II

104TH CONGRESS

2D SESSION S. 1789 To amend the Social Security Act to deny the payment of social security and supplemental security income benefits to prisoners, and for other purposes.

IN THE SENATE OF THE UNITED STATES MAY 22, 1996 Mr. HELMS introduced the following bill; which was read twice and referred

to the Committee on Finance

A BILL
To amend the Social Security Act to deny the payment
of social security and supplemental security income bene-
fits to prisoners, 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 The short title of this Act may be cited as the ‘‘Pre-

5 vention of Prisoner Double-Dipping Act’’.
6 SEC. 2. TREATMENT OF PRISONERS.
7 (a) DENIAL OF BENEFITS TO INDIVIDUALS JAILED
8 ON FELONY CHARGES.—

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1 (1) IN GENERAL.—Section 202(x)(1)(A) of the
2 Social Security Act (42 U.S.C. 402(x)(1)(A)) is

3 amended by striking ‘‘or’’ at the end of clause (i),
4 by striking the period at the end of clause (ii) and
5 inserting ‘‘, or’’, and by adding at the end the fol-

6 lowing new clause:
7 ‘‘(iii) is confined in a jail, prison, or other penal

8 institution or correctional facility pursuant to a
9 charge of an offense punishable by imprisonment for

10 more than 1 year, but only with respect to months
11 after the first 30 days of such confinement.’’.
12 (2) CONFORMING AMENDMENT.—Section
13 202(x)(1)(B)(i) of such Act (42 U.S.C.

14 402(x)(1)(B)(i)) is amended by striking ‘‘clause (i)’’
15 and inserting ‘‘clauses (i) and (iii)’’.

16 (3) STUDY OF METHODS TO INSURE THE COL-
17 LECTION OF INFORMATION RESPECTING PUBLIC IN-
18 MATES.—

19 (A) STUDY.—The Commissioner of Social
20 Security shall conduct a study regarding meth-

21 ods to insure the timely and accurate reporting
22 of information respecting court orders by which
23 individuals described in section 202(x)(1)(A)(iii)

24 of the Social Security Act (402 U.S.C.
25 402(x)(1)(A)(iii)) are confined in jails, prisons,

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1 or other public penal, correctional, or medical
2 facilities as the Commissioner may require for

3 the purpose of carrying out section 202(x) and
4 1611(e)(1) of such Act (42 U.S.C. 402(x) and
5 1382(e)(1)).

6 (B) REPORT.—Not later than 1 year after
7 the date of the enactment of this Act, the Com-

8 missioner of Social Security shall submit a re-
9 port on the results of the study conducted pur-
10 suant to this paragraph to the Committee on

11 Finance of the Senate and the Committee on
12 Ways and Means of the House of Representa-
13 tives.

14 (4) EFFECTIVE DATE.—The amendments made

15 by this subsection shall apply to payments made for
16 months beginning after the date of the enactment of
17 this Act.
18 (b) IMPLEMENTATION OF PROHIBITION AGAINST
19 PAYMENT OF BENEFITS TO PRISONERS.—

20 (1) IN GENERAL.—Section 202(x)(3) of the So-

21 cial Security Act (42 U.S.C. 402(x)(3)) is amend-
22 ed—

23 (A) by inserting ‘‘(A)’’ after ‘‘(3)’’; and
24 (B) by adding at the end the following new

25 subparagraph:

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1 ‘‘(B)(i) The Commissioner is authorized to enter into
2 a contract, with any interested State or local institution

3 described in clause (i) or (ii) of paragraph (1)(A) the pri-4 mary purpose of which is to confine individuals as de-5 scribed in paragraph (1)(A), under which—

6 ‘‘(I) the institution shall provide to the Com-
7 missioner, on a monthly basis, the names, social se-

8 curity account numbers, dates of birth, and such
9 other identifying information concerning the individ-

10 uals confined in the institution as the Commissioner
11 may require for the purpose of carrying out para-
12 graph (1); and

13 ‘‘(II) the Commissioner is authorized to pay to
14 any such institution, with respect to each individual

15 who is entitled to a benefit under this title for the

16 month preceding the first month throughout which
17 such individual is confined in such institution as de-

18 scribed in paragraph (1)(A), an amount determined
19 by the Commissioner.
20 ‘‘(ii) The provisions of section 552a of title 5, United

21 States Code, shall not apply to any contract entered into
22 under clause (i) or to information exchanged pursuant to
23 such contract.’’.

