

103^D CONGRESS
1ST SESSION

S. 1560

To establish the Social Security Administration as an independent agency,
and for other purposes.

IN THE SENATE OF THE UNITED STATES

OCTOBER 18 (legislative day, OCTOBER 13), 1993

Mr. MOYNIHAN (for himself, Mr. PACKWOOD, Mr. MITCHELL, Mr. PRYOR, Mr. GRASSLEY, Mr. BRADLEY, Mr. RIEGLE, Mr. ROCKEFELLER, Mr. HATFIELD, Mr. JEFFORDS, and Ms. MIKULSKI) introduced the following bill; which was read twice and referred to the Committee on Finance

A BILL

To establish the Social Security Administration as an
independent agency, 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; AMENDMENT OF SOCIAL SECU-**
4 **RITY ACT; TABLE OF CONTENTS.**

5 (a) SHORT TITLE.—This Act may be cited as the
6 “Social Security Administration Independence Act of
7 1993”.

8 (b) AMENDMENT OF SOCIAL SECURITY ACT.—Ex-
9 cept as otherwise expressly provided, whenever in this Act

1 an amendment is expressed in terms of an amendment to
 2 or repeal of, a section or other provision, the reference
 3 shall be considered to be made to that section or other
 4 provision of the Social Security Act.

5 (c) TABLE OF CONTENTS.—The table of contents of
 6 this Act is as follows:

Sec. 1. Short title; amendment of Social Security Act; table of contents.

TITLE I—ESTABLISHMENT OF NEW INDEPENDENT AGENCY

- Sec. 101. Establishment of Social Security Administration as a separate, independent agency.
 Sec. 102. Commissioner and Deputy Commissioner of Social Security.
 Sec. 103. Social Security Advisory Board.
 Sec. 104. Personnel; budgetary matters; seal of office.
 Sec. 105. Transfers to the new Social Security Administration.
 Sec. 106. Transitional rules.
 Sec. 107. Effective dates.

TITLE II—CONFORMING AMENDMENTS

- Sec. 201. Amendments to titles II and XVI of the Social Security Act.
 Sec. 202. Other amendments.
 Sec. 203. Rules of construction.
 Sec. 204. Effective dates.

7 **TITLE I—ESTABLISHMENT OF** 8 **NEW INDEPENDENT AGENCY**

9 **SEC. 101. ESTABLISHMENT OF SOCIAL SECURITY ADMINIS-** 10 **TRATION AS A SEPARATE, INDEPENDENT** 11 **AGENCY.**

12 Section 701 (42 U.S.C. 901) is amended to read as
 13 follows:

14 “SOCIAL SECURITY ADMINISTRATION

15 “SEC. 701. There is hereby established, as an inde-
 16 pendent agency in the executive branch of the Govern-
 17 ment, a Social Security Administration (hereafter in this

1 title referred to as the ‘Administration’). It shall be the
2 duty of the Administration to administer the old-age, sur-
3 vivors, and disability insurance program under title II and
4 the supplemental security income program under title
5 XVI.”.

6 **SEC. 102. COMMISSIONER AND DEPUTY COMMISSIONER OF**
7 **SOCIAL SECURITY.**

8 Section 702 (42 U.S.C. 902) is amended to read as
9 follows:

10 “COMMISSIONER AND DEPUTY COMMISSIONER

11 “Commissioner of Social Security

12 “SEC. 702. (a)(1) There shall be in the Administra-
13 tion a Commissioner of Social Security (hereafter in this
14 title referred to as the ‘Commissioner’) who shall be ap-
15 pointed by the President, with the advice and consent of
16 the Senate.

17 “(2) The Commissioner shall be compensated at the
18 rate provided for level I of the Executive Schedule.

19 “(3) The Commissioner shall be appointed for a term
20 of 4 years coincident with the term of the President, or
21 until the appointment of a qualified successor.

22 “(4) The Commissioner shall be responsible for the
23 exercise of all powers and the discharge of all duties of
24 the Administration, and shall have authority and control
25 over all personnel and activities thereof.

1 “(5) The Commissioner may prescribe such rules and
2 regulations as the Commissioner determines necessary or
3 appropriate to carry out the functions of the Administra-
4 tion. The regulations prescribed by the Commissioner shall
5 be subject to the rulemaking procedures established under
6 section 553 of title 5, United States Code.

7 “(6) The Commissioner may establish, alter, consoli-
8 date, or discontinue such organizational units or compo-
9 nents within the Administration as the Commissioner con-
10 siders necessary or appropriate, except that this para-
11 graph shall not apply with respect to any unit, component,
12 or provision provided for by this Act.

13 “(7) The Commissioner may assign duties, and dele-
14 gate, or authorize successive redelegations of, authority to
15 act and to render decisions, to such officers and employees
16 of the Administration as the Commissioner may find nec-
17 essary. Within the limitations of such delegations,
18 redelegations, or assignments, all official acts and deci-
19 sions of such officers and employees shall have the same
20 force and effect as though performed or rendered by the
21 Commissioner.

22 “(8) The Commissioner and the Secretary of Health
23 and Human Services (hereafter in this title referred to as
24 the ‘Secretary’) shall consult, on an ongoing basis, to en-
25 sure—

1 “(A) the coordination of the programs adminis-
2 tered by the Commissioner, as described in section
3 701, with the programs administered by the Sec-
4 retary under titles XVIII and XIX of this Act; and

5 “(B) that adequate information concerning ben-
6 efits under such titles XVIII and XIX shall be avail-
7 able to the public.

8 “Deputy Commissioner of Social Security

9 “(b)(1) There shall be in the Administration a Dep-
10 uty Commissioner of Social Security (hereafter in this title
11 referred to as the ‘Deputy Commissioner’) who shall be
12 appointed by the President, with the advice and consent
13 of the Senate.

14 “(2) The Deputy Commissioner shall be appointed
15 for a term of 4 years coincident with the term of the Com-
16 missioner, or until the appointment of a qualified succes-
17 sor.

18 “(3) The Deputy Commissioner shall be compensated
19 at the rate provided for level II of the Executive Schedule.

20 “(4) The Deputy Commissioner shall perform such
21 duties and exercise such powers as the Commissioner shall
22 from time to time assign or delegate. The Deputy Com-
23 missioner shall be Acting Commissioner of the Adminis-
24 tration during the absence or disability of the Commis-
25 sioner and, unless the President designates another officer

1 of the Government as Acting Commissioner, in the event
2 of a vacancy in the office of the Commissioner.”.

3 **SEC. 103. SOCIAL SECURITY ADVISORY BOARD.**

4 Section 703 (42 U.S.C. 903) is amended to read as
5 follows:

6 “SOCIAL SECURITY ADVISORY BOARD

7 “Establishment of Board

8 “SEC. 703. (a) There shall be established a Social
9 Security Advisory Board (hereinafter referred to as the
10 ‘Board’).

