

104TH CONGRESS
1ST SESSION

S. 1470

To amend title II of the Social Security Act to provide for increases in the amounts of allowable earnings under the social security earnings limit for individuals who have attained retirement age, and for other purposes.

IN THE SENATE OF THE UNITED STATES

DECEMBER 12, 1995

Mr. McCAIN (for himself, Mr. ROTH, and Mr. DOLE) introduced the following bill; which was read twice and referred to the Committee on Finance

A BILL

To amend title II of the Social Security Act to provide for increases in the amounts of allowable earnings under the social security earnings limit for individuals who have attained retirement age, 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 “Senior Citizens’ Free-
5 dom to Work Act of 1995”.

1 **SEC. 2. INCREASES IN MONTHLY EXEMPT AMOUNT FOR**
2 **PURPOSES OF THE SOCIAL SECURITY EARN-**
3 **INGS LIMIT.**

4 (a) INCREASE IN MONTHLY EXEMPT AMOUNT FOR
5 INDIVIDUALS WHO HAVE ATTAINED RETIREMENT
6 AGE.—Section 203(f)(8)(D) of the Social Security Act (42
7 U.S.C. 403(f)(8)(D)) is amended to read as follows:

8 “(D) Notwithstanding any other provision of
9 this subsection, the exempt amount which is applica-
10 ble to an individual who has attained retirement age
11 (as defined in section 216(l)) before the close of the
12 taxable year involved shall be—

13 “(i) for each month of any taxable year
14 ending after 1995 and before 1997,
15 \$1,166.66 $\frac{2}{3}$,

16 “(ii) for each month of any taxable year
17 ending after 1996 and before 1998, \$1,250.00,

18 “(iii) for each month of any taxable year
19 ending after 1997 and before 1999,
20 \$1,333.33 $\frac{1}{3}$,

21 “(iv) for each month of any taxable year
22 ending after 1998 and before 2000,
23 \$1,416.66 $\frac{2}{3}$,

24 “(v) for each month of any taxable year
25 ending after 1999 and before 2001, \$1,500.00,

1 “(vi) for each month of any taxable year
2 ending after 2000 and before 2002,
3 \$2,083.33½, and

4 “(vii) for each month of any taxable year
5 ending after 2001 and before 2003,
6 \$2,500.00.”.

7 (b) CONFORMING AMENDMENTS.—

8 (1) Section 203(f)(8)(B)(ii) of such Act (42
9 U.S.C. 403(f)(8)(B)(ii)) is amended—

10 (A) by striking “the taxable year ending
11 after 1993 and before 1995” and inserting “the
12 taxable year ending after 2001 and before 2003
13 (with respect to individuals described in sub-
14 paragraph (D)) or the taxable year ending after
15 1993 and before 1995 (with respect to other in-
16 dividuals)”; and

17 (B) in subclause (II), by striking “for
18 1992” and inserting “for 2000 (with respect to
19 individuals described in subparagraph (D)) or
20 1992 (with respect to other individuals)”.

21 (2) The second sentence of section 223(d)(4)(A)
22 of such Act (42 U.S.C. 423(d)(4)(A)) is amended by
23 striking “the exempt amount under section 203(f)(8)
24 which is applicable to individuals described in sub-
25 paragraph (D) thereof” and inserting the following:

1 “an amount equal to the exempt amount which
2 would be applicable under section 203(f)(8), to indi-
3 viduals described in subparagraph (D) thereof, if
4 section 2 of the Senior Citizens’ Right to Work Act
5 of 1995 had not been enacted”.

6 (c) EFFECTIVE DATE.—The amendments made by
7 this section shall apply with respect to taxable years end-
8 ing after 1995.

9 **SEC. 3. DENIAL OF DISABILITY BENEFITS TO DRUG AD-**

10 **DICTS AND ALCOHOLICS.**

11 (a) AMENDMENTS RELATING TO TITLE II DISABIL-
12 ITY BENEFITS.—

13 (1) IN GENERAL.—Section 223(d)(2) of the So-
14 cial Security Act (42 U.S.C. 423(d)(2)) is amended
15 by adding at the end the following:

16 “(C) An individual shall not be considered to be
17 disabled for purposes of this title if alcoholism or
18 drug addiction would (but for this subparagraph) be
19 a contributing factor material to the Commissioner’s
20 determination that the individual is disabled.”.

