

Suspend the Rules and Pass the Bill, H.R. 5260, with An Amendment

(The amendment strikes all after the enacting clause and inserts a new text)

113TH CONGRESS
2^D SESSION

H. R. 5260

To amend the Social Security Act to prevent disability fraud, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mr. SAM JOHNSON of Texas (for himself, Mrs. BLACK, Mr. BRADY of Texas, Mr. GRIFFIN of Arkansas, and Mr. KELLY of Pennsylvania) introduced the following bill; which was referred to the Committee on Ways and Means

A BILL

To amend the Social Security Act to prevent disability fraud, 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 “Stop Disability Fraud
5 Act of 2014”.

6 **SEC. 2. TABLE OF CONTENTS.**

7 The table of contents for this Act is as follows:

- Sec. 1. Short title.
- Sec. 2. Table of contents.

TITLE I—COMBATING CONSPIRACY FRAUD

- Sec. 101. Expansion of cooperative disability investigations units.
- Sec. 102. Exclusion of certain medical sources of evidence.
- Sec. 103. Immediate suspension of claimant representatives upon certain convictions or disbarment.
- Sec. 104. New and stronger penalties.
- Sec. 105. Review of highest-earning claimant representatives.

TITLE II—STRENGTHENING PROGRAM PROTECTIONS

- Sec. 201. Pre-effectuation and post-effectuation quality reviews of hearing dispositions.
- Sec. 202. Uniform qualification standards for disability determination decision makers.
- Sec. 203. Increased transparency.
- Sec. 204. Data exchange standardization.

TITLE III—MODERNIZING DISABILITY PROGRAMS

- Sec. 301. Updating of medical-vocational guidelines.
- Sec. 302. Research and demonstration projects.
- Sec. 303. Referrals to vocational rehabilitation or other public or private return-to-work service providers.
- Sec. 304. Online benefit assessment tools.

TITLE IV—OTHER PROGRAM IMPROVEMENTS

- Sec. 401. Real property acquired by the Trust Funds.
- Sec. 402. Rules relating to distribution of death information furnished to or maintained by the Social Security Administration.
- Sec. 403. Clarification of the treatment of overpayments.
- Sec. 404. Reconsiderations of disability cessation determinations.

1 **TITLE I—COMBATING**
 2 **CONSPIRACY FRAUD**
 3 **SEC. 101. EXPANSION OF COOPERATIVE DISABILITY INVES-**
 4 **TIGATIONS UNITS.**

5 Not later than October 1, 2016, the Commissioner
 6 of Social Security shall take any necessary actions to en-
 7 sure that cooperative disability investigations units have
 8 been established that would cover each of the 50 States,
 9 the District of Columbia, Puerto Rico, Guam, the North-

1 ern Mariana Islands, the Virgin Islands, and American
2 Samoa.

3 **SEC. 102. EXCLUSION OF CERTAIN MEDICAL SOURCES OF**
4 **EVIDENCE.**

5 (a) IN GENERAL.—Section 223(d)(5) of the Social
6 Security Act (42 U.S.C. 423(d)(5)) is amended by adding
7 at the end the following:

8 “(C) In making any determination with respect to
9 whether an individual is under a disability or continues
10 to be under a disability, the Commissioner of Social Secu-
11 rity may not consider any evidence furnished by a physi-
12 cian or health care practitioner who was unlicensed or
13 under sanction at the time of treatment or examination.”.

14 (b) EFFECTIVE DATE.—The amendment made by
15 subsection (a) shall apply with respect to determinations
16 of disability made on or after the date that is 1 year after
17 the date of the enactment of this Act.

18 **SEC. 103. IMMEDIATE SUSPENSION OF CLAIMANT REP-**
19 **RESENTATIVES UPON CERTAIN CONVICTIONS**
20 **OR DISBARMENT.**

21 Section 206(a)(1) of the Social Security Act (42
22 U.S.C. 406(a)(1)) is amended—

23 (1) in the third sentence, by striking “disbarred
24 or” each place it appears; and

1 (2) by inserting after the third sentence the fol-
2 lowing: “Upon conviction of an individual for a fel-
3 ony or a crime of moral turpitude in a Federal or
4 State Court or, in the case of an attorney, upon dis-
5 barment from any court or bar to which he or she
6 was previously admitted to practice, the Commis-
7 sioner may, after due notice, immediately disqualify
8 or suspend the individual from appearing as a claim-
9 ant representative before the Social Security Admin-
10 istration, pending an expedited hearing.”

