

the study of Mission to Planet Earth. But the fact is that what you have is an emerging set of technologies that may prove to be valuable to Mission to Planet Earth.

While it is true that it has been studied intensely by any number of people, the fact is that these new technologies do hold the promise of being able to give us a robust program at a perhaps savings, and that is what we are looking at here. And by having Goddard take the lead and having Stennis come in with some of the things they have found in terms of commercial applications, we think it would strengthen the Mission to Planet Earth mission over the year and do so within budget constraints that it is going to be operating under. Between us we have come up with the right language and approach here that satisfies the various needs, and I thank the gentleman from California and his staff for their cooperation in helping us develop that.

Mr. BROWN of California. Mr. Speaker, I yield myself such time as I may consume just to make a concluding remark.

Let me thank the gentleman for his comments. He has been extremely cooperative in modifying the language here to provide certain reassurances that will be helpful in connection with this.

I also want to note that the remarks of the gentleman from Florida are very appropriate. We have a large and flourishing space launch there that is the preeminent spaceport at this time in the country. If there is nobody here from Alaska or Hawaii or some of the other States which also hope to have flourishing spaceports, may I make a comment that California also desires to get into this race and we have the beginnings of our own commercial launch facility in California which may be championed by the gentleman from California [Mrs. SEASTRAND]. We hope that at some point we will be able to offer both through the private sector and perhaps through some government business, a major launch facility in California.

The point here is that we see the emergence of a major new economic activity that pervades the entire United States, including Alaska and Hawaii, in competition for this business. And I think that the gentleman from Pennsylvania [Mr. WALKER] and I both give very strong allegiance to the importance of competition and ascertaining what is the best source of any particular program and what can benefit the taxpayers of this country most. I anticipate that this developing competition is going to be good for the whole country and I look forward to it.

This bill is intended to facilitate that and I again urge my colleagues to support it.

Mr. Speaker, I yield back the balance of my time.

Mr. WALKER. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. LAHOOD). The question is on the mo-

tion offered by the gentleman from Pennsylvania [Mr. WALKER] that the House suspend the rules and pass the bill, H.R. 3936, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

SOCIAL SECURITY MISCELLANEOUS AMENDMENTS ACT OF 1996

Mr. BUNNING of Kentucky. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4039) to make technical and clarifying amendments to recently enacted provisions relating to titles II and XVI of the Social Security Act and to provide for a temporary extension of demonstration project authority in the Social Security Administration, as amended.

The Clerk read as follows:

H.R. 4039

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Social Security Miscellaneous Amendments Act of 1996".

SEC. 2. TECHNICAL AMENDMENTS RELATING TO DRUG ADDICTS AND ALCOHOLICS.

(a) CLARIFICATIONS RELATING TO THE EFFECTIVE DATE OF THE DENIAL OF DISABILITY BENEFITS TO DRUG ADDICTS AND ALCOHOLICS.—

(1) AMENDMENTS RELATING TO DISABILITY BENEFITS UNDER TITLE II.—Section 105(a)(5) of the Contract with America Advancement Act of 1996 (Public Law 104-121; 110 Stat. 853) is amended—

(A) in subparagraph (A), by striking "by the Commissioner of Social Security" and "by the Commissioner"; and

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

"(D) For purposes of this paragraph, an individual's claim, with respect to benefits under title II of the Social Security Act based on disability, which has been denied in whole before the date of the enactment of this Act, may not be considered to be finally adjudicated before such date if, on or after such date—

"(i) there is pending a request for either administrative or judicial review with respect to such claim, or

"(ii) there is pending, with respect to such claim, a readjudication by the Commissioner of Social Security pursuant to relief in a class action or implementation by the Commissioner of a court remand order.".

