

103<sup>D</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. R. 1864

To establish the Social Security Administration as an independent agency.

---

## IN THE HOUSE OF REPRESENTATIVES

APRIL 27, 1993

Mr. BUNNING (for himself, Mr. HASTERT, Mr. WISE, Mr. SMITH of New Jersey, Mr. McHUGH, Mr. SHAW, Mr. HANCOCK, Mr. BALLENGER, Mr. FAWELL, Mr. SPENCE, Mr. BOEHNER, Mr. SENSENBRENNER, Mr. GINGRICH, Mr. SOLOMON, Mrs. FOWLER, and Mr. MOLLOHAN) introduced the following bill; which was referred to the Committee on Ways and Means

---

## A BILL

To establish the Social Security Administration as an independent agency.

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 AND TABLE OF CONTENTS.**

4 This Act may be cited as the “Social Security Integ-  
5 rity Act of 1993”.

### TABLE OF CONTENTS

- Sec. 1. Short title and table of contents.
- Sec. 2. Declaration of purposes.

#### TITLE I—ESTABLISHMENT OF THE SOCIAL SECURITY ADMINISTRATION AS AN INDEPENDENT AGENCY

- Sec. 101. Establishment of the Social Security Administration as a separate, independent agency; responsibilities of the agency.

- Sec. 102. Administrator; Deputy Administrator; other officers.  
 Sec. 103. Personnel; budgetary matters; facilities; and procurement; seal of office.  
 Sec. 104. Transfers to the new Social Security Administration.  
 Sec. 105. Transitional rules.  
 Sec. 106. Effective dates.

TITLE II—CONFORMING AMENDMENTS AND RULES OF  
CONSTRUCTION

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

1 **SEC. 2. DECLARATION OF PURPOSES.**

2 The purposes of this Act are as follows:

3 (1) to establish the Social Security Administra-  
 4 tion as an independent agency, separate from the  
 5 Department of Health and Human Services;

6 (2) to charge the Social Security Administra-  
 7 tion with administration of the old-age, survivors,  
 8 and disability insurance program and supplemental  
 9 security income program;

10 (3) to establish an Administrator as head of the  
 11 Social Security Administration and define the pow-  
 12 ers and duties of such Administrator;

13 (4) to establish a Social Security Advisory  
 14 Board in the Administration; and

15 (5) to provide for delegating major authorities  
 16 to the Administrator.

1 **TITLE I—ESTABLISHMENT OF**  
2 **THE SOCIAL SECURITY AD-**  
3 **MINISTRATION AS AN INDE-**  
4 **PENDENT AGENCY**

5 **SEC. 101. ESTABLISHMENT OF THE SOCIAL SECURITY AD-**  
6 **MINISTRATION AS A SEPARATE, INDEPEND-**  
7 **ENT AGENCY; RESPONSIBILITIES OF THE**  
8 **AGENCY.**

9 Section 701 of the Social Security Act (42 U.S.C.  
10 901) is amended to read as follows:

11 “SOCIAL SECURITY ADMINISTRATION

12 “SEC. 701. There is hereby established, as an inde-  
13 pendent agency in the executive branch of the Govern-  
14 ment, a Social Security Administration. It shall be the  
15 duty of the Administration to administer the old-age, sur-  
16 vivors, and disability insurance program under title II and  
17 the supplemental security income program under title  
18 XVI.”.

19 **SEC. 102. ADMINISTRATOR OF THE SOCIAL SECURITY AD-**  
20 **MINISTRATION AND OTHER OFFICERS.**

21 (a) IN GENERAL.—Section 702 (42 U.S.C. 902) is  
22 amended to read as follows:

1           “ADMINISTRATOR AND OTHER OFFICERS

2                           “Administrator

3           “SEC. 702. (a)(1) There shall be in the Administra-  
4 tion an Administrator who shall be appointed by the Presi-  
5 dent, with the advice and consent of the Senate.

6           “(2) The Administrator shall be compensated at the  
7 rate provided for level I of the Executive Schedule.

