

104TH CONGRESS
2D SESSION

S. 1642

To amend the Social Security Act to deny cash benefits to drug addicts and alcoholics, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MARCH 26, 1996

Mr. DORGAN introduced the following bill; which was read twice and referred to the Committee on Finance

A BILL

To amend the Social Security Act to deny cash benefits to drug addicts and alcoholics, 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. DENIAL OF CASH BENEFITS TO DRUG ADDICTS**

4 **AND ALCOHOLICS.**

5 (a) AMENDMENTS RELATING TO TITLE II DISABIL-
6 ITY BENEFITS.—

7 (1) IN GENERAL.—Section 225(c) of the Social
8 Security Act (42 U.S.C. 425(c)) is amended—

9 (A) by striking “(c)(1)(A)” and inserting

10 “(2)(A)”;

1 (B) by striking paragraph (7) and by re-
 2 designating paragraphs (2) through (6) as
 3 paragraphs (3) through (7), respectively; and

4 (C) by inserting before paragraph (2) as
 5 redesignated by subparagraph (A) the following
 6 new paragraph:

7 “(c)(1) No cash benefits shall be payable under this
 8 title to any individual who is otherwise entitled to benefits
 9 under this title based on disability, if such individual’s al-
 10 coholism or drug addiction is a contributing factor mate-
 11 rial to the Commissioner’s determination that such indi-
 12 vidual is disabled.”.

13 (2) TREATMENT REQUIREMENTS.—

14 (A) Section 225(c)(2)(A) of such Act (42
 15 U.S.C. 425(c)(2)(A)), as redesignated by para-
 16 graph (1), is amended to read as follows:

17 “(2)(A)(i) Any individual who would be entitled to
 18 cash benefits under this title but for the application of
 19 paragraph (1) may elect to comply with the provisions of
 20 this subsection.

21 “(ii) Any individual who is entitled to cash ben-
 22 efits under this title by reason of disability (or whose
 23 entitlement to such benefits is suspended), and who
 24 was entitled to such benefits by reason of disability,
 25 for which such individual’s alcoholism or drug addic-

tion was a contributing factor material to the Commissioner's determination that such individual was disabled, for the month preceding the month in which this paragraph takes effect, shall be required to comply with the provisions of this subsection.

(B) Section 225(c)(2)(B) of such Act (42 U.S.C. 425(c)(2)(B)), as so redesignated, is amended—

(i) by striking “who is required under subparagraph (A)” and inserting “described in clause (ii) of subparagraph (A) who is required”; and

(ii) by striking “paragraph (3)” and inserting “paragraph (4)”.

(C) Section 225(c)(3)(A) of such Act (42 U.S.C. 425(c)(3)(A)), as so redesignated, is amended—

(i) by striking “paragraph (1)” and inserting “paragraph (2)(A)”; and

(ii) by striking “paragraph (5)” and inserting “paragraph (6)”.

(D) Section 225(c)(3)(B) of such Act (42 U.S.C. 425(c)(3)(B)), as so redesignated, is amended by striking “paragraph (1)” and inserting “paragraph (2)(A)”.

(E) Section 225(c)(5) of such Act (42 U.S.C. 425(c)(5)), as so redesignated, is amended by striking “paragraph (2)” and inserting “paragraph (3)”.

(F) Section 225(c)(6)(A) of such Act (42 U.S.C. 425(c)(6)(A), as so redesignated, is amended—

(i) by striking “who are receiving benefits under this title and who as a condition of payment of such benefits” and inserting “described in paragraph (2)(A)(i) who elect to undergo treatment; and the monitoring and testing of all individuals described in paragraph (2)(A)(ii) who”;

(ii) by striking “under paragraph (1)”;

(iii) by striking “paragraph (2)(A)” and inserting “paragraph (3)(A)”.

(G) Section 225(c)(6)(C)(ii)(I) of such Act (42 U.S.C. 425(c)(6)(C)(ii)(I)), as so redesignated, is amended—

(i) by striking “residing in the State” and all that follows through “they are disabled” and inserting “described in paragraph (2)(A) residing in the State”; and

1 (ii) by striking “paragraph (2)(A)”
2 and inserting “paragraph (3)(A)”.

3 (H) Section 225(c)(6)(C)(ii)(III) of such
4 Act (42 U.S.C. 425(c)(6)(C)(ii)(III)), as so re-
5 designated, is amended by striking “paragraph
6 (2)(A)” and inserting “paragraph (3)(A)”.

7 (I) Section 225(c)(6)(C) of such Act (42
8 U.S.C. 425(c)(6)(C)), as so redesignated, is
9 amended by adding at the end the following:

10 “(iii) The monitoring requirements of clause (ii) shall
11 not apply in the case of any individual described in para-
12 graph (2)(A)(i) who fails to comply with the requirements
13 of paragraph (2).”.

