

115TH CONGRESS  
2D SESSION

# H. R. 6251

To amend title II of the Social Security Act to permanently appropriate funding for the administrative expenses of the Social Security Administration, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

JUNE 27, 2018

Mr. LARSON of Connecticut (for himself, Mrs. DINGELL, Ms. NORTON, Mr. BRENDAN F. BOYLE of Pennsylvania, Mr. RASKIN, Ms. BARRAGÁN, Mr. HASTINGS, Mr. PAYNE, Mrs. NAPOLITANO, Ms. PINGREE, Ms. SCHAKOWSKY, Ms. KAPTUR, Mr. MCNERNEY, Mr. BRADY of Pennsylvania, Mr. GONZALEZ of Texas, Mr. HIGGINS of New York, Mr. McGOVERN, Mr. GARAMENDI, Mr. ESPAILLAT, Mr. GENE GREEN of Texas, and Mr. CICILLINE) introduced the following bill; which was referred to the Committee on Ways and Means, and in addition to the Committees on the Budget, Rules, and Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

To amend title II of the Social Security Act to permanently appropriate funding for the administrative expenses of the Social Security Administration, 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,*

**1 SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Social Security Admin-  
3 istration Fairness Act”.

**4 SEC. 2. FUNDING FOR ADMINISTRATIVE EXPENSES OF THE****5 SOCIAL SECURITY ADMINISTRATION.**

6 (a) IN GENERAL.—Section 201(g)(1)(A) of the Social  
7 Security Act (42 U.S.C. 401(g)(1)(A)) is amended—

8 (1) in the third sentence of the matter following  
9 clause (ii), by striking “the costs of the part of the  
10 administration of this title, title VIII, title XVI, and  
11 title XVIII for which the Commissioner of Social Se-  
12 curity is responsible,”; and

13 (2) by adding at the end the following: “For  
14 each fiscal year beginning with fiscal year 2019,  
15 there is hereby appropriated to pay the costs of the  
16 part of the administration of this title, title VIII,  
17 and title XVI for which the Commissioner of Social  
18 Security is responsible an amount equal to 1.5 per-  
19 cent of the sum of the amount of benefit payments  
20 required to be made under this title for the fiscal  
21 year involved and the amount of benefit payments  
22 expected to be paid under titles VIII and XVI for  
23 the fiscal year involved, as estimated by the Com-  
24 missioner of Social Security. For purposes of the  
25 preceding sentence, (I) the portion of the amount to  
26 be appropriated for a fiscal year that is attributable

1 to benefit payments required to be made under this  
2 title shall be appropriated from the Federal Old-Age  
3 and Survivors Insurance Trust Fund and the Fed-  
4 eral Disability Insurance Trust Fund in a manner  
5 that ensures that the amount appropriated from  
6 each Trust Fund for the year bears the same pro-  
7 portion to the amount appropriated from both Trust  
8 Funds for the year as the amount of benefit pay-  
9 ments required to be made from such Trust Fund  
10 for the year bears to the amount of benefit pay-  
11 ments required to be made from both Trust Funds  
12 for the year, and (II) the portion of the amount to  
13 be appropriated for a fiscal year that is attributable  
14 to benefit payments expected to be made under titles  
15 VIII and XVI shall be appropriated from the general  
16 fund of the Treasury. For each fiscal year beginning  
17 with fiscal year 2019, there is hereby appropriated  
18 from the Federal Hospital Insurance Trust Fund  
19 and the Federal Supplementary Medical Insurance  
20 Trust Fund, in such proportion as the Commissioner  
21 of Social Security shall determine, such sums as are  
22 necessary to pay the costs of the part of the admin-  
23 istration of title XVIII for which the Commissioner  
24 is responsible.”.