8           “(3) The Administrator shall be appointed for a term  
9 of 4 years, coincident with the term of the President or  
10 until the appointment of a qualified successor, and shall  
11 be removable only for cause. The Administrator may be  
12 appointed for additional terms.

13           “(4) The Administrator shall be selected on the basis  
14 of proven competence as a manager.

15           “(5) The Administrator shall be responsible for the  
16 exercise of all powers and the discharge of all duties of  
17 the Administration, and shall have authority and control  
18 over all personnel and activities thereof.

19           “(6) The Administrator may prescribe such rules and  
20 regulations as the Administrator determines necessary or  
21 appropriate to carry out the functions of the Administra-  
22 tion. The regulations prescribed by the Administrator  
23 shall be subject to the rulemaking procedures established  
24 under section 553 of title 5, United States Code.

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

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

16       “(9) The Administrator and the Secretary shall con-  
17    sult, on an ongoing basis, to ensure—

18           “(A) the coordination of the programs adminis-  
19    tered by the Administrator, as described in section  
20    701, with the programs administered by the Sec-  
21    retary under titles XVIII and XIX of this Act; and

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

1       “(10) The Administrator shall study and make rec-  
2 ommendations as to the most effective methods of provid-  
3 ing economic security through social insurance.

4               “Deputy Administrator of Social Security

5       “(b)(1) There shall be in the Administration a Dep-  
6 uty Administrator of Social Security who shall be ap-  
7 pointed by the President, with the advice and consent of  
8 the Senate.

9       “(2) The Deputy Administrator shall be appointed  
10 for a term of 4 years coincident with the term of the Ad-  
11 ministrator, or until the appointment of a qualified succes-  
12 sor.

13       “(3) The Deputy Administrator shall be compensated  
14 at the rate provided for level II of the Executive Schedule.

15       “(4) The Deputy Administrator shall perform such  
16 duties and exercise such powers as the Administrator shall  
17 from time to time assign or delegate. The Deputy Admin-  
18 istrator shall be Acting Administrator of the Administra-  
19 tion during the absence or disability of the Administrator  
20 and, unless the President designates another officer of the  
21 Government as Acting Administrator, in the event of a  
22 vacancy in the office of the Administrator.

23               “General Counsel

24       “(c)(1) There shall be in the Administration a Gen-  
25 eral Counsel, who shall be appointed by and serve at the

1 pleasure of the Administrator. The General Counsel shall  
2 be the principal legal officer in the Administration.

3 “(2) The General Counsel shall be compensated at  
4 the rate provided for level IV of the Executive Schedule.

5 “Inspector General

6 “(d)(1) There shall be in the Administration an Of-  
7 fice of the Inspector General. Such Office shall be headed  
8 by an Inspector General appointed in accordance with the  
9 Inspector General Act of 1978.

10 “(2) The Inspector General shall be compensated at  
11 the rate provided for level IV of the Executive Schedule.

12 “Chief Administrative Law Judge

13 “(e)(1) There shall be in the Administration an Office  
14 of the Chief Administrative Law Judge, who shall be ap-  
15 pointed by the Administrator. The duty of the Chief Ad-  
16 ministrative Law Judge shall be to administer the affairs  
17 of the administrative law judges serving in the Adminis-  
18 tration in a manner so as to ensure that hearings and  
19 other business are conducted by the administrative law  
20 judges in accordance with applicable law and regulations.

21 “(2) The Chief Administrative Law Judge shall re-  
22 port directly to the Administrator.”.

23 (b) CONFORMING AMENDMENTS RELATING TO COM-  
24 POSITION OF BOARD OF TRUSTEES OF OASDI TRUST

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

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

10 (2) by inserting after the first sentence the fol-  
11 lowing new sentence: “The Administrator of the So-  
12 cial Security Administration shall be the Chair-  
13 person of the Board of Trustees.”; and

14 (3) by striking “The Commissioner of Social  
15 Security shall serve as Secretary of the Board of  
16 Trustees.”.