14 (J) Section 225(c)(7) of such Act (42
15 U.S.C. 425(c)(7)), as so redesignated, is
16 amended—

17 (i) in subparagraph (A), by striking
18 “who is entitled” and all that follows
19 through “is under a disability” and insert-
20 ing “described in paragraph (2)(A)”; and

21 (ii) in subparagraph (D), by striking
22 “(4) or (7)” and inserting “(5)”.

23 (K) Section 225(c)(8) of such Act (42
24 U.S.C. 425(c)(8)) is amended by striking “(1),
25 (4) or (7)” and inserting “(2) or (5)”.

1 (L) Section 225(c) of such Act (42 U.S.C.
 2 425(c)) is amended by adding at the end the
 3 following new paragraphs:

4 “(10) The Commissioner shall provide appropriate
 5 notification to each individual subject to the limitation on
 6 cash benefits contained in paragraph (1) and the treat-
 7 ment provisions contained in paragraph (2).

8 “(11) The requirements of paragraph (2) shall cease
 9 to apply to any individual if the Commissioner determines
 10 that such individual no longer needs treatment.”.

11 (3) REPRESENTATIVE PAYEE REQUIRE-
 12 MENTS.—

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

16 “(B) In the case of an individual entitled to benefits
 17 based on disability, the payment of such benefits shall be
 18 made to a representative payee if the Commissioner of So-
 19 cial Security determines that such payment would serve
 20 the interest of the individual because the individual also
 21 has an alcoholism or drug addiction condition (as deter-
 22 mined by the Commissioner) and the individual is incapa-
 23 ble of managing such benefits.”.

24 (B) Section 205(j)(2)(C)(v) of such Act
 25 (42 U.S.C. 405(j)(2)(C)(v)) is amended by

striking “entitled to benefits” and all that follows through “under a disability” and inserting “described in paragraph (1)(B)”.

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

(D) Section 205(j)(4)(A)(i)(II) of such Act (42 U.S.C. 405(j)(4)(A)(ii)(II)) is amended by striking “entitled to benefits” and all that follows through “under a disability” and inserting “described in paragraph (1)(B)”.

(b) AMENDMENTS RELATING TO SSI BENEFITS.—

(1) IN GENERAL.—Section 1611(e)(3) of the Social Security Act (42 U.S.C. 1382(e)(3)) is amended—

(A) by striking “(B)” and inserting “(C)”;

(B) by striking “(3)(A)” and inserting “(B)”;

(C) by inserting before subparagraph (B) as redesignated by paragraph (2) the following new subparagraph:

“(3)(A) No cash benefits shall be payable under this title to any individual who is otherwise eligible for benefits under this title by reason of disability, if such individual’s

1 alcoholism or drug addiction is a contributing factor mate-
 2 rial to the Commissioner's determination that such indi-
 3 vidual is disabled.”.

4 (2) TREATMENT REQUIREMENTS.—

5 (A) Section 1611(e)(3)(B)(i)(I) of such
 6 Act (42 U.S.C. 1382(e)(3)(B)(i)(I)), as redesign-
 7 nated by paragraph (1), is amended to read as
 8 follows:

9 “(B)(i)(I)(aa) Any individual who would be eligible
 10 for cash benefits under this title but for the application
 11 of subparagraph (A) may elect to comply with the provi-
 12 sions of this subparagraph.

13 “(bb) Any individual who is eligible for cash
 14 benefits under this title by reason of disability (or
 15 whose eligibility for such benefits is suspended) or is
 16 eligible for benefits pursuant to section 1619(b), and
 17 who was eligible for such benefits by reason of dis-
 18 ability, for which such individual's alcoholism or
 19 drug addiction was a contributing factor material to
 20 the Commissioner's determination that such individ-
 21 ual was disabled, for the month preceding the month
 22 in which this subparagraph takes effect, shall be re-
 23 quired to comply with the provisions of this subpara-
 24 graph.”.

1 (B) Section 1611(e)(3)(B)(i)(II) of such
2 Act (42 U.S.C. 1382(e)(3)(B)(i)(II)), as so re-
3 designated, is amended by striking “who is re-
4 quired under subclause (I)” and inserting “de-
5 scribed in division (bb) of subclause (I) who is
6 required”.

7 (C) Subclauses (I) and (II) of section
8 1611(e)(3)(B)(ii) of such Act (42 U.S.C.
9 1382(e)(3)(B)(ii)), as so redesignated, are each
10 amended by striking “clause (i)” and inserting
11 “clause (i)(I)”.

12 (D) Section 1611(e)(3)(B) of such Act (42
13 U.S.C. 1382(e)(3)(B)), as so redesignated, is
14 amended by striking clause (v) and by redesign-
15 ating clause (vi) as clause (v).

16 (E) Section 1611(e)(3)(B)(v) of such Act
17 (42 U.S.C. 1382(e)(3)(B)(v)), as redesignated
18 by subparagraph (D), is amended—

19 (i) in subclause (I), by striking “who
20 is eligible” and all that follows through “is
21 disabled” and inserting “described in
22 clause (i)(I)”;

23 (ii) in subclause (V), by striking “or
24 (v)”.