11 **SEC. 104. NEW AND STRONGER PENALTIES.**

12 (a) CONSPIRACY TO COMMIT SOCIAL SECURITY
13 FRAUD.—

14 (1) AMENDMENT TO TITLE II.—Section 208(a)
15 of the Social Security Act (42 U.S.C. 408(a)) is
16 amended—

17 (A) in paragraph (7)(C), by striking “or”
18 at the end;

19 (B) in paragraph (8), by adding “or” at
20 the end; and

21 (C) by inserting after paragraph (8) the
22 following:

23 “(9) conspires to commit any offense described in any
24 of paragraphs (1) through (8),”.

1 (2) AMENDMENT TO TITLE VIII.—Section
2 811(a) of such Act (42 U.S.C. 1011(a)) is amend-
3 ed—

4 (A) in paragraph (3), by striking “or” at
5 the end;

6 (B) in paragraph (4), by striking the
7 comma and adding “; or” at the end; and

8 (C) by inserting after paragraph (4) the
9 following:

10 “(5) conspires to commit any offense described in any
11 of paragraphs (1) through (4),”.

12 (3) AMENDMENT TO TITLE XVI.—Section
13 1632(a) of such Act (42 U.S.C. 1383a(a)) is amend-
14 ed—

15 (A) in paragraph (3), by striking “or” at
16 the end;

17 (B) in paragraph (4), by adding “or” at
18 the end; and

19 (C) by inserting after paragraph (4) the
20 following:

21 “(5) conspires to commit any offense described in any
22 of paragraphs (1) through (4),”.

23 (b) INCREASED CRIMINAL PENALTIES FOR CERTAIN
24 INDIVIDUALS IN POSITIONS OF TRUST.—

1 (1) AMENDMENT TO TITLE II.—Section 208(a)
2 of the Social Security Act (42 U.S.C. 408(a)), as
3 amended by subsection (a), is further amended by
4 striking the period at the end and inserting “, except
5 that in the case of a person who receives a fee or
6 other income for services performed in connection
7 with any determination with respect to benefits
8 under this title (including a claimant representative,
9 translator, or current or former employee of the So-
10 cial Security Administration), or who is a physician
11 or other health care provider who submits, or causes
12 the submission of, medical or other evidence in con-
13 nection with any such determination, such person
14 shall be guilty of a felony and upon conviction there-
15 of shall be fined under title 18, United States Code,
16 or imprisoned for not more than ten years, or
17 both.”.

18 (2) AMENDMENT TO TITLE VIII.—Section
19 811(a) of such Act (42 U.S.C. 1011(a)), as amended
20 by subsection (a), is further amended by striking the
21 period at the end and inserting “, except that in the
22 case of a person who receives a fee or other income
23 for services performed in connection with any deter-
24 mination with respect to benefits under this title (in-
25 cluding a claimant representative, translator, or cur-

1 rent or former employee of the Social Security Ad-
2 ministration), or who is a physician or other health
3 care provider who submits, or causes the submission
4 of, medical or other evidence in connection with any
5 such determination, such person shall be guilty of a
6 felony and upon conviction thereof shall be fined
7 under title 18, United States Code, or imprisoned
8 for not more than ten years, or both.”.

9 (3) AMENDMENT TO TITLE XVI.—Section
10 1632(a) of such Act (42 U.S.C. 1383a(a)), as
11 amended by subsection (a), is further amended by
12 striking the period at the end and inserting “, except
13 that in the case of a person who receives a fee or
14 other income for services performed in connection
15 with any determination with respect to benefits
16 under this title (including a claimant representative,
17 translator, or current or former employee of the So-
18 cial Security Administration), or who is a physician
19 or other health care provider who submits, or causes
20 the submission of, medical or other evidence in con-
21 nection with any such determination, such person
22 shall be guilty of a felony and upon conviction there-
23 of shall be fined under title 18, United States Code,
24 or imprisoned for not more than ten years, or
25 both.”.