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

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

20 “SOCIAL SECURITY ADVISORY BOARD

21 “Establishment of Board

22 “SEC. 703. (a) There shall be established a Social  
23 Security Advisory Board (hereinafter referred to as the  
24 ‘Board’).

1                   “Functions of the Board

2           “(b) The Board shall advise the Administrator on  
3 policies related to the old-age, survivors, and disability in-  
4 surance program under title II, the supplemental security  
5 income program under title XVI, and on operations in the  
6 Administration. Specific functions of the Board shall in-  
7 clude—

8                   “(1) studying and making recommendations as  
9 to the most effective methods of providing economic  
10 security through Federal old-age, survivors, and dis-  
11 ability insurance benefits under title II and supple-  
12 mental security income benefits under title XVI;

13                   “(2) studying and making recommendations re-  
14 lating to the coordination of other programs that  
15 provide economic and health security with programs  
16 described in paragraph (1);

17                   “(3) making an independent assessment of the  
18 annual report issued by the Board of Trustees, as  
19 described in section 201, and issuing a report to the  
20 President and to the Congress summarizing such as-  
21 sessment;

22                   “(4) making recommendations to the President  
23 of candidates to consider in selecting nominees for  
24 the position of Administrator and Deputy Adminis-  
25 trator;

1           “(5) reviewing and assessing the quality of  
2 service received from the Administration by bene-  
3 ficiaries and the general public, including among the  
4 items so reviewed and assessed the notices, outreach,  
5 and telephone access provided by the Administra-  
6 tion;

7           “(6) making periodic assessments of the ade-  
8 quacy of computer technology of the Administration  
9 for support of program operations;

10           “(7) reviewing and assessing the progress of the  
11 Administration in developing needed improvements  
12 in the management of programs;

13           “(8) increasing public understanding of the so-  
14 cial security system;

15           “(9) in consultation with the Administrator, re-  
16 viewing the development and implementation of a  
17 long-range research and program evaluation plan for  
18 the Administration;

19           “(10) reviewing and assessing any major stud-  
20 ies of social security as may come to the attention  
21 of the Board;

22           “(11) on its own initiative, or as requested by  
23 the President, the Committee on Ways and Means of  
24 the House of Representatives, or the Committee on  
25 Finance of the Senate, reviewing and assessing

1 major legislative proposals regarding social security,  
2 including an assessment of the administrative fea-  
3 sibility and probable operational consequences of  
4 those proposals; and

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

7 “Structure and Membership of the Board

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

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

14 “(2) 2 members (each member from a different  
15 political party) shall be appointed by the Speaker of  
16 the House of Representatives, with the advice of the  
17 Chairman and the Ranking Minority Member of the  
18 Committee on Ways and Means of the House of  
19 Representatives.

20 “(3) 2 members (each member from a different  
21 political party) shall be appointed by the President  
22 pro tempore of the Senate with the advice of the  
23 Chairman and the Ranking Minority Member of the  
24 Committee on Finance of the Senate.

1                   “Terms of Appointment

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

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

8                   “(2) the terms of service of the members ini-  
9 tially appointed under this section shall expire as fol-  
10 lows:

11                   “(A) of the terms of service of the mem-  
12 bers initially appointed by the President—

13                           “(i) 1 term shall expire June 30,  
14 1996;

15                           “(ii) 1 term shall expire June 30,  
16 1998; and

17                           “(iii) 1 term shall expire June 30,  
18 2000;

19 as designated by the President at the time of  
20 nomination;

21                   “(B) Of the terms of service of members  
22 initially appointed by the Speaker of the House  
23 of Representatives—

24                           “(i) 1 term shall expire June 30,  
25 1997; and

1                   “(ii) 1 term shall expire June 30,  
2                   1999;

3                   as designated by the Speaker of the House of  
4                   Representatives at the time of nomination; and

5                   “(C) Of the terms of service of members  
6                   initially appointed by the President pro tempore  
7                   of the Senate—

8                   “(i) 1 term shall expire June 30,  
9                   1998; and

10                   “(ii) 1 term shall expire June 30,  
11                   2000;

12                   as designated by the President pro tempore of  
13                   the Senate at the time of nomination.