11 “Functions of the Board

12 “(b) The Board shall advise the Commissioner on
13 policies related to the old-age, survivors, and disability in-
14 surance program under title II and the supplemental secu-
15 rity income program under title XVI. Specific functions
16 of the Board shall include—

17 “(1) analyzing the Nation’s retirement and dis-
18 ability systems and making recommendations with
19 respect to how the old-age, survivors, and disability
20 insurance program and the supplemental security in-
21 come program, supported by other public and pri-
22 vate systems, can most effectively assure economic
23 security;

24 “(2) studying and making recommendations re-
25 lating to the coordination of programs that provide

1 health security with programs described in para-
2 graph (1);

3 “(3) making recommendations to the President
4 and to the Congress with respect to policies that will
5 ensure the solvency of the old-age, survivors, and
6 disability insurance program, both in the short-term
7 and the long-term;

8 “(4) making recommendations to the President
9 of candidates to consider in selecting nominees for
10 the position of Commissioner and Deputy Commis-
11 sioner;

12 “(5) reviewing and assessing the quality of
13 service that the Administration provides to the pub-
14 lic;

15 “(6) reviewing and making recommendations
16 with respect to policies and regulations regarding
17 the old-age, survivors, and disability insurance pro-
18 gram and the supplemental security income pro-
19 gram;

20 “(7) increasing public understanding of the so-
21 cial security system;

22 “(8) in consultation with the Commissioner, re-
23 viewing the development and implementation of a
24 long-range research and program evaluation plan for
25 the Administration;

1 “(9) reviewing and assessing any major studies
2 of social security as may come to the attention of
3 the Board; and

4 “(10) conducting such other reviews and assess-
5 ments that the Board determines to be appropriate.

6 “Structure and Membership of the Board

7 “(c) The Board shall be composed of 7 members who
8 shall be appointed as follows:

9 “(1) 3 members shall be appointed by the
10 President, with the advice and consent of the Sen-
11 ate. Not more than 2 of such members shall be from
12 the same political party.

13 “(2) 2 members (each member from a different
14 political party) shall be appointed by the President
15 pro tempore of the Senate with the advice of the
16 Chairman and the Ranking Minority Member of the
17 Senate Committee on Finance.

18 “(3) 2 members (each member from a different
19 political party) shall be appointed by the Speaker of
20 the House of Representatives, with the advice of the
21 Chairman and the Ranking Minority Member of the
22 House Committee on Ways and Means.

23 “Terms of Appointment

24 “(d) Each member of the Board shall serve for a term
25 of 6 years, except that—

1 “(1) a member appointed to fill a vacancy oc-
2 curring prior to the expiration of the term for which
3 a predecessor was appointed, shall be appointed for
4 the remainder of such term; and

5 “(2) the terms of service of the members ini-
6 tially appointed under this section shall expire as fol-
7 lows:

8 “(A) The terms of service of the members
9 initially appointed by the President shall expire
10 as designated by the President at the time of
11 nomination, 1 each at the end of—

12 “(i) 2 years;

13 “(ii) 4 years; and

14 “(iii) 6 years.

15 “(B) The terms of service of members ini-
16 tially appointed by the President pro tempore of
17 the Senate shall expire as designated by the
18 President pro tempore of the Senate at the time
19 of nomination, 1 each at the end of—

20 “(i) 4 years; and

21 “(ii) 6 years.

22 “(C) The terms of service of members ini-
23 tially appointed by the Speaker of the House of
24 Representatives shall expire as designated by

1 the Speaker of the House of Representatives at
2 the time of nomination, 1 each at the end of—

3 “(i) 3 years; and

4 “(ii) 5 years.

5 “Chairman

6 “(e) A member of the Board shall be designated by
7 the President to serve as Chairman for a term of 4 years,
8 coincident with the term of the President, or until the des-
9 ignation of a successor.

10 “Compensation

11 “(f) Members of the Board shall be compensated as
12 follows:

13 “(1) Members shall be paid at a rate equal to
14 25 percent of the rate for level III of the Executive
15 Schedule.

16 “(2) For days when the Board or any author-
17 ized subcommittee of the Board meets, members
18 who attend meetings on such days (including travel
19 time) shall receive additional compensation in an
20 amount equal to the daily equivalent of the rate for
21 level III of the Executive Schedule.

22 “(3) While serving on business of the Board
23 away from their homes or regular places of business,
24 members may be allowed travel expenses, including
25 per diem in lieu of subsistence, as authorized by sec-

1 tion 5703 of title 5, United States Code, for persons
2 in the Government employed intermittently.

3 “(4) Service on the Board shall not be treated
4 as Federal service or employment for purposes of re-
5 ceiving any benefits under chapters 83, 84, and 87
6 of title 5, United States Code.

7 “(5) A member of the Board may elect coverage
8 of a health benefits plan under chapter 89 of title
9 5, United States Code. Such a member electing cov-
10 erage shall have the applicable employee contribu-
11 tions under section 8906 of such title withheld from
12 pay for service as a member of the Board. The Ad-
13 ministration shall pay the applicable Government
14 contributions under such section 8906 for such
15 member. The Office of Personnel Management shall
16 promulgate regulations to apply the provisions of
17 chapter 89 of such title to Board members electing
18 coverage as provided under this paragraph.

19 “Meetings

20 “(g) The Board shall meet not less than 6 times each
21 year to consider a specific agenda of issues, as determined
22 by the Chairman in consultation with the other members
23 of the Board.

1 “Federal Advisory Committee Act

2 “(h) The Board shall be exempt from the provisions
3 of the Federal Advisory Committee Act (5 U.S.C. App.).

4 “Personnel

5 “(i)(1) The Board shall, without regard to title 5,
6 United States Code, appoint a Staff Director who shall
7 be paid at a rate equivalent to a rate for the Senior Execu-
8 tive Service.

9 “(2) The Board is authorized, without regard to title
10 5, United States Code, to appoint and fix the compensa-
11 tion of such additional personnel as the Board determines
12 to be necessary to carry out the functions of the Board.

13 “(3) In fixing the compensation of additional person-
14 nel under paragraph (2), the Board shall not authorize
15 that any individual appointed under such paragraph be
16 compensated at a rate that is greater than the rate of com-
17 pensation of the Staff Director described in paragraph (1).

18 “Authorization of Appropriation

19 “(j) There are authorized to be made available for
20 expenditure, out of the Federal Disability Insurance Trust
21 Fund, the Federal Old Age and Survivors Insurance Trust
22 Fund, and the general fund in the Treasury, such sums
23 as the Congress may deem appropriate to carry out the
24 purposes of this section.”.

1 **SEC. 104. PERSONNEL; BUDGETARY MATTERS; SEAL OF**
2 **OFFICE.**

3 Section 704 is amended to read as follows:

4 “ADMINISTRATIVE DUTIES OF THE COMMISSIONER

5 “Personnel

6 “SEC. 704. (a)(1) The Commissioner shall appoint
7 such additional officers and employees as the Commis-
8 sioner considers necessary to carry out the functions of
9 the Administration under this Act. Except as otherwise
10 provided in any other provision of law, such officers and
11 employees shall be appointed, and their compensation shall
12 be fixed, in accordance with title 5, United States Code.