21 (2) REPRESENTATIVE PAYEE REQUIRE-
22 MENTS.—

23 (A) Section 205(j)(1)(B) of such Act (42
24 U.S.C. 405(j)(1)(B)) is amended to read as fol-
25 lows:

1 “(B) In the case of an individual entitled to benefits
2 based on disability, the payment of such benefits shall be
3 made to a representative payee if the Commissioner of So-
4 cial Security determines that such payment would serve
5 the interest of the individual because the individual also
6 has an alcoholism or drug addiction condition (as deter-
7 mined by the Commissioner) that prevents the individual
8 from managing such benefits.”.

9 (B) Section 205(j)(2)(C)(v) of such Act
10 (42 U.S.C. 405(j)(2)(C)(v)) is amended by
11 striking “entitled to benefits” and all that fol-
12 lows through “under a disability” and inserting
13 “described in paragraph (1)(B)”.

14 (C) Section 205(j)(2)(D)(ii)(II) of such
15 Act (42 U.S.C. 405(j)(2)(D)(ii)(II)) is amended
16 by striking all that follows “15 years, or” and
17 inserting “described in paragraph (1)(B).”.

18 (D) Section 205(j)(4)(A)(i)(II) (42 U.S.C.
19 405(j)(4)(A)(ii)(II)) is amended by striking
20 “entitled to benefits” and all that follows
21 through “under a disability” and inserting “de-
22 scribed in paragraph (1)(B)”.

23 (3) TREATMENT REFERRALS FOR INDIVIDUALS
24 WITH AN ALCOHOLISM OR DRUG ADDICTION CONDI-
25 TION.—Section 222 of such Act (42 U.S.C. 422) is

1 amended by adding at the end the following new
2 subsection:

3 “Treatment Referrals for Individuals with an Alcoholism
4 or Drug Addiction Condition

5 “(e) In the case of any individual whose benefits
6 under this title are paid to a representative payee pursu-
7 ant to section 205(j)(1)(B), the Commissioner of Social
8 Security shall refer such individual to the appropriate
9 State agency administering the State plan for substance
10 abuse treatment services approved under subpart II of
11 part B of title XIX of the Public Health Service Act (42
12 U.S.C. 300x-21 et seq.).”.

13 (4) CONFORMING AMENDMENT.—Subsection (c)
14 of section 225 of such Act (42 U.S.C. 425(c)) is re-
15 pealed.

16 (5) EFFECTIVE DATES.—

17 (A) The amendments made by paragraphs
18 (1) and (4) shall apply to any individual who
19 applies for, or whose claim is adjudicated with
20 respect to, benefits under title II of the Social
21 Security Act based on disability on or after the
22 date of the enactment of this Act, and, in the
23 case of any individual who has applied for, and
24 whose claim has been adjudicated with respect
25 to, such benefits before such date of enactment,

such amendments shall apply only with respect to such benefits for months beginning on or after January 1, 1997.

4 (B) The amendments made by paragraphs
5 (2) and (3) shall apply with respect to benefits
6 for which applications are filed on or after the
7 date of the enactment of this Act.

(C) If an individual who is entitled to monthly insurance benefits under title II of the Social Security Act based on disability for the month in which this Act is enacted and whose entitlement to such benefits would terminate by reason of the amendments made by this subsection reapplies for benefits under title II of such Act (as amended by this Act) based on disability within 120 days after the date of the enactment of this Act, the Commissioner of Social Security shall, not later than January 1, 1997, complete the entitlement redetermination with respect to such individual pursuant to the procedures of such title.

22 (b) AMENDMENTS RELATING TO SSI BENEFITS.—
23 (1) IN GENERAL.—Section 1614(a)(3) of the
24 Social Security Act (42 U.S.C. 1382c(a)(3)) is
25 amended by adding at the end the following:

1 “(I) Notwithstanding subparagraph (A), an individ-
2 ual shall not be considered to be disabled for purposes of
3 this title if alcoholism or drug addiction would (but for
4 this subparagraph) be a contributing factor material to
5 the Commissioner’s determination that the individual is
6 disabled.”.