24 (2) CONFORMING SSI AMENDMENTS.—Section
25 1611(e)(1) of such Act (42 U.S.C. 1382(e)(1)) is

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1 amended by adding at the end the following new
2 subparagraph:
3 ‘‘(I)(i) The Commissioner is authorized to enter into

4 a contract, with any interested State or local institution 5 referred to in subparagraph (A), under which—

6 ‘‘(I) the institution shall provide to the Com-
7 missioner, on a monthly basis, the names, social se-

8 curity account numbers, dates of birth, and such
9 other identifying information concerning the inmates
10 of the institution as the Commissioner may require

11 for the purpose of carrying out this paragraph; and
12 ‘‘(II) the Commissioner is authorized to pay to

13 any such institution, with respect to each inmate of
14 the institution who is eligible for a benefit under this

15 title for the month preceding the first month
16 throughout which such inmate is in such institution
17 and becomes ineligible for such benefit (or becomes

18 eligible only for a benefit payable at a reduced rate)
19 as a result of the application of this paragraph, an
20 amount determined by the Commissioner.

21 ‘‘(ii) The provisions of section 552a of title 5, United
22 States Code, shall not apply to any contract entered into

23 under clause (i) or to information exchanged pursuant to

24 such contract.’’.

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1 SEC. 3. CIVIL MONETARY PENALTIES FOR FRAUDULENT
2 USE OF SOCIAL SECURITY ACCOUNT NUM-
3 BERS AND CARDS.

4 (a) IN GENERAL.—Subsection (a) of section 1129 of

5 the Social Security Act (42 U.S.C. 1320a–8) is amended
6 by redesignating paragraph (2) as paragraph (3) and by

7 inserting after paragraph (1) the following new paragraph:
8 ‘‘(2) Any person who—
9 ‘‘(1) willfully, knowingly, and with intent to de-

10 ceive, uses a social security account number assigned
11 on the basis of false information provided by such

12 person or another person;
13 ‘‘(2) with intent to deceive, falsely represents a

14 number to be a social security account number;
15 ‘‘(3) knowingly alters a social security card;
16 ‘‘(4) buys or sells a card that is, or purports to

17 be, a social security card;
18 ‘‘(5) possesses a social security card or counter-

19 feit card with the intent to sell or alter such card;
20 or
21 ‘‘(6) discloses, uses, or compels the disclosure of

22 the social security account number of any person in
23 violation of the law,

24 shall be subject to, in addition to any other penalties that
25 may be prescribed by law, a civil money penalty of not
26 more than $5,000 for each offense. Such person also shall

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1 be subject to an assessment, in lieu of damages sustained
2 by the United States because of such offense, of not more

3 than 5 times the amount of benefits or payments paid

4 under titles II and XVI as a result of such offense.’’.

5 (b) CONFORMING AMENDMENT.—Paragraph (1) of

6 section 1129(c) of such Act (42 U.S.C. 1320a–8(c)) is
7 amended by striking ‘‘statements and representations’’

8 and inserting ‘‘actions’’.
9 (c) EFFECTIVE DATE.—The amendments made by

10 this section shall apply to conduct occurring on or after
11 the date of the enactment of this Act.
12 SEC. 4. ADDITIONAL RESOURCES TO COMBAT FRAUD IN
13 THE SOCIAL SECURITY SYSTEM.

14 (a) AUTHORIZATION OF APPROPRIATIONS.—Out of

15 any money in the Treasury not otherwise appropriated,
16 there are authorized to be appropriated, to remain avail-
17 able without fiscal year limitation, $50,000,000 for the

18 Commissioner of Social Security through the Office of In-19 spector General to utilize only for increasing the number

20 of investigators and auditors charged with pursuing
21 charges of fraud against the programs under titles II and
22 XVI of the Social Security Act.

23 (b) ADDITIONAL FUNDS.—Amounts appropriated
24 under subsection (a) shall be in addition to any funds oth-

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1 erwise appropriated for the purposes described in sub-
2 section (a).
3 SEC. 5. STUDY REGARDING REVIEW AND APPEALS PROC-
4 ESS.

5 (a) STUDY.—The Commissioner of Social Security

6 shall conduct a study regarding methods to streamline the
7 review and appeals process under title II and XVI of the

8 Social Security Act.
9 (b) REPORT.—Not later than 1 year after the date 10 of the enactment of this Act, the Commissioner of Social

11 Security shall submit a report on the results of the study
12 conducted pursuant to this section to the Committee on

13 Finance of the Senate and the Committee on Ways and 14 Means of the House of Representatives.

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