13 “(2) The Commissioner may procure the services of
14 experts and consultants in accordance with the provisions
15 of section 3109 of title 5, United States Code.

16 “(3) Notwithstanding any requirements of section
17 3133 of title 5, United States Code, the Director of the
18 Office of Personnel Management shall authorize for the
19 Administration a total number of Senior Executive Service
20 positions which is substantially greater than the number
21 of such positions authorized in the Social Security Admin-
22 istration in the Department of Health and Human Serv-
23 ices as of immediately before the date of the enactment
24 of the Social Security Administration Independence Act
25 of 1993 to the extent that the greater number of such
26 authorized positions is specified in the comprehensive

1 work force plan as established and revised by the Commis-
2 sioner under subsection (b)(1). The total number of such
3 positions authorized for the Administration shall not at
4 any time be less than the number of such authorized posi-
5 tions as of immediately before such date.

6 “Budgetary Matters

7 “(b)(1) Appropriations requests for staffing and per-
8 sonnel of the Administration shall be based upon a com-
9 prehensive work force plan, which shall be established and
10 revised from time to time by the Commissioner.

11 “(2) Appropriations for administrative expenses of
12 the Administration are authorized to be provided on a bi-
13 ennial basis.

14 “(3) Funds appropriated for the Administration to
15 be available on a contingency basis shall be apportioned
16 upon the occurrence of the stipulated contingency, as de-
17 termined by the Commissioner and reported to the Con-
18 gress.

19 “Employment Restriction

20 “(c) The number of positions in the Administration
21 which may be excepted from the competitive service, on
22 a temporary or permanent basis, because of the confiden-
23 tial or policy-determining character of such positions, may
24 not exceed at any time the equivalent of 10 full-time posi-
25 tions.

1 “Seal of Office

2 “(d) The Commissioner shall cause a seal of office
3 to be made for the Administration of such design as the
4 Commissioner shall approve. Judicial notice shall be taken
5 of such seal.”.

6 **SEC. 105. TRANSFERS TO THE NEW SOCIAL SECURITY AD-**
7 **MINISTRATION.**

8 (a) FUNCTIONS.—There are transferred to the Social
9 Security Administration all functions carried out by the
10 Secretary of Health and Human Services with respect to
11 the programs and activities the administration of which
12 is vested in the Social Security Administration by reason
13 of this title and the amendments made thereby. The Com-
14 missioner of Social Security shall allocate such functions
15 in accordance with sections 701, 702, 703, and 704 of the
16 Social Security Act (as amended by this title).

17 (b) PERSONNEL, ASSETS, ETC.—(1) There are trans-
18 ferred from the Department of Health and Human Serv-
19 ices to the Social Security Administration, for appropriate
20 allocation by the Commissioner of Social Security in the
21 Social Security Administration—

22 (A) the personnel employed in connection with
23 the functions transferred by this title and the
24 amendments made thereby; and

1 (B) the assets, liabilities, contracts, property,
2 records, and unexpended balance of appropriations,
3 authorizations, allocations, and other funds em-
4 ployed, held, or used in connection with such func-
5 tions, arising from such functions, or available, or to
6 be made available, in connection with such functions.

7 (2) Unexpended funds transferred pursuant to this
8 subsection shall be used only for the purposes for which
9 the funds were originally authorized and appropriated.

10 (3) Any individual who is an employee of the Depart-
11 ment and who was not employed on the date of the enact-
12 ment of this title, in connection with functions transferred
13 by this title to the Administration, but who was so em-
14 ployed on the day before the date established pursuant to
15 section 107(a), may be transferred from the Department
16 of Health and Human Services to the Social Security Ad-
17 ministration by the Commissioner under subparagraph
18 (A) of paragraph (1), after consultation with the Secretary
19 of Health and Human Services, if the Commissioner deter-
20 mines such transfer to be appropriate.

21 (4) Any individual who is an employee of the Depart-
22 ment and who was employed on the date of the enactment
23 of this title, solely in connection with functions transferred
24 by this title to the Administration, and who was so em-
25 ployed on the day before the date established pursuant to

1 section 107(a), shall be transferred from the Department
2 of Health and Human Services to the Social Security Ad-
3 ministration.

4 (c) ABOLISHMENT OF OFFICE OF COMMISSIONER IN
5 THE DEPARTMENT OF HEALTH AND HUMAN SERV-
6 ICES.—Effective upon the appointment of a Commissioner
7 of Social Security pursuant to section 702 of the Social
8 Security Act (as amended by this title)—

9 (1) the position of Commissioner of Social Se-
10 curity in the Department of Health and Human
11 Services is abolished; and

12 (2) section 5315 of title 5, United States Code,
13 is amended by striking the following:

14 “Commissioner of Social Security, Department
15 of Health and Human Services.”.

16 **SEC. 106. TRANSITIONAL RULES.**

17 (a) TRANSITION DIRECTOR.—(1) Within 30 days
18 after the date of the enactment of this Act, a transition
19 director shall be appointed by the President, who shall be
20 selected on the basis of experience and knowledge of the
21 operation of the Government.

22 (2) The transition director shall conduct activities
23 necessary to ensure the transition of the Social Security
24 Administration to the status of an independent agency in
25 the executive branch of the Government. In conducting

1 such activities before the appointment of the Commis-
2 sioner of Social Security, the transition director shall con-
3 sult regularly with the Director of the Office of Manage-
4 ment and Budget. Upon such appointment, the transition
5 director shall conduct such activities at the direction of
6 the Commissioner of Social Security.

7 (3) The transition director shall be compensated at
8 the rate provided for level IV of the Executive Schedule.

9 (4) Expenditures to carry out the purposes of this
10 subsection shall be made out of the Federal Old Age and
11 Survivors Insurance Trust Fund and the Federal Disabil-
12 ity Insurance Trust Fund.

13 (b) INTERIM AUTHORITY FOR APPOINTMENT AND
14 COMPENSATION.—

15 (1) APPOINTMENT OF COMMISSIONER.—Within
16 60 days of the date of the enactment of this title,
17 the Commissioner of Social Security shall be ap-
18 pointed by the President pursuant to section 702 of
19 the Social Security Act (as amended by this title).
20 If the appointment is made pursuant to such section
21 before the date established pursuant to section
22 107(a), the Commissioner of Social Security shall
23 also perform the duties assigned to the Commis-
24 sioner of Social Security in the Department of
25 Health and Human Services.

1 (2) OTHER APPOINTMENTS.—At any time on or
2 after the date of the enactment of this title any of
3 the other officers provided for in sections 702 and
4 703 of the Social Security Act (as amended by this
5 title) may be nominated and appointed, as provided
6 in such sections.