1       (b) REMOVING THE LIMITATION ON THE ADMINIS-  
2 TRATIVE EXPENSES OF THE SOCIAL SECURITY ADMINIS-  
3 TRATION FROM DISCRETIONARY BUDGET CAPS, THE  
4 CONGRESSIONAL BUDGET RESOLUTION, THE 302(a) AL-  
5 LOCATIONS AND THE 302(b) SUBALLOCATIONS.—

6           (1) EXCLUSION OF THE ADMINISTRATIVE  
7 COSTS OF SOCIAL SECURITY, SSI, AND MEDICARE  
8 FROM ALL BUDGETS.—Section 13301(a) of the  
9 Budget Enforcement Act of 1990 (2 U.S.C. 632  
10 note) is amended to read as follows:

11          “(a) EXCLUSION OF THE ADMINISTRATIVE COSTS OF  
12 SOCIAL SECURITY, SSI, AND MEDICARE FROM ALL  
13 BUDGETS.—

14           “(1) IN GENERAL.—Notwithstanding any other  
15 provision of law, the receipts and disbursements de-  
16 scribed in paragraph (2) shall not be counted as new  
17 budget authority, outlays, receipts, or deficit or sur-  
18 plus for purposes of—

19           “(A) the budget of the United States Gov-  
20 ernment as submitted by the President under  
21 section 1105 of title 31, United States Code;

22           “(B) a concurrent resolution on the budg-  
23 et;

1               “(C) the Balanced Budget and Emergency  
2               Deficit Control Act of 1985 (2 U.S.C. 900 et  
3               seq.); or

4               “(D) the Statutory Pay-As-You-Go Act of  
5               2010 (2 U.S.C. 931 et seq.).

6               “(2) RECEIPTS AND DISBURSEMENTS COV-  
7               ERED.—The receipts and disbursements described in  
8               this paragraph are—

9               “(A) the receipts and disbursements of the  
10              Federal Old-Age and Survivors Trust Fund and  
11              the Federal Disability Insurance Trust Fund,  
12              including the costs of the part of the adminis-  
13              tration of title II of the Social Security Act for  
14              which the Commissioner of Social Security is  
15              responsible; and

16              “(B) the receipts and disbursements from  
17              the Federal Hospital Insurance Trust Fund,  
18              the Federal Supplementary Insurance Trust  
19              Fund, and amounts appropriated for the Sup-  
20              plemental Security Income program for the  
21              costs of the part of the administration of titles  
22              XVI and XVIII of the Social Security Act for  
23              which the Commissioner of Social Security is  
24              responsible.”.

1                             (2) EXCLUSION OF THE ADMINISTRATIVE  
2                             COSTS OF SOCIAL SECURITY, SSI, AND MEDICARE  
3                             FROM THE CONGRESSIONAL BUDGET RESOLU-  
4                             TION.—Section 301(a) of the Congressional Budget  
5                             Act of 1974 (2 U.S.C. 632(a)) is amended by strik-  
6                             ing the matter following paragraph (7) and inserting  
7                             the following:

8     “The concurrent resolution shall not include in the surplus  
9     or deficit totals required by this subsection or in any other  
10    surplus or deficit totals required by this title the outlays  
11    and revenue totals of the program under title II of the  
12    Social Security Act, or the related provisions of the Inter-  
13    nal Revenue Code of 1986, including the costs of the part  
14    of the administration of such title II for which the Com-  
15    missioner of Social Security is responsible or the costs of  
16    the part of the administration of titles XVI and XVIII  
17    of the Social Security Act for which the Commissioner of  
18    Social Security is responsible.”.

19                             (3) EXCLUSION OF THE ADMINISTRATIVE  
20                             COSTS OF SOCIAL SECURITY, SSI, AND MEDICARE  
21                             FROM CONGRESSIONAL BUDGET ACT 302(a) ALLOCA-  
22                             TIONS.—Section 302(a)(1) of the Congressional  
23                             Budget Act of 1974 (2 U.S.C. 633(a)(1)) is amend-  
24                             ed by adding at the end the following: “The alloca-  
25                             tion under this paragraph shall not include the out-

lays of the program under title II of the Social Security Act, including the costs of the part of the administration of such title for which the Commissioner of Social Security is responsible, or the outlays for the costs of the part of the administration of titles XVI and XVIII of the Social Security Act for which the Commissioner of Social Security is responsible.”.

