

110TH CONGRESS
1ST SESSION

H. R. 2943

To amend titles II and XVI of the Social Security Act to provide for treatment of disability rated and certified as total by the Secretary of Veterans Affairs as disability for purposes of such titles.

IN THE HOUSE OF REPRESENTATIVES

JUNE 28, 2007

Mr. SARBANES (for himself, Mr. ALTMIRE, Mr. ANDREWS, Ms. BERKLEY, Mr. BISHOP of Utah, Mr. BOOZMAN, Mrs. BOYDA of Kansas, Mr. BRADY of Pennsylvania, Mr. BRALEY of Iowa, Mr. CARNEY, Mr. CASTLE, Mr. CUMMINGS, Mr. TOM DAVIS of Virginia, Mr. EHLERS, Mr. FILNER, Mr. GONZALEZ, Mr. HALL of New York, Mr. HARE, Ms. HIRONO, Ms. KAPTUR, Mr. KENNEDY, Mr. LOEBSACK, Mrs. MCCARTHY of New York, Mr. GEORGE MILLER of California, Mr. MILLER of Florida, Mr. PALLONE, Mr. PERLMUTTER, Mr. RUPPERSBERGER, Ms. LINDA T. SÁNCHEZ of California, Mr. SERRANO, Mr. SHAYS, Ms. SOLIS, Mr. SPACE, Ms. SUTTON, Mr. VAN HOLLEN, Mr. WALZ of Minnesota, Mr. WELCH of Vermont, and Ms. DELAURO) introduced the following bill; which was referred to the Committee on Ways and Means

A BILL

To amend titles II and XVI of the Social Security Act to provide for treatment of disability rated and certified as total by the Secretary of Veterans Affairs as disability for purposes of such titles.

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. SHORT TITLE.**

2 This Act may be cited as the “Benefit Rating Accel-
3 eration for Veteran Entitlements Act of 2007”.

4 **SEC. 2. TREATMENT OF SERVICE-CONNECTED DISABILITY**
5 **RATED AND CERTIFIED AS TOTAL BY THE**
6 **SECRETARY OF VETERANS AFFAIRS AS DIS-**
7 **ABILITY FOR PURPOSES OF TITLE II OF THE**
8 **SOCIAL SECURITY ACT .**

9 (a) DISABILITY FOR PURPOSES OF ENTITLEMENT TO
10 DISABILITY INSURANCE BENEFITS AND OTHER BENE-
11 FITS BASED ON DISABILITY.—

12 (1) IN GENERAL.—Section 223(d) of the Social
13 Security Act (42 U.S.C. 423(d)) is amended by add-
14 ing at the end the following new paragraph:

15 “(7)(A) Notwithstanding the preceding provisions of
16 this subsection, any individual who has a service-connected
17 disability rated by the Secretary of Veterans Affairs as
18 total for purposes of benefits under chapter 11 of title 38,
19 United States Code, and presents written certification of
20 such rating determination to the Commissioner of Social
21 Security shall be deemed to be under a disability (within
22 the meaning of the preceding paragraphs of this sub-
23 section) for each month—

24 “(i) beginning with the month during which
25 such certification is presented to the Commissioner,
26 and

1 “(ii) ending with the earlier of—

2 “(I) any month during which certification
3 is made to the Commissioner pursuant to sub-
4 paragraph (B) that such service-connected dis-
5 ability has ceased, or

6 “(II) any month during which the Commis-
7 sioner determines, subject to subparagraph (C),
8 that such individual is able to engage in sub-
9 stantial gainful activity.

10 “(B) In any case in which the Secretary of Veterans
11 Affairs determines that an individual who has been deter-
12 mined by such Secretary to be totally disabled for pur-
13 poses of benefits under chapter 11 of title 38, United
14 States Code, and with respect to whom a certification has
15 been made to the Commissioner pursuant to subparagraph
16 (A) that such individual has ceased to be so disabled, such
17 Secretary shall promptly certify to the Commissioner such
18 Secretary’s determination that such individual has ceased
19 to be so disabled.

20 “(C) Any determination by the Commissioner under
21 subparagraph (A)(ii)(II) shall be made on the basis of evi-
22 dence of earnings, without consideration of any evidence
23 of medical recovery.

24 “(D) Nothing in this paragraph shall be construed
25 to preclude a determination under this title that an indi-

1 vidual who is not deemed to be under a disability under
2 subparagraph (A) is under a disability (within the mean-
3 ing of the preceding paragraphs of this subsection).

4 “(E) The Commissioner of Social Security and the
5 Secretary of Veterans Affairs shall enter into such ar-
6 rangements as are necessary and appropriate for purposes
7 of carrying out the provisions of this paragraph.”.