7 (3) COMPENSATION.—Funds available to any
8 official or component of the Department of Health
9 and Human Services, functions of which are trans-
10 ferred to the Commissioner of Social Security or the
11 Social Security Administration by this title, may
12 with the approval of the Director of the Office of
13 Management and Budget, be used to pay the com-
14 pensation and expenses of any officer appointed pur-
15 suant to this subsection until such time as funds for
16 that purpose are otherwise available.

17 (c) CONTINUATION OF ORDERS, DETERMINATIONS,
18 RULES, REGULATIONS, ETC.—All orders, determinations,
19 rules, regulations, permits, contracts, collective bargaining
20 agreements (and ongoing negotiations relating to such col-
21 lective bargaining agreements), recognitions of labor orga-
22 nizations, certificates, licenses, and privileges—

23 (1) which have been issued, made, promulgated,
24 granted, or allowed to become effective, in the exer-
25 cise of functions (A) which were exercised by the

1 Secretary of Health and Human Services (or the
2 Secretary's delegate), and (B) which relate to func-
3 tions which, by reason of this title, the amendments
4 made thereby, and regulations prescribed there-
5 under, are vested in the Commissioner of Social Se-
6 curity; and

7 (2) which are in effect immediately before the
8 date established pursuant to section 107(a),
9 shall (to the extent that they relate to functions described
10 in paragraph (1)(B)) continue in effect according to their
11 terms until modified, terminated, suspended, set aside, or
12 repealed by such Commissioner, except that any collective
13 bargaining agreement shall remain in effect until the date
14 of termination specified in such agreement.

15 (d) CONTINUATION OF PROCEEDINGS.—The provi-
16 sions of this title (including the amendments made there-
17 by) shall not affect any proceeding pending before the Sec-
18 retary of Health and Human Services immediately before
19 the date established pursuant to section 107(a), with re-
20 spect to functions vested (by reason of this title, the
21 amendments made thereby, and regulations prescribed
22 thereunder) in the Commissioner of Social Security, except
23 that such proceedings, to the extent that such proceedings
24 relate to such functions, shall continue before such Com-
25 missioner. Orders shall be issued under any such proceed-

1 ing, appeals taken therefrom, and payments shall be made
2 pursuant to such orders, in like manner as if this title
3 had not been enacted, and orders issued in any such pro-
4 ceeding shall continue in effect until modified, terminated,
5 superseded, or repealed by such Commissioner, by a court
6 of competent jurisdiction, or by operation of law.

7 (e) CONTINUATION OF SUITS.—Except as provided in
8 this subsection—

9 (1) the provisions of this title shall not affect
10 suits commenced before the date established pursu-
11 ant to section 107(a); and

12 (2) in all such suits proceedings shall be had,
13 appeals taken, and judgments rendered, in the same
14 manner and effect as if this title had not been en-
15 acted.

16 No cause of action, and no suit, action, or other proceed-
17 ing commenced by or against any officer in such officer's
18 official capacity as an officer of the Department of Health
19 and Human Services, shall abate by reason of the enact-
20 ment of this title. Causes of action, suits, actions, or other
21 proceedings may be asserted by or against the United
22 States and the Social Security Administration, or such of-
23 ficial of such Administration as may be appropriate, and,
24 in any litigation pending immediately before the date es-
25 tablished pursuant to section 107(a), the court may at any

1 time, on the court's own motion or that of a party, enter
2 an order which will give effect to the provisions of this
3 subsection (including, where appropriate, an order for sub-
4 stitution of parties).

5 (f) CONTINUATION OF PENALTIES.—This title shall
6 not have the effect of releasing or extinguishing any crimi-
7 nal prosecution, penalty, forfeiture, or liability incurred as
8 a result of any function which (by reason of this title, the
9 amendments made thereby, and regulations prescribed
10 thereunder) is vested in the Commissioner of Social Secu-
11 rity.

12 (g) JUDICIAL REVIEW.—Orders and actions of the
13 Commissioner of Social Security in the exercise of func-
14 tions vested in such Commissioner under this title (and
15 the amendments made thereby) shall be subject to judicial
16 review to the same extent and in the same manner as if
17 such orders had been made and such actions had been
18 taken by the Secretary of Health and Human Services in
19 the exercise of such functions immediately before the date
20 established pursuant to section 107(a). Any statutory re-
21 quirements relating to notice, hearings, action upon the
22 record, or administrative review that apply to any function
23 so vested in such Commissioner shall continue to apply
24 to the exercise of such function by such Commissioner.

1 (h) EXERCISE OF FUNCTIONS.—In the exercise of the
2 functions vested in the Commissioner of Social Security
3 under this title, the amendments made thereby, and regu-
4 lations prescribed thereunder, such Commissioner shall
5 have the same authority as that vested in the Secretary
6 of Health and Human Services with respect to the exercise
7 of such functions immediately preceding the vesting of
8 such functions in such Commissioner, and actions of such
9 Commissioner shall have the same force and effect as
10 when exercised by such Secretary.

11 (i) REPORT.—Within 120 days of the date of the en-
12 actment of this title, the transition director and the Com-
13 missioner of Social Security shall report to the Congress
14 on the status of the transition to an independent Social
15 Security Administration, and on any significant internal
16 restructuring or management improvements that are pro-
17 posed to be undertaken.

18 **SEC. 107. EFFECTIVE DATES.**

19 (a) IN GENERAL.—Except as provided in subsection
20 (b), this title, and the amendments made by such title
21 shall take effect on the earlier of—

22 (1) the date which is 180 days after the date
23 of the enactment of this Act, or

24 (2) a date designated by the President.

1 (b) TRANSITIONAL RULES.—Section 106 shall take
2 effect on the date of the enactment of this title.

3 **TITLE II—CONFORMING**
4 **AMENDMENTS**

5 **SEC. 201. AMENDMENTS TO TITLES II AND XVI OF THE SO-**
6 **CIAL SECURITY ACT.**

7 (a) IN GENERAL.—Title II (42 U.S.C. 401 et seq.)
8 (other than section 201, section 218(d), section 231(c),
9 section 226, and section 226A) and title XVI (42 U.S.C.
10 1382 et seq.) (other than sections 1614(f)(2)(B) and
11 1616(e)(3)) are each amended—

12 (1) by striking, wherever it appears therein,
13 “Secretary of Health and Human Services” and in-
14 serting “Commissioner of Social Security”;

15 (2) by striking, wherever it appears therein,
16 “Department of Health and Human Services” and
17 inserting “Social Security Administration”;

18 (3) by striking, wherever it appears therein,
19 “Department” (but only if it is not immediately suc-
20 ceeded by the words “of Health and Human Serv-
21 ices”, and only if it is used in reference to the De-
22 partment of Health and Human Services) and in-
23 serting “Administration”;

24 (4) by striking, wherever it appears therein,
25 each of the following words (but, in the case of any

1 such word only if such word refers to the Secretary
2 of Health and Human Services): “Secretary”, “Sec-
3 retary’s”, “his”, “him”, “he”, “her”, and “she”,
4 and inserting (in the case of the word “Secretary”)
5 “Commissioner of Social Security”, (in the case of
6 the word “Secretary’s”) “Commissioner’s”, (in the
7 case of the word “his”) “the Commissioner’s”, (in
8 the case of the word “him”) “the Commissioner”,
9 (in the case of the word “her”) “the Commissioner”
10 or “the Commissioner’s”, as may be appropriate,
11 and (in the case of the words “she” or “he”) “the
12 Commissioner”; and

13 (5) by striking, wherever it appears therein,
14 “Internal Revenue Code of 1954” and inserting “In-
15 ternal Revenue Code of 1986”.