(4) EXCLUSION OF THE ADMINISTRATIVE COSTS OF SOCIAL SECURITY, SSI, AND MEDICARE FROM THE CONGRESSIONAL BUDGET ACT 302(b) SUBALLOCATIONS.—Section 302(b) of the Congressional Budget Act of 1974 (2 U.S.C. 633(b)) is amended by adding at the end the following: “The suballocation under this subsection shall not include the outlays of the program under title II of the Social Security Act, including the costs of the part of the administration of such title for which the Commissioner of Social Security is responsible, or the outlays for the costs of the part of the administration of titles XVI and XVIII of the Social Security Act for which the Commissioner of Social Security is responsible.”.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2018.

1   **SEC. 3. ELIMINATING THE 5-MONTH WAITING PERIOD FOR**  
2                   **DISABILITY BENEFITS AND FOR DISABLED**  
3                   **SURVIVING SPOUSES.**

4       (a) IN GENERAL.—Section 223(a)(1) of the Social  
5   Security Act (42 U.S.C. 423(a)(1)) is amended in the  
6   matter following subparagraph (E)—

7                   (1) by inserting “for months beginning before  
8   the date of the enactment of the Social Security Ad-  
9   ministration Fairness Act,” after “(i)”;

10                  (2) by striking “or (ii)” and inserting “(ii), for  
11   months beginning before the date of the enactment  
12   of the Social Security Administration Fairness  
13   Act,”; and

14                  (3) by inserting “or (iii) for months beginning  
15   on or after the date of the enactment of the Social  
16   Security Administration Fairness Act, for each  
17   month beginning with the first month during all of  
18   which the individual is under a disability and in  
19   which the individual becomes entitled to such insur-  
20   ance benefits,” before “and ending”.

21       (b) DISABLED SURVIVING SPOUSES.—Section 202 of  
22   the Social Security Act (42 U.S.C. 402) is amended—

23                  (1) in subsection (e)(1)(F)—

24                   (A) in clause (i)—

25                   (i) by inserting “for months beginning  
26   before the date of the enactment of the So-

(ii) by striking “, or” and inserting a comma;

5 (B) in clause (ii)—

10 (ii) by striking “terminated,” and in-  
11 serting “, or”; and

12 (C) by adding at the end the following new  
13 clause:

14                                 “(iii) for months beginning on or after  
15                                 the date of the enactment of the Social Se-  
16                                 curity Administration Fairness Act, the  
17                                 first month during all of which she is  
18                                 under a disability and in which she be-  
19                                 comes entitled to such insurance benefits,”;  
20                                 and

21 (2) in subsection (f)(1)(F)—

22 (A) in clause (i)—

23 (i) by inserting “for months beginning  
24 before the date of the enactment of the So-

5 (B) in clause (ii)—

10 (ii) by striking “terminated,” and in-  
11 serting “, or”; and

12 (C) by adding at the end the following new  
13 clause:

20 SEC. 4. ELIMINATING THE 24-MONTH WAITING PERIOD FOR  
21 MEDICARE COVERAGE FOR INDIVIDUALS  
22 WITH DISABILITIES.

(a) IN GENERAL.—Section 226(b) of the Social Security Act (42 U.S.C. 426(b)) is amended—

1                         (1) in paragraph (2)(A), by striking “, and has  
2                         for 24 calendar months been entitled to,”;

3                         (2) in paragraph (2)(B), by striking “, and has  
4                         been for not less than 24 months,”;

5                         (3) in paragraph (2)(C)(ii), by striking “, in-  
6                         cluding the requirement that he has been entitled to  
7                         the specified benefits for 24 months,”;