12 “(II) In the case of an individual eligible for benefits
13 under this title by reason of disability, the payment of
14 such benefits shall be made to a representative payee if
15 the Commissioner of Social Security determines that such
16 payment would serve the interest of the individual because
17 the individual also has an alcoholism or drug addiction
18 condition (as determined by the Commissioner) that pre-
19 vents the individual from managing such benefits.”.

20 (B) Section 1631(a)(2)(B)(vii) of such Act
21 (42 U.S.C. 1383(a)(2)(B)(vii)) is amended by
22 striking “eligible for benefits” and all that fol-
23 lows through “is disabled” and inserting “de-
24 scribed in subparagraph (A)(ii)(II)”.

1 (C) Section 1631(a)(2)(B)(ix)(II) of such
2 Act (42 U.S.C. 1383(a)(2)(B)(ix)(II)) is
3 amended by striking all that follows “15 years,
4 or” and inserting “described in subparagraph
5 (A)(ii)(II).”.

6 (D) Section 1631(a)(2)(D)(i)(II) of such
7 Act (42 U.S.C. 1383(a)(2)(D)(i)(II)) is amend-
8 ed by striking “eligible for benefits” and all
9 that follows through “is disabled” and inserting
10 “described in subparagraph (A)(ii)(II)”.

15 “TREATMENT SERVICES FOR INDIVIDUALS WITH A

SUBSTANCE ABUSE CONDITION

17 “SEC. 1636. In the case of any individual whose bene-
18 fits under this title are paid to a representative payee pur-
19 suant to section 1631(a)(2)(A)(ii)(II), the Commissioner
20 of Social Security shall refer such individual to the appro-
21 priate State agency administering the State plan for sub-
22 stance abuse treatment services approved under subpart
23 II of part B of title XIX of the Public Health Service Act
24 (42 U.S.C. 300x-21 et seq.).”.

25 (4) CONFORMING AMENDMENTS.—

1 (A) Section 1611(e) of such Act (42
2 U.S.C. 1382(e)) is amended by striking para-
3 graph (3).

4 (B) Section 1634 of such Act (42 U.S.C.
5 1383c) is amended by striking subsection (e).

6 (5) EFFECTIVE DATES.—

7 (A) The amendments made by paragraphs
8 (1) and (4) shall apply to any individual who
9 applies for, or whose claim is adjudicated with
10 respect to, supplemental security income bene-
11 fits under title XVI of the Social Security Act
12 based on disability on or after the date of the
13 enactment of this Act, and, in the case of any
14 individual who has applied for, and whose claim
15 has been adjudicated with respect to, such ben-
16 efits before such date of enactment, such
17 amendments shall apply only with respect to
18 such benefits for months beginning on or after
19 January 1, 1997.

20 (B) The amendments made by paragraphs
21 (2) and (3) shall apply with respect to supple-
22 mental security income benefits under title XVI
23 of the Social Security Act for which applica-
24 tions are filed on or after the date of the enact-
25 ment of this Act.

(C) If an individual who is eligible for supplemental security income benefits under title XVI of the Social Security Act for the month in which this Act is enacted and whose eligibility for such benefits would terminate by reason of the amendments made by this subsection reappears for supplemental security income benefits under title XVI of such Act (as amended by this Act) within 120 days after the date of the enactment of this Act, the Commissioner of Social Security shall, not later than January 1, 1997, complete the eligibility redetermination with respect to such individual pursuant to the procedures of such title.

15 (D) For purposes of this paragraph, the
16 phrase “supplemental security income benefits
17 under title XVI of the Social Security Act” in-
18 cludes supplementary payments pursuant to an
19 agreement for Federal administration under
20 section 1616(a) of the Social Security Act and
21 payments pursuant to an agreement entered
22 into under section 212(b) of Public Law 93–66.

(c) CONFORMING AMENDMENT.—Section 201(c) of the Social Security Independence and Program Improvements Act of 1994 (42 U.S.C. 425 note) is repealed.