1 (c) INCREASED CIVIL MONETARY PENALTIES FOR
2 CERTAIN INDIVIDUALS IN POSITIONS OF TRUST.—Section
3 1129(a)(1) of the Social Security Act (42 U.S.C.1320a-
4 8(a)(1)) is amended, in the matter following subparagraph
5 (C), by inserting after “withholding disclosure of such
6 fact” the following: “, except that in the case of such a
7 person who receives a fee or other income for services per-
8 formed in connection with any such determination (includ-
9 ing a claimant representative, translator, or current or
10 former employee of the Social Security Administration) or
11 who is a physician or other health care provider who sub-
12 mits, or causes the submission of, medical or other evi-
13 dence in connection with any such determination, the
14 amount of such penalty shall be not more than \$7,500”.

15 (d) ESTABLISHMENT OF SANCTIONS FOR VIOLA-
16 TIONS BY CLAIMANT REPRESENTATIVES.—Section
17 206(a)(1) of the Social Security Act (42 U.S.C. 406(a)(1))
18 is amended by inserting after “or who violates any provi-
19 sion of this section for which a penalty is prescribed.” the
20 following: “The Commissioner of Social Security shall es-
21 tablish rules under which fines and other sanctions the
22 Commissioner determines to be appropriate may be im-
23 posed and collected for failure to comply with the Commis-
24 sioner’s rules and regulations.”

1 (e) CIVIL MONETARY PENALTY ON CLAIMANT REP-
2 RESENTATIVES.—Section 1129(a) of the Social Security
3 Act (42 U.S.C. 1320a-8(a)) is amended by adding at the
4 end the following:

5 “(4) Any person (including an organization,
6 agency, or other entity) who, while acting as a
7 claimant representative pursuant to section 206,
8 knowingly charges, demands, receives, or collects for
9 services rendered in excess of the maximum fee pre-
10 scribed by the Commissioner of Social Security or al-
11 lowed by a court in connection with proceedings be-
12 fore the court to which section 206(b)(1) is applica-
13 ble, shall be subject to, in addition to any other pen-
14 alties that may be prescribed by law, a civil mone-
15 tary penalty of not more than \$7,500 for each viola-
16 tion. Such person shall also be subject to an assess-
17 ment, in lieu of damages sustained by the United
18 States resulting from the improper payment, of not
19 more than twice the amount of any payments so re-
20 ceived.”.

21 (f) INFLATION ADJUSTMENT OF CERTAIN CIVIL
22 MONETARY PENALTIES.—Title XI of the Social Security
23 Act (42 U.S.C. 1301 et seq.) is amended by inserting after
24 section 1129B the following:

1 **“SEC. 1129C. CIVIL MONETARY PENALTY INFLATION AD-**
2 **JUSTMENT.**

3 “(a) ADJUSTMENT BY REGULATION.—The Commis-
4 sioner of Social Security shall, not later than 180 days
5 after the date of enactment of the Stop Disability Fraud
6 Act of 2014, and at least once every 4 years thereafter—

7 “(1) by regulation adjust the maximum amount
8 of each civil monetary penalty by the inflation ad-
9 justment described under subsection (b); and

10 “(2) publish each such regulation in the Fed-
11 eral Register.

12 “(b) AMOUNT OF ADJUSTMENT.—The inflation ad-
13 justment under subsection (a) shall be determined by in-
14 creasing the maximum amount of each civil monetary pen-
15 alty by the cost-of-living adjustment. Any increase deter-
16 mined under this subsection shall be rounded to the near-
17 est—

18 “(1) multiple of \$1,000 in the case of penalties
19 greater than \$1,000 but less than or equal to
20 \$10,000; and

21 “(2) multiple of \$5,000 in the case of penalties
22 greater than \$10,000 but less than or equal to
23 \$100,000.

24 “(c) DEFINITIONS.—For purposes of this section—

25 “(1) the term ‘civil monetary penalty’ means—

1 “(A) a penalty imposed by paragraph (1),
2 (3), or (4) of section 1129(a); and

3 “(B) a penalty imposed by paragraph (1)
4 or (2) of section 1140(b).