14                   “Chairman

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

19                   “Compensation

20                   “(f) Members of the Board shall be compensated as  
21 follows:

22                   “(1) Members shall be paid at a rate equal to  
23                   25 percent of the rate for level III of the Executive  
24                   Schedule.



1 tion of such additional personnel as the Board determines  
2 to be necessary to carry out the functions of the Board.

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

8 “Authorization of Appropriation

9 “(j) There are authorized to be made available for  
10 expenditure, out of the Federal Disability Insurance Trust  
11 Fund, the Federal Old Age and Survivors Insurance Trust  
12 Fund, and the general fund of the Treasury, such sums  
13 as the Congress may deem appropriate to carry out the  
14 purposes of this section.”.

15 **SEC. 104. PERSONNEL; BUDGETARY MATTERS; FACILITIES;**

16 **AND PROCUREMENT; SEAL OF OFFICE.**

17 Title VII of the Social Security Act is amended by  
18 redesignating sections 704 through 711 (42 U.S.C. 904–  
19 911) as sections 705 through 712, respectively, and by  
20 inserting after section 703 (42 U.S.C. 903) the following  
21 new section:

22 “ADMINISTRATIVE DUTIES OF THE ADMINISTRATOR

23 “Personnel

24 “SEC. 704. (a)(1) The Administrator shall appoint  
25 such additional officers and employees as the Adminis-  
26 trator considers necessary to carry out the Administrator’s

1 functions. Except as otherwise provided in any other provi-  
2 sion of law, such officers and employees shall be ap-  
3 pointed, and their compensation shall be fixed, in accord-  
4 ance with title 5, United States Code.

5 “(2) The Administrator may procure the services of  
6 experts and consultants in accordance with the provisions  
7 of section 3109 of title 5, United States Code.

8 “(3) Notwithstanding section 3133 of title 5, United  
9 States Code, the Director of the Office of Personnel Man-  
10 agement shall authorize for the Administration a total  
11 number of Senior Executive Service positions which—

12 “(A) shall be specified in the comprehensive  
13 workforce plan established and revised by the Ad-  
14 ministrator under subsection (b)(1), and

15 “(B) shall not be less than the number of such  
16 positions authorized in the Social Security Adminis-  
17 tration in the Department of Health and Human  
18 Services as of immediately before the date of the en-  
19 actment of the Social Security Integrity Act of 1993.

20 “Budgetary Matters

21 “(b)(1) Appropriations requests for staffing and per-  
22 sonnel of the Administration shall be based upon a com-  
23 prehensive workforce plan, which shall be established and  
24 revised from time to time by the Administrator. The entire  
25 amount of appropriations provided for the administrative

1 costs of the Administration shall be apportioned in the  
2 time period provided in title 31, United States Code, for  
3 apportionment and shall be apportioned for the entire pe-  
4 riod of availability without restriction or deduction by the  
5 apportioning officer or employee of the Office of Manage-  
6 ment and Budget or any other entity within the executive  
7 branch of the Federal Government, except as otherwise  
8 provided in this subsection.

9       “(2) The report submitted pursuant to section 704  
10 shall include a section reflecting the use of budget author-  
11 ity provided to the Administration by quarters.

12       “(3)(A) The authority of the Administration for fa-  
13 cilities construction, and any authority of the Administra-  
14 tion for automated data processing procurement which is  
15 delegated thereto, shall be provided in the form of contract  
16 authority covering the total costs thereof, to be available  
17 until expended.

18       “(B) Amounts necessary for the liquidation of con-  
19 tract authority provided pursuant to this paragraph are  
20 hereby made available from the Federal Old-Age and Sur-  
21 vivors Insurance Trust Fund and the Federal Disability  
22 Insurance Trust Fund to the extent that the Adminis-  
23 trator, with the concurrence of the Secretary of the Treas-  
24 ury, determines that such amounts are not necessary to

1 meet the current obligations for benefit payments from the  
2 Trust Funds.

