

115TH CONGRESS
2D SESSION

S. 3741

To prohibit the Social Security Administration from reinstating the reconsideration level of appeal for disability determinations in the 10 prototype States, and for other purposes.

IN THE SENATE OF THE UNITED STATES

DECEMBER 12, 2018

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

A BILL

To prohibit the Social Security Administration from reinstating the reconsideration level of appeal for disability determinations in the 10 prototype States, 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 “Social Security Dis-
5 ability Protection Act”.

1 **SEC. 2. PROHIBITING SSA FROM REINSTATING THE RECON-**
2 **SIDERATION LEVEL OF APPEAL FOR DIS-**
3 **ABILITY DETERMINATIONS IN THE 10 PROTO-**
4 **TYPE STATES.**

5 (a) IN GENERAL.—The Commissioner of Social Secu-
6 rity shall not reinstate reconsideration of an initial dis-
7 ability determination by the Disability Determination
8 Services of Alabama, Alaska, Colorado, Louisiana, Michi-
9 gan, Missouri, New Hampshire, New York, Pennsylvania,
10 or California (Los Angeles North and Los Angeles West
11 Branches).

12 (b) IMPROVING THE RECONSIDERATION LEVEL OF
13 REVIEW FOR DISABILITY DETERMINATIONS.—

14 (1) IN GENERAL.—Not later than 180 days
15 after the date of the enactment of this Act, the
16 Commissioner of Social Security shall submit to the
17 applicable committees a detailed plan to—

18 (A) improve the reconsideration level of re-
19 view for disability determinations; and

20 (B) decrease case processing time for ini-
21 tial disability determinations and appeals.

22 (2) INPUT FROM STAKEHOLDERS AND OTHER
23 EXPERTS.—For purposes of developing the plan de-
24 scribed in paragraph (1), the Commissioner of Social
25 Security shall include information and input from—

1 (A) the Chairman of the Administrative
2 Conference of the United States;

3 (B) disability advocates and stakeholders
4 through a National Disability Forum, as well as
5 other outreach methods;

6 (C) data collected from the 1997 Disability
7 Redesign Prototype model, including the elimi-
8 nation of the reconsideration step of the admin-
9 istrative review process for disability determina-
10 tions in the 10 prototype States; and

11 (D) scholarly experts as well as peer-re-
12 viewed disability or administrative review stud-
13 ies published by academic or non-profit research
14 institutions.

15 (c) DEFINITIONS.—In this section:

16 (1) APPLICABLE COMMITTEE.—The term “ap-
17 plicable committees” means the Committee on Ways
18 and Means of the House of Representatives, the
19 Committee on Appropriations of the House of Rep-
20 resentatives, the Committee on Appropriations of the
21 Senate, and the Committee on Finance of the Sen-
22 ate.

23 (2) INITIAL DISABILITY DETERMINATION.—The
24 term “initial disability determination” means a de-
25 termination made by a State Disability Determina-

1 tion Services office in regards to whether an indi-
2 vidual is disabled for purposes of any benefits under
3 title II or XVI of the Social Security Act based on
4 such individual's status as disabled.

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