(2) AMENDMENTS RELATING TO SUPPLEMENTAL SECURITY INCOME DISABILITY BENEFITS UNDER TITLE XVI.—Section 105(b)(5) of such Act (Public Law 104-121; 110 Stat. 853) is amended—

(A) in subparagraph (A), by striking "by the Commissioner of Social Security" and "by the Commissioner"; and

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

"(D) For purposes of this paragraph, an individual's claim, with respect to supplemental security income benefits under title XVI of the Social Security Act based on disability, which has been denied in whole before the date of the enactment of this Act, may not be considered to be finally adjudicated before such date if, on or after such date—

"(i) there is pending a request for either administrative or judicial review with respect to such claim, or

"(ii) there is pending, with respect to such claim, a readjudication by the Commissioner of Social Security pursuant to relief in a class action or implementation by the Commissioner of a court remand order.".

(b) CORRECTIONS TO EFFECTIVE DATE OF PROVISIONS CONCERNING REPRESENTATIVE PAYEEES AND TREATMENT REFERRALS OF DRUG ADDICTS AND ALCOHOLICS.—

(1) AMENDMENTS RELATING TO TITLE II DISABILITY BENEFICIARIES.—Section 105(a)(5)(B) of such Act (Public Law 104-121; 110 Stat. 853) is amended to read as follows:

"(B) The amendments made by paragraphs (2) and (3) shall take effect on July 1, 1996, with respect to any individual—

"(i) whose claim for benefits is finally adjudicated on or after the date of the enactment of this Act, or

"(ii) whose entitlement to benefits is based upon an entitlement redetermination made pursuant to subparagraph (C)."

(2) AMENDMENTS RELATING TO SUPPLEMENTAL SECURITY INCOME RECIPIENTS.—Section 105(b)(5)(B) of such Act (Public Law 104-121; 110 Stat. 853) is amended to read as follows:

"(B) The amendments made by paragraphs (2) and (3) shall take effect on July 1, 1996, with respect to any individual—

"(i) whose claim for benefits is finally adjudicated on or after the date of the enactment of this Act, or

"(ii) whose eligibility for benefits is based upon an eligibility redetermination made pursuant to subparagraph (C)."

(c) REPEAL OF OBSOLETE REPORTING REQUIREMENTS.—Subsections (a)(3)(B) and (b)(3)(B)(ii) of section 201 of the Social Security Independence and Program Improvements Act of 1994 (Public Law 103-296; 108 Stat. 1497, 1504) are repealed.

(d) EFFECTIVE DATES.—

(1) The amendments made by subsections (a) and (b) shall be effective as though they had been included in the enactment of section 105 of the Contract with America Advancement Act of 1996 (Public Law 104-121; 110 Stat. 852 et seq.).

(2) The repeals made by subsection (c) shall take effect on the date of the enactment of this Act.

SEC. 3. CLARIFICATION REGARDING REVIEW OF DETERMINATIONS BY STATE DISABILITY DETERMINATION SERVICES.

Section 221(d) of the Social Security Act (42 U.S.C. 421(d)) is amended—

(1) by inserting "(1)" after "(d)"; and

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

"(2) No determination under this section shall be reviewed by any person, tribunal, or governmental agency, except as provided in paragraph (1)."

SEC. 4. EXTENSION OF DISABILITY INSURANCE PROGRAM DEMONSTRATION PROJECT AUTHORITY.

(a) IN GENERAL.—Section 505 of the Social Security Disability Amendments of 1980 (Public Law 96-265; 94 Stat. 473), as amended by section 12101 of the Consolidated Omnibus Budget Reconciliation Act of 1985 (Public Law 99-272; 100 Stat. 282), section 10103 of the Omnibus Budget Reconciliation Act of 1989 (Public Law 101-239; 103 Stat. 2472), section 5120(f) of the Omnibus Budget Reconciliation Act of 1990 (Public Law 101-508; 104 Stat. 1388-282), and section 315 of the Social Security Independence and Program Improvements Act of 1994 (Public Law 103-296; 108 Stat. 1531), is further amended—

(1) in paragraph (1) of subsection (a), by adding at the end the following new sentence: "The Commissioner may expand the

scope of any such experiment or demonstration project to include any group of applicants for benefits under such program with impairments which may reasonably be presumed to be disabling for purposes of such experiment or demonstration project, and may limit any such experiment or demonstration project to any such group of applicants, subject to the terms of such experiment or demonstration project which shall define the extent of any such presumption.”;

(2) in paragraph (3) of subsection (a), by striking “June 10, 1996” and inserting “June 10, 1997”;

(3) in paragraph (4) of subsection (a), by inserting “and on or before October 1, 1996,” after “1995,”; and

(4) in subsection (c), by striking “October 1, 1996” and inserting “October 1, 1997”.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on the date of the enactment of this Act.