3 “(C) Funds appropriated for the Administration to  
4 be available on a contingency basis shall be apportioned  
5 only upon the occurrence of the stipulated contingency, as  
6 determined by the Administrator and reported to each  
7 House of the Congress.

8 “Seal of Office

9 “(c) The Administrator shall cause a seal of office  
10 to be made for the Administration of such design as the  
11 Administrator shall approve. Judicial notice shall be taken  
12 of such seal.”.

13 **SEC. 105. TRANSFERS TO THE NEW SOCIAL SECURITY AD-**  
14 **MINISTRATION.**

15 (a) FUNCTIONS.—There are transferred to the Social  
16 Security Administration all functions carried out by the  
17 Secretary of Health and Human Services with respect to  
18 the programs and activities the administration of which  
19 is vested in the Social Security Administration by reason  
20 of this Act and the amendments made thereby. The Ad-  
21 ministrator of the Social Security Administration shall al-  
22 locate such functions in accordance with sections 701,  
23 702, 703, and 704 of the Social Security Act (as amended  
24 by this Act).

1 (b) PERSONNEL, ASSETS, ETC.—(1) There are trans-  
2 ferred from the Department of Health and Human Serv-  
3 ices to the Social Security Administration, for appropriate  
4 allocation by the Administrator in the Social Security Ad-  
5 ministration—

6 (A) the personnel (other than administrative  
7 law judges) employed in connection with the func-  
8 tions transferred by this Act and the amendments  
9 made thereby, as considered appropriate by the Ad-  
10 ministrator in consultation with the Secretary of  
11 Health and Human Services,

12 (B) such number of administrative law judges  
13 as are necessary to carry out the functions trans-  
14 ferred by this Act and the amendments made there-  
15 by, as determined by the Administrator in consulta-  
16 tion with the Secretary of Health and Human Serv-  
17 ices, and

18 (C) the assets, liabilities, contracts, property,  
19 records, and unexpended balance of appropriations,  
20 authorizations, allocations, and other funds em-  
21 ployed, held, or used in connection with such func-  
22 tions, arising from such functions, or available, or to  
23 be made available, in connection with such functions.

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

4           (c) ABOLISHMENT OF OFFICE OF COMMISSIONER IN  
5 THE DEPARTMENT OF HEALTH AND HUMAN SERV-  
6 ICES.—Effective upon the entry upon office of the initial  
7 Administrator of the Social Security Administration pur-  
8 suant to section 702 of the Social Security Act (as amend-  
9 ed by this Act), the position of Commissioner of Social  
10 Security in the Department of Health and Human Serv-  
11 ices is abolished.

12 **SEC. 106. TRANSITIONAL RULES.**

13           (a) INTERIM AUTHORITY FOR APPOINTMENT AND  
14 COMPENSATION.—At any time on or after the date of the  
15 enactment of this Act—

16                 (1) any of the officers provided for in section  
17 702 of the Social Security Act (as amended by this  
18 Act) may enter upon office, as provided in such sec-  
19 tion, and

20                 (2) the Administrator of the Social Security Ad-  
21 ministration, upon entry upon office, may prescribe  
22 regulations providing for the orderly transfer of pro-  
23 ceedings before the Secretary of Health and Human  
24 Services to the Administrator.

1 Funds available to any official or component of the De-  
2 partment of Health and Human Services, functions of  
3 which are transferred to the Administrator or the Social  
4 Security Administration by this Act, may, with the ap-  
5 proval of the Director of the Office of Management and  
6 Budget, be used to pay the compensation and expenses  
7 of any officer entering upon office pursuant to this section  
8 until such time as funds for that purpose are otherwise  
9 available.

