

105TH CONGRESS  
1ST SESSION

# H. R. 530

To provide for implementation of prohibitions against payment of social security benefits to prisoners, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 4, 1997

Mr. HERGER (for himself, Mr. CLEMENT, Mr. SHAW, Mr. BUNNING, Ms. DUNN, Mr. ENSIGN, Mr. HAYWORTH, and Mr. BURTON of Indiana) introduced the following bill; which was referred to the Committee on Ways and Means

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## A BILL

To provide for implementation of prohibitions against payment of social security benefits to prisoners, and for other purposes.

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 “Criminal Welfare Pre-  
5       vention Act, Part II”.

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

8       (a) IMPLEMENTATION OF PROHIBITION AGAINST  
9       PAYMENT OF TITLE II BENEFITS TO PRISONERS.—

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

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

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

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

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

22                    “(II) except as provided in clause (ii), the Com-  
23      missioner shall pay to the institution, with respect to  
24      information described in subclause (I) concerning  
25      each individual who is confined therein as described

1 in paragraph (1)(A), to whom a benefit under this  
2 title is payable for the month preceding the first  
3 month of such confinement, and whose benefit under  
4 this title ceases to be payable as a result of the ap-  
5 plication of this subsection, \$400 (subject to reduc-  
6 tion under clause (iii)) if the institution furnishes  
7 the information to the Commissioner within 30 days  
8 after the date such individual's confinement in such  
9 institution begins, or \$200 (subject to reduction  
10 under clause (iii)) if the institution furnishes the in-  
11 formation after 30 days after such date but within  
12 90 days after such date.

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

20 “(iii) The dollar amounts specified in clause (i)(II)  
21 shall be reduced by 50 percent if the Commissioner is also  
22 required to make a payment to the institution with respect  
23 to the same individual under an agreement entered into  
24 under section 1611(e)(1)(I).

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

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

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

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

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

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

7 (C) in clause (ii)(I), by striking “an of-  
8 fense punishable by imprisonment for more  
9 than 1 year” and inserting “a criminal of-  
10 fense”.

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

16 (c) INCLUSION OF TITLE II ISSUES IN STUDY AND  
17 REPORT REQUIREMENTS RELATING TO PRISONERS.—

18 (1) Section 203(b)(1) of the Personal Respon-  
19 sibility and Work Opportunity Reconciliation Act of  
20 1996 (Public Law 104–193) is amended—

21 (A) in subparagraph (A), by striking “sec-  
22 tion 1611(e)(1)” and inserting “sections 202(x)  
23 and 1611(e)(1)”; and

1 (B) in subparagraph (B), by striking “sec-  
 2 tion 1611(e)(1)(I)” and inserting “section  
 3 202(x)(3)(B) or 1611(e)(1)(I)”.

4 (2) Section 203(c) of such Act is amended by  
 5 striking “section 1611(e)(1)(I)” and all that follows  
 6 and inserting the following: “sections 202(x)(3)(B)  
 7 and 1611(e)(1)(I) of the Social Security Act.”.

8 (3) The amendments made by paragraph (1)  
 9 shall apply as if included in the enactment of section  
 10 203(b) of the Personal Responsibility and Work Op-  
 11 portunity Reconciliation Act of 1996 (Public Law  
 12 104–193). The amendment made by paragraph (2)  
 13 shall apply as if included in the enactment of section  
 14 203(c) of such Act.

15 (d) CONFORMING TITLE XVI AMENDMENTS.—

16 (1) PRECLUSION OF TITLE XVI PAYMENT WHEN  
 17 INFORMATION FURNISHED BY AN INSTITUTION IS  
 18 ALREADY KNOWN BY THE COMMISSIONER.—Section  
 19 1611(e)(1)(I) of the Social Security Act (as added  
 20 by section 203(a)(1) of the Personal Responsibility  
 21 and Work Opportunity Reconciliation Act of 1996  
 22 (Public Law 104–193)) is amended—

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

1 (B) by redesignating clauses (ii) and (iii)  
 2 as clauses (iv) and (v), respectively; and

3 (C) by inserting after clause (i) the follow-  
 4 ing new clause:

