

104TH CONGRESS
1ST SESSION

H. R. 1609

To amend the Social Security Act and title 38, United States Code, to provide for sharing of medical information relating to determinations of disability between the Social Security Administration and Department of Veterans Affairs.

IN THE HOUSE OF REPRESENTATIVES

MAY 10, 1995

Ms. WATERS introduced the following bill; which was referred to the Committee on Ways and Means, and in addition to the Committee on Veterans' Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To amend the Social Security Act and title 38, United States Code, to provide for sharing of medical information relating to determinations of disability between the Social Security Administration and Department of Veterans Affairs.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION. 1. INFORMATION OBTAINED BY THE COMMIS-**
2 **SIONER OF SOCIAL SECURITY REGARDING**
3 **DISABILITY DETERMINATIONS TO BE TRANS-**
4 **FERRED TO SECRETARY OF VETERANS AF-**
5 **FAIRS.**

6 (a) TRANSFER OF INFORMATION RELATING TO ELI-
7 GIBILITY FOR SUPPLEMENTAL SECURITY INCOME.—Sec-
8 tion 1631(f) of the Social Security Act (42 U.S.C.
9 1383(f)) is amended—

10 (1) in the heading, by striking “Furnishing of
11 Information by Other Agencies” and inserting “In-
12 formation Sharing Between Federal Agencies”;

13 (2) by inserting “(1) ” after “(f)”; and

14 (3) by adding at the end the following:

15 “(2) In a case in which the Commissioner determines
16 the eligibility for supplemental security income of an indi-
17 vidual who is a veteran (as defined in section 101 of title
18 38, United States Code), the Commissioner shall, subject
19 to the consent the veteran, provide to the Secretary of Vet-
20 erans Affairs medical information regarding the veteran
21 which the Commissioner obtained when determining such
22 eligibility and which may be relevant to determination of
23 eligibility of the veteran for benefits under laws adminis-
24 tered by the Secretary. Such information may include the
25 Commissioner’s determination of the veteran’s eligibility
26 for supplemental security income and the basis for that

1 determination. The types of information to be provided
2 shall be specified in an agreement to be entered into be-
3 tween the Commissioner and the Secretary.”.

4 (b) TRANSFER OF INFORMATION.—Section 221 of
5 the Social Security Act (42 U.S.C. 422) is amended by
6 adding at the end the following:

7 “(m) In a case in which the Commissioner has deter-
8 mined the eligibility for disability insurance benefit pay-
9 ments of an individual who is a veteran (as defined in sec-
10 tion 101 of title 38, United States Code), the Commis-
11 sioner shall, subject to the consent of the veteran, provide
12 to the Secretary of Veterans Affairs medical information
13 regarding the veteran which the Commissioner obtained
14 when determining such eligibility and which may be rel-
15 evant to determination of eligibility of the veteran for ben-
16 efits under laws administered by the Secretary. Such in-
17 formation may include the Commissioner’s determination
18 of the veteran’s eligibility for such payments and the basis
19 for that determination. The types of information to be pro-
20 vided shall be specified in an agreement to be entered into
21 between the Commissioner and the Secretary.”.

1 **SEC. 2. SOCIAL SECURITY ADMINISTRATION DISABILITY IN-**
2 **FORMATION OBTAINED BY THE DEPART-**
3 **MENT OF VETERANS AFFAIRS.**

4 (a) REQUIREMENT TO OBTAIN INFORMATION.—Sec-
5 tion 5106 of title 38, United States Code, is amended—

6 (1) by inserting “(a)” before “The head of
7 any”; and

8 (2) by adding at the end the following:

9 “(b) In a case in which the Secretary has received
10 from a veteran an application for a disability benefit under
11 laws administered by the Secretary and there is an issue
12 of the nature or degree of disease or disability of the vet-
13 eran, the Secretary shall, if the veteran has previously ap-
14 plied for supplemental security income under title XVI of
15 the Social Security Act or for disability insurance benefit
16 payments under title II of that Act, request the Commis-
17 sioner of Social Security to provide to the Secretary any
18 medical information obtained when determining the veter-
19 an’s eligibility under such Act.”.

20 (b) USE OF DISABILITY DETERMINATIONS MADE BY
21 THE SOCIAL SECURITY ADMINISTRATION.—(1) Sub-
22 chapter I of chapter 51 of title 38, United States Code,
23 is amended by adding at the end the following new section:

1 **“§ 5109a. Use of disability determinations made by**
2 **Social Security Administration**

3 “(a) When the Secretary receives from the Social Se-
4 curity Administration notice that the Commissioner of So-
5 cial Security has determined that a veteran has a disease
6 or disability, or has made a medical determination as to
7 the nature or degree of a disease or disability of a veteran,
8 in a case in which the veteran has applied for disability
9 benefits under laws administered by the Secretary and the
10 eligibility of such veteran for such benefits has not been
11 determined by the Secretary, the Secretary shall accept
12 such determination for purposes of determining the exist-
13 ence of such disability or the nature or degree of such dis-
14 ability for purposes of laws administered by the Secretary.
15 The Secretary may not rely on a determination by the So-
16 cial Security Administration that a disability does not
17 exist.

18 “(b) When the Secretary has awarded a disability
19 benefit to a veteran in reliance upon information obtained
20 from the Social Security Administration, the Secretary
21 shall periodically verify with the Social Security Adminis-
22 tration the status of the veteran’s disability. If the Social
23 Security Administration has determined that the disability
24 no longer exists, or that the nature or degree of the dis-
25 ability has changed, the Secretary shall review the award
26 of disability benefits to the veteran.”.

1 (2) The table of sections at the beginning of such
2 chapter is amended by inserting after the item relating
3 to section 5109 the following new item:

“5109a. Use of disability determinations made by Social Security Administration.”.