10 (b) CONTINUATION OF ORDERS, DETERMINATIONS,  
11 RULES, REGULATIONS, ETC.—All orders, determinations,  
12 rules, regulations, permits, contracts, collective bargaining  
13 agreements, recognitions of labor organizations, certifi-  
14 cates, licenses, and privileges—

15 (1) which have been issued, made, promulgated,  
16 granted, or allowed to become effective, in the exer-  
17 cise of functions (A) which were exercised by the  
18 Secretary of Health and Human Services (or his del-  
19 egate), and (B) which relate to functions which, by  
20 reason of this Act, the amendments made thereby,  
21 and regulations prescribed thereunder, are vested in  
22 the Administrator, and

23 (2) which are in effect immediately before  
24 July 1, 1994,

1 shall (to the extent that they relate to functions described  
2 in paragraph (1)(B)) continue in effect according to their  
3 terms until modified, terminated, suspended, set aside, or  
4 repealed, in accordance with law, by such Administrator,  
5 except that any collective bargaining agreement shall re-  
6 main in effect until the date of termination specified in  
7 such agreement.

8 (c) CONTINUATION OF PROCEEDINGS.—The provi-  
9 sions of this Act (including the amendments made there-  
10 by) shall not affect any proceeding pending before the Sec-  
11 retary of Health and Human Services immediately before  
12 July 1, 1994, with respect to functions vested (by reason  
13 of this Act, the amendments made thereby, and regula-  
14 tions prescribed thereunder) in the Administrator, except  
15 that such proceedings, to the extent that they relate to  
16 such functions, shall continue before the Administrator.  
17 Orders shall be issued under any such proceeding, appeals  
18 taken therefrom, and payments shall be made pursuant  
19 to such orders, in like manner as if this Act had not been  
20 enacted, and orders issued in any such proceeding shall  
21 continue in effect until modified, terminated, superseded,  
22 or repealed by the Administrator, by a court of competent  
23 jurisdiction, or by operation of law.

24 (d) CONTINUATION OF SUITS.—Except as provided  
25 in this subsection—

1 (1) the provisions of this Act shall not affect  
2 suits commenced prior to July 1, 1994; and

3 (2) in all such suits proceedings shall be had,  
4 appeals taken, and judgments rendered, in the same  
5 manner and effect as if this Act had not been en-  
6 acted.

7 No cause of action, and no suit, action, or other proceed-  
8 ing commenced by or against any officer in his official ca-  
9 pacity as an officer of the Department of Health and  
10 Human Services, shall abate by reason of the enactment  
11 of this Act. Causes of action, suits, actions, or other pro-  
12 ceedings may be asserted by or against the United States  
13 and the Social Security Administration, or such official of  
14 such Administration as may be appropriate, and, in any  
15 litigation pending immediately before July 1, 1994, the  
16 court may at any time, on its own motion or that of a  
17 party, enter an order which will give effect to the provi-  
18 sions of this subsection (including, where appropriate, an  
19 order for substitution of parties).

20 (e) CONTINUATION OF PENALTIES.—This Act shall  
21 not have the effect of releasing or extinguishing any crimi-  
22 nal prosecution, penalty, forfeiture, or liability incurred as  
23 a result of any function which (by reason of this Act, the  
24 amendments made thereby, and regulations prescribed  
25 thereunder) is vested in the Administrator.

1           (f) JUDICIAL REVIEW.—Orders and actions of the  
2 Administrator in the exercise of functions vested in the  
3 Administrator under this Act (and the amendments made  
4 thereby) shall be subject to judicial review to the same  
5 extent and in the same manner as if such orders had been  
6 made and such actions had been taken by the Secretary  
7 of Health and Human Services in the exercise of such  
8 functions immediately before July 1, 1994. Any statutory  
9 requirements relating to notice, hearings, action upon the  
10 record, or administrative review that apply to any function  
11 so vested in the Administrator shall continue to apply to  
12 the exercise of such function by the Administrator.

13           (g) EXERCISE OF FUNCTIONS.—In the exercise of the  
14 functions vested in the Administrator under this Act, the  
15 amendments made thereby, and regulations prescribed  
16 thereunder, the Administrator shall have the same author-  
17 ity as that vested in the Secretary of Health and Human  
18 Services with respect to the exercise of such functions im-  
19 mediately preceding the vesting of such functions in the  
20 Administrator, and actions of the Administrator shall have  
21 the same force and effect as when exercised by such Sec-  
22 retary.

