

113TH CONGRESS
2D SESSION

H. R. 5260

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

IN THE HOUSE OF REPRESENTATIVES

JULY 30, 2014

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.

- 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. 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-
 10 ern Mariana Islands, the Virgin Islands, and American
 11 Samoa.

1 **SEC. 102. EXCLUSION OF CERTAIN MEDICAL SOURCES OF**
2 **EVIDENCE.**

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

6 “(C) In making any determination with respect to
7 whether an individual is under a disability or continues
8 to be under a disability, the Commissioner of Social Secu-
9 rity may not consider any evidence furnished by an unli-
10 censed or sanctioned physician or health care practi-
11 tioner.”.

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

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

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

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

23 (2) by inserting after the third sentence the fol-
24 lowing: “Upon conviction of an individual for a fel-
25 ony or a crime of moral turpitude in a Federal or
26 State Court or, in the case of an attorney, upon dis-

1 barment from any court or bar to which he or she
 2 was previously admitted to practice, the Commis-
 3 sioner may, after due notice, immediately disqualify
 4 or suspend the individual from appearing as a claim-
 5 ant representative before the Social Security Admin-
 6 istration, pending an expedited hearing.”

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

8 (a) CONSPIRACY TO COMMIT SOCIAL SECURITY
 9 FRAUD.—

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

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

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

17 (C) by inserting after paragraph (8) the
 18 following:

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

21 (2) AMENDMENT TO TITLE VIII.—Section
 22 811(a) of such Act (42 U.S.C. 1011(a)) is amend-
 23 ed—

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

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

3 (C) by inserting after paragraph (4) the
4 following:

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

7 (3) AMENDMENT TO TITLE XVI.—Section
8 1632(a) of such Act (42 U.S.C. 1383a(a)) is amend-
9 ed—

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

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

14 (C) by inserting after paragraph (4) the
15 following:

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

18 (b) INCREASED CRIMINAL PENALTIES FOR CERTAIN
19 INDIVIDUALS IN POSITIONS OF TRUST.—

20 (1) AMENDMENT TO TITLE II.—Section 208(a)
21 of the Social Security Act (42 U.S.C. 408(a)), as
22 amended by subsection (a), is further amended by
23 striking the period at the end and inserting “, except
24 that in the case of a person who receives a fee or
25 other income for services performed in connection

1 with any determination with respect to benefits
2 under this title (including a claimant representative,
3 translator, or current or former employee of the So-
4 cial Security Administration), or who is a physician
5 or other health care provider who submits, or causes
6 the submission of, medical or other evidence in con-
7 nection with any such determination, such person
8 shall be guilty of a felony and upon conviction there-
9 of shall be fined under title 18, United States Code,
10 or imprisoned for not more than ten years, or
11 both.”.

12 (2) AMENDMENT TO TITLE VIII.—Section
13 811(a) of such Act (42 U.S.C. 1011(a)), as amended
14 by subsection (a), is further amended by striking the
15 period at the end and inserting “, except that in the
16 case of a person who receives a fee or other income
17 for services performed in connection with any deter-
18 mination with respect to benefits under this title (in-
19 cluding a claimant representative, translator, or cur-
20 rent or former employee of the Social Security Ad-
21 ministration), or who is a physician or other health
22 care provider who submits, or causes the submission
23 of, medical or other evidence in connection with any
24 such determination, such person shall be guilty of a
25 felony and upon conviction thereof shall be fined

1 under title 18, United States Code, or imprisoned
2 for not more than ten years, or both.”.

3 (3) AMENDMENT TO TITLE XVI.—Section
4 1632(a) of such Act (42 U.S.C. 1383a(a)), as
5 amended by subsection (a), is further amended by
6 striking the period at the end and inserting “, except
7 that in the case of a person who receives a fee or
8 other income for services performed in connection
9 with any determination with respect to benefits
10 under this title (including a claimant representative,
11 translator, or current or former employee of the So-
12 cial Security Administration), or who is a physician
13 or other health care provider who submits, or causes
14 the submission of, medical or other evidence in con-
15 nection with any such determination, such person
16 shall be guilty of a felony and upon conviction there-
17 of shall be fined under title 18, United States Code,
18 or imprisoned for not more than ten years, or
19 both.”.