8 (2) OTHER BENEFITS BASED ON DISABILITY.—

9 (A) CHILD’S INSURANCE BENEFITS.—Sec-
10 tion 202(d)(1) of such Act (42 U.S.C.
11 402(d)(1)) is amended by adding at the end the
12 following new sentence: “Under regulations of
13 the Commissioner of Social Security, the provi-
14 sions of section 223(d)(7) shall apply with re-
15 spect to benefits under this section (and deter-
16 minations of disability made for purposes of de-
17 terminations of entitlement to such benefits) in
18 the same manner and to the same extent as
19 such provisions apply with respect to benefits
20 under section 223 (and determinations of dis-
21 ability made for purposes of determinations of
22 entitlement to benefits under section 223).”.

23 (B) WIDOW’S INSURANCE BENEFITS.—
24 Section 202(e)(1) of such Act (42 U.S.C.
25 402(e)(1)) is amended by adding at the end the

1 following new sentence: “Under regulations of
2 the Commissioner of Social Security, the provi-
3 sions of section 223(d)(7) shall apply with re-
4 spect to benefits under this section (and deter-
5 minations of disability made for purposes of de-
6 terminations of entitlement to such benefits) in
7 the same manner and to the same extent as
8 such provisions apply with respect to benefits
9 under section 223 (and determinations of dis-
10 ability made for purposes of determinations of
11 entitlement to benefits under section 223).”.

12 (C) WIDOWER’S INSURANCE BENEFITS.—
13 Section 202(f)(1) of such Act (42 U.S.C.
14 402(f)(1)) is amended by adding at the end the
15 following new sentence: “Under regulations of
16 the Commissioner of Social Security, the provi-
17 sions of section 223(d)(7) shall apply with re-
18 spect to benefits under this section (and deter-
19 minations of disability made for purposes of de-
20 terminations of entitlement to such benefits) in
21 the same manner and to the same extent as
22 such provisions apply with respect to benefits
23 under section 223 (and determinations of dis-
24 ability made for purposes of determinations of
25 entitlement to benefits under section 223).”.

1 (b) DETERMINATIONS OF PERIODS OF DIS-
2 ABILITY.—Section 216(i) of such Act (42 U.S.C. 416(i))
3 is amended by adding at the end the following new para-
4 graph:

5 “(3)(A) Notwithstanding paragraphs (1) and (2), any
6 individual who has a service-connected disability rated by
7 the Secretary of Veterans Affairs as total for purposes of
8 benefits under chapter 11 of title 38, United States Code,
9 and presents written certification of such rating deter-
10 mination to the Commissioner of Social Security shall be
11 deemed to be under a disability (within the meaning of
12 paragraph (1)) for each month—

13 “(i) beginning with the month during which
14 such certification is presented to the Commissioner,
15 and

16 “(ii) ending with the earlier of—

17 “(I) any month during which certification
18 is made to the Commissioner pursuant to sub-
19 paragraph (B) that such service-connected dis-
20 ability has ceased, or

21 “(II) any month during which the Commis-
22 sioner determines, subject to subparagraph (C),
23 that such individual is able to engage in sub-
24 stantial gainful activity.

1 “(B) In any case in which the Secretary of Veterans
2 Affairs determines that an individual who has been deter-
3 mined by such Secretary to be totally disabled for pur-
4 poses of benefits under chapter 11 of title 38, United
5 States Code, and with respect to whom a certification has
6 been made to the Commissioner pursuant to subparagraph
7 (A) that such individual has ceased to be so disabled, such
8 Secretary shall promptly certify to the Commissioner such
9 Secretary’s determination that such individual has ceased
10 to be so disabled.

11 “(C) Any determination by the Commissioner under
12 subparagraph (A)(ii)(II) shall be made on the basis of evi-
13 dence of earnings, without consideration of any evidence
14 of medical recovery.

15 “(D) Nothing in this paragraph shall be construed
16 to preclude a determination under this title that an indi-
17 vidual who is not deemed to be under a disability under
18 subparagraph (A) is under a disability (within the mean-
19 ing of paragraph (1)).

20 “(E) The Commissioner of Social Security and the
21 Secretary of Veterans Affairs shall enter into such ar-
22 rangements as are necessary and appropriate for purposes
23 of carrying out the provisions of this paragraph.”.

1 **SEC. 3. TREATMENT OF DISABILITY RATED AND CERTIFIED**
2 **AS TOTAL BY THE SECRETARY OF VETERANS**
3 **AFFAIRS AS DISABILITY FOR PURPOSES OF**
4 **TITLE XVI OF THE SOCIAL SECURITY ACT.**

5 Section 1614(a)(3) of the Social Security Act (42
6 U.S.C. 1382c(a)(3)) is amended by adding at the end the
7 following:

8 “(K) In making determinations with re-
9 spect to disability under this title, the provi-
10 sions of section 223(d)(7) shall apply in the
11 same manner as they apply to determinations of
12 disability under title II.”.

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

14 The amendments made by this Act shall apply with
15 respect to determinations of disability in connection with
16 applications for benefits or periods of disability filed or
17 pending on or after the date of the enactment of this Act.

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