SEC. 5. PERFECTING AMENDMENTS RELATED TO WITHHOLDING FROM SOCIAL SECURITY BENEFITS.

(a) INAPPLICABILITY OF ASSIGNMENT PROHIBITION.—Section 207 of the Social Security Act (42 U.S.C. 407) is amended by adding at the end the following new subsection:

“(c) Nothing in this section shall be construed to prohibit withholding taxes from any benefit under this title, if such withholding is done pursuant to a request made in accordance with section 3402(p)(1) of the Internal Revenue Code of 1986 by the person entitled to such benefit.”.

(b) PROPER ALLOCATION OF COSTS OF WITHHOLDING BETWEEN THE TRUST FUNDS AND THE GENERAL FUND.—Section 201(g) of such Act (42 U.S.C. 401(g)) is amended—

(1) by inserting before the period in paragraph (1)(A)(ii) the following: “and the functions of the Social Security Administration in connection with the withholding of taxes from benefits, as described in section 207(c), pursuant to requests by persons entitled to such benefits”;

(2) by inserting before the period at the end of paragraph (1)(A) the following: “and the functions of the Social Security Administration in connection with the withholding of taxes from benefits, as described in section 207(c), pursuant to requests by persons entitled to such benefits”;

(3) in paragraph (1)(B)(i)(I), by striking “subparagraph (A),” and inserting “subparagraph (A) and the functions of the Social Security Administration in connection with the withholding of taxes from benefits, as described in section 207(c), pursuant to requests by persons entitled to such benefits.”;

(4) in paragraph (1)(C)(iii), by inserting before the period the following: “and the functions of the Social Security Administration in connection with the withholding of taxes from benefits, as described in section 207(c), pursuant to requests by persons entitled to such benefits”;

(5) in paragraph (1)(D), by inserting after “section 232” the following: “and the functions of the Social Security Administration in connection with the withholding of taxes from benefits as described in section 207(c)”;

(6) in paragraph (4), by inserting after the first sentence the following: “The Boards of Trustees of such Trust Funds shall prescribe before January 1, 1997, the method of determining the costs which should be borne by the general fund in the Treasury of carrying out the functions of the Social Security Administration in connection with the withholding of taxes from benefits, as described in section 207(c), pursuant to requests by persons entitled to such benefits.”.

SEC. 6. TREATMENT OF PRISONERS.

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

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

(A) by inserting “(A)” after “(3)”;

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

“(B)(i) The Commissioner shall enter into an agreement, with any interested State or local institution comprising a jail, prison, penal institution, correctional facility, or other institution a purpose of which is to confine individuals as described in paragraph (1)(A), under which—

“(I) the institution shall provide to the Commissioner, on a monthly basis and in a manner specified by the Commissioner, the names, social security account numbers, dates of birth, confinement commencement dates, and, to the extent available to the institution, such other identifying information concerning the individuals confined in the institution as the Commissioner may require for the purpose of carrying out paragraph (1); and

“(II) except as provided in clause (ii), the Commissioner shall pay to the institution, with respect to information described in subclause (I) concerning each individual who is confined therein as described in paragraph (1)(A), to whom a benefit under this title is payable for the month preceding the first month of such confinement, and whose benefit under this title ceases to be payable as a result of the application of this subsection, \$400 (subject to reduction under clause (iii)) if the institution furnishes the information to the Commissioner within 30 days after the date such individual’s confinement in such institution begins, or \$200 (subject to reduction under clause (iii)) if the institution furnishes the information after 30 days after such date but within 90 days after such date.

“(i) No amount shall be payable to an institution with respect to information concerning an individual under an agreement entered into under clause (i) if, prior to the Commissioner’s receipt of the information, the Commissioner has determined that benefits under this title are no longer payable to such individual as a result of the application of this subsection.