20 (c) INCREASED CIVIL MONETARY PENALTIES FOR
21 CERTAIN INDIVIDUALS IN POSITIONS OF TRUST.—Section
22 1129(a)(1) of the Social Security Act (42 U.S.C.1320a-
23 8(a)(1)) is amended, in the matter following subparagraph
24 (C), by inserting after “withholding disclosure of such
25 fact” the following: “, except that in the case of such a

1 person who receives a fee or other income for services per-
2 formed in connection with any such determination (includ-
3 ing a claimant representative, translator, or current or
4 former employee of the Social Security Administration) or
5 who is a physician or other health care provider who sub-
6 mits, or causes the submission of, medical or other evi-
7 dence in connection with any such determination, the
8 amount of such penalty shall be not more than \$7,500”.

9 (d) ESTABLISHMENT OF SANCTIONS FOR VIOLA-
10 TIONS BY CLAIMANT REPRESENTATIVES.—

11 (1) IN GENERAL.—Section 206(a)(1) of the So-
12 cial Security Act (42 U.S.C. 406(a)(1)) is amended
13 by inserting after “or who violates any provision of
14 this section for which a penalty is prescribed.” the
15 following: “The Commissioner of Social Security
16 shall establish rules under which fines and other
17 sanctions the Commissioner determines to be appro-
18 priate may be imposed for failure to comply with the
19 Commissioner’s rules and regulations.”

20 (2) COLLECTION OF FINES.—Section 206(d)(3)
21 of such Act (42 U.S.C. 406(d)(3)) is amended by in-
22 sserting after “under paragraph (1)” the following: “,
23 and any fine imposed on the attorney under sub-
24 section (a)(1),”.

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 or (3) 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 paragraph (1);

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—

24 “(A) necessary categories of information
25 that State agencies operating programs under

1 State plans approved under this part are re-
2 quired under applicable Federal law to elec-
3 tronically exchange with another State agency;
4 and

5 “(B) Federal reporting and data exchange
6 required under applicable Federal law.

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

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

13 “(B) contain interoperable standards devel-
14 oped and maintained by intergovernmental
15 partnerships, such as the National Information
16 Exchange Model;

17 “(C) incorporate interoperable standards
18 developed and maintained by Federal entities
19 with authority over contracting and financial
20 assistance;

21 “(D) be consistent with and implement ap-
22 plicable accounting principles;

23 “(E) be implemented in a manner that is
24 cost-effective and improves program efficiency
25 and effectiveness; and

1 “(F) be capable of being continually up-
2 graded as necessary.

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

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

11 (1) identify federally required data exchanges,
12 include specification and timing of exchanges to be
13 standardized, and address the factors used in deter-
14 mining whether and when to standardize data ex-
15 changes; and

16 (2) specify implementation options and describe
17 future milestones for standardizing data for im-
18 proved interoperability.

19 **TITLE III—MODERNIZING** 20 **DISABILITY PROGRAMS**

21 **SEC. 301. UPDATING OF MEDICAL-VOCATIONAL GUIDE-** 22 **LINES.**

23 As soon as possible after the date of the enactment
24 of this Act, the Commissioner of Social Security shall pre-
25 scribe rules and regulations that update the medical-voca-

1 tional guidelines, as set forth in appendix 2 to subpart
2 P of part 404 of title 20, Code of Federal Regulations,
3 used in disability determinations, including full consider-
4 ation of new employment opportunities made possible by
5 advances in treatment, rehabilitation, and technology.

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

7 Section 1110 of the Social Security Act (42 U.S.C.
8 1310), as amended by section 202(b), is further amended
9 by adding at the end the following:

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

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

16 “(2) To be completed not later than the end of
17 calendar year 2016, studies of the availability and
18 effects of more fully considering assistive devices and
19 workplace accommodations in the disability deter-
20 mination process.

21 “(f)(1) Not later than June 9 of each year, the Com-
22 missioner shall submit to the Committee on Ways and
23 Means of the House of Representatives and the Committee
24 on Finance of the Senate an annual interim report on the
25 progress of any research, experimental, pilot, and dem-

1 onstration projects conducted under this section, includ-
2 ing, for each such project, project focus, project design,
3 project timeframe (including specific start and end dates),
4 past and estimated future costs, any evaluation progress,
5 and any other related data and materials that the Com-
6 missioner may consider appropriate.

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

20 “(3) Each research, experimental, pilot, or dem-
21 onstration project conducted under this section shall ter-
22minate not later than the end date specified in the reports
23 described in paragraphs (1) and (2).”.