5 “(2) the term ‘cost-of-living adjustment’ means
6 the percentage (if any) for each civil monetary pen-
7 alty by which—

8 “(A) the Consumer Price Index for all
9 Urban Consumers (CPI-U) for the month of
10 June of the calendar year preceding the adjust-
11 ment, exceeds

12 “(B) the CPI-U for the month of June of
13 the calendar year in which the amount of such
14 civil monetary penalty was last set or adjusted
15 pursuant to law.

16 “(d) APPLICATION OF INCREASE.—Any increase
17 under this Act in a civil monetary penalty shall apply only
18 to violations which occur after the date the increase takes
19 effect.”.

20 (g) MANDATORY RESTITUTION IN SOCIAL SECURITY
21 FRAUD CASES.—

22 (1) AMENDMENTS TO TITLE II.—Section 208(b)
23 of the Social Security Act (42 U.S.C. 408(c)) is
24 amended—

1 (A) in paragraph (1), by striking “may
2 order” and inserting “shall order”;

3 (B) in paragraph (2), by striking “3663”
4 and inserting “3663A”;

5 (C) by striking paragraph (3); and

6 (D) by redesignating paragraphs (4) and
7 (5) as paragraphs (3) and (4), respectively.

8 (2) AMENDMENTS TO TITLE VIII.—Section
9 811(b) of such Act (42 U.S.C. 1011(b)) is amend-
10 ed—

11 (A) in paragraph (1), by striking “may
12 order” and inserting “shall order”;

13 (B) in paragraph (2), by striking “3663”
14 and inserting “3663A”;

15 (C) by striking paragraph (3); and

16 (D) by redesignating paragraph (4) as
17 paragraph (3).

18 (3) AMENDMENTS TO TITLE XVI.—Section
19 1632(b) of such Act (42 U.S.C. 1383a(b)) is amend-
20 ed—

21 (A) in paragraph (1), by striking “may
22 order” and inserting “shall order”;

23 (B) in paragraph (2), by striking “3663”
24 and inserting “3663A”;

25 (C) by striking paragraph (3); and

1 (D) by redesignating paragraph (4) as
2 paragraph (3).

3 (4) EFFECTIVE DATE.—The amendments made
4 by paragraphs (1), (2), and (3) shall apply with re-
5 spect to violations occurring on or after the date of
6 the enactment of this Act.

7 (h) REFERENCES TO SOCIAL SECURITY AND MEDI-
8 CARE IN ELECTRONIC COMMUNICATIONS.—

9 (1) IN GENERAL.—Section 1140(a)(1) of the
10 Social Security Act (42 U.S.C. 1320b-10(a)(1)) is
11 amended by inserting “(including any Internet or
12 other electronic communication)” after “or other
13 communication”.

14 (2) EACH COMMUNICATION TREATED AS SEPA-
15 RATE VIOLATION.—Section 1140(b) of such Act (42
16 U.S.C. 1320b-10(b)) is amended by inserting after
17 the second sentence the following: “In the case of
18 any items referred to in subsection (a)(1) consisting
19 of Internet or other electronic communications, each
20 dissemination, viewing, or accessing of such a com-
21 munication which contains one or more words, let-
22 ters, symbols, or emblems in violation of subsection
23 (a) shall represent a separate violation.”.

24 (i) NO BENEFITS PAYABLE TO INDIVIDUALS FOR
25 WHOM A CIVIL MONETARY PENALTY IS IMPOSED FOR

1 FRAUDULENTLY CONCEALING WORK ACTIVITY.—Section
2 222(c)(5) of the Social Security Act (42 U.S.C. 422(c)(5))
3 is amended by inserting after “conviction by a Federal
4 court” the following: “, or the imposition of a civil mone-
5 tary penalty under section 1129,”.

6 **SEC. 105. REVIEW OF HIGHEST-EARNING CLAIMANT REP-**
7 **RESENTATIVES.**

8 Not later than 1 year after the date of the enactment
9 of this Act and biennially thereafter, the Inspector General
10 of the Social Security Administration shall conduct bien-
11 nial reviews of the practices of a sample of the highest
12 earning claimant representatives to ensure compliance
13 with the policies of the Social Security Administration.