16 (b) AMENDMENTS TO SECTION 201.—(1)(A) Sec-
17 tions 201(a)(3), 201(a)(4), 201(b)(1), and 201(b)(2) (42
18 U.S.C. 401(a)(3), 401(a)(4), 401(b)(1), and 401(b)(2),
19 respectively) are each amended by striking “Secretary of
20 Health and Human Services” each place it appears and
21 inserting “Commissioner of Social Security”; and

22 (B) Sections 201(a)(3) and 201(b)(1) (42 U.S.C.
23 401(a)(3) and 401(b)(1), respectively) are each amended
24 by striking “such Secretary” and inserting “such Commis-
25 sioner”.

1 (2) Section 201(c) (42 U.S.C. 401(c)) is amended—

2 (A) in the first sentence, by striking “shall be
3 composed of” and all that follows down through “ex
4 officio” and inserting the following: “shall be com-
5 posed of the Commissioner of Social Security, the
6 Secretary of the Treasury, and the Secretary of
7 Health and Human Services, all ex officio”; and

8 (B) in the fifth sentence, by striking “The
9 Commissioner of Social Security” and inserting
10 “The Deputy Commissioner of Social Security”.

11 (3) Section 201(g)(1)(A) (42 U.S.C. 401(g)(1)(A)) is
12 amended—

13 (A) in clause (i), by striking “by him and the
14 Secretary of Health and Human Services” and in-
15 serting “by him, the Commissioner of Social Secu-
16 rity, and the Secretary of Health and Human Serv-
17 ices”, and by striking “by the Department of Health
18 and Human Services and the Treasury Department”
19 and inserting “by the Social Security Administra-
20 tion, the Department of Health and Human Serv-
21 ices, and the Department of the Treasury”;

22 (B) in clause (ii), by striking “method pre-
23 scribed by the Board of Trustees under paragraph
24 (4)” and inserting “applicable method prescribed
25 under paragraph (4)”, by striking “the Secretary of

1 Health and Human Services” and inserting “the
2 Commissioner of Social Security and the Secretary
3 of Health and Human Services”, and by striking
4 “the Department of Health and Human Services”
5 and inserting “the Social Security Administration
6 and the Department of Health and Human Serv-
7 ices”; and

8 (C) by striking the last sentence and inserting
9 the following: “There are hereby authorized to be
10 made available for expenditure, out of any or all of
11 the Trust Funds, such amounts as the Congress
12 may deem appropriate to pay the costs of the part
13 of the administration of this title and title XVI for
14 which the Commissioner of Social Security is respon-
15 sible, the costs of title XVIII for which the Secretary
16 of Health and Human Services is responsible, and
17 the costs of carrying out the functions of the Social
18 Security Administration, specified in section 232,
19 which relate to the administration of provisions of
20 the Internal Revenue Code of 1986 other than those
21 referred to in clause (i) of the first sentence of this
22 subparagraph.”.

23 (4) Section 201(g)(1) (42 U.S.C. 401(g)(1)) is fur-
24 ther amended by striking subparagraph (B) and inserting
25 the following new subparagraphs:

1 “(B) After the close of each fiscal year—

2 “(i) the Commissioner of Social Security shall
3 determine (I) the portion of the costs, incurred dur-
4 ing such fiscal year, of administration of this title
5 and title XVI and of carrying out the functions of
6 the Social Security Administration, specified in sec-
7 tion 232, which relate to the administration of provi-
8 sions of the Internal Revenue Code of 1986 (other
9 than those referred to in clause (i) of the first sen-
10 tence of subparagraph (A)), which should have been
11 borne by the general fund in the Treasury, (II) the
12 portion of such costs which should have been borne
13 by the Federal Old-Age and Survivors Insurance
14 Trust Fund, and (III) the portion of such costs
15 which should have been borne by the Federal Dis-
16 ability Insurance Trust Fund, and

17 “(ii) the Secretary of Health and Human Serv-
18 ices shall determine (I) the portion of the costs, in-
19 curred during such fiscal year, of administration of
20 title XVIII which should have been borne by the
21 general fund in the Treasury, (II) the portion of
22 such costs which should have been borne by the Fed-
23 eral Hospital Insurance Trust Fund, and (III) the
24 portion of such costs which should have been borne

1 by the Federal Supplementary Medical Insurance
2 Trust Fund,
3 except that the determination of the amounts to be borne
4 by the general fund in the Treasury with respect to ex-
5 penditures incurred in carrying out such functions speci-
6 fied in section 232 shall be made pursuant to the applica-
7 ble method prescribed under paragraph (4) of this sub-
8 section.

9 “(C) After the determinations under subparagraph
10 (B) have been made for any fiscal year, the Commissioner
11 of Social Security and the Secretary of Health and Human
12 Services shall jointly certify to the Managing Trustee the
13 amounts, if any, which should be transferred from one to
14 any of the other of such Trust Funds and the amounts,
15 if any, which should be transferred between the Trust
16 Funds (or one of the Trust Funds) and the general fund
17 in the Treasury, in order to ensure that each of the Trust
18 Funds and the general fund in the Treasury have borne
19 their proper share of the costs, incurred during such fiscal
20 year, for (i) the part of the administration of this title
21 and title XVI for which the Commissioner of Social Secu-
22 rity is responsible, (ii) the part of the administration of
23 this title and title XVIII for which the Secretary of Health
24 and Human Services is responsible, and (iii) carrying out
25 the functions of the Social Security Administration, speci-

1 fied in section 232, which relate to the administration of
2 provisions of the Internal Revenue Code of 1986 (other
3 than those referred to in clause (i) of the first sentence
4 of subparagraph (A)). The Managing Trustee shall trans-
5 fer any such amounts in accordance with any certification
6 so made.”.

7 (5) Section 201(g)(2) (42 U.S.C. 401(g)(2)) is
8 amended, in the second sentence, by striking “established
9 and maintained by the Secretary of Health and Human
10 Services” and inserting “maintained by the Commissioner
11 of Social Security”, and by striking “Secretary shall fur-
12 nish” and inserting “Commissioner of Social Security
13 shall furnish”.

