

103<sup>D</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. R. 2273

To amend the Omnibus Budget Reconciliation Act of 1990 to clarify that the expenses of administering the Old Age, Survivors and Disability Insurance programs are not included in the budget of the United States Government, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

MAY 26, 1993

Mr. JACOBS (for himself and Mr. ROSTENKOWSKI) introduced the following bill; which was referred jointly to the Committees on Government Operations, Ways and Means, and Rules

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## A BILL

To amend the Omnibus Budget Reconciliation Act of 1990 to clarify that the expenses of administering the Old Age, Survivors and Disability Insurance programs are not included in the budget of the United States Government, 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. CLARIFICATION OF STATUS OF ADMINISTRA-**  
4                               **TIVE EXPENSES PAID FROM THE OASDI**  
5                               **TRUST FUNDS.**

6       (a) Section 13301(a) of the Omnibus Budget Rec-  
7       onciliation Act of 1990 is amended by inserting “(includ-

1 ing the expenses of administering the old-age, survivors,  
2 and disability insurance programs)” before “shall” and by  
3 adding at the end the following new sentence: “No ex-  
4 penses of administering the old-age, survivors, and disabil-  
5 ity insurance programs shall be subject to sequestration  
6 under the Balanced Budget and Emergency Deficit Con-  
7 trol Act of 1985.”.

8 (b)(1) Section 250(c)(4)(B) of the Balanced Budget  
9 and Emergency Deficit Control Act of 1985 is amended  
10 by inserting after “appropriations” the following: “, except  
11 that expenses for the administration of the social security  
12 old-age and survivors insurance trust fund and the disabil-  
13 ity insurance trust fund (20–8006–0–7–651 and 20–  
14 8007–0–7–651) shall not be considered to be within any  
15 category”.

16 (2) Section 253(b) of such Act is amended by striking  
17 “and” after paragraph (2), by striking the period and in-  
18 serting “; and” after paragraph (3), and by adding at the  
19 end the following new paragraph:

20 “(4) any spending excluded under section  
21 250(c)(4)(B).”.

22 (3) Section 256(h)(4) of such Act is amended by in-  
23 serting at the end the following:

24 “(J) The old-age, survivors and disability  
25 insurance (OASDI) programs.”.

1 **SEC. 2. PROTECTION OF THE OASDI TRUST FUNDS IN THE**  
2 **HOUSE OF REPRESENTATIVES.**

3 (a) CONTENT OF CONCURRENT RESOLUTION ON THE  
4 BUDGET.—The last sentence of section 301(a) of the Con-  
5 gressional Budget Act of 1974 is amended by inserting  
6 before the period the following: “, but shall separately set  
7 forth an estimate of benefit payments under the old-age,  
8 survivors, and disability insurance programs under title II  
9 of the Social Security Act for the fiscal year and each of  
10 the two ensuing fiscal years”.

11 (b) PROTECTION OF OASDI TRUST FUNDS.—Sec-  
12 tion 13302 of the Budget Enforcement Act of 1990 is  
13 amended by inserting at the end the following:

14 “(d) POINT OF ORDER.—It shall not be in order in  
15 the House of Representatives to consider any bill or joint  
16 resolution, as reported, amendment, or conference report  
17 the enactment of which would provide an appropriation  
18 for a fiscal year for the expenses of administering the old-  
19 age, survivors, and disability insurance programs under  
20 title II of the Social Security Act in excess of 1.5 percent  
21 of the estimate of benefit payments under those programs  
22 for that fiscal year set forth in the most recently agreed  
23 to concurrent resolution on the budget.”.

1 **SEC. 3. TECHNICAL CORRECTIONS RELATED TO OASDI IN**  
2 **THE OMNIBUS BUDGET RECONCILIATION**  
3 **ACT OF 1990.**

4 (a) AMENDMENTS RELATED TO PROVISIONS IN SEC-  
5 TION 5103(b) RELATING TO DISABLED WIDOWS.—Sec-  
6 tion 223(f)(2) of the Social Security Act (42 U.S.C.  
7 423(f)(2)) is amended—

8 (1) in subparagraph (A), by striking “(in a case  
9 to which clause (ii)(II) does not apply)”; and

10 (2) by striking subparagraph (B)(ii) and insert-  
11 ing the following:

12 “(ii) the individual is now able to en-  
13 gage in substantial gainful activity; or”.

14 (b) AMENDMENTS RELATED TO PROVISIONS IN SEC-  
15 TION 5105(d) RELATING TO REPRESENTATIVE PAY-  
16 EES.—Section 5105(d)(1)(A) of the Omnibus Budget  
17 Reconciliation Act of 1990 (Public Law 101–508) is  
18 amended—

19 (1) by striking “Section 205(j)(5)” and insert-  
20 ing “Section 205(j)(6)”; and

21 (2) by redesignating the paragraph (5) as  
22 amended thereby as paragraph (6).

