

111TH CONGRESS
2^D SESSION

H. R. 6413

To ensure that individuals who receive Social Security or certain other Federal benefits receive a one-time payment equal to 5 percent of the total annual amount of such benefit in the event that no cost-of-living adjustment is payable in 2011.

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 16, 2010

Mr. WEINER introduced the following bill; which was referred to the Committee on Ways and Means, and in addition to the Committees on Transportation and Infrastructure and Veterans' Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To ensure that individuals who receive Social Security or certain other Federal benefits receive a one-time payment equal to 5 percent of the total annual amount of such benefit in the event that no cost-of-living adjustment is payable in 2011.

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. PAYMENT IN LIEU OF A COST-OF-LIVING AD-**
2 **JUSTMENT TO RECIPIENTS OF SOCIAL SECUR-**
3 **RITY, SUPPLEMENTAL SECURITY INCOME,**
4 **RAILROAD RETIREMENT BENEFITS, AND VET-**
5 **ERANS DISABILITY COMPENSATION OR PEN-**
6 **SION BENEFITS.**

7 (a) **AUTHORITY TO MAKE PAYMENTS.—**

8 (1) **ELIGIBILITY.—**

9 (A) **IN GENERAL.—**Subject to paragraph
10 (5)(B), the Secretary of the Treasury shall dis-
11 burse a one-time payment of the applicable
12 amount to each individual who, for any month
13 during the 3-month period ending with the
14 month which ends prior to the month that in-
15 cludes the date of the enactment of this Act, is
16 entitled to a benefit payment described in
17 clause (i), (ii), or (iii) of subparagraph (D) or
18 is eligible for a SSI cash benefit described in
19 subparagraph (E). Payments shall be made
20 under this section only if no increase takes ef-
21 fect with the month of December 2010 under
22 section 215(i) of the Social Security Act. In the
23 case of an individual who is eligible for a pay-
24 ment under this subparagraph by reason of en-
25 titlement to a benefit described in subparagraph
26 (D)(i), no such payment shall be made to such

1 individual unless such individual was paid a
2 benefit described in such subparagraph (D)(i)
3 for any month in the 12-month period ending
4 with the month which ends prior to the month
5 that includes the date of the enactment of this
6 Act.

7 (B) APPLICABLE AMOUNT.—

8 (i) IN GENERAL.—For purposes of
9 subparagraph (A), the applicable amount
10 shall be the percentage of such individual's
11 monthly benefit payment described in
12 clause (i), (ii), or (iii) of subparagraph (C)
13 or SSI cash benefit described in subpara-
14 graph (D) for the month of December
15 2010 determined by multiplying such ben-
16 efit payment by 0.6.

17 (ii) INDIVIDUAL RECEIVING MORE
18 THAN 1 BENEFIT.—In the case that an in-
19 dividual is entitled to, or eligible for, more
20 than 1 benefit payment described in clause
21 (i), (ii), or (iii) of subparagraph (C) or SSI
22 cash benefit described in subparagraph
23 (D), such individual's payment shall be de-
24 termined using such benefit payment that

1 provides the greater monthly benefit pay-
2 ment.

3 (C) FUNDING FOR APPROPRIATIONS TO
4 THE GENERAL FUND OF THE TREASURY.—In
5 order to reimburse the general fund of the
6 Treasury for payments made pursuant to sub-
7 paragraph (A), the Director of the Office of
8 Management and Budget shall redirect to the
9 general fund of the Treasury any repayment of
10 assistance provided under title I of the Emer-
11 gency Economic Stabilization Act of 2008 (12
12 U.S.C. 5201 et seq.) made by a financial insti-
13 tution (as defined in section 3(5) of such Act
14 (12 U.S.C. 5202(5)) after the date of the enact-
15 ment of this Act.

16 (D) BENEFIT PAYMENT DESCRIBED.—For
17 purposes of subparagraph (A):

18 (i) TITLE II BENEFIT.—A benefit pay-
19 ment described in this clause is a monthly
20 insurance benefit payable (without regard
21 to sections 202(j)(1) and 223(b) of the So-
22 cial Security Act (42 U.S.C. 402(j)(1),
23 423(b)) under—

24 (I) section 202(a) of such Act
25 (42 U.S.C. 402(a));

1 (II) section 202(b) of such Act
2 (42 U.S.C. 402(b));

3 (III) section 202(c) of such Act
4 (42 U.S.C. 402(c));

5 (IV) section 202(d)(1)(B)(ii) of
6 such Act (42 U.S.C.
7 402(d)(1)(B)(ii));

8 (V) section 202(e) of such Act
9 (42 U.S.C. 402(e));

10 (VI) section 202(f) of such Act
11 (42 U.S.C. 402(f));

12 (VII) section 202(g) of such Act
13 (42 U.S.C. 402(g));

14 (VIII) section 202(h) of such Act
15 (42 U.S.C. 402(h));

16 (IX) section 223(a) of such Act
17 (42 U.S.C. 423(a));

18 (X) section 227 of such Act (42
19 U.S.C. 427); or

20 (XI) section 228 of such Act (42
21 U.S.C. 428).

