

106TH CONGRESS
1ST SESSION

H. R. 1918

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

IN THE HOUSE OF REPRESENTATIVES

MAY 25, 1999

Mr. HERGER (for himself, Mr. CLEMENT, Mr. CRANE, Mr. RAMSTAD, Ms. DUNN, Mr. WATKINS, Mr. HAYWORTH, Mr. WELLER, Mr. FOLEY, and Mr. TANNER) introduced the following bill; which was referred to the Committee on Ways and Means

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. IMPLEMENTATION OF PROHIBITION AGAINST PAY-**
7 **MENT OF TITLE II BENEFITS TO PRISONERS.**

8 (a) IN GENERAL.—Section 202(x)(3) of the Social
9 Security Act (42 U.S.C. 402(x)(3)) is amended—

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

2 (2) by adding at the end the following new sub-
3 paragraph:

4 “(B)(i) The Commissioner shall enter into an agree-
5 ment under this subparagraph with any interested State
6 or local institution comprising a jail, prison, penal institu-
7 tion, or correctional facility, or comprising any other insti-
8 tution a purpose of which is to confine individuals as de-
9 scribed in paragraph (1)(A)(ii). Under such agreement—

10 “(I) the institution shall provide to the Com-
11 missioner, on a monthly basis and in a manner spec-
12 ified by the Commissioner, the names, Social Secu-
13 rity account numbers, dates of birth, confinement
14 commencement dates, and, to the extent available to
15 the institution, such other identifying information
16 concerning the individuals confined in the institution
17 as the Commissioner may require for the purpose of
18 carrying out paragraph (1); and

19 “(II) the Commissioner shall pay to the institu-
20 tion, with respect to information described in sub-
21 clause (I) concerning each individual who is confined
22 therein as described in paragraph (1)(A), who re-
23 ceives a benefit under this title for the month pre-
24 ceding the first month of such confinement, and
25 whose benefit under this title is determined by the

1 Commissioner to be not payable by reason of con-
2 finement based on the information provided by the
3 institution, \$400 (subject to reduction under clause
4 (ii)) if the institution furnishes the information to
5 the Commissioner within 30 days after the date such
6 individual's confinement in such institution begins,
7 or \$200 (subject to reduction under clause (ii)) if
8 the institution furnishes the information after 30
9 days after such date but within 90 days after such
10 date.

11 “(ii) The dollar amounts specified in clause (i)(II)
12 shall be reduced by 50 percent if the Commissioner is also
13 required to make a payment to the institution with respect
14 to the same individual under an agreement entered into
15 under section 1611(e)(1)(I).

16 “(iii) The provisions of section 552a of title 5, United
17 States Code, shall not apply to any agreement entered into
18 under clause (i) or to information exchanged pursuant to
19 such agreement.

20 “(iv) There is authorized to be transferred from the
21 Federal Old-Age and Survivors Insurance Trust Fund and
22 the Federal Disability Insurance Trust Fund, as appro-
23 priate, such sums as may be necessary to enable the Com-
24 missioner to make payments to institutions required by
25 clause (i)(II).

1 “(v) The Commissioner is authorized to provide, on
 2 a reimbursable basis, information obtained pursuant to
 3 agreements entered into under clause (i) to any agency
 4 administering a Federal or federally-assisted cash, food,
 5 or medical assistance program for eligibility purposes.”.

6 (b) EFFECTIVE DATE.—The amendments made by
 7 this section shall apply to individuals whose period of con-
 8 finement in an institution commences on or after the first
 9 day of the fourth month beginning after the month in
 10 which this Act is enacted.

11 **SEC. 3. ELIMINATION OF TITLE II REQUIREMENT THAT**
 12 **CONFINEMENT STEM FROM CRIME PUNISH-**
 13 **ABLE BY IMPRISONMENT FOR MORE THAN 1**
 14 **YEAR.**

15 (a) IN GENERAL.—Section 202(x)(1)(A) of the Social
 16 Security Act (42 U.S.C. 402(x)(1)(A)) is amended—

17 (1) in the matter preceding clause (i), by strik-
 18 ing “during” and inserting “throughout”;

19 (2) in clause (i), by striking “an offense punish-
 20 able by imprisonment for more than 1 year (regard-
 21 less of the actual sentence imposed)” and inserting
 22 “a criminal offense”; and

23 (3) in clause (ii)(I), by striking “an offense
 24 punishable by imprisonment for more than 1 year”
 25 and inserting “a criminal offense”.

1 (b) EFFECTIVE DATE.—The amendments made by
 2 this section shall apply to individuals whose period of con-
 3 finement in an institution commences on or after the first
 4 day of the fourth month beginning after the month in
 5 which this Act is enacted.

6 **SEC. 4. CONFORMING TITLE XVI AMENDMENTS.**

7 (a) FIFTY PERCENT REDUCTION IN TITLE XVI PAY-
 8 MENT IN CASE INVOLVING COMPARABLE TITLE II PAY-
 9 MENT.—Section 1611(e)(1)(I) of the Social Security Act
 10 (42 U.S.C. 1382(e)(1)(I)) is amended—

11 (1) in clause (i)(II), by inserting “(subject to
 12 reduction under clause (ii))” after “\$400” and after
 13 “\$200”;

14 (2) by redesignating clauses (ii) and (iii) as
 15 clauses (iii) and (iv) respectively; and

16 (3) by inserting after clause (i) the following
 17 new clause:

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

23 (b) EXPANSION OF CATEGORIES OF INSTITUTIONS
 24 ELIGIBLE TO ENTER INTO AGREEMENTS WITH THE COM-
 25 MISSIONER.—Section 1611(e)(1)(I)(i) of such Act (42

1 U.S.C. 1382(e)(1)(I)(i)) is amended in the matter pre-
2 ceding subclause (I) by striking “institution” and all that
3 follows through “section 202(x)(1)(A),” and inserting “in-
4 stitution comprising a jail, prison, penal institution, or
5 correctional facility, or with any other interested State or
6 local institution a purpose of which is to confine individ-
7 uals as described in section 202(x)(1)(A)(ii),”.

8 (c) EFFECTIVE DATE.—The amendments made by
9 this section shall take effect as if included in the enact-
10 ment of section 203(a) of the Personal Responsibility and
11 Work Opportunity Reconciliation Act of 1996 (Public Law
12 104–193; 110 Stat. 2186). The reference to section
13 202(x)(1)(A)(ii) of the Social Security Act in section
14 1611(e)(1)(I)(i) of such Act as amended by subsection (b)
15 shall be deemed a reference to such section
16 202(x)(1)(A)(ii) as amended by section 3(a)(3).

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