

104TH CONGRESS  
2D SESSION

# S. 1642

To amend the Social Security Act to deny cash benefits to drug addicts and alcoholics, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

MARCH 26, 1996

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

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## A BILL

To amend the Social Security Act to deny cash benefits to drug addicts and alcoholics, 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. DENIAL OF CASH BENEFITS TO DRUG ADDICTS**

4 **AND ALCOHOLICS.**

5 (a) AMENDMENTS RELATING TO TITLE II DISABIL-  
6 ITY BENEFITS.—

7 (1) IN GENERAL.—Section 225(c) of the Social  
8 Security Act (42 U.S.C. 425(c)) is amended—

9 (A) by striking “(c)(1)(A)” and inserting

10 “(2)(A)”;

1 (B) by striking paragraph (7) and by re-  
2 designating paragraphs (2) through (6) as  
3 paragraphs (3) through (7), respectively; and

4 (C) by inserting before paragraph (2) as  
5 redesignated by subparagraph (A) the following  
6 new paragraph:

7 “(c)(1) No cash benefits shall be payable under this  
8 title to any individual who is otherwise entitled to benefits  
9 under this title based on disability, if such individual’s al-  
10 coholism or drug addiction is a contributing factor mate-  
11 rial to the Commissioner’s determination that such indi-  
12 vidual is disabled.”.

13 (2) TREATMENT REQUIREMENTS.—

14 (A) Section 225(c)(2)(A) of such Act (42  
15 U.S.C. 425(c)(2)(A)), as redesignated by para-  
16 graph (1), is amended to read as follows:

17 “(2)(A)(i) Any individual who would be entitled to  
18 cash benefits under this title but for the application of  
19 paragraph (1) may elect to comply with the provisions of  
20 this subsection.

21 “(ii) Any individual who is entitled to cash ben-  
22 efits under this title by reason of disability (or whose  
23 entitlement to such benefits is suspended), and who  
24 was entitled to such benefits by reason of disability,  
25 for which such individual’s alcoholism or drug addie-

1       tion was a contributing factor material to the Com-  
2       missioner’s determination that such individual was  
3       disabled, for the month preceding the month in  
4       which this paragraph takes effect, shall be required  
5       to comply with the provisions of this subsection.

6               (B) Section 225(c)(2)(B) of such Act (42  
7       U.S.C. 425(c)(2)(B)), as so redesignated, is  
8       amended—

9               (i) by striking “who is required under  
10       subparagraph (A)” and inserting “de-  
11       scribed in clause (ii) of subparagraph (A)  
12       who is required”; and

13              (ii) by striking “paragraph (3)” and  
14       inserting “paragraph (4)”.

15              (C) Section 225(c)(3)(A) of such Act (42  
16       U.S.C. 425(c)(3)(A)), as so redesignated, is  
17       amended—

18              (i) by striking “paragraph (1)” and  
19       inserting “paragraph (2)(A)”; and

20              (ii) by striking “paragraph (5)” and  
21       inserting “paragraph (6)”.

22              (D) Section 225(c)(3)(B) of such Act (42  
23       U.S.C. 425(c)(3)(B)), as so redesignated, is  
24       amended by striking “paragraph (1)” and in-  
25       serting “paragraph (2)(A)”.

1           (E) Section 225(c)(5) of such Act (42  
2 U.S.C. 425(c)(5)), as so redesignated, is  
3 amended by striking “paragraph (2)” and in-  
4 serting “paragraph (3)”.

5           (F) Section 225(c)(6)(A) of such Act (42  
6 U.S.C. 425(c)(6)(A), as so redesignated, is  
7 amended—

8           (i) by striking “who are receiving ben-  
9 efits under this title and who as a condi-  
10 tion of payment of such benefits” and in-  
11 serting “described in paragraph (2)(A)(i)  
12 who elect to undergo treatment; and the  
13 monitoring and testing of all individuals  
14 described in paragraph (2)(A)(ii) who”;

15           (ii) by striking “under paragraph  
16 (1)”;

17           (iii) by striking “paragraph (2)(A)”  
18 and inserting “paragraph (3)(A)”.