8                         (4) in the first sentence, by striking “for each  
9                         month beginning with the later of (I) July 1973 or  
10                         (II) the twenty-fifth month of his entitlement or sta-  
11                         tus as a qualified railroad retirement beneficiary de-  
12                         scribed in paragraph (2), and” and inserting “for  
13                         each month for which the individual meets the re-  
14                         quirements of paragraph (2), beginning with the  
15                         month following the month in which the individual  
16                         meets the requirements of such paragraph, and”;  
17                         and

18                         (5) in the second sentence, by striking “the  
19                         ‘twenty-fifth month of his entitlement’” and all that  
20                         follows through “paragraph (2)(C) and”.

21                         (b) CONFORMING AMENDMENTS.—

22                         (1) SECTION 226.—Section 226 of the Social  
23                         Security Act (42 U.S.C. 426) is amended by—

24                         (A) striking subsections (e)(1)(B), (f), and  
25                         (h); and

(B) redesignating subsections (g) and (i) as subsections (f) and (g), respectively.

14 (A) by striking “has been entitled to an  
15 annuity” and inserting “is entitled to an annu-  
16 ity”;

17 (B) by striking “, for not less than 24  
18 months”; and

19 (C) by striking “could have been entitled  
20 for 24 calendar months and”

21       (c) EFFECTIVE DATE.—The amendments made by  
22 this section shall apply to insurance benefits under title  
23 XVIII of the Social Security Act with respect to items and  
24 services furnished on or after the date of the enactment  
25 of this Act.

1   **SEC. 5. CLOSURE OF FIELD AND HEARING OFFICES AND**  
2                   **RESIDENT OR RURAL CONTACT STATIONS.**

3       (a) MORATORIUM ON CLOSURE OR CONSOLIDATION  
4   OF FIELD OR HEARING OFFICES OR NEW LIMITATIONS  
5   ON ACCESS TO SUCH OFFICES.—

6               (1) IN GENERAL.—Except as provided in para-  
7   graph (2), the Commissioner of Social Security shall  
8   take no action on or after the date of the enactment  
9   of this Act to close or consolidate field or hearing of-  
10   fices of the Social Security Administration or to oth-  
11   erwise impose any new limitation on access to such  
12   offices.

13              (2) CESSATION OF MORATORIUM UPON REPORT  
14   TO CONGRESS.—Paragraph (1) shall cease to be ef-  
15   fective 180 days after the Commissioner submits to  
16   the Committee on Ways and Means of the House of  
17   Representatives and the Committee on Finance of  
18   the Senate a detailed report outlining and justifying  
19   the process for selecting field or hearing offices to be  
20   closed or consolidated or otherwise to have limited  
21   access. Such report shall include—

22               (A) an analysis of the criteria used for se-  
23   lecting field or hearing offices for closure, con-  
24   solidation, or limited access;

25               (B) a description of how the Commissioner  
26   has analyzed and considered relevant factors,

1           including but not limited to transportation and  
2           communication burdens faced by individuals  
3           serviced by the offices, including elderly and  
4           disabled citizens; and

5                 (C) a description of any method of cost-  
6                 benefit analysis applied by the Commissioner in  
7                 connection with closures and consolidations of  
8                 field or hearing offices, and other limitations on  
9                 access to field or hearing offices, including any  
10                 analysis that takes into account—

11                             (i) the anticipated savings resulting  
12                         from the closure, consolidation, or limita-  
13                         tion on access;

14                             (ii) the anticipated costs associated  
15                         with replacing services lost by the closure,  
16                         consolidation, or limitation on access;

17                             (iii) the anticipated effects on employ-  
18                         ees of the offices affected;

19                             (iv) how the loss of access resulting  
20                         from the closure, consolidation, or limita-  
21                         tion on access will be replaced by the es-  
22                         tablishment of a new field or hearing of-  
23                         fice, increased access at a different office,  
24                         or some other means, and the factors con-  
25                         sidered by the Commissioner in deter-

1                   mining how to replace such lost access;  
2                   and

3                   (v) such other relevant factors as may  
4                   be determined by the Commissioner, in-  
5                   cluding but not limited to transportation  
6                   and communication burdens faced by indi-  
7                   viduals serviced by the offices, including el-  
8                   derly and disabled citizens.

