

114TH CONGRESS
1ST SESSION

H. R. 3482

To amend title II of the Social Security Act to implement various reforms to the social security disability insurance program, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 10, 2015

Mr. GRAVES of Missouri 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 implement various reforms to the social security disability insurance program, 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 “Disability Insurance
5 Protection and Fraud Prevention Act of 2015”.

6 **SEC. 2. EXPANSION OF COOPERATIVE DISABILITY INVES-**
7 **TIGATIONS PROGRAM.**

8 (a) IN GENERAL.—Not later than 1 year after the
9 date of the enactment of this Act, the Inspector General

1 of the Social Security Administration shall increase the
2 number of cooperative disability investigative units to 54.

3 (b) DISTRIBUTION.—The Inspector General shall lo-
4 cate the cooperative disability investigative units estab-
5 lished pursuant to subsection (a) in such manner as to
6 ensure that such units are distributed equally among the
7 most densely populated areas of the Nation.

8 **SEC. 3. MODIFICATION OF CERTAIN CRITERIA FOR THE DE-**
9 **TERMINATION OF DISABILITY.**

10 (a) IN GENERAL.—In determining whether an indi-
11 vidual is under a disability for purposes of section 223
12 of the Social Security Act (42 U.S.C. 423), the Commis-
13 sioner of Social Security—

14 (1) may not consider an individual as approach-
15 ing advanced age (as applicable for purposes of sec-
16 tion 404.1563 of title 20, Code of Federal Regula-
17 tions, as in effect on the date of the enactment of
18 this Act), unless the individual has attained the age
19 of 58;

20 (2) may not consider an individual as having
21 attained advanced age (as so applicable) unless the
22 individual has attained the age of 61; and

23 (3) may not consider the individual's inability
24 to communicate in English as a vocational factor (as

1 applicable for purposes of section 404.1564 of such
2 title).

3 (b) REGULATIONS.—Not later than 180 days after
4 the date of the enactment of this Act, the Commissioner
5 of Social Security shall issue regulations to implement
6 subsection (a).

7 **SEC. 4. COMBINED EFFECT OF IMPAIRMENTS NOT CONSID-**
8 **ERED IN DISABILITY DETERMINATIONS.**

9 (a) TITLE II DETERMINATIONS.—Section 223(d)(2)
10 of the Social Security Act (42 U.S.C. 423(d)(2)) is amend-
11 ed by striking subparagraph (B) and redesignating sub-
12 paragraph (C) as subparagraph (B).

13 (b) TITLE XVI DETERMINATIONS.—Section
14 1614(a)(3) of such Act (42 U.S.C. 1382c(a)(3)) is amend-
15 ed by striking subparagraph (G) and redesignating subse-
16 quent subparagraphs accordingly.

17 (c) CONFORMING AMENDMENT.—Section 216(i)(1)
18 of such Act (42 U.S.C. 416(i)(1)) is amended by striking
19 “paragraphs (2)(A),(2)(B),(3),” and inserting “para-
20 graphs (2)(A), (3),”.

21 (d) EFFECTIVE DATE.—The amendments made by
22 this section shall take effect on the day that is 90 days
23 after the date of enactment of this Act.

1 **SEC. 5. MANDATORY FUNDING FOR CONTINUING DIS-**
2 **ABILITY REVIEWS.**

3 (a) IN GENERAL.—Section 201(g)(1)(A) of the Social
4 Security Act (42 U.S.C. 401(g)(1)(A)) is amended by
5 striking “Of the amounts authorized to be made available”
6 and all that follows through “for fiscal year 2002,
7 \$720,000,000.” and inserting the following: “There is
8 hereby appropriated for continuing disability reviews such
9 sums as may be necessary for each of fiscal years 2016
10 through 2020.”.

11 (b) REPORT.—Not later than 60 days after the end
12 of fiscal year 2018, the Commissioner of Social Security
13 shall submit a report to Congress that includes an assess-
14 ment of the amount of savings attained as a result of the
15 amendment made by subsection (a) in the Federal dis-
16 ability insurance program under title II of the Social Secu-
17 rity Act and the Supplemental Security Income program
18 under title XVI of such Act.