19           (G) Section 225(c)(6)(C)(ii)(I) of such Act  
20 (42 U.S.C. 425(c)(6)(C)(ii)(I)), as so redesi-  
21 gnated, is amended—

22           (i) by striking “residing in the State”  
23 and all that follows through “they are dis-  
24 abled” and inserting “described in para-  
25 graph (2)(A) residing in the State”; and

1                   (ii) by striking “paragraph (2)(A)”  
2                   and inserting “paragraph (3)(A)”.

3                   (H) Section 225(c)(6)(C)(ii)(III) of such  
4                   Act (42 U.S.C. 425(c)(6)(C)(ii)(III)), as so re-  
5                   designated, is amended by striking “paragraph  
6                   (2)(A)” and inserting “paragraph (3)(A)”.

7                   (I) Section 225(c)(6)(C) of such Act (42  
8                   U.S.C. 425(c)(6)(C)), as so redesignated, is  
9                   amended by adding at the end the following:

10                  “(iii) The monitoring requirements of clause (ii) shall  
11                  not apply in the case of any individual described in para-  
12                  graph (2)(A)(i) who fails to comply with the requirements  
13                  of paragraph (2).”.

14                  (J) Section 225(c)(7) of such Act (42  
15                  U.S.C. 425(c)(7)), as so redesignated, is  
16                  amended—

17                         (i) in subparagraph (A), by striking  
18                         “who is entitled” and all that follows  
19                         through “is under a disability” and insert-  
20                         ing “described in paragraph (2)(A)”; and

21                         (ii) in subparagraph (D), by striking  
22                         “(4) or (7)” and inserting “(5)”.

23                  (K) Section 225(c)(8) of such Act (42  
24                  U.S.C. 425(c)(8)) is amended by striking “(1),  
25                  (4) or (7)” and inserting “(2) or (5)”.

1           (L) Section 225(c) of such Act (42 U.S.C.  
2           425(c)) is amended by adding at the end the  
3           following new paragraphs:

4           “(10) The Commissioner shall provide appropriate  
5 notification to each individual subject to the limitation on  
6 cash benefits contained in paragraph (1) and the treat-  
7 ment provisions contained in paragraph (2).

8           “(11) The requirements of paragraph (2) shall cease  
9 to apply to any individual if the Commissioner determines  
10 that such individual no longer needs treatment.”.

11           (3) REPRESENTATIVE PAYEE REQUIRE-  
12 MENTS.—

13           (A) Section 205(j)(1)(B) of such Act (42  
14           U.S.C. 405(j)(1)(B)) is amended to read as fol-  
15           lows:

16           “(B) In the case of an individual entitled to benefits  
17 based on disability, the payment of such benefits shall be  
18 made to a representative payee if the Commissioner of So-  
19 cial Security determines that such payment would serve  
20 the interest of the individual because the individual also  
21 has an alcoholism or drug addiction condition (as deter-  
22 mined by the Commissioner) and the individual is incapa-  
23 ble of managing such benefits.”.

24           (B) Section 205(j)(2)(C)(v) of such Act  
25           (42 U.S.C. 405(j)(2)(C)(v)) is amended by

1 striking “entitled to benefits” and all that fol-  
2 lows through “under a disability” and inserting  
3 “described in paragraph (1)(B)”.

4 (C) Section 205(j)(2)(D)(ii)(II) of such  
5 Act (42 U.S.C. 405(j)(2)(D)(ii)(II)) is amended  
6 by striking all that follows “15 years, or” and  
7 inserting “described in paragraph (1)(B).”.

8 (D) Section 205(j)(4)(A)(i)(II) of such Act  
9 (42 U.S.C. 405(j)(4)(A)(ii)(II)) is amended by  
10 striking “entitled to benefits” and all that fol-  
11 lows through “under a disability” and inserting  
12 “described in paragraph (1)(B)”.

13 (b) AMENDMENTS RELATING TO SSI BENEFITS.—

14 (1) IN GENERAL.—Section 1611(e)(3) of the  
15 Social Security Act (42 U.S.C. 1382(e)(3)) is  
16 amended—

17 (A) by striking “(B)” and inserting “(C)”;

18 (B) by striking “(3)(A)” and inserting  
19 “(B)”;

20 (C) by inserting before subparagraph (B)  
21 as redesignated by paragraph (2) the following  
22 new subparagraph:

23 “(3)(A) No cash benefits shall be payable under this  
24 title to any individual who is otherwise eligible for benefits  
25 under this title by reason of disability, if such individual’s

1 alcoholism or drug addiction is a contributing factor mate-  
2 rial to the Commissioner’s determination that such indi-  
3 vidual is disabled.”.