1 (d) SUPPLEMENTAL FUNDING FOR ALCOHOL AND
2 SUBSTANCE ABUSE TREATMENT PROGRAMS.—

3 (1) IN GENERAL.—Out of any money in the
4 Treasury not otherwise appropriated, there are here-
5 by appropriated to supplement State and Tribal pro-
6 grams funded under section 1933 of the Public
7 Health Service Act (42 U.S.C. 300x-33),
8 \$100,000,000 for each of the fiscal years 1997 and
9 1998.

10 (2) ADDITIONAL FUNDS.—Amounts appro-
11 priated under paragraph (1) shall be in addition to
12 any funds otherwise appropriated for allotments
13 under section 1933 of the Public Health Service Act
14 (42 U.S.C. 300x-33) and shall be allocated pursuant
15 to such section 1933.

16 (3) USE OF FUNDS.—A State or Tribal govern-
17 ment receiving an allotment under this subsection
18 shall consider as priorities, for purposes of expend-
19 ing funds allotted under this subsection, activities
20 relating to the treatment of the abuse of alcohol and
21 other drugs.

1 SEC. 4. ENTITLEMENT OF STEPCHILDREN TO CHILD'S IN-
2 SURANCE BENEFITS BASED ON ACTUAL DE-
3 PENDENCY ON STEPPARENT SUPPORT.

4 (a) REQUIREMENT OF ACTUAL DEPENDENCY FOR
5 FUTURE ENTITLEMENTS.—

14 (b) TERMINATION OF CHILD'S INSURANCE BENE-
15 FITS BASED ON WORK RECORD OF STEPPARENT UPON
16 NATURAL PARENT'S DIVORCE FROM STEPPARENT.—

20 (A) by striking “or” at the end of subparagraph
21 graph (F);

22 (B) by striking the period at the end of
23 subparagraph (G) and inserting “; or”; and

24 (C) by inserting after subparagraph (G)
25 the following new subparagraph:

1 “(H) if the benefits under this subsection are
2 based on the wages and self-employment income of
3 a stepparent who is subsequently divorced from such
4 child’s natural parent, the month after the month in
5 which such divorce becomes final.”.

6 (2) NOTIFICATION.—Section 202(d) of such Act
7 (42 U.S.C. 402(d)) is amended by adding the follow-
8 ing new paragraph:

9 “(10) For purposes of paragraph (1)(H)—

10 “(A) each stepparent shall notify the Commis-
11 sioner of Social Security of any divorce upon such
12 divorce becoming final; and

13 “(B) the Commissioner shall annually notify
14 any stepparent of the rule for termination described
15 in paragraph (1)(H) and of the requirement de-
16 scribed in subparagraph (A).”.

17 (3) EFFECTIVE DATES.—

18 (A) The amendments made by paragraph
19 (1) shall apply with respect to notifications of
20 divorces received by the Commissioner of Social
21 Security on or after the date of the enactment
22 of this Act.

23 (B) The amendment made by paragraph
24 (2) shall take effect on the date of the enact-
25 ment of this Act.

1 **SEC. 5. ESTABLISHMENT OF DISABILITY INSURANCE CON-**2 **TINUING DISABILITY REVIEW ADMINISTRA-**3 **TION REVOLVING ACCOUNT.**4 (a) **CONTINUING DISABILITY REVIEW ADMINISTRA-**5 **TION REVOLVING ACCOUNT FOR TITLE II DISABILITY**6 **BENEFITS IN THE FEDERAL DISABILITY INSURANCE**7 **TRUST FUND.—**8 (1) **IN GENERAL.**—Section 201 of the Social

9 Security Act (42 U.S.C. 401) is amended by adding

10 at the end the following new subsection:

11 “(n)(1) There is hereby created in the Federal Dis-

12 ability Insurance Trust Fund a Continuing Disability Re-

13 view Administration Revolving Account (hereinafter in

14 this subsection referred to as the ‘Account’). The Account

15 shall consist initially of \$300,000,000 (which is hereby

16 transferred to the Account from amounts otherwise avail-

17 able in such Trust Fund) and shall also consist thereafter

18 of such other amounts as may be transferred to it under

19 this subsection. Such amounts in the Account shall be con-

20 sidered amounts in the Federal Disability Insurance Trust

21 Fund for purposes of subsections (d), (e), and (f), and

22 the Managing Trustee shall credit the investment proceeds

23 with respect to such amounts to the Account. The balance

24 in the Account shall be available solely for expenditures

25 certified under paragraph (2).