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

“(iv) There shall be transferred from the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund, as appropriate, such sums as may be necessary to enable the Commissioner to make payments to institutions required by clause (i)(II). Sums so transferred shall be treated as direct spending for purposes of the Balanced Budget and Emergency Deficit Control Act of 1985 and excluded from budget totals in accordance with section 13301 of the Budget Enforcement Act of 1990.

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

(2) EFFECTIVE DATE.—The amendments made by this subsection shall apply as if included in the enactment of section 203(a) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996.

(b) ELIMINATION OF TITLE II REQUIREMENT THAT CONFINEMENT STEM FROM CRIME PUNISHABLE BY IMPRISONMENT FOR MORE THAN 1 YEAR.—

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

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

(B) in clause (i), by striking “an offense punishable by imprisonment for more than 1 year (regardless of the actual sentence imposed)” and inserting “a criminal offense”; and

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

(2) EFFECTIVE DATE.—The amendments made by this subsection shall be effective with respect to benefits payable for months after February 1997.

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

(1) Section 203(b)(1) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Public Law 104-193) is amended—

(A) in subparagraph (A), by striking “section 1611(e)(1)” and inserting “sections 202(x) and 1611(e)(1)”; and

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

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

(3) The amendments made by paragraph (1) shall apply as if included in the enactment of section 203(b) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Public Law 104-193). The amendment made by paragraph (2) shall apply as if included in the enactment of section 203(c) of such Act.

(d) CONFORMING TITLE XVI AMENDMENTS.—

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

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

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

(C) by inserting after clause (i) the following new clause:

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

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

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

(B) by inserting after clause (ii) the following new clause:

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

(3) EXPANSION OF CATEGORIES OF INSTITUTIONS ELIGIBLE TO ENTER INTO AGREEMENTS WITH THE COMMISSIONER.—Section 1611(e)(1)(I)(i) of such Act (as added by section 203(a)(1) of the Personal Responsibility

and Work Opportunity Reconciliation Act of 1996 (Public Law 104-193)) is amended in the matter preceding subclause (I) by striking "institution" and all that follows through "section 202(x)(1)(A)," and inserting "institution comprising a jail, prison, penal institution, or correctional facility, or with any other interested State or local institution a purpose of which is to confine individuals as described in section 202(x)(1)(A)(ii)."

(4) LIMITATION ON CATEGORIES OF INMATES WITH RESPECT TO WHOM PAYMENT MAY BE MADE.—Section 1611(e)(1)(I)(i)(II) of such Act (as added by section 203(a)(1) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Public Law 104-193)) is amended by striking "inmate of the institution" and all that follows through "in such institution and" and inserting "individual who is eligible for a benefit under this title for the month preceding the first month throughout which the individual is an inmate of the jail, prison, penal institution, or correctional facility, or is confined in the institution as described in section 202(x)(1)(A)(ii), and who".

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

(6) EFFECTIVE DATE.—The amendments made by this subsection shall apply as if included in the enactment of section 203(a) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Public Law 104-193). The references to section 202(x)(1)(A)(ii) of the Social Security Act in section 1611(e)(1)(I)(i) of such Act as amended by paragraphs (3) and (4) shall be deemed a reference to such section 202(x)(1)(A)(ii) as amended by subsection (b)(1)(C).

(e) EXEMPTION FROM COMPUTER MATCHING REQUIREMENTS.—

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

(A) by striking "or" at the end of clause (vi);

(B) by adding "or" at the end of clause (vii); and

(C) by inserting after clause (vii) the following new clause:

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

(2) CONFORMING AMENDMENT.—Section 1611(e)(1)(I)(iv) of the Social Security Act (as added by section 203(a)(1) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Public Law 104-193) and redesignated by subsection (d)(1)(B)) is amended further by striking "(I) The provisions" and all that follows through "(II) The Commissioner" and inserting "The Commissioner".

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

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Kentucky [Mr. BUNNING] and the gentleman from Virginia [Mr. PAYNE] each will control 20 minutes.

The Chair recognizes the gentleman from Kentucky [Mr. BUNNING].