23 (c) AMENDMENTS RELATED TO PROVISIONS IN SEC-  
24 TION 5106 RELATING TO COORDINATION OF RULES  
25 UNDER TITLES II AND XVI GOVERNING FEES FOR REP-

1 REPRESENTATIVES OF CLAIMANTS WITH ENTITLEMENTS  
2 UNDER BOTH TITLES.—

3 (1) CALCULATION OF FEE OF CLAIMANT'S REP-  
4 REPRESENTATIVE BASED ON AMOUNT OF PAST-DUE  
5 SUPPLEMENTAL SECURITY INCOME BENEFITS AFTER  
6 APPLICATION OF WINDFALL OFFSET PROVISION.—  
7 Section 1631(d)(2)(A)(i) of the Social Security Act  
8 (as amended by section 5106(a)(2) of the Omnibus  
9 Budget Reconciliation Act of 1990) (42 U.S.C.  
10 1383(d)(2)(A)(i)) is amended to read as follows:

11 “(i) by substituting, in subparagraphs (A)(ii)(I)  
12 and (C)(i), the phrase ‘(as determined before any  
13 applicable reduction under section 1631(g), and re-  
14 duced by the amount of any reduction in benefits  
15 under this title or title II made pursuant to section  
16 1127(a))’ for the parenthetical phrase contained  
17 therein; and”.

18 (2) CALCULATION OF PAST-DUE BENEFITS FOR  
19 PURPOSES OF DETERMINING ATTORNEY FEES IN JU-  
20 DICIAL PROCEEDINGS.—

21 (A) IN GENERAL.—Section 206(b)(1) of  
22 such Act (42 U.S.C. 406(b)(1)) is amended—  
23 (i) by inserting “(A)” after “(b)(1)”;  
24 and

1 (ii) by adding at the end the following  
2 new subparagraph:

3 “(B) For purposes of this paragraph—

4 “(i) the term ‘past-due benefits’ excludes any  
5 benefits with respect to which payment has been  
6 continued pursuant to subsection (g) or (h) of sec-  
7 tion 223, and

8 “(ii) amounts of past-due benefits shall be  
9 taken into account to the extent provided under the  
10 rules applicable in cases before the Secretary.”.

11 (B) PROTECTION FROM OFFSETTING SSI  
12 BENEFITS.—The last sentence of section  
13 1127(a) of such Act (as added by section  
14 5106(b) of the Omnibus Budget Reconciliation  
15 Act of 1990) (42 U.S.C. 1320a-6(a)) is amend-  
16 ed by striking “section 206(a)(4)” and inserting  
17 “subsection (a)(4) or (b) of section 206”.

18 (3) APPLICATION OF SINGLE DOLLAR AMOUNT  
19 CEILING TO CONCURRENT CLAIMS UNDER TITLES II  
20 AND XVI.—

21 (A) IN GENERAL.—Section 206(a)(2) of  
22 such Act (as amended by section 5106(a)(1) of  
23 the Omnibus Budget Reconciliation Act of  
24 1990) (42 U.S.C. 406(a)(2)) is amended—

1 (i) by redesignating subparagraph (C)  
2 as subparagraph (D); and

3 (ii) by inserting after subparagraph  
4 (B) the following new subparagraph:

5 “(C) In any case involving—

6 “(i) an agreement described in subparagraph  
7 (A) with any person relating to both a claim of enti-  
8 tlement to past-due benefits under this title and a  
9 claim of entitlement to past-due benefits under title  
10 XVI, and

11 “(ii) a favorable determination made by the  
12 Secretary with respect to both such claims,

13 the Secretary may approve such agreement only if the  
14 total fee or fees specified in such agreement does not ex-  
15 ceed, in the aggregate, the dollar amount in effect under  
16 subparagraph (A)(ii)(II).”.

17 (B) CONFORMING AMENDMENT.—Section  
18 206(a)(3)(A) of such Act (as amended by sec-  
19 tion 5106(a)(1) of the Omnibus Budget Rec-  
20 onciliation Act of 1990) (42 U.S.C.  
21 406(a)(3)(A)) is amended by striking “para-  
22 graph (2)(C)” and inserting “paragraph  
23 (2)(D)”.

24 (d) AMENDMENT RELATED TO PROVISIONS IN SEC-  
25 TION 5115 RELATING TO ADVANCE TAX TRANSFERS.—

1 Section 201(a) of the Social Security Act (42 U.S.C.  
2 401(a)) is amended in the last sentence by striking “and”  
3 the second place it appears.

4 **SEC. 4. EFFECTIVE DATE.**

5 (a) SECTIONS 1 AND 2.—The amendments made by  
6 sections 1 and 2 shall apply to fiscal year 1994 and subse-  
7 quent fiscal years.

8 (b) SECTION 3.—Each amendment made by section  
9 3 shall take effect as if included in the provisions of the  
10 Omnibus Budget Reconciliation Act of 1990 to which such  
11 amendment relates.

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