14 **TITLE II—STRENGTHENING**
15 **PROGRAM PROTECTIONS**

16 **SEC. 201. PRE-EFFECTUATION AND POST-EFFECTUATION**
17 **QUALITY REVIEWS OF HEARING DISPOSI-**
18 **TIONS.**

19 (a) AMENDMENTS TO TITLE II.—Section 205(b) of
20 the Social Security Act (42 U.S.C. 405(b)) is amended
21 by adding at the end the following:

22 “(4)(A) The Commissioner of Social Security shall
23 conduct pre-effectuation and post-effectuation quality re-
24 views of hearing dispositions with respect to decisions in
25 connection with applications for benefits under this title,

1 in a sufficient number to ensure compliance with laws,
2 regulations, and other guidance issued by the Commis-
3 sioner of Social Security.

4 “(B) The Commissioner of Social Security shall an-
5 nually submit to the Committee on Ways and Means of
6 the House of Representatives and the Committee on Fi-
7 nance of the Senate a report that includes—

8 “(i) the total number of cases selected for a
9 quality review as described in subparagraph (A);

10 “(ii) the number of such cases in which a deci-
11 sion is remanded; and

12 “(iii) the number of such cases in which a deci-
13 sion is modified or reversed.”.

14 (b) AMENDMENT TO TITLE XVI.—Section 1633 of
15 the Social Security Act (42 U.S.C. 1383b) is amended by
16 adding at the end the following:

17 “(f)(1) The Commissioner of Social Security shall
18 conduct pre-effectuation and post-effectuation quality re-
19 views of hearing dispositions with respect to decisions in
20 connection with applications for benefits under this title,
21 in a sufficient number to ensure compliance with laws,
22 regulations, and other guidance issued by the Commis-
23 sioner of Social Security.

24 “(2) The Commissioner of Social Security shall annu-
25 ally submit to the Committee on Ways and Means of the

1 House of Representatives and the Committee on Finance
2 of the Senate a report that includes—

3 “(A) the total number of cases selected for a
4 quality review as described in paragraph (1);

5 “(B) the number of such cases in which a deci-
6 sion is remanded; and

7 “(C) the number of such cases in which a deci-
8 sion is modified or reversed.”.

9 **SEC. 202. UNIFORM QUALIFICATION STANDARDS FOR DIS-**
10 **ABILITY DETERMINATION DECISION MAKERS.**

11 (a) **IN GENERAL.**—Section 221(k)(1) of the Social
12 Security Act (42 U.S.C. 421(k)(1)) is amended by insert-
13 ing at the end before the period the following: “, including
14 standard qualifications for State and Federal decision
15 makers and medical or vocational advisors involved in the
16 disability determination process”.

17 (b) **EFFECTIVE DATE.**—The regulations required to
18 be issued as a result of the amendment made by para-
19 graph (1) shall become final not later than 1 year after
20 the date of the enactment of this Act.

21 **SEC. 203. INCREASED TRANSPARENCY.**

22 Not later than 180 days after the date of the enact-
23 ment of this Act and annually thereafter, the Commis-
24 sioner of Social Security shall produce and make publicly
25 available comprehensive program information to guide dis-

1 ability policy and procedures and to guide accuracy and
2 consistency in decision making, including information re-
3 lating to productivity, processing time, pending workloads,
4 and decision outcomes with respect to each hearing officer,
5 hearing office, and region and with respect to the dis-
6 ability insurance program as a whole. Such program infor-
7 mation shall also include the same data, categorized by
8 office, State, region, and the program as a whole, with
9 respect to each of the following: initial disability deter-
10 minations; reconsiderations; continuing disability reviews;
11 and reconsiderations of continuing disability reviews.

12 **SEC. 204. DATA EXCHANGE STANDARDIZATION.**

13 (a) IN GENERAL.—Section 704 of the Social Security
14 Act (42 U.S.C. 904) is amended by adding at the end the
15 following:

16 “(f) DATA EXCHANGE STANDARDS FOR IMPROVED
17 INTEROPERABILITY.—

18 “(1) DESIGNATION.—The Commissioner shall,
19 in consultation with an interagency work group es-
20 tablished by the Office of Management and Budget
21 and considering State and other Federal government
22 perspectives, designate data exchange standards to
23 govern, under titles II, VIII, and XVI, Federal re-
24 porting and data exchange required under applicable
25 Federal law.

