

111TH CONGRESS
1ST SESSION

H. R. 3672

To provide for an increase of \$150 in social security benefits for one month in 2010 to compensate for the lack of a cost-of-living adjustment for that year, and to amend title II of the Social Security Act to eliminate the requirement that there be a social security cost-of-living adjustment for an adjustment in the contribution and benefit base to occur.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 29, 2009

Mrs. MCCARTHY of New York (for herself, Mr. COSTELLO, Mr. ANDREWS, Mr. KENNEDY, Ms. KAPTUR, and Ms. FUDGE) introduced the following bill; which was referred to the Committee on Ways and Means

A BILL

To provide for an increase of \$150 in social security benefits for one month in 2010 to compensate for the lack of a cost-of-living adjustment for that year, and to amend title II of the Social Security Act to eliminate the requirement that there be a social security cost-of-living adjustment for an adjustment in the contribution and benefit base to occur.

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 “Social Security COLA
3 Fix for 2010 Act”.

4 **SEC. 2. FINDINGS AND STATEMENT OF POLICY.**

5 (a) FINDINGS.—The Congress finds that—

6 (1) no cost-of-living increase in social security
7 benefits is anticipated under current law for 2010;
8 and

9 (2) the rising costs being endured by our Na-
10 tion’s seniors and disabled individuals makes the
11 lack of such a cost-of-living increase particularly
12 burdensome for them and their families.

13 (b) STATEMENT OF POLICY.—It is the policy of this
14 Act to provide some compensation to our Nation’s seniors
15 and disabled individuals and their families for the lack of
16 a cost-of-living increase in social security benefits for 2010
17 by providing for them a benefit increase of \$150 for one
18 month in 2010.

19 **SEC. 3. SOCIAL SECURITY BENEFIT INCREASE FOR ONE**
20 **MONTH PAYABLE IN 2010.**

21 (a) IN GENERAL.—Except as provided in this section,
22 each individual who is entitled to a monthly insurance ben-
23 efit under section 202 or 223 of the Social Security Act
24 (42 U.S.C. 402, 423) for the month in which this Act is
25 enacted and is also entitled to such benefit for the applica-
26 ble increase month (as defined in subsection (b)) shall be

1 entitled to an increase in such benefit for the applicable
2 increase month in the amount of \$150.

3 (b) APPLICABLE INCREASE MONTH.—For purposes
4 of this section, the term “applicable increase month”
5 means the first month beginning after 180 days after the
6 date of the enactment of this Act

7 (c) RESTRICTION OF INCREASE TO ONE MONTH.—
8 Nothing in this section shall affect the amount of a benefit
9 under section 202 or 223 of the Social Security Act for
10 any month other than the applicable increase month.

11 (d) NOTICE.—Not later than the date of the benefit
12 payment to each individual which reflects the benefit in-
13 crease under this section, the Secretary of the Treasury
14 shall issue to such individual a written notice which in-
15 cludes the following statement: “Your benefit payment for
16 _____ reflects a one-time increase in monthly in-
17 surance benefits for that month of \$150 which is in lieu
18 of an annual cost-of-living increase in benefits for 2010.”,
19 with the blank space therein being filled with a reference
20 to the calendar month which is the applicable increase
21 month.

22 (e) SIMULTANEOUS ENTITLEMENTS.—In any case in
23 which an individual is entitled to 2 or more monthly insur-
24 ance benefits under title II of the Social Security Act for
25 the applicable increase month, the increase provided in

1 subsection (a) shall apply to the total amount of such ben-
2 efits for the applicable increase month, after application
3 of section 202(k)), in lieu of the amount of each benefit
4 which is so payable.

5 (f) EFFECT ON FAMILY MAXIMUM.—The amount of
6 the increase in monthly insurance benefits under sub-
7 section (a) shall be disregarded in determining reductions
8 in benefits under section 203(a) of the Social Security Act
9 (42 U.S.C. 403(a)).

10 (g) INCREASE TO BE DISREGARDED FOR PURPOSES
11 OF ALL FEDERAL AND FEDERALLY ASSISTED PRO-
12 GRAMS.—The increase under subsection (a) shall not be
13 regarded as income and shall not be regarded as a re-
14 source for the applicable increase month and the following
15 9 months, for purposes of determining the eligibility of
16 the recipient (or the recipient's spouse or family) for bene-
17 fits or assistance, or the amount or extent of benefits or
18 assistance, under any Federal program or under any State
19 or local program financed in whole or in part with Federal
20 funds.

21 (h) INCREASE NOT CONSIDERED INCOME FOR PUR-
22 POSES OF TAXATION.—The increase under subsection (a)
23 shall not be considered as gross income for purposes of
24 the Internal Revenue Code of 1986.

1 (i) **BENEFITS NOT OTHERWISE PAYABLE.**—Nothing
2 in this section shall be construed to provide, in connection
3 with the increase of any benefit under this section, for a
4 payment of any amount of such benefit if such benefit is
5 not otherwise payable under subsection (t) or (x) of sec-
6 tion 202 of the Social Security Act (42 U.S.C. 402(t), (x)).

7 **SEC. 4. INCREASES IN CONTRIBUTION AND BENEFIT BASE**
8 **IRRESPECTIVE OF WHETHER A COST-OF-LIV-**
9 **ING INCREASE IN BENEFITS HAS OCCURRED.**

10 (a) **IN GENERAL.**—Section 230(a) of the Social Secu-
11 rity Act (42 U.S.C. 430(a)) is amended—

12 (1) by striking “Whenever the Commissioner”
13 and all that follows through “the Commissioner shall
14 also” and inserting the following: “The Commis-
15 sioner of Social Security shall”;

16 (2) by striking “November 1 of the calendar
17 year in which such quarter occurs” and inserting
18 “November 1 of each calendar year”; and

19 (3) by striking “after the calendar year in
20 which such quarter occurs” and inserting “after
21 such year”.

22 (b) **EFFECTIVE DATE.**—The amendments made by
23 this section shall apply with respect to the determination
24 of the contribution and benefit base for years after 2009.

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