14 (6) Section 201(g)(4) (42 U.S.C. 401(g)(4)) is
15 amended to read as follows:

16 “(4) The Commissioner of Social Security shall uti-
17 lize the method prescribed pursuant to this paragraph, as
18 in effect immediately before the date of the enactment of
19 the Social Security Administration Independence Act of
20 1993 for determining the costs which should be borne by
21 the general fund in the Treasury of carrying out the func-
22 tions of the Social Security Administration, specified in
23 section 232, which relate to the administration of provi-
24 sions of the Internal Revenue Code of 1986 (other than
25 those referred to in clause (i) of the first sentence of para-

1 graph (1)(A)). If at any time or times thereafter the
2 Boards of Trustees of such Trust Funds consider such
3 action advisable, such Boards may modify the method of
4 determining such costs.”.

5 (7) Section 201(i)(1) (42 U.S.C. 401(i)(1)) is amend-
6 ed to read as follows:

7 “(i)(1) The Managing Trustee may accept on behalf
8 of the United States money gifts and bequests made un-
9 conditionally to the Federal Old-Age and Survivors Insur-
10 ance Trust Fund, the Federal Disability Insurance Trust
11 Fund, the Federal Hospital Insurance Trust Fund, or the
12 Federal Supplementary Medical Insurance Trust Fund or
13 to the Social Security Administration, the Department of
14 Health and Human Services, or any part or officer there-
15 of, for the benefit of any of such Funds or any activity
16 financed through such Funds.”.

17 (8) Subsections (j) and (k) of section 201 (42 U.S.C.
18 401) are each amended by striking “Secretary” each place
19 it appears and inserting “Commissioner of Social Secu-
20 rity”.

21 (9) Section 201(l)(3)(B)(iii)(II) (42 U.S.C.
22 401(l)(3)(B)(iii)(II)) is amended by striking “Secretary”
23 and inserting “Commissioner of Social Security”.

24 (10) Section 201(m)(3) (42 U.S.C. 401(m)(3)) is
25 amended by striking “Secretary of Health and Human

1 Services” and inserting “Commissioner of Social Secu-
2 rity”.

3 (11) Section 201 (42 U.S.C. 401) is amended by
4 striking “Internal Revenue Code of 1954” each place it
5 appears and inserting “Internal Revenue Code of 1986”.

6 (c) AMENDMENTS TO SECTION 218.—Section 218(d)
7 (42 U.S.C. 418(d)) is amended by striking “Secretary”
8 each place it appears in paragraphs (3) and (7) and insert-
9 ing “Commissioner of Social Security”.

10 (d) AMENDMENT TO SECTION 231.—Section 231(c)
11 (42 U.S.C. 431(c)) is amended by striking “Secretary de-
12 termines” and inserting “Commissioner of Social Security
13 and the Secretary jointly determine”.

14 **SEC. 202. OTHER AMENDMENTS.**

15 (a) AMENDMENTS TO TITLE VII.—(1) Title VII (42
16 U.S.C. 901 et seq.) is amended by adding at the end the
17 following new section:

18 “DUTIES AND AUTHORITY OF SECRETARY

19 “SEC. 712. The Secretary shall perform the duties
20 imposed upon the Secretary by this Act. The Secretary
21 is authorized to appoint and fix the compensation of such
22 officers and employees, and to make such expenditures as
23 may be necessary for carrying out the functions of the Sec-
24 retary under this Act.”.

25 (2) Section 706 (42 U.S.C. 907) is amended—

1 (A) in subsection (a), by striking “Advisory
2 Council on Social Security” and all that follows
3 through “disability insurance program and” and in-
4 sserting “Advisory Council on Hospital and Supple-
5 mentary Medical Insurance for the purpose of re-
6 viewing the status of the Federal Hospital Insurance
7 Trust Fund and the Federal Supplementary Medical
8 Insurance Trust Fund in relation to the long-term
9 commitments of”;

10 (B) in subsection (d), by striking paragraph (1)
11 and by redesignating paragraphs (2) and (3) as
12 paragraphs (1) and (2), respectively, and

13 (C) by striking the section heading and insert-
14 ing the following:

15 “ADVISORY COUNCIL ON HOSPITAL AND SUPPLEMENTARY
16 MEDICAL INSURANCE”.

17 (3) Paragraph (2) of section 709(b) (42 U.S.C.
18 910(b)) is amended by striking “(as estimated by the Sec-
19 retary)” and inserting “(for amounts which will be paid
20 from the Federal Old-Age and Survivors Insurance Trust
21 Fund and the Federal Disability Insurance Trust Fund,
22 as estimated by the Commissioner, and for amounts which
23 will be paid from the Federal Hospital Insurance Trust
24 and the Federal Supplementary Medical Insurance Trust
25 Fund, as estimated by the Secretary)”.

1 (4) Sections 709 and 710 (42 U.S.C. 910 and 911)
2 are amended by striking “Internal Revenue Code of 1954”
3 each place it appears and inserting “Internal Revenue
4 Code of 1986”.

5 (b) AMENDMENTS TO TITLE XI.—(1) Section
6 1101(a) (42 U.S.C. 1301(a)) is amended by adding at the
7 end the following new paragraph:

8 “(10) The term ‘Administration’ means the So-
9 cial Security Administration, except where the con-
10 text requires otherwise.”.

11 (2) Section 1106(a) (42 U.S.C. 1306(a)) is amend-
12 ed—

13 (A) by inserting “(1)” after “(a)”;

14 (B) by striking “Department of Health and
15 Human Services” each place it appears and insert-
16 ing “applicable agency”;

17 (C) by striking “Secretary” each place it ap-
18 pears and inserting “head of the applicable agency”;
19 and

20 (D) by adding at the end the following new
21 paragraph:

22 “(2) For purposes of this subsection and subsection
23 (b), the term ‘applicable agency’ means—

24 “(A) the Social Security Administration, with
25 respect to matter transmitted to or obtained by such

1 Administration or matter disclosed by such Adminis-
2 tration, or

3 “(B) the Department of Health and Human
4 Services, with respect to matter transmitted to or
5 obtained by such Department or matter disclosed by
6 such Department.”.

7 (3) Section 1106(b) (42 U.S.C. 1306(b)) is amend-
8 ed—

9 (A) by striking “Secretary” each place it ap-
10 pears and inserting “head of the applicable agency”;
11 and

12 (B) by striking “Department of Health and
13 Human Services” and inserting “applicable agency”.

14 (4) Section 1106(c) (42 U.S.C. 1306(c)) is amend-
15 ed—

16 (A) by striking “the Secretary” the first place
17 it appears and inserting “the Commissioner of Social
18 Security or the Secretary”; and

19 (B) by striking “the Secretary” each subse-
20 quent place it appears and inserting “such Commis-
21 sioner or Secretary”.

22 (5) Section 1107(b) (42 U.S.C. 1307(b)) is amended
23 by striking “the Secretary of Health and Human Serv-
24 ices” and inserting “the Commissioner of Social Security
25 or the Secretary”.