1 “(2) REQUIREMENTS.—The data exchange
2 standards required by paragraph (1) shall, to the ex-
3 tent practicable—

4 “(A) incorporate a widely accepted, non-
5 proprietary, searchable, computer-readable for-
6 mat, such as the eXtensible Markup Language;

7 “(B) contain interoperable standards devel-
8 oped and maintained by intergovernmental
9 partnerships, such as the National Information
10 Exchange Model;

11 “(C) incorporate interoperable standards
12 developed and maintained by Federal entities
13 with authority over contracting and financial
14 assistance;

15 “(D) be consistent with and implement ap-
16 plicable accounting principles;

17 “(E) be implemented in a manner that is
18 cost-effective and improves program efficiency
19 and effectiveness; and

20 “(F) be capable of being continually up-
21 graded as necessary.

22 “(3) RULE OF CONSTRUCTION.—Nothing in
23 this subsection shall be construed to require a
24 change to existing data exchange standards found to
25 be effective and efficient.”.

1 (b) PLAN FOR PUBLIC COMMENT.—The Commis-
2 sioner shall issue a plan for public comment on its website
3 within 24 months after the date of the enactment of sub-
4 section (a). The plan shall—

5 (1) identify federally-required data exchanges,
6 include specification and timing of exchanges to be
7 standardized, and address the factors used in deter-
8 mining whether and when to standardize data ex-
9 changes; and

10 (2) specify implementation options and describe
11 future milestones for standardizing data for im-
12 proved interoperability.

13 **TITLE III—MODERNIZING** 14 **DISABILITY PROGRAMS**

15 **SEC. 301. UPDATING OF MEDICAL-VOCATIONAL GUIDE-** 16 **LINES.**

17 As soon as possible after the date of the enactment
18 of this Act, the Commissioner of Social Security shall pre-
19 scribe rules and regulations that update the medical-voca-
20 tional guidelines, as set forth in Appendix 2 to Subpart
21 P of Part 404 of Title 20, Code of Federal Regulations,
22 used in disability determinations, including full consider-
23 ation of new employment opportunities made possible by
24 advances in treatment, rehabilitation, and technology.

1 **SEC. 302. RESEARCH AND DEMONSTRATION PROJECTS.**

2 Section 1110 of the Social Security Act (42 U.S.C.
3 1310), as amended by section 202(b), is further amended
4 by adding at the end the following:

5 “(e) Research and demonstration projects conducted
6 pursuant to subsection (a)(1) shall include the following:

7 “(1) To be completed not later than the end of
8 calendar year 2016, development of instruments to
9 assess function that are rapid, reliable, and objective
10 to inform the disability determination process.

11 “(2) To be completed not later than the end of
12 calendar year 2016, studies of the availability and
13 effects of more fully considering assistive devices and
14 workplace accommodations in the disability deter-
15 mination process.

16 “(f)(1) Not later than June 9 of each year, the Com-
17 missioner shall submit to the Committee on Ways and
18 Means of the House of Representatives and the Committee
19 on Finance of the Senate an annual interim report on the
20 progress of any research, experimental, pilot, and dem-
21 onstration projects conducted under this section, includ-
22 ing, for each such project, project focus, project design,
23 project timeframe (including specific start and end dates),
24 past and estimated future costs, any evaluation progress,
25 and any other related data and materials that the Com-
26 missioner may consider appropriate.

1 “(2) In the case of any research, experimental, pilot,
2 or demonstration project conducted under this section that
3 is not in effect as of the date of the enactment of the
4 Stop Disability Fraud Act of 2014, such project may not
5 be placed into effect until at least 90 days after the Com-
6 missioner submits to the Committee on Ways and Means
7 of the House of Representatives and the Committee on
8 Finance of the Senate a written report on the project, pre-
9 pared for purposes of notification and information only
10 and containing a full and complete description of the
11 project, including project focus, project design, project
12 timeframe (including specific start and end dates), esti-
13 mated costs, and evaluation plan.

