

105TH CONGRESS
1ST SESSION

S. 438

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

IN THE SENATE OF THE UNITED STATES

MARCH 13, 1997

Mr. GRASSLEY introduced the following bill; which was read twice and referred to the Committee on Finance

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 “No Cash for Convicts
5 Act”.

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,
 25 penal institution, or correctional facility, or is con-

1 fined in the institution as described in section
 2 202(x)(1)(A)(ii), and who”.

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

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

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

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

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

24 (B) by inserting after clause (vii) the fol-
 25 lowing new clauses:

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

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

8 (2) CONFORMING AMENDMENT.—Section
 9 1611(e)(1)(I)(iv) of the Social Security Act (as
 10 added by section 203(a)(1) of the Personal Respon-
 11 sibility and Work Opportunity Reconciliation Act of
 12 1996 (Public Law 104–193) and redesignated by
 13 subsection (d)(1)(B)) is amended further by striking
 14 “(I) The provisions” and all that follows through
 15 “(II) The Commissioner” and inserting “The Com-
 16 missioner”.

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

○