4 (2) TREATMENT REQUIREMENTS.—

5 (A) Section 1611(e)(3)(B)(i)(I) of such  
6 Act (42 U.S.C. 1382(e)(3)(B)(i)(I)), as redesign-  
7 nated by paragraph (1), is amended to read as  
8 follows:

9 “(B)(i)(I)(aa) Any individual who would be eligible  
10 for cash benefits under this title but for the application  
11 of subparagraph (A) may elect to comply with the provi-  
12 sions of this subparagraph.

13 “(bb) Any individual who is eligible for cash  
14 benefits under this title by reason of disability (or  
15 whose eligibility for such benefits is suspended) or is  
16 eligible for benefits pursuant to section 1619(b), and  
17 who was eligible for such benefits by reason of dis-  
18 ability, for which such individual’s alcoholism or  
19 drug addiction was a contributing factor material to  
20 the Commissioner’s determination that such individ-  
21 ual was disabled, for the month preceding the month  
22 in which this subparagraph takes effect, shall be re-  
23 quired to comply with the provisions of this subpara-  
24 graph.”.

1           (B) Section 1611(e)(3)(B)(i)(II) of such  
2 Act (42 U.S.C. 1382(e)(3)(B)(i)(II)), as so re-  
3 designated, is amended by striking “who is re-  
4 quired under subclause (I)” and inserting “de-  
5 scribed in division (bb) of subclause (I) who is  
6 required”.

7           (C) Subclauses (I) and (II) of section  
8 1611(e)(3)(B)(ii) of such Act (42 U.S.C.  
9 1382(e)(3)(B)(ii)), as so redesignated, are each  
10 amended by striking “clause (i)” and inserting  
11 “clause (i)(I)”.

12           (D) Section 1611(e)(3)(B) of such Act (42  
13 U.S.C. 1382(e)(3)(B)), as so redesignated, is  
14 amended by striking clause (v) and by redesign-  
15 ating clause (vi) as clause (v).

16           (E) Section 1611(e)(3)(B)(v) of such Act  
17 (42 U.S.C. 1382(e)(3)(B)(v)), as redesignated  
18 by subparagraph (D), is amended—

19           (i) in subclause (I), by striking “who  
20 is eligible” and all that follows through “is  
21 disabled” and inserting “described in  
22 clause (i)(I)”; and

23           (ii) in subclause (V), by striking “or  
24 (v)”.

1 (F) Section 1611(e)(3)(C)(i) of such Act  
2 (42 U.S.C. 1382(e)(3)(C)(i)), as redesignated  
3 by paragraph (1), is amended by striking “who  
4 are receiving benefits under this title and who  
5 as a condition of such benefits” and inserting  
6 “described in subparagraph (B)(i)(I)(aa) who  
7 elect to undergo treatment; and the monitoring  
8 and testing of all individuals described in sub-  
9 paragraph (B)(i)(I)(bb) who”.

10 (G) Section 1611(e)(3)(C)(iii)(II)(aa) of  
11 such Act (42 U.S.C. 1382(e)(3)(C)(iii)(II)(aa)),  
12 as so redesignated, is amended by striking “re-  
13 siding in the State” and all that follows  
14 through “they are disabled” and inserting “de-  
15 scribed in subparagraph (B)(i)(I) residing in  
16 the State”.

17 (H) Section 1611(e)(3)(C)(iii) of such Act  
18 (42 U.S.C. 1382(e)(3)(C)(iii)), as so redesi-  
19 gnated, is amended by adding at the end the fol-  
20 lowing:

21 “(III) The monitoring requirements of subclause (II)  
22 shall not apply in the case of any individual described in  
23 subparagraph (B)(i)(I)(aa) who fails to comply with the  
24 requirements of subparagraph (B).”.