1 (6) Section 1110 (42 U.S.C. 1310) is amended—

2 (A) in subsection (a)(2), by inserting “(or the
3 Commissioner, with respect to any jointly financed
4 cooperative agreement or grant concerning titles II
5 or XVI)” after “Secretary”;

6 (B) in subsection (b)—

7 (i) by striking “Secretary” each place it
8 appears and inserting “Commissioner”, and

9 (ii) by striking “the Secretary’s” each
10 place it appears and inserting “the Commis-
11 sioner’s”; and

12 (C) by striking “he”, “his”, “him”, and “him-
13 self” each place they appear (except in subsection
14 (b)(2)(A)) and inserting “the Commissioner”, “the
15 Commissioner’s”, “the Commissioner”, and “himself
16 or herself”, respectively.

17 (7) Subsections (b) and (c) of section 1127 (42
18 U.S.C. 1320a-6) are each amended by striking “Sec-
19 retary” and inserting “Commissioner of Social Security”.

20 (8) Section 1128(f) (42 U.S.C. 1320a-7(f)) is
21 amended by inserting after “section 205(g)” the following:
22 “, except that, in so applying such sections and section
23 205(l), any reference therein to the Commissioner of So-
24 cial Security or the Social Security Administration shall

1 be considered a reference to the Secretary or the Depart-
2 ment of Health and Human Services, respectively”.

3 (9) Section 1131 (42 U.S.C. 1320b-1) is amended—

4 (A) by striking “Secretary” each place it ap-
5 pears and inserting “Commissioner of Social Secu-
6 rity”;

7 (B) in subsection (a)(1)(A), by adding “or” at
8 the end;

9 (C) in subsection (a)(1)(B), by striking “or” at
10 the end;

11 (D) by striking subsection (a)(1)(C);

12 (E) by redesignating subsection (a)(2) as sub-
13 section (a)(3);

14 (F) by inserting after subsection (a)(1) the fol-
15 lowing new paragraph:

16 “(2) the Secretary makes a finding of fact and a deci-
17 sion as to the entitlement under section 226 of any indi-
18 vidual to hospital insurance benefits under part A of title
19 XVIII, or”; and

20 (G) by striking “he” in the matter in subsection
21 (a) following paragraph (3) (as so redesignated) and
22 inserting “the Commissioner of Social Security”.

23 (10) Section 1155 (42 U.S.C. 1320c-4) is amended
24 by striking “(to the same extent as is provided in section
25 205(b))” and all that follows and inserting “(to the same

1 extent as beneficiaries under title II are entitled to a hear-
2 ing by the Commissioner of Social Security under section
3 205(b)). For purposes of the preceding sentence, sub-
4 section (l) of section 205 shall apply, except that any ref-
5 erence in such subsection to the Commissioner of Social
6 Security or the Social Security Administration shall be
7 deemed a reference to the Secretary or the Department
8 of Health and Human Services, respectively. Where the
9 amount in controversy is \$2,000 or more, such beneficiary
10 shall be entitled to judicial review of any final decision
11 relating to a reconsideration described in this subsection.”.

12 (11) Sections 1101, 1106, 1107, and 1137 (42
13 U.S.C. 1301, 1306, 1307, and 1320b–7, respectively) are
14 amended by striking “Internal Revenue Code of 1954”
15 each place it appears and inserting “Internal Revenue
16 Code of 1986”.

17 (c) AMENDMENTS TO TITLE XVIII.—(1) Subsections
18 (a) and (f) of section 1817 (42 U.S.C. 1395i) are amended
19 by striking “Secretary of Health and Human Services”
20 each place it appears and inserting “Commissioner of So-
21 cial Security”.

22 (2) Section 1840(a) (42 U.S.C. 1395s(a)) is amend-
23 ed—

24 (A) in paragraph (1), by striking “Secretary”
25 and inserting “Commissioner of Social Security”,

1 and by adding at the end the following new sentence:

2 “Such regulations shall be prescribed after consulta-
3 tion with the Secretary.”; and

4 (B) in paragraph (2), by striking “Secretary of
5 Health and Human Services” and inserting “Com-
6 missioner of Social Security”.

7 (3) Section 1872 (42 U.S.C. 1395ii) is amended by
8 inserting after “title II” the following: “, except that, in
9 applying such provisions with respect to this title, any ref-
10 erence therein to the Commissioner of Social Security or
11 the Social Security Administration shall be considered a
12 reference to the Secretary or the Department of Health
13 and Human Services, respectively”.

14 (4) Section 1869(b)(1) (42 U.S.C. 1395ff(b)(1)) and
15 the last sentence of section 1876(c)(5)(B) (42 U.S.C.
16 1395mm(c)(5)(B)) are amended by inserting after “sec-
17 tion 205(g)” the following: “, except that, in so applying
18 such sections and section 205(l), any reference therein to
19 the Commissioner of Social Security or the Social Security
20 Administration shall be considered a reference to the Sec-
21 retary or the Department of Health and Human Services,
22 respectively”.

23 (5) Sections 1817, 1862, and 1886 (42 U.S.C. 1395i,
24 1395y, and 1395ww, respectively) are amended by striking

1 “Internal Revenue Code of 1954” each place it appears
2 and inserting “Internal Revenue Code of 1986”.

3 (d) AMENDMENTS TO TITLE XIX.—(1) Section
4 1905(q)(2) (42 U.S.C. 1396d(q)(2)) is amended by strik-
5 ing “Secretary” and inserting “Commissioner of Social
6 Security”.

7 (2) Section 1910(b)(2) (42 U.S.C. 1396i(b)(2)) is
8 amended, in the first sentence, by inserting after “section
9 205(g)” the following: “, except that, in so applying such
10 sections and section 205(l), any reference therein to the
11 Commissioner of Social Security or the Social Security Ad-
12 ministration shall be considered a reference to the Sec-
13 retary or the Department of Health and Human Services,
14 respectively”.

15 (e) AMENDMENT TO TITLE XX.—Section
16 2002(a)(2)(B) (42 U.S.C. 1397a(a)(2)(B)) is amended by
17 striking “Internal Revenue Code of 1954” and inserting
18 “Internal Revenue Code of 1986”.

19 (f) AMENDMENTS TO TITLE 5, UNITED STATES
20 CODE.—Title 5, United States Code, is amended—

21 (1) by adding at the end of section 5311 the
22 following new item:

23 “Commissioner, Social Security Administra-
24 tion.”;

1 (2) by adding at the end of section 5313 the
2 following new item:

3 “Deputy Commissioner, Social Security Admin-
4 istration.”; and

5 (3) by striking “Secretary of Health Education,
6 and Welfare” each place it appears in section 8141
7 and inserting “Commissioner of Social Security”.

8 (g) AMENDMENTS TO FOOD STAMP ACT OF 1977.—

9 (1) Sections 6(c)(3) and 8(e)(6) of the Food Stamp Act
10 of 1977 (7 U.S.C. 2015(c)(3) and 2017(e)(6)) are each
11 amended by inserting “the Commissioner of Social Secu-
12 rity and” before “the Secretary of Health and Human
13 Services”.

14 (2) Sections 6(g), 11(j), and 16(e) of such Act (7
15 U.S.C. 2015(g), 2020(j), and 2025(e)) are each amended
16 by striking “Secretary of Health and Human Services”
17 each place it appears and inserting “Commissioner of So-
18 cial Security”.