23           (h) REPORT.—Within 180 days after the date of the  
24 enactment of this Act, the Secretary of Health and  
25 Human Services and the Comptroller General of the Unit-

1 ed States shall each advise the chairmen and ranking mi-  
2 nority members of the Committee on Ways and Means of  
3 the House of Representatives and the Committee on Fi-  
4 nance of the Senate on the status of the transition to an  
5 independent Social Security Administration, including in-  
6 formation as to timeliness in filling appointments, co-  
7 operation encountered in relationships with the Depart-  
8 ment of Health and Human Services and other agencies,  
9 and any technical problems resulting from the provisions  
10 of, and amendments made by, this title.

11 **SEC. 107. EFFECTIVE DATES.**

12 (a) IN GENERAL.—Sections 101, 102(a), 103, 104,  
13 and 105 of this Act shall take effect July 1, 1994.

14 (b) EXCEPTIONS.—Section 102(b) of this Act shall  
15 take effect upon the entry into office of the initial Admin-  
16 istrator of the Social Security Administration. Section 106  
17 of this Act shall take effect on the date of the enactment  
18 of this Act.

19 (c) NEW SPENDING AUTHORITY.—Any new spending  
20 authority provided by this title shall be effective for any  
21 fiscal year only to such extent or in such amounts as are  
22 provided in advance in appropriation Acts.

1 **TITLE II—CONFORMING AMEND-**  
2 **MENTS AND RULES OF CON-**  
3 **STRUCTION**

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

6 (a) IN GENERAL.—Title II of the Social Security Act  
7 (other than section 201, section 218(d), section 226, sec-  
8 tion 226A, and section 231(c)) and title XVI of such Act  
9 (other than section 1614(f)(2)(B) and section 1616(e)(3))  
10 are each amended—

11 (1) by striking, wherever it appears therein,  
12 “Secretary of Health and Human Services” and in-  
13 sserting “Administrator of the Social Security Ad-  
14 ministration”;

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 sserting “Administration”;

24 (4) by striking, wherever it appears therein, the  
25 words “Secretary” and “Secretary’s” (but, in the

1 case of either such word only if such word refers to  
2 the Secretary of Health and Human Services) and  
3 inserting (in the case of the word “Secretary”) “Ad-  
4 ministrator” and (in the case of the word “Sec-  
5 retary’s”) “Administrator’s”; and

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

9 (b) AMENDMENTS TO SECTION 218.—Section 218(d)  
10 of such Act (42 U.S.C. 418(d)) is amended by striking  
11 “Secretary” each place it appears in paragraphs (3) and  
12 (7) and inserting “Administrator”.

13 (c) AMENDMENTS TO SECTION 222.—Section 222(d)  
14 of such Act (42 U.S.C. 422(d)) is amended—

15 (1) in the last sentence of paragraph (1), by  
16 striking “Commissioner of Social Security” and in-  
17 serting “Administrator of the Social Security Ad-  
18 ministration”; and

19 (2) in the first sentence of paragraph (2), by  
20 striking “Commissioner of Social Security” and in-  
21 serting “Administrator of the Social Security Ad-  
22 ministration”.

23 (d) AMENDMENT TO SECTION 231.—Section 231(c)  
24 of such Act (42 U.S.C. 431(c)) is amended by striking

1 “Secretary determines” and inserting “Administrator and  
2 the Secretary jointly determine”.

3 (e) AMENDMENT TO SECTION 1615.—Section  
4 1615(d) of such Act (42 U.S.C. 1832d(d)) is amended  
5 by striking “Commissioner of Social Security” and insert-  
6 ing “Administrator of the Social Security Administra-  
7 tion”.