14 “(3) Each research, experimental, pilot, or dem-
15 onstration project conducted under this section shall ter-
16 minate not later than the end date specified in the reports
17 described in paragraphs (1) and (2).”.

18 **SEC. 303. REFERRALS TO VOCATIONAL REHABILITATION**
19 **OR OTHER PUBLIC OR PRIVATE RETURN-TO-**
20 **WORK SERVICE PROVIDERS.**

21 (a) AMENDMENT TO TITLE II.—Section 222 of the
22 Social Security Act (42 U.S.C. 422) is amended by insert-
23 ing before subsection (c) the following:

24 “(a) REFERRAL FOR REHABILITATION SERVICES.—
25 (1) The Commissioner of Social Security may make provi-

1 sion for the referral of individuals who are denied benefits
2 under this title based on an adverse determination of dis-
3 ability to an appropriate public or private entity for em-
4 ployment services, vocational rehabilitation services, or
5 other support services.”.

6 (b) AMENDMENT TO TITLE XVI.—Section 1615 of
7 such Act (42 U.S.C. 1382d) is amended by inserting after
8 subsection (a) the following:

9 “(b)(1) In the case of any individual who has not at-
10 tained age 65 and is denied benefits under this title based
11 on an adverse determination of disability, the Commis-
12 sioner of Social Security may make provision for referral
13 of such individual to an appropriate public or private enti-
14 ty for employment services, vocational rehabilitation serv-
15 ices, or other support services.”.

16 (c) EFFECTIVE DATE.—The amendments made by
17 subsections (a) and (b) shall apply with respect to applica-
18 tions for monthly insurance benefits filed on or after the
19 date that is 180 days after the date of the enactment of
20 this Act.

21 **SEC. 304. ONLINE BENEFIT ASSESSMENT TOOLS.**

22 Not later than 1 year after the date of the enactment
23 of this Act, the Commissioner of Social Security shall
24 make publicly available through the website of the Social
25 Security Administration on-line tools to allow all individ-

1 uals eligible for benefits based on disability under titles
2 II and XVI of the Social Security Act to assess the impact
3 of earnings on the individual's eligibility for, and amount
4 of, benefits received through Federal and State benefit
5 programs.

6 **TITLE IV—OTHER PROGRAM**
7 **IMPROVEMENTS**

8 **SEC. 401. REAL PROPERTY ACQUIRED BY THE TRUST**
9 **FUNDS.**

10 (a) IN GENERAL.—Section 201(g) of the Social Secu-
11 rity Act (42 U.S.C. 401(g)) is amended by adding at the
12 end the following:

13 “(5) (A) Notwithstanding any other provision of law,
14 for any real property acquired using funds derived from
15 the Trust Funds—

16 “(i) the Managing Trustee shall record such
17 property as an asset of the Trust Fund from which
18 such funds were derived;

19 “(ii) any net proceeds from the disposition of
20 such property sold at any time shall be deposited in
21 such Trust Fund, to be invested by the Managing
22 Trustee in the same manner and to the same extent
23 as the other assets of such Trust Fund; and

24 “(iii) the use of such real property shall be re-
25 stricted to purposes of carrying out the duties of the

1 Commissioner as authorized by this Act and any
2 other Federal law.”.

3 (b) PROHIBITION ON USE OF TRUST FUNDS FOR
4 CERTAIN ADMINISTRATIVE COSTS.—Section 201(g)(5) of
5 the Social Security Act (42 U.S.C. 401(g)(5)), as added
6 by subsection (a), is further amended by adding at the
7 end the following:

8 “(B)(i) Funds made available for expenditure pursu-
9 ant to the authorization in this subsection may not be used
10 for the operation and maintenance of real property in
11 amounts that exceed the actual costs of such operation
12 and maintenance, including any amounts for overhead,
13 space and services, repair, replacement, or depreciation.

14 “(ii) For purposes of this subparagraph, funds made
15 available for the replacement of the National Computer
16 Center shall be deemed to be funds made available as de-
17 scribed in clause (i).”.