1 **SEC. 303. REFERRALS TO VOCATIONAL REHABILITATION**
2 **OR OTHER PUBLIC OR PRIVATE RETURN-TO-**
3 **WORK SERVICE PROVIDERS.**

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

7 “(a) REFERRAL FOR REHABILITATION SERVICES.—

8 (1) The Commissioner of Social Security may make provi-
9 sion for the referral of individuals who are denied benefits
10 under this title based on an adverse determination of dis-
11 ability to an appropriate public or private entity for em-
12 ployment services, vocational rehabilitation services, or
13 other support services.”.

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

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

24 (c) EFFECTIVE DATE.—The amendments made by
25 subsections (a) and (b) shall apply with respect to applica-
26 tions for monthly insurance benefits filed on or after the

1 date that is 180 days after the date of the enactment of
2 this Act.

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

4 Not later than 1 year after the date of the enactment
5 of this Act, the Commissioner of Social Security shall
6 make publicly available through the website of the Social
7 Security Administration on-line tools to allow all individ-
8 uals eligible for benefits based on disability under titles
9 II and XVI of the Social Security Act to assess the impact
10 of earnings on the individual's eligibility for, and amount
11 of, benefits received through Federal and State benefit
12 programs.

13 **TITLE IV—OTHER PROGRAM**
14 **IMPROVEMENTS**

15 **SEC. 401. REAL PROPERTY ACQUIRED BY THE TRUST**
16 **FUNDS.**

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

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

23 “(i) the Managing Trustee shall record such
24 property as an asset of the Trust Fund from which
25 such funds were derived;

1 “(ii) any net proceeds from the disposition of
2 such property sold at any time shall be deposited in
3 such Trust Fund, to be invested by the Managing
4 Trustee in the same manner and to the same extent
5 as the other assets of such Trust Fund; and

6 “(iii) the use of such real property shall be re-
7 stricted to purposes of carrying out the duties of the
8 Commissioner as authorized by this Act and any
9 other Federal law.”.

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

15 “(B)(i) Funds made available for expenditure pursu-
16 ant to the authorization in this subsection may not be used
17 for the operation and maintenance of real property in
18 amounts that exceed the actual costs of such operation
19 and maintenance, including any amounts for overhead,
20 space and services, repair, replacement, or depreciation.

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

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

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

13 **SEC. 402. RULES RELATING TO DISTRIBUTION OF DEATH**
14 **INFORMATION FURNISHED TO OR MAIN-**
15 **TAINED BY THE SOCIAL SECURITY ADMINIS-**
16 **TRATION.**

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

19 (1) in paragraph (2), by inserting “, and to en-
20 sure completeness, timeliness, and accuracy of,”
21 after “transmitting”;

22 (2) by striking paragraph (3) and inserting the
23 following:

24 “(3) The Commissioner of Social Security shall, to
25 the extent feasible, provide for the use of information re-

1 garding deceased individuals furnished to or maintained
2 by the Commissioner, subject to such safeguards as the
3 Commissioner of Social Security determines are necessary
4 or appropriate to protect the information from unauthor-
5 ized use or disclosure, to any Federal or State agency pro-
6 viding or administering Federally funded benefits to indi-
7 viduals, other than benefits under this Act, through a co-
8 operative arrangement with such agency designed to en-
9 sure proper payment of those benefits with respect to such
10 individuals if—

11 “(A) under such arrangement the agency pro-
12 vides reimbursement to the Commissioner of Social
13 Security for the reasonable costs of carrying out
14 such arrangement, including the reasonable costs as-
15 sociated with the collection and maintenance of in-
16 formation regarding deceased individuals furnished
17 to the Commissioner pursuant to paragraph (1); and

18 “(B) such arrangement does not conflict with
19 the duties of the Commissioner of Social Security
20 under paragraph (1).”; and

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

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

4 **SEC. 403. RECONSIDERATIONS OF DISABILITY CESSATION**
5 **DETERMINATIONS.**

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

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

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

19 (3) in the fourth sentence, by striking “which
20 was originally made by the Commissioner of Social
21 Security”.

22 (b) EFFECTIVE DATE.—The amendments made by
23 subsection (a) shall apply with respect to determinations

- 1 of disability made on or after the date that is 180 days
- 2 after the date of the enactment of this Act.

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