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

12 (2) FIFTY PERCENT REDUCTION IN TITLE XVI  
 13 PAYMENT IN CASE INVOLVING COMPARABLE TITLE II  
 14 PAYMENT.—Section 1611(e)(1)(I) of such Act (as  
 15 amended by paragraph (1)) is amended further—

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

19 (B) by inserting after clause (ii) the follow-  
 20 ing new clause:

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

1           (3) EXPANSION OF CATEGORIES OF INSTITU-  
2           TIONS ELIGIBLE TO ENTER INTO AGREEMENTS WITH  
3           THE COMMISSIONER.—Section 1611(e)(1)(I)(i) of  
4           such Act (as added by section 203(a)(1) of the Per-  
5           sonal Responsibility and Work Opportunity Rec-  
6           onciliation Act of 1996 (Public Law 104–193)) is  
7           amended in the matter preceding subclause (I) by  
8           striking “institution” and all that follows through  
9           “section 202(x)(1)(A),” and inserting “institution  
10          comprising a jail, prison, penal institution, or correc-  
11          tional facility, or with any other interested State or  
12          local institution a purpose of which is to confine in-  
13          dividuals as described in section 202(x)(1)(A)(ii),”.

14          (4) LIMITATION ON CATEGORIES OF INMATES  
15          WITH RESPECT TO WHOM PAYMENT MAY BE  
16          MADE.—Section 1611(e)(1)(I)(i)(II) of such Act (as  
17          added by section 203(a)(1) of the Personal Respon-  
18          sibility and Work Opportunity Reconciliation Act of  
19          1996 (Public Law 104–193)) is amended by striking  
20          “inmate of the institution” and all that follows  
21          through “in such institution and” and inserting “in-  
22          dividual who is eligible for a benefit under this title  
23          for the month preceding the first month throughout  
24          which the individual is an inmate of the jail, prison,



1       penal institution, or correctional facility, or is con-  
2       fined in the institution as described in section  
3       202(x)(1)(A)(ii), and who”.

4           (5)       TECHNICAL       CORRECTION.—Section  
5       1611(e)(1)(I)(i)(II) of such Act (as amended by the  
6       preceding provisions of this subsection) is amended  
7       further by striking “subparagraph” and inserting  
8       “paragraph”.

9           (6) EFFECTIVE DATE.—The amendments made  
10      by this subsection shall apply as if included in the  
11      enactment of section 203(a) of the Personal Respon-  
12      sibility and Work Opportunity Reconciliation Act of  
13      1996 (Public Law 104–193). The references to sec-  
14      tion 202(x)(1)(A)(ii) of the Social Security Act in  
15      section 1611(e)(1)(I)(i) of such Act as amended by  
16      paragraphs (3) and (4) shall be deemed a reference  
17      to such section 202(x)(1)(A)(ii) as amended by sub-  
18      section (b)(1)(C).

19      (e) EXEMPTION FROM COMPUTER MATCHING RE-  
20      QUIREMENTS.—

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

23                   (A) by striking “or” at the end of clause

24                   (vi); and

1 (B) by inserting after clause (vii) the fol-  
 2 lowing new clauses:

3 “(viii) matches performed pursuant to  
 4 section 202(x) or 1611(e)(1) of the Social  
 5 Security Act; or

6 “(ix) matches performed pursuant to  
 7 section 205(j)(1)(A), 205(j)(5),  
 8 1631(a)(2)(A)(ii), 1631(a)(2)(A)(iii), or  
 9 1631(a)(2)(E) of the Social Security Act;”.

10 (2) CONFORMING AMENDMENT.—Section  
 11 1611(e)(1)(I)(iv) of the Social Security Act (as  
 12 added by section 203(a)(1) of the Personal Respon-  
 13 sibility and Work Opportunity Reconciliation Act of  
 14 1996 (Public Law 104–193) and redesignated by  
 15 subsection (d)(1)(B)) is amended further by striking  
 16 “(I) The provisions” and all that follows through  
 17 “(II) The Commissioner” and inserting “The Com-  
 18 missioner”.

19 (3) EFFECTIVE DATE.—The amendments made  
 20 by this subsection shall take effect on the date of the  
 21 enactment of this Act.

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