1 “(2)(A) Before October 1 of each calendar year, the
2 Chief Actuary of the Social Security Administration
3 shall—

4 “(i) estimate the present value of savings to the
5 Federal Old-Age and Survivors Insurance Trust
6 Fund, the Federal Disability Insurance Trust Fund,
7 the Federal Hospital Insurance Trust Fund, and the
8 Federal Supplementary Medical Insurance Trust
9 Fund which will accrue for all years as a result of
10 cessations of benefit payments resulting from con-
11 tinuing disability reviews carried out pursuant to the
12 requirements of section 221(i) during the fiscal year
13 ending on September 30 of such calendar year (in-
14 creased or decreased as appropriate to account for
15 deviations of estimates for prior fiscal years from
16 the actual amounts for such fiscal years), and

17 “(ii) certify the amount of such estimate to the
18 Managing Trustee.

19 “(B) Upon receipt of certification by the Chief Actu-
20 ary under subparagraph (A), the Managing Trustee shall
21 transfer to the Account from amounts otherwise in the
22 Trust Fund an amount equal to the estimated savings so
23 certified.

24 “(C) To the extent of available funds in the Account,
25 upon certification by the Chief Actuary that such funds

1 are currently required to meet expenditures necessary to
2 provide for continuing disability reviews required under
3 section 221(i), the Managing Trustee shall make available
4 to the Commissioner of Social Security from the Account
5 the amount so certified.

6 “(D) The expenditures referred to in subparagraph
7 (C) shall include, but not be limited to, the cost of staffing,
8 training, purchase of medical and other evidence, and
9 processing related to appeals (including appeal hearings)
10 and to overpayments and related indirect costs.

11 “(E) The Commissioner shall use funds made avail-
12 able pursuant to this paragraph solely for the purposes
13 described in subparagraph (C).”.

14 (2) CONFORMING AMENDMENT.—Section
15 201(g)(1)(A) of such Act (42 U.S.C. 401(g)(1)(A))
16 is amended in the last sentence by inserting “(other
17 than expenditures from available funds in the Con-
18 tinuing Disability Review Administration Revolving
19 Account in the Federal Disability Insurance Trust
20 Fund made pursuant to subsection (n))” after “is
21 responsible” the first place it appears.

22 (3) ANNUAL REPORT.—Section 221(i)(3) of
23 such Act (42 U.S.C. 421(i)(3)) is amended—
24 (A) by striking “and the number” and in-
25 serting “the number”;

1 (B) by striking the period at the end and
2 inserting a comma; and

(C) by adding at the end the following:

“and a final accounting of amounts transferred to the Continuing Disability Review Administration Revolving Account in the Federal Disability Insurance Trust Fund during the year, the amount made available from such Account during such year pursuant to certifications made by the Chief Actuary of the Social Security Administration under section 201(n)(2)(C), and expenditures made by the Commissioner of Social Security for the purposes described in section 201(n)(2)(C) during the year, including a comparison of the number of continuing disability reviews conducted during the year with the estimated number of continuing disability reviews upon which the estimate of such expenditures was made under section 201(n)(2)(A).”.

21 (b) EFFECTIVE DATE AND SUNSET.—

9 (c) OFFICE OF CHIEF ACTUARY IN THE SOCIAL SE-
10 CURITY ADMINISTRATION.—

11 (1) IN GENERAL.—Section 702 of such Act (42
12 U.S.C. 902) is amended—

13 (A) by redesignating subsections (c) and
14 (d) as subsections (d) and (e), respectively; and

15 (B) by inserting after subsection (b) the
16 following new subsection:

17 “Chief Actuary

18 “(c)(1) There shall be in the Administration a Chief
19 Actuary, who shall be appointed by, and in direct line of
20 authority to, the Commissioner. The Chief Actuary shall
21 be appointed from individuals who have demonstrated, by
22 their education and experience, superior expertise in the
23 actuarial sciences. The Chief Actuary shall serve as the
24 chief actuarial officer of the Administration, and shall ex-
25 ercise such duties as are appropriate for the office of the

1 Chief Actuary and in accordance with professional stand-
2 ards of actuarial independence. The Chief Actuary may
3 be removed only for cause.