8 **SEC. 202. OTHER CONFORMING AMENDMENTS.**

9 Title VII of the Social Security Act is amended—

10 (1) by striking section 705 (as redesignated by  
11 section 104(a) of this Act) (42 U.S.C. 904) and in-  
12 serting the following new section:

13 “REPORTS

14 “SEC. 705. The Secretary and the Administrator  
15 shall make full reports to Congress, within 120 days after  
16 the beginning of each regular session, of the administra-  
17 tion of the functions with which they are charged under  
18 this Act. In addition to the number of copies of such re-  
19 ports authorized by other law to be printed, there is hereby  
20 authorized to be printed not more than 5,000 copies of  
21 each such report for use by the Secretary and Adminis-  
22 trator for distribution to Members of Congress and to  
23 State and other public or private agencies or organizations  
24 participating in or concerned with the programs provided  
25 for in this Act.”;

1           (2) in section 710(b)(2) (as redesignated by  
2           section 104(a) of this Act) (42 U.S.C. 910(b)(2)), by  
3           striking “(as estimated by the Secretary)” and in-  
4           serting “, as estimated by the Administrator or the  
5           Secretary (whichever administers the program in-  
6           volved),”; and

7           (3) by adding at the end the following new sec-  
8           tion:

9           “DUTIES AND AUTHORITY OF SECRETARY  
10          “SEC. 713. (a) The Secretary shall perform the du-  
11         ties imposed upon him by this Act and shall also have the  
12         duty of studying and making recommendations as to the  
13         most effective methods of providing economic security and  
14         as to legislation and matters of administrative policy con-  
15         cerning the programs administered by the Secretary and  
16         related subjects; except that nothing in this section shall  
17         be construed to require the Secretary to make studies or  
18         recommendations with respect to programs administered  
19         by the Social Security Administration.

20          “(b) The Secretary is authorized to appoint and fix  
21         the compensation of such officers and employees, and to  
22         make such expenditures, as may be necessary for carrying  
23         out the Secretary’s functions under this Act. Appoint-  
24         ments of attorneys and experts may be made without re-  
25         gard to the civil service laws.”.

1 **SEC. 203. RULES OF CONSTRUCTION.**

2 (a) REFERENCES TO THE DEPARTMENT OF HEALTH  
3 AND HUMAN SERVICES.—Whenever any reference is made  
4 in any provision of law (other than this Act or a provision  
5 of law amended by this Act), regulation, rule, record, court  
6 order, or other document to the Department of Health and  
7 Human Services with respect to such Department’s func-  
8 tions under the old-age, survivors, and disability insurance  
9 program under title II of the Social Security Act or the  
10 supplemental security income program under title XVI of  
11 such Act, such reference shall be considered a reference  
12 to the Social Security Administration.

13 (b) REFERENCES TO THE SECRETARY 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, court  
17 order, or other document to the Secretary of Health and  
18 Human Services with respect to such Secretary’s functions  
19 under the old-age, survivors, and disability insurance pro-  
20 gram under title II of the Social Security Act or the sup-  
21 plemental security income program under title XVI of  
22 such Act, such reference shall be considered a reference  
23 to the Administrator of the Social Security Administra-  
24 tion.

25 (c) REFERENCES TO OTHER OFFICERS AND EM-  
26 PLOYEES.—Whenever any reference is made in any provi-

1 sion of law (other than this Act or a provision of law  
2 amended by this Act), regulation, rule, record, or docu-  
3 ment to any other officer or employee of the Department  
4 of Health and Human Services with respect to such offi-  
5 cer's or employee's functions under the old-age, survivors,  
6 and disability insurance program under title II of the So-  
7 cial Security Act or the supplemental security income pro-  
8 gram under title XVI of such Act, such reference shall  
9 be considered a reference to the appropriate officer or em-  
10 ployee of the Social Security Administration.

11 **SEC. 204. EFFECTIVE DATES.**

12 (a) IN GENERAL.—The preceding provisions of this  
13 title shall take effect July 1, 1994.

14 (b) NEW SPENDING AUTHORITY.—Any new spending  
15 authority provided by this title shall be effective for any  
16 fiscal year only to such extent or in such amounts as are  
17 provided in advance in appropriation Acts.

○

HR 1864 IH—2

HR 1864 IH—3