19 **SEC. 6. DISABILITY DEMONSTRATION PROGRAM DESIGN**
20 **REPORT.**

21 (a) IN GENERAL.—Not later than 1 year after the
22 date of enactment of this Act, the Commissioner of Social
23 Security shall submit to Congress a report describing the
24 design of a demonstration program that would meet the
25 specifications in subsection (b), including recommenda-

1 tions for any legislative changes necessary to implement
2 such a program.

3 (b) GOALS.—In order to improve the well-being of
4 certain social security disability insurance applicants while
5 also achieving near-term program cost neutrality and long-
6 term cost savings, the Commissioner shall screen such ap-
7 plicants and target those who appear likely to be deter-
8 mined eligible for benefits but who also have the potential
9 for significant work activity if provided with a range of
10 services to be determined by the Commissioner. In ex-
11 change for suspending their social security disability in-
12 surance program application, these applicants would be of-
13 fered a package of benefits, including targeted vocational
14 and health interventions, wage subsidies based on how
15 much the applicants can work and earn, and, if appro-
16 priate, an emergency cash diversion grant.

17 **SEC. 7. STATE DISABILITY REFORM DEMONSTRATION PRO-**
18 **GRAM REPORT.**

19 (a) IN GENERAL.—Not later than 1 year after the
20 date of enactment of this Act, the Commissioner of Social
21 Security shall submit to Congress a report describing the
22 design of a demonstration program that would meet the
23 specifications in subsection (b), including recommenda-
24 tions for any legislative changes necessary to implement
25 such a program.

1 (b) GOALS.—

2 (1) IN GENERAL.—The Commissioner of Social
3 Security shall work with the States to determine
4 whether, if appropriate changes were made in the
5 law, the existing funding streams for specific popu-
6 lations, such as vocational rehabilitation funding,
7 Medicaid, Temporary Assistance for Needy Families,
8 and workers’ compensation, could be modified to be
9 delivered in a more coordinated manner to improve
10 outcomes and reduce participation in supplemental
11 security income or social security disability insur-
12 ance.

13 (2) INCENTIVE FUNDING.—States who success-
14 fully implemented such a program shall receive in-
15 centive funding to be determined by the Commis-
16 sioner and subject to appropriations.

17 (c) DEFINITION.—For the purposes of this section,
18 the term “specific populations” means populations identi-
19 fied by the Commissioner of Social Security as likely to
20 receive a lifetime of supplemental security income or social
21 security disability insurance.

22 **SEC. 8. EMPLOYERS DEMONSTRATION PROGRAM REPORT.**

23 (a) IN GENERAL.—Not later than 1 year after the
24 date of enactment of this Act, the Commissioner of Social
25 Security shall submit to Congress a report describing the

1 design of a demonstration program that would meet the
2 specifications in subsection (b), including recommenda-
3 tions for any legislative changes necessary to implement
4 such a program.

5 (b) GOALS.—

6 (1) IN GENERAL.—In order to encourage em-
7 ployers to reduce the incidence of disability among
8 their employees by 20 percent, the Commissioner of
9 Social Security shall create a voluntary program for
10 employers that would provide such employers with a
11 tax credit with respect to social security disability in-
12 surance taxes if the employees of such employer do
13 not file for social security disability insurance.

14 (2) BASELINE.—For each employer who volun-
15 teers to participate in the program, the Commission
16 of Social Security shall determine a baseline pre-
17 dicted rate of social security disability insurance en-
18 rollment.

19 (3) EMPLOYEES TRACKED FOR PROGRAM.—
20 Employees employed on the date the employer en-
21 rolled in the program shall be tracked for a period
22 of 3 years beginning on the date of enrollment in the
23 program, whether or not they remain employed by
24 such employer. If any such employee becomes eligi-
25 ble for social security disability insurance during

1 such period, the employer's disability insurance par-
2 ticipation rate shall be affected.

3 (4) INCENTIVE.—At the end of the period, the
4 employer's disability insurance participation rate
5 shall be compared to the baseline, and if the partici-
6 pation rate has fallen by at least 20 percent, the em-
7 ployer shall receive a social security disability insur-
8 ance tax credit of 75 percent of the disability insur-
9 ance cost savings during the period.

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