

105TH CONGRESS
2D SESSION

H. R. 3732

To amend title II of the Social Security Act to waive the waiting period otherwise required for disability beneficiaries in the case of individuals suffering from terminal illnesses with not more than six months to live, and to amend titles II and XVI of such Act to provide for appropriate treatment of prisoners.

IN THE HOUSE OF REPRESENTATIVES

APRIL 23, 1998

Mr. TIAHRT introduced the following bill; which was referred to the
Committee on Ways and Means

A BILL

To amend title II of the Social Security Act to waive the waiting period otherwise required for disability beneficiaries in the case of individuals suffering from terminal illnesses with not more than six months to live, and to amend titles II and XVI of such Act to provide for appropriate treatment of prisoners.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Rex Brewer Social Se-
5 curity Disability Fairness and Equity Act of 1998”.

1 **SEC. 2. WAITING PERIOD FOR SOCIAL SECURITY DISABIL-**
2 **ITY BENEFICIARIES INAPPLICABLE TO INDIV-**
3 **IDUALS WITH TERMINAL ILLNESSES.**

4 (a) IN GENERAL.—Section 223(a)(1) of the Social
5 Security Act (42 U.S.C. 423(a)(1)) is amended, in clause
6 (ii) of the first sentence—

7 (1) by inserting “(I)” after “but only if”, and
8 (2) by inserting “or (II) he has a terminal ill-
9 ness (as defined in subsection (j)),” after “under
10 such disability,”.

11 (b) TERMINAL ILLNESS DEFINED.—Section 223 of
12 such Act (42 U.S.C. 423) is amended by adding at the
13 end the following new subsection:

14 “Definition of Terminal Illness

15 “(j) As used in this section, the term ‘terminal illness’
16 means, in the case of any individual, a medically deter-
17 minable physical impairment which is expected to result
18 in the death of such individual within the next six
19 months.”.

20 (c) EFFECTIVE DATE.—The amendments made by
21 this section shall apply with respect to benefits for which
22 applications are filed on or after the date of the enactment
23 of this Act.

1 **SEC. 3. TREATMENT OF PRISONERS UNDER TITLES II AND**
2 **XVI OF THE SOCIAL SECURITY ACT.**

3 (a) IMPLEMENTATION OF PROHIBITION AGAINST
4 PAYMENT OF TITLE II BENEFITS TO PRISONERS.—

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

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

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

11 “(B)(i) The Commissioner shall enter into an agree-
12 ment, with any interested State or local institution com-
13 prising a jail, prison, penal institution, correctional facil-
14 ity, or other institution a purpose of which is to confine
15 individuals as described in paragraph (1)(A), under
16 which—

17 “(I) the institution shall provide to the Com-
18 missioner, on a monthly basis and in a manner spec-
19 ified by the Commissioner, the names, social security
20 account numbers, dates of birth, confinement com-
21 mencement dates, and, to the extent available to the
22 institution, such other identifying information con-
23 cerning the individuals confined in the institution as
24 the Commissioner may require for the purpose of
25 carrying out paragraph (1); and

1 “(II) except as provided in clause (ii), the Com-
2 missioner shall pay to the institution, with respect to
3 information described in subclause (I) concerning
4 each individual who is confined therein as described
5 in paragraph (1)(A), to whom a benefit under this
6 title is payable for the month preceding the first
7 month of such confinement, and whose benefit under
8 this title ceases to be payable as a result of the ap-
9 plication of this subsection, \$400 (subject to reduc-
10 tion under clause (iii)) if the institution furnishes
11 the information to the Commissioner within 30 days
12 after the date such individual’s confinement in such
13 institution begins, or \$200 (subject to reduction
14 under clause (iii)) if the institution furnishes the in-
15 formation after 30 days after such date but within
16 90 days after such date.

17 “(ii) No amount shall be payable to an institution
18 with respect to information concerning an individual under
19 an agreement entered into under clause (i) if, prior to the
20 Commissioner’s receipt of the information, the Commis-
21 sioner has determined that benefits under this title are
22 no longer payable to such individual as a result of the ap-
23 plication of this subsection.

24 “(iii) The dollar amounts specified in clause (i)(II)
25 shall be reduced by 50 percent if the Commissioner is also

1 required to make a payment to the institution with respect
2 to the same individual under an agreement entered into
3 under section 1611(e)(1)(I).

4 “(iv) There shall be transferred from the Federal
5 Old-Age and Survivors Insurance Trust Fund and the
6 Federal Disability Insurance Trust Fund, as appropriate,
7 such sums as may be necessary to enable the Commis-
8 sioner to make payments to institutions required by clause
9 (i)(II). Sums so transferred shall be treated as direct
10 spending for purposes of the Balanced Budget and Emer-
11 gency Deficit Control Act of 1985 and excluded from
12 budget totals in accordance with section 13301 of the
13 Budget Enforcement Act of 1990.

14 “(v) The Commissioner is authorized to provide, on
15 a reimbursable basis, information obtained pursuant to
16 agreements entered into under clause (i) to any Federal
17 or federally-assisted cash, food, or medical assistance pro-
18 gram for eligibility purposes.”.

19 (2) EFFECTIVE DATE.—The amendments made
20 by this subsection shall apply to individuals whose
21 period of confinement in an institution commences
22 on or after the first day of the fourth month begin-
23 ning after the month in which this Act is enacted.

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

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

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

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

12 (C) in clause (ii)(I), by striking “an of-
13 fense punishable by imprisonment for more
14 than 1 year” and inserting “a criminal of-
15 fense”.

16 (2) EFFECTIVE DATE.—The amendments made
17 by this subsection shall apply to individuals whose
18 period of confinement in an institution commences
19 on or after the first day of the fourth month begin-
20 ning after the month in which this Act is enacted.

21 (c) CONFORMING TITLE XVI AMENDMENTS.—

22 (1) PRECLUSION OF TITLE XVI PAYMENT WHEN
23 INFORMATION FURNISHED BY AN INSTITUTION IS
24 ALREADY KNOWN BY THE COMMISSIONER.—Section

1 1611(e)(1)(I) of the Social Security Act (42 U.S.C.
2 1382(e)(1)(I)) is amended—

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

5 (B) by redesignating clauses (ii) and (iii)
6 as clauses (iii) and (iv), respectively; and

7 (C) by inserting after clause (i) the follow-
8 ing new clause:

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

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

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

23 (B) by inserting after clause (ii) the follow-
24 ing new clause:

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

6 (3) EFFECTIVE DATE.—The amendments made
 7 by this subsection shall apply as if included in the
 8 enactment of section 203(a) of the Personal Respon-
 9 sibility and Work Opportunity Reconciliation Act of
 10 1996 (Public Law 104–193).

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

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

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

17 (B) by inserting after clause (vii) the fol-
 18 lowing new clauses:

19 “(viii) matches performed pursuant to
 20 section 202(x) or 1611(e)(1) of the Social
 21 Security Act; or

22 “(ix) matches performed pursuant to
 23 section 205(j)(1)(A), 205(j)(5),
 24 1631(a)(2)(A)(ii), 1631(a)(2)(A)(iii), or
 25 1631(a)(2)(E) of the Social Security Act;”.

1 (2) CONFORMING AMENDMENT.—Section
2 1611(e)(1)(I)(iv) of the Social Security Act (as re-
3 designated by subsection (c)(1)(B)) is amended fur-
4 ther by striking “(I) The provisions” and all that
5 follows through “(II) The Commissioner” and in-
6 serting “The Commissioner”.

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

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