19 (3) Section 11(i) of such Act (7 U.S.C. 2020(i)) is
20 amended by adding “, the Commissioner of Social Secu-
21 rity” after “the Secretary”.

22 (h) AMENDMENT TO TITLE 14, UNITED STATES
23 CODE.—Section 707(e)(3) of title 14, United States Code,
24 is amended by striking “Secretary of Health and Human

1 Services” each place it appears and inserting “Commis-
2 sioner of Social Security”.

3 (i) AMENDMENTS TO INTERNAL REVENUE CODE OF
4 1986.—(1) Subsections (c)(1), (c)(2)(E), (g)(1),
5 (g)(2)(A), and (g)(2)(B) of section 1402 of the Internal
6 Revenue Code of 1986 (26 U.S.C. 1402) are amended by
7 striking “Secretary of Health and Human Services” each
8 place it appears and inserting “Commissioner of Social Se-
9 curity”.

10 (2) Section 3121(b)(10)(B) of such Code (26 U.S.C.
11 3121(b)(10)(B)) is amended by striking “Secretary of
12 Health and Human Services” each place it appears and
13 inserting “Commissioner of Social Security”.

14 (3) Section 3127 of such Code (26 U.S.C. 3127) is
15 amended by striking “Secretary of Health and Human
16 Services” each place it appears and inserting “Commis-
17 sioner of Social Security”.

18 (4) Section 6050F(c)(1)(A) of such Code (26 U.S.C.
19 6050F(c)(1)(A)) is amended by striking “Secretary of
20 Health and Human Services” and inserting “Commis-
21 sioner of Social Security”.

22 (5) Subsections (d) and (f) of section 6057 of such
23 Code (26 U.S.C. 6057) are amended by striking “Sec-
24 retary of Health and Human Services” each place it ap-
25 pears and inserting “Commissioner of Social Security”.

1 (6) Section 6103(l)(5) of such Code (26 U.S.C.
2 6103(l)(5)) is amended—

3 (A) by striking “Department of Health and
4 Human Services” and inserting “Social Security Ad-
5 ministration”; and

6 (B) by striking “Secretary of Health and
7 Human Services” and inserting “Commissioner of
8 Social Security”.

9 (7) Subsections (d)(3)(C) and (e) of section 6402 of
10 such Code (26 U.S.C. 6402) are amended by striking
11 “Secretary of Health and Human Services” each place it
12 appears and inserting “Commissioner of Social Security”.

13 (8) Section 6511(d)(5) of such Code (26 U.S.C.
14 6511(d)(5)) is amended by striking “Secretary of Health
15 and Human Services” and inserting “Commissioner of So-
16 cial Security”.

17 (j) AMENDMENTS TO TITLE 31, UNITED STATES
18 CODE.—Section 3720A(f) of title 31, United States Code,
19 is amended by striking “Secretary of Health and Human
20 Services” each place it appears in and inserting “Commis-
21 sioner of Social Security”.

22 (k) AMENDMENTS TO TITLE 38, UNITED STATES
23 CODE.—Section 5105 of title 38, United States Code, is
24 amended—

1 (1) by striking “Secretary of Health and
2 Human Services” each place it appears and insert-
3 ing “Commissioner of Social Security”; and

4 (2) by striking the second sentence of sub-
5 section (b) and inserting the following new sentence:
6 “A copy of each such application filed with either
7 the Secretary or the Commissioner, together with
8 any additional information and supporting docu-
9 ments (or certifications thereof) which may have
10 been received by the Secretary or the Commissioner
11 with such application, and which may be needed by
12 the other official in connection therewith, shall be
13 transmitted by the Secretary or the Commissioner
14 receiving the application to the other official.”.

15 (l) AMENDMENTS TO INSPECTOR GENERAL ACT OF
16 1978.—The Inspector General Act of 1978 (5 U.S.C.
17 App.) is amended—

18 (1) in section 9(a)(1), by striking “and” at the
19 end of subparagraph (U), and by adding at the end
20 the following new subparagraph:

21 “(V) of the Social Security Administration,
22 the functions of the Inspector General of the
23 Department of Health and Human Services re-
24 lating to the administration of the old-age, sur-
25 vivors, and disability insurance program under

1 title II of the Social Security Act and of the
2 supplemental security income program under
3 title XVI of such Act; and”;

4 (2) in section 11(1), by striking “or” after
5 “Commission” and inserting a semicolon, and by in-
6 serting after “Board;” the following: “or the Com-
7 missioner of Social Security;”; and

8 (3) in section 11(2), by striking “or” after “In-
9 formation Agency,” and by inserting after “Veter-
10 ans’ Administration” the following: “, or the Social
11 Security Administration;”.

12 **SEC. 203. RULES OF CONSTRUCTION.**

13 (a) REFERENCES TO THE DEPARTMENT OF HEALTH
14 AND HUMAN SERVICES.—Whenever any reference is made
15 in any provision of law (other than this Act or a provision
16 of law amended by this Act), regulation, rule, record, or
17 document to the Department of Health and Human Serv-
18 ices with respect to such Department’s functions under
19 the old-age, survivors, and disability insurance program
20 under title II of the Social Security Act or the supple-
21 mental security income program under title XVI of such
22 Act, such reference shall be considered a reference to the
23 Social Security Administration.

24 (b) REFERENCES TO THE SECRETARY OF HEALTH
25 AND HUMAN SERVICES.—Whenever any reference is made

1 in any provision of law (other than this Act or a provision
2 of law amended by this Act), regulation, rule, record, or
3 document to the Secretary of Health and Human Services
4 with respect to such Secretary's functions under the old-
5 age, survivors, and disability insurance program under
6 title II of the Social Security Act or the supplemental se-
7 curity income program under title XVI of such Act, such
8 reference shall be considered a reference to the Commis-
9 sioner of Social Security.

10 (c) REFERENCES TO OTHER OFFICERS AND EM-
11 PLOYEES.—Whenever any reference is made in any provi-
12 sion of law (other than this Act or a provision of law
13 amended by this Act), regulation, rule, record, or docu-
14 ment to any other officer or employee of the Department
15 of Health and Human Services with respect to such officer
16 or employee's functions under the old-age, survivors, and
17 disability insurance program under title II of the Social
18 Security Act or the supplemental security income program
19 under title XVI of such Act, such reference shall be con-
20 sidered a reference to the appropriate officer or employee
21 of the Social Security Administration.

22 **SEC. 204. EFFECTIVE DATES.**

23 (a) IN GENERAL.—Except as provided in subsection
24 (b), the provisions of this title shall take effect on the date
25 established pursuant to section 107(a).

1 (b) EXCEPTIONS.—Subsections (f)(1), (f)(2), and (l)
2 of section 202 shall take effect on the date of the enact-
3 ment of this title.

○

S 1560 IS—2

S 1560 IS—3

S 1560 IS—4