9                   (b) REQUIREMENTS FOR FUTURE CLOSURES, CON-  
10                  SOLIDATIONS, AND NEW LIMITATIONS ON ACCESS.—

11                  (1) IN GENERAL.—Section 704 of the Social  
12                  Security Act (42 U.S.C. 904) is amended by adding  
13                  at the end the following new subsection:

14                  “Field and Hearing Offices  
15                  “(f)(1) The Commissioner may not close a field or  
16                  hearing office of the Administration, consolidate two or  
17                  more such offices, or otherwise impose any new limitation  
18                  on public access to any such office, unless the Commis-  
19                  sioner complies with the requirements of paragraphs (2),  
20                  (3), (4), and (5) in connection with the closure, consolida-  
21                  tion, or limitation on public access.

22                  “(2)(A) The requirements of this paragraph are met  
23                  in connection with a closure, consolidation, or new limita-  
24                  tion on access referred to in paragraph (1) only if—

1           “(i) not later than 120 days before the date of  
2       the closure, consolidation, or limitation on access,  
3       the Commissioner provides effective public notice of  
4       the proposed closure, consolidation, or limitation on  
5       access (including, to the extent practicable, notice by  
6       direct mailing and through community outlets such  
7       as newspapers and posting in heavily frequented  
8       public spaces) to individuals residing in the area  
9       serviced by the affected office or offices;

10          “(ii) the public notice issued pursuant to clause  
11       (i) includes information on—

12           “(I) how the Commissioner will, not later  
13       than 30 days after the date of the closure, con-  
14       solidation, or limitation on access, replace the  
15       loss in access resulting from the closure, con-  
16       solidation, or limitation on access by estab-  
17       lishing a new office, increasing public access to  
18       a different office, or some other means; and

19           “(II) how to contact the Administration if  
20       an individual experiences service delays or prob-  
21       lems as a result of the closure, consolidation, or  
22       limitation on access; and

23          “(iii) not earlier than 30 days after the  
24       issuance of public notice pursuant to clause (i) and  
25       not later than 45 days before the date of the pro-

1       posed closure, consolidation, or limitation on access,  
2       the Commissioner conducts at least 2 public hearings  
3       (scheduled so that the first and last such hearings  
4       are separated by at least 10 days), at which the  
5       Commissioner presents the justifications for the clo-  
6       sure, consolidation, or limitation on access described  
7       in subparagraph (B) and provides for attendees an  
8       opportunity to present their views regarding the pro-  
9       posed closure, consolidation, or limitation on access.

10      “(B) The justifications referred to in subparagraph  
11     (A)(iii) shall consist of the following:

12           “(i) an analysis of the criteria used for selecting  
13       the field or hearing office or offices for closure, con-  
14       solidation, or limited access;

15           “(ii) a description of how the Commissioner has  
16       analyzed and considered relevant factors, including  
17       but not limited to transportation and communication  
18       burdens faced by individuals serviced by the offices,  
19       including elderly and disabled citizens; and

20           “(iii) a description of a method of cost-benefit  
21       analysis which shall be applied by the Commissioner  
22       in connection with the closure, consolidation, or limi-  
23       tation on access, and which shall take into ac-  
24       count—

1               “(I) the anticipated savings resulting from  
2               the closure, consolidation, or limitation on ac-  
3               cess;

4               “(II) the anticipated costs associated with  
5               replacing services lost by the closure, consolida-  
6               tion, or limitation on access;

7               “(III) the anticipated effects on employees  
8               of the offices affected; and

9               “(IV) such other relevant factors as may  
10              be determined by the Commissioner, including  
11              but not limited to transportation and commu-  
12              nication burdens faced by individuals serviced  
13              by the offices, including elderly and disabled  
14              citizens.