1           (I) Section 1611(e)(3) of such Act (42  
2           U.S.C. 1382(e)(3)), as amended by paragraph  
3           (1), is amended by adding at the end the follow-  
4           ing new subparagraphs:

5           “(D) The Commissioner shall provide appropriate no-  
6           tification to each individual subject to the limitation on  
7           cash benefits contained in subparagraph (A) and the  
8           treatment provisions contained in subparagraph (B).

9           “(E) The requirements of subparagraph (B) shall  
10          cease to apply to any individual if the Commissioner deter-  
11          mines that such individual no longer needs treatment.”.

12           (3) REPRESENTATIVE PAYEE REQUIRE-  
13          MENTS.—

14           (A) Section 1631(a)(2)(A)(ii)(II) of such  
15          Act (42 U.S.C. 1383(a)(2)(A)(ii)(II)) is amend-  
16          ed to read as follows:

17          “(II) In the case of an individual eligible for benefits  
18          under this title by reason of disability, the payment of  
19          such benefits shall be made to a representative payee if  
20          the Commissioner of Social Security determines that such  
21          payment would serve the interest of the individual because  
22          the individual also has an alcoholism or drug addiction  
23          condition (as determined by the Commissioner) and the  
24          individual is incapable of managing such benefits.”.

1 (B) Section 1631(a)(2)(B)(vii) of such Act  
2 (42 U.S.C. 1383(a)(2)(B)(vii)) is amended by  
3 striking “eligible for benefits” and all that fol-  
4 lows through “is disabled” and inserting “de-  
5 scribed in subparagraph (A)(ii)(II)”.

6 (C) Section 1631(a)(2)(B)(ix)(II) of such  
7 Act (42 U.S.C. 1383(a)(2)(B)(ix)(II)) is  
8 amended by striking all that follows “15 years,  
9 or” and inserting “described in subparagraph  
10 (A)(ii)(II).”.

11 (D) Section 1631(a)(2)(D)(i)(II) of such  
12 Act (42 U.S.C. 1383(a)(2)(D)(i)(II)) is amend-  
13 ed by striking “eligible for benefits” and all  
14 that follows through “is disabled” and inserting  
15 “described in subparagraph (A)(ii)(II)”.

16 (4) PRESERVATION OF MEDICAID ELIGI-  
17 BILITY.—Section 1634(e) of such Act (42 U.S.C.  
18 1382(e)) is amended—

19 (A) by striking “clause (i) or (v) of section  
20 1611(e)(3)(A)” and inserting “subparagraph  
21 (A) or subparagraph (B)(i)(II) of section  
22 1611(e)(3)”; and

23 (B) by adding at the end the following:  
24 “This subsection shall cease to apply to any

1           such person if the Commissioner determines  
2           that such person no longer needs treatment.”.

3           (5) CONFORMING AMENDMENT.—Section  
4           201(c) of the Social Security Independence and Pro-  
5           gram Improvements Act of 1994 (42 U.S.C. 425  
6           note) is repealed.

7           (c) EFFECTIVE DATES.—

8           (1) IN GENERAL.—Except as provided in para-  
9           graph (2), the amendments made by this section  
10          shall apply to applicants for benefits under title II  
11          or title XVI of the Social Security Act for months  
12          beginning on or after the date of the enactment of  
13          this Act, without regard to whether regulations have  
14          been issued to implement such amendments.

15          (2) APPLICATION TO CURRENT RECIPIENTS.—  
16          Notwithstanding any other provision of law, in the  
17          case of an individual who is receiving benefits under  
18          title II of the Social Security Act or supplemental  
19          security income benefits under title XVI of such Act  
20          as of the date of the enactment of this Act and  
21          whose entitlement or eligibility for such benefits  
22          would terminate by reason of the amendments made  
23          by this section, such amendments shall apply with  
24          respect to the benefits of such individual for months  
25          beginning on or after January 1, 1997, and the

1 Commissioner of Social Security shall so notify the  
2 individual not later than 90 days after the date of  
3 the enactment of this Act.

4 (3) BENEFITS UNDER TITLE XVI.—For pur-  
5 poses of this subsection, the term “benefits under  
6 title XVI of the Social Security Act” includes sup-  
7 plementary payments pursuant to an agreement for  
8 Federal administration under section 1616(a) of the  
9 Social Security Act, and payments pursuant to an  
10 agreement entered into under section 212(b) of Pub-  
11 lic Law 93–66.

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