1 (F) Section 1611(e)(3)(C)(i) of such Act
2 (42 U.S.C. 1382(e)(3)(C)(i)), as redesignated
3 by paragraph (1), is amended by striking “who
4 are receiving benefits under this title and who
5 as a condition of such benefits” and inserting
6 “described in subparagraph (B)(i)(I)(aa) who
7 elect to undergo treatment; and the monitoring
8 and testing of all individuals described in sub-
9 paragraph (B)(i)(I)(bb) who”.

10 (G) Section 1611(e)(3)(C)(iii)(II)(aa) of
11 such Act (42 U.S.C. 1382(e)(3)(C)(iii)(II)(aa)),
12 as so redesignated, is amended by striking “re-
13 siding in the State” and all that follows
14 through “they are disabled” and inserting “de-
15 scribed in subparagraph (B)(i)(I) residing in
16 the State”.

17 (H) Section 1611(e)(3)(C)(iii) of such Act
18 (42 U.S.C. 1382(e)(3)(C)(iii)), as so redesign-
19 ated, is amended by adding at the end the fol-
20 lowing:

21 “(III) The monitoring requirements of subclause (II)
22 shall not apply in the case of any individual described in
23 subparagraph (B)(i)(I)(aa) who fails to comply with the
24 requirements of subparagraph (B).”.

1 (I) Section 1611(e)(3) of such Act (42
2 U.S.C. 1382(e)(3)), as amended by paragraph
3 (1), is amended by adding at the end the follow-
4 ing new subparagraphs:

5 “(D) The Commissioner shall provide appropriate no-
6 tification to each individual subject to the limitation on
7 cash benefits contained in subparagraph (A) and the
8 treatment provisions contained in subparagraph (B).

9 “(E) The requirements of subparagraph (B) shall
10 cease to apply to any individual if the Commissioner deter-
11 mines that such individual no longer needs treatment.”.

12 (3) REPRESENTATIVE PAYEE REQUIRE-
13 MENTS.—

14 (A) Section 1631(a)(2)(A)(ii)(II) of such
15 Act (42 U.S.C. 1383(a)(2)(A)(ii)(II)) is amend-
16 ed to read as follows:

17 “(II) In the case of an individual eligible for benefits
18 under this title by reason of disability, the payment of
19 such benefits shall be made to a representative payee if
20 the Commissioner of Social Security determines that such
21 payment would serve the interest of the individual because
22 the individual also has an alcoholism or drug addiction
23 condition (as determined by the Commissioner) and the
24 individual is incapable of managing such benefits.”.

(B) Section 1631(a)(2)(B)(vii) of such Act (42 U.S.C. 1383(a)(2)(B)(vii)) is amended by striking “eligible for benefits” and all that follows through “is disabled” and inserting “described in subparagraph (A)(ii)(II)”.

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

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

(4) PRESERVATION OF MEDICAID ELIGIBILITY.—Section 1634(e) of such Act (42 U.S.C. 1382(e)) is amended—

(A) by striking “clause (i) or (v) of section 1611(e)(3)(A)” and inserting “subparagraph (A) or subparagraph (B)(i)(II) of section 1611(e)(3)”; and

(B) by adding at the end the following:
 “This subsection shall cease to apply to any

1 such person if the Commissioner determines
2 that such person no longer needs treatment.”.

3 (5) CONFORMING AMENDMENT.—Section
4 201(c) of the Social Security Independence and Pro-
5 gram Improvements Act of 1994 (42 U.S.C. 425
6 note) is repealed.

7 (c) EFFECTIVE DATES.—

8 (1) IN GENERAL.—Except as provided in para-
9 graph (2), the amendments made by this section
10 shall apply to applicants for benefits under title II
11 or title XVI of the Social Security Act for months
12 beginning on or after the date of the enactment of
13 this Act, without regard to whether regulations have
14 been issued to implement such amendments.

15 (2) APPLICATION TO CURRENT RECIPIENTS.—
16 Notwithstanding any other provision of law, in the
17 case of an individual who is receiving benefits under
18 title II of the Social Security Act or supplemental
19 security income benefits under title XVI of such Act
20 as of the date of the enactment of this Act and
21 whose entitlement or eligibility for such benefits
22 would terminate by reason of the amendments made
23 by this section, such amendments shall apply with
24 respect to the benefits of such individual for months
25 beginning on or after January 1, 1997, and the

1 Commissioner of Social Security shall so notify the
2 individual not later than 90 days after the date of
3 the enactment of this Act.

4 (3) BENEFITS UNDER TITLE XVI.—For pur-
5 poses of this subsection, the term “benefits under
6 title XVI of the Social Security Act” includes sup-
7plementary payments pursuant to an agreement for
8 Federal administration under section 1616(a) of the
9 Social Security Act, and payments pursuant to an
10 agreement entered into under section 212(b) of Pub-
11 lic Law 93–66.

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