18 (c) ANNUAL REPORT.—Section 201(c) of the Social
19 Security Act (42 U.S.C. 401(c)) is amended by inserting
20 after the second sentence in the matter following para-
21 graph (5) the following: “Such statement of assets shall
22 include an estimate of the fair market value of all real
23 property recorded as an asset of the Trust Funds at the
24 end of the preceding fiscal year.”.

1 (d) EFFECTIVE DATE.—The amendments made by
2 subsection (a) shall apply with respect to real property ac-
3 quired using funds solely derived from the Trust Funds
4 and disposed of on, before, or after the date of enactment
5 of this Act.

6 **SEC. 402. RULES RELATING TO DISTRIBUTION OF DEATH**
7 **INFORMATION FURNISHED TO OR MAIN-**
8 **TAINED BY THE SOCIAL SECURITY ADMINIS-**
9 **TRATION.**

10 (a) IN GENERAL.—Section 205(r) of the Social Secu-
11 rity Act (42 U.S.C. 405(r)) is amended—

12 (1) in paragraph (2), by inserting “, and to en-
13 sure completeness, timeliness, and accuracy of,”
14 after “transmitting”;

15 (2) by striking paragraph (3) and inserting the
16 following:

17 “(3) The Commissioner of Social Security shall, to
18 the extent feasible, provide for the use of information re-
19 garding deceased individuals furnished to or maintained
20 by the Commissioner, subject to such safeguards as the
21 Commissioner of Social Security determines are necessary
22 or appropriate to protect the information from unauthor-
23 ized use or disclosure, to any Federal or State agency pro-
24 viding or administering Federally funded benefits to indi-
25 viduals, other than benefits under this Act, through a co-

1 operative arrangement with such agency designed to en-
2 sure proper payment of those benefits with respect to such
3 individuals if—

4 “(A) under such arrangement the agency pro-
5 vides reimbursement to the Commissioner of Social
6 Security for the reasonable costs of carrying out
7 such arrangement, including the reasonable costs as-
8 sociated with the collection and maintenance of in-
9 formation regarding deceased individuals furnished
10 to the Commissioner pursuant to paragraph (1); and

11 “(B) such arrangement does not conflict with
12 the duties of the Commissioner of Social Security
13 under paragraph (1).”; and

14 (3) in paragraph (4), by inserting “or in benefit
15 and pension plans for employees of the States or
16 local governments” after “by the States”.

17 (b) EFFECTIVE DATE.—The amendment made by
18 subsection (a) shall take effect on the date that is 60 days
19 after the date of the enactment of this section.

20 **SEC. 403. CLARIFICATION OF THE TREATMENT OF OVER-**
21 **PAYMENTS.**

22 Section 207 of the Social Security Act (42 U.S.C.
23 407) is amended by adding at the end the following:

24 “(d)(1) The amount of any overpayment of benefits
25 to an individual under this title, and the obligation of the

1 individual to repay such overpayment, shall be determined
2 solely under this title.

3 “(2) No other provision of law may be construed to
4 limit, supersede, or otherwise modify the provisions of this
5 subsection except to the extent that it does so by express
6 reference to this subsection.”.

7 **SEC. 404. RECONSIDERATIONS OF DISABILITY CESSATION**
8 **DETERMINATIONS.**

9 (a) IN GENERAL.—Section 205(b)(2) of the Social
10 Security Act (42 U.S.C. 405(b)(2)) is amended, in the
11 matter following subparagraph (C)—

12 (1) in the second sentence, by striking “where
13 the finding was originally made by the State agency,
14 and shall be made by the Commissioner of Social Se-
15 curity where the finding was originally made by the
16 Commissioner of Social Security” and inserting “re-
17 gardless of whether the finding was originally made
18 by the State agency or the Commissioner of Social
19 Security”; and

20 (2) in the third sentence, by striking “which
21 was originally made by such State agency”; and

22 (3) in the fourth sentence, by striking “which
23 was originally made by the Commissioner of Social
24 Security”.

1 (b) **EFFECTIVE DATE.**—The amendments made by
2 subsection (a) shall apply with respect to determinations
3 of disability made on or after the date that is 180 days
4 after the date of the enactment of this Act.