15              “(C) The notice provided pursuant to subparagraph  
16              (A)(i) shall include notice of the time and place of the  
17              public hearings to be conducted pursuant to clause (A)(iii)  
18              and of the right of aggrieved individuals to appeal to the  
19              Commissioner regarding the proposed closure, consolida-  
20              tion, or limitation on access pursuant to paragraph (4).

21              “(3) The requirements of this paragraph are met in  
22              connection with a closure, consolidation, or limitation on  
23              access referred to in paragraph (1) only if, not later than  
24              30 days before the date of the proposed closure, consolida-  
25              tion, or limitation on access, the Commissioner submits

1 to the Committee on Ways and Means of the House of  
2 Representatives, the Committee on Finance of the Senate,  
3 and each Member of the Congress representing a State  
4 or congressional district in which the affected office or of-  
5 fices are located a detailed final report in support of the  
6 closure, consolidation, or limitation on access. Such report  
7 shall include—

8                 “(A) the justifications described in paragraph  
9                 (2)(B), (including any amendments made to such  
10                 justifications after the public hearings conducted  
11                 pursuant to paragraph (2)(A));

12                 “(B) any findings made by the Commissioner  
13                 pursuant to the public hearings;

14                 “(C) the status of any appeals regarding the  
15                 closure, consolidation, or new limitation on access  
16                 which were commenced pursuant to paragraph (4)  
17                 before the date of the report;

18                 “(D) the final decision of the Commissioner re-  
19                 garding the closure, consolidation, or new limitation  
20                 on access; and

21                 “(E) such other information as the Commis-  
22                 sioner considers relevant.

23                 “(4)(A) Upon timely request by any individual who  
24                 makes a showing in writing described in subparagraph (B)  
25                 in connection with a proposed closure, consolidation, or

1 limitation on access referred to in subparagraph (A), the  
2 Commissioner shall give such individual an opportunity for  
3 a hearing with respect to the closure, consolidation, or lim-  
4 itation on access. The request for the hearing shall be con-  
5 sidered timely only if it is made not later than 30 days  
6 before the proposed date of the closure, consolidation, or  
7 limitation on access. The Commissioner shall submit to  
8 the Committee on Ways and Means of the House of Rep-  
9 resentatives, the Committee on Finance of the Senate, and  
10 each Member of the Congress representing a State or con-  
11 gressional district in which the affected office or offices  
12 are located the Commissioner's findings based on the  
13 hearing and a description of any action taken or to be  
14 taken by the Commissioner on the basis of such findings.

15       “(B) A showing described in subparagraph (A) shall  
16 consist of a showing that—

17           “(i) the determination of the Commissioner to  
18 close a field or hearing office, consolidate field or  
19 hearing offices, or impose a new limitation on access  
20 to a field or hearing office is arbitrary, capricious,  
21 an abuse of discretion, not in accordance with law,  
22 or not based on substantial evidence; or

23           “(ii) the Commissioner has failed to observe  
24 procedures required by law in connection with the  
25 closure, consolidation, or new limitation on access.

1       “(5) The requirement of this paragraph is met in  
2 connection with a closure, consolidation, or limitation on  
3 access referred to in paragraph (1) only if such closure,  
4 consolidation, or limitation on access will not result in the  
5 total number of field or hearing offices of the Administra-  
6 tion falling below the total number of such offices that  
7 were in operation on September 30, 2018.”.

8                     (2) EFFECTIVE DATE.—The amendment made  
9 by paragraph (1) of this subsection shall apply with  
10 respect to closures and consolidations of field or  
11 hearing offices and impositions of new limitations on  
12 access to such offices occurring after the cessation  
13 of the moratorium under subsection (a) of this sec-  
14 tion.

