

105TH CONGRESS  
1ST SESSION

# H. R. 2422

To amend the Social Security Act to provide for findings of presumptive disability under title II of such Act in the same manner and to the same extent as is currently applicable under title XVI of such Act.

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## IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 5, 1997

Mr. STARK introduced the following bill; which was referred to the Committee on Ways and Means, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

To amend the Social Security Act to provide for findings of presumptive disability under title II of such Act in the same manner and to the same extent as is currently applicable under title XVI of such Act.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

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1 **SECTION 1. FINDINGS OF PRESUMPTIVE DISABILITY**  
2 **UNDER TITLE II OF THE SOCIAL SECURITY**  
3 **ACT.**

4 (a) IN GENERAL.—Section 221 of the Social Security  
5 Act (42 U.S.C. 421) is amended by adding at the end the  
6 following new subsection:

7 “PRESUMPTIVE DISABILITY

8 “(m)(1) The Secretary shall provide by regulation for  
9 findings of whether an individual applying for benefits  
10 under section 223 or benefits based on such individual’s  
11 disability under section 202 is presumptively disabled.  
12 Such findings shall be made in the same manner and  
13 under the same disability standards as apply in finding  
14 whether an individual applying for benefits under title  
15 XVI is presumptively disabled under such title.

16 “(2) If an individual applying for benefits under sec-  
17 tion 223 or benefits based on such individual’s disability  
18 under section 202 is found to be presumptively disabled  
19 under the regulations prescribed pursuant to paragraph  
20 (1) and is determined to meet the requirements for entitle-  
21 ment to such benefits other than the requirement that the  
22 individual be under a disability, the Secretary shall pay  
23 such benefits to such individual for each month during the  
24 period—

25 “(A) beginning with the later of—

1 “(i) the month in which the finding of pre-  
2 sumptive disability is made, or

3 “(ii) the first month after the expiration of  
4 the applicable waiting period (as defined in sec-  
5 tion 223(c)(2), 202(e)(5)(A), or 202(f)(6)(A),  
6 as applicable, as if the reference therein to ‘dis-  
7 ability’ were a reference to ‘presumptive disabil-  
8 ity’), and

9 “(B) ending with the earlier of—

10 “(i) the last month before the date of a de-  
11 termination of whether the individual is dis-  
12 abled, or

13 “(ii) the last month of the 6-month period  
14 beginning with the month described in subpara-  
15 graph (A).

16 “(3) An individual to whom a disability insurance  
17 benefit is payable under paragraph (2) for any month shall  
18 be treated as entitled to such benefit for such month for  
19 purposes of determining entitlement of other persons to  
20 benefits for such month under section 202 based on such  
21 individual’s entitlement to such benefit.

22 “(4) Any benefits paid to an individual under this  
23 subsection for months prior to the determination of wheth-  
24 er such individual is disabled, and benefits paid to another  
25 person on the basis of the treatment of such individual

1 as entitled to disability insurance benefits under para-  
2 graph (3), shall in no event be considered overpayments  
3 for purposes of section 204 solely because such individual  
4 is determined not to be disabled.

5 “(5)(A) Subject to subparagraph (B), a benefit shall  
6 not be payable to any individual under this subsection or  
7 section 1631(a)(4)(B) if such individual has been paid  
8 benefits based on the presumptive disability or presump-  
9 tive blindness of such individual for 6 months (irrespective  
10 of whether the prior payments were made pursuant to this  
11 subsection, section 1631(a)(4)(B), or any combination  
12 thereof).

13 “(B) For purposes of subparagraph (A), any benefits  
14 paid under this subsection or section 1631(a)(4)(B) in  
15 connection with a prior disability or blindness of such indi-  
16 vidual shall be disregarded.”.

17 (b) DETERMINATIONS OF MEDICAID ELIGIBILITY.—  
18 Section 1634 of such Act (42 U.S.C. 1383c) is amended  
19 by adding at the end the following new subsection:

20 “(e)(1) Any individual who receives a benefit under  
21 title II in any month on the basis of presumptive disability  
22 pursuant to section 221(m) shall be deemed for purposes  
23 of title XIX to be a recipient of a benefit under this title  
24 in such month in any case in which he or she would be  
25 eligible for such benefit under this title in such month if

1 the amount of such benefit under title II received in such  
2 month were disregarded.

3 “(2) For purposes of paragraph (1), the term ‘benefit  
4 under this title’ means a supplemental security income  
5 benefit under this title, a State supplemental payment of  
6 the type referred to in section 1616(a), and a payment  
7 of the type described in section 212(a) of Public Law 93–  
8 66.”.

9 **SEC. 2. EFFECTIVE DATE.**

10 The amendments made by this Act shall apply with  
11 respect to applications for benefits under title II of the  
12 Social Security Act filed after the 180-day period following  
13 the date of the enactment of this Act and may, at the  
14 discretion of the Secretary of Health and Human Services,  
15 apply to applications filed during such period.

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