GENERAL LEAVE

Mr. BUNNING of Kentucky. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 4039.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

Mr. BUNNING of Kentucky. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 4039, the Social Security Miscellaneous Amendments Act of 1996.

A few months ago, the Social Security Administration came to us, and asked for legislation to make technical or perfecting changes they needed to implement current law. Andy Jacobs and I then introduced this legislation, which was favorably reported by the Ways and Means Committee on a bipartisan basis. Andy's constructive, bipartisan leadership on Social Security issues will be greatly missed.

Again, let me make it clear that the administration requested these technical provisions.

According to the Social Security Administration, these amendments are needed to clarify, first, the drug addicts and alcoholics provisions enacted under Public Law 104-121, thereby closing a loophole and preventing payment of benefits not intended by Congress; second, to clarify that the only judicial review available to disability applicants is the normal judicial review of the final decision of the Commissioner of Social Security, and that the State disability determination services and their employees, like Federal officials, cannot be sued for their official acts when making disability decisions under the Social Security Act; third, to grant SSA continued demonstration project authority; and fourth, to perfect provisions of the Uruguay Round Agreements Act, allowing for optional tax withholding from Social Security benefits.

In addition to the technical provisions requested by SSA, H.R. 4039 includes provisions that further restrict payment of Social Security benefits to prisoners. These provisions are virtually identical to ones included in the recently enacted welfare reform bill affecting prisoners who receive supplemental security income benefits.

They restrict payment of benefits to all criminals incarcerated throughout a month, and provide a financial incentive to correctional facilities to report their incarceration to SSA. The provisions save the Social Security trust funds \$35 million over 7 years. I want to commend my colleague on the Ways and Means Committee, Mr. HERGER, for his leadership on this issue.

I also want to thank both the minority staff and SSA staff for providing their assistance in formulating this package.

The Social Security Subcommittee has worked diligently to assist SSA by providing the legislative corrections that SSA said that it needed to fulfill its responsibilities to Congress and the American public.

Neither the Congress nor the American public wants to see Social Security

benefits paid to drug addicts, alcoholics, or criminals who should not receive them.

I hope that for the sake of the hard-working American public, the Senate will see fit to act quickly so that current programs may continue to run as they should, and the intent of Congress to stop Social Security payments to drug addicts, alcoholics, and prisoners will be fulfilled. I urge support of H.R. 4039.

Mr. Speaker, I reserve the balance of my time.

Mr. PAYNE of Virginia. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 4039. I have had the pleasure of serving on the Subcommittee on Social Security of the Committee on Ways and Means during this session of Congress, serving with Chairman JIM BUNNING who has worked tirelessly this session to bring about a Social Security Administration that deals fairly and effectively with Social Security. I have had the pleasure of serving with the gentleman from Indiana, ANDY JACOBS, who is retiring after 30 years, who has spent his entire career working on Social Security, protecting it and making it better. And I want to commend both of these gentlemen for the effective and bipartisan method in which they have constructed the business of the Social Security Subcommittee.

Mr. Speaker, I rise in support of H.R. 4039. This bill, as Chairman BUNNING has pointed out, makes a number of technical and miscellaneous changes in Social Security. It clarifies the effective date of the newly enacted law denying Social Security benefits to drug addicts and alcoholics.

□ 1730

It extends for 1 year the disability demonstration project authority of the Social Security Administration. It prohibits lawsuits directly against State disability determinations services. And in addition, the bill authorizes incentive payments to prisons and local jails to encourage jailers to turn over to the Social Security Administration the names of prisoners who are receiving Social Security payments. A number of years ago, the Congress prohibited the payment of Social Security benefits to prisoners, yet the Social Security Administration is having a difficult time obtaining the names of Social Security recipients incarcerated in the hundreds of local jails around the country. So this provision will offer an incentive to all institutions, both large and small ones, to provide the names of prisoners receiving Social Security benefits.

The Social Security Administration can then make sure that no prisoner continues to receive benefits while institutionalized.

Mr. Speaker, these are technical changes coupled with some improvements in the administration of the Social Security Program, and I urge their adoption.