appeals
taken therefrom, and payments shall be made pursuant

to such orders, in like manner as if this title had not been enacted, and orders issued in any such proceeding shall continue in effect until modified, terminated, suspended, or repealed by such Commissioner, by a court of competent jurisdiction, or by operation of law.

“(d) CONTINUATION OF SUITS.—Except as provided in this subsection—

“(1) the provisions of this title shall not affect suits commenced before March 31, 1995; and

“(2) in all such suits proceedings shall be had, appeals taken, and judgments rendered, in the same manner and effect as if this title had not been enacted.

No cause of action, and no suit, action, or other proceeding commenced by or against any officer in such officer’s official capacity as an officer of the Department of Health and Human Services, shall abate by reason of the enactment of this title. In any suit, action, or other proceeding pending immediately before March 31, 1995, the court or hearing officer may at any time, on the motion of the court or hearing officer or that of a party, enter an order which will give effect to the provisions of this subsection (including, where appropriate, an order for substitution of parties).

“(e) CONTINUATION OF PENALTIES.—This title shall not have the effect of releasing or extinguishing any civil or criminal prosecution, penalty, forfeiture, or liability incurred as a result of any function which (by reason of this title, the amendments made thereby, and regulations prescribed thereunder) is vested in the Commissioner of Social Security.

“(f) JUDICIAL REVIEW.—Orders and actions of the Commissioner of Social Security in the exercise of functions vested in such Commissioner under this title and the amendments made thereby (other than functions performed pursuant to 105(a)(2) [set out above]) shall be subject to judicial review to the same extent and in the same manner as if such orders had been made and such actions had been taken by the Secretary of Health and Human Services in the exercise of such functions immediately before March 31, 1995. Any statutory requirements relating to notice, hearings, action upon the record, or administrative review that apply to any function so vested in such Commissioner shall continue to apply to the exercise of such function by such Commissioner.

“(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 with respect to the exercise of such functions immediately preceding the vesting of such functions in such Commissioner, and actions of such Commissioner shall have the same force and effect as when exercised by such Secretary.

RULES OF CONSTRUCTION

Section 109 of title I of Pub. L. 103–296 provided that:

“(a) REFERENCES TO THE DEPARTMENT OF HEALTH AND HUMAN SERVICES.—Whenever any reference is made in any provision of law (other than this title [see Tables for classification] 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

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 or other functions performed by the Commissioner of Social Security pursuant to section 105(a)(2) of this Act, such reference shall be considered a reference to the Commissioner of Social Security.

“(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

$901a


(b) Determination of `Secretary of Health and Human Services.

(c) Determination of `Chairman of the Board of Trustees.

(d) Determination of `Chairman of the Board of Trustees of the Federal Old-Age, Survivors, and Disability Insurance Trust Fund.

$902


(b) Commissioner of the Social Security Administration.

(5) The Commissioner may prescribe such rates and liability limits as the Commissioner determines to be appropriate.

$903


(b) Commissioner of Social Security Administration.

$904


(b) Commissioner of Social Security Administration.

$905


(b) Commissioner of Social Security Administration.

$906


(b) Determination of `Secretary of Health and Human Services.

(c) Determination of `Chairman of the Board of Trustees.

(d) Determination of `Chairman of the Board of Trustees of the Federal Old-Age, Survivors, and Disability Insurance Trust Fund.

$907


(b) Determination of `Secretary of Health and Human Services.

(c) Determination of `Chairman of the Board of Trustees.

(d) Determination of `Chairman of the Board of Trustees of the Federal Old-Age, Survivors, and Disability Insurance Trust Fund.

$908


(b) Determination of `Secretary of Health and Human Services.

(c) Determination of `Chairman of the Board of Trustees.

(d) Determination of `Chairman of the Board of Trustees of the Federal Old-Age, Survivors, and Disability Insurance Trust Fund.

$909


(b) Determination of `Secretary of Health and Human Services.

(c) Determination of `Chairman of the Board of Trustees.

(d) Determination of `Chairman of the Board of Trustees of the Federal Old-Age, Survivors, and Disability Insurance Trust Fund.

$910


(b) Determination of `Secretary of Health and Human Services.

(c) Determination of `Chairman of the Board of Trustees.

(d) Determination of `Chairman of the Board of Trustees of the Federal Old-Age, Survivors, and Disability Insurance Trust Fund.