4 “(2) The Chief Actuary shall be compensated at the
5 highest rate of basic pay for the Senior Executive Service
6 under section 5382(b) of title 5, United States Code.”.

7 (2) EFFECTIVE DATE OF SUBSECTION.—The
8 amendments made by this subsection shall take ef-
9 fect on the date of the enactment of this Act.

10 **SEC. 6. APPLICABILITY OF PUBLIC DEBT LIMIT TO FED-
11 ERAL TRUST FUNDS AND OTHER FEDERAL
12 ACCOUNTS.**

13 (a) PROTECTION OF FEDERAL FUNDS.—Notwith-
14 standing any other provision of law—

15 (1) no officer or employee of the United States
16 may—

17 (A) delay the deposit of any amount into
18 (or delay the credit of any amount to) any Fed-
19 eral fund or otherwise vary from the normal
20 terms, procedures, or timing for making such
21 deposits or credits, or

22 (B) refrain from the investment in public
23 debt obligations of amounts in any Federal
24 fund,

1 if a purpose of such action or inaction is to not in-
2 crease the amount of outstanding public debt obliga-
3 tions, and

4 (2) no officer or employee of the United States
5 may disinvest amounts in any Federal fund which
6 are invested in public debt obligations if a purpose
7 of the disinvestment is to reduce the amount of out-
8 standing public debt obligations.

9 (b) PROTECTION OF BENEFITS AND EXPENDITURES
10 FOR ADMINISTRATIVE EXPENSES.—

11 (1) IN GENERAL.—Notwithstanding subsection
12 (a), during any period for which cash benefits or ad-
13 ministrative expenses would not otherwise be payable
14 from a Federal fund by reason of an inability to
15 issue further public debt obligations because of the
16 applicable public debt limit, public debt obligations
17 held by such Federal fund shall be sold or redeemed
18 only for the purpose of making payment of such
19 benefits or administrative expenses and only to the
20 extent cash assets of the Federal fund are not avail-
21 able from month to month for making payment of
22 such benefits or administrative expenses.

23 (2) ISSUANCE OF CORRESPONDING DEBT.—For
24 purposes of undertaking the sale or redemption of
25 public debt obligations held by a Federal fund pur-

1 suant to paragraph (1), the Secretary of the Treas-
2 ury may issue corresponding public debt obligations
3 to the public, in order to obtain the cash necessary
4 for payment of benefits or administrative expenses
5 from such Federal fund, notwithstanding the public
6 debt limit.

7 (3) ADVANCE NOTICE OF SALE OR REDEMP-
8 TION.—Not less than 3 days prior to the date on
9 which, by reason of the public debt limit, the Sec-
10 retary of the Treasury expects to undertake a sale
11 or redemption authorized under paragraph (1), the
12 Secretary of the Treasury shall report to each House
13 of the Congress and to the Comptroller General of
14 the United States regarding the expected sale or re-
15 demption. Upon receipt of such report, the Com-
16 trroller General shall review the extent of compliance
17 with subsection (a) and paragraphs (1) and (2) of
18 this subsection and shall issue such findings and rec-
19 ommendations to each House of the Congress as the
20 Comptroller General considers necessary and appro-
21 priate.

22 (c) PUBLIC DEBT OBLIGATION.—For purposes of
23 this section, the term “public debt obligation” means any
24 obligation subject to the public debt limit established
25 under section 3101 of title 31, United States Code.

1 (d) FEDERAL FUND.—For purposes of this section,
2 the term “Federal fund” means—
3 (1) the Federal Old-Age and Survivors Insur-
4 ance Trust Fund;
5 (2) the Federal Disability Insurance Trust
6 Fund;
7 (3) the Federal Hospital Insurance Trust
8 Fund; and
9 (4) the Federal Supplementary Medical Insur-
10 ance Trust Fund.

○

S 1470 IS—2