22 (ii) RAILROAD RETIREMENT BEN-
23 EFIT.—A benefit payment described in this
24 clause is a monthly annuity or pension
25 payment payable (without regard to section

1 5(a)(ii) of the Railroad Retirement Act of
2 1974 (45 U.S.C. 231d(a)(ii)) under—

3 (I) section 2(a)(1) of such Act
4 (45 U.S.C. 231a(a)(1));

5 (II) section 2(c) of such Act (45
6 U.S.C. 231a(c));

7 (III) section 2(d)(1)(i) of such
8 Act (45 U.S.C. 231a(d)(1)(i));

9 (IV) section 2(d)(1)(ii) of such
10 Act (45 U.S.C. 231a(d)(1)(ii));

11 (V) section 2(d)(1)(iii)(C) of such
12 Act to an adult disabled child (45
13 U.S.C. 231a(d)(1)(iii)(C));

14 (VI) section 2(d)(1)(iv) of such
15 Act (45 U.S.C. 231a(d)(1)(iv));

16 (VII) section 2(d)(1)(v) of such
17 Act (45 U.S.C. 231a(d)(1)(v)); or

18 (VIII) section 7(b)(2) of such Act
19 (45 U.S.C. 231f(b)(2)) with respect to
20 any of the benefit payments described
21 in clause (i) of this subparagraph.

22 (iii) VETERANS BENEFIT.—A benefit
23 payment described in this clause is a com-
24 pensation or pension payment payable
25 under—

1 (I) section 1110, 1117, 1121,
2 1131, 1141, or 1151 of title 38,
3 United States Code;

4 (II) section 1310, 1312, 1313,
5 1315, 1316, or 1318 of title 38,
6 United States Code;

7 (III) section 1513, 1521, 1533,
8 1536, 1537, 1541, 1542, or 1562 of
9 title 38, United States Code; or

10 (IV) section 1805, 1815, or 1821
11 of title 38, United States Code,

12 to a veteran, surviving spouse, child, or
13 parent as described in paragraph (2), (3),
14 (4)(A)(ii), or (5) of section 101, title 38,
15 United States Code, who received that ben-
16 efit during any month within the 3-month
17 period ending with the month which ends
18 prior to the month that includes the date
19 of the enactment of this Act.

20 (E) SSI CASH BENEFIT DESCRIBED.—A
21 SSI cash benefit described in this subparagraph
22 is a cash benefit payable under section 1611
23 (other than under subsection (e)(1)(B) of such
24 section) or 1619(a) of the Social Security Act
25 (42 U.S.C. 1382, 1382h).

1 (2) REQUIREMENT.—A payment shall be made
2 under paragraph (1) only to individuals who reside
3 in 1 of the 50 States, the District of Columbia,
4 Puerto Rico, Guam, the United States Virgin Is-
5 lands, American Samoa, or the Northern Mariana
6 Islands, or who are utilizing a foreign or domestic
7 Army Post Office, Fleet Post Office, or Diplomatic
8 Post Office address. For purposes of the preceding
9 sentence, the determination of the individual’s resi-
10 dence shall be based on the address of record, as of
11 the date of certification under subsection (b) for a
12 payment under this section under a program speci-
13 fied in paragraph (1).

14 (3) NO DOUBLE PAYMENTS.—An individual
15 shall be paid only 1 payment under this section, re-
16 gardless of whether the individual is entitled to, or
17 eligible for, more than 1 benefit or cash payment de-
18 scribed in paragraph (1).

19 (4) LIMITATION.—A payment under this section
20 shall not be made (or, in the case of subparagraph
21 (D), shall not be due)—

22 (A) in the case of an individual entitled to
23 a benefit specified in paragraph (1)(D)(i) or
24 paragraph (1)(D)(ii)(VIII) if—

1 (i) for the most recent month of such
2 individual's entitlement in the 3-month pe-
3 riod described in paragraph (1); or

4 (ii) for any month thereafter which is
5 before the month after the month of the
6 payment;

7 such individual's benefit under such paragraph
8 was not payable by reason of subsection (x) or
9 (y) of section 202 the Social Security Act (42
10 U.S.C. 402) or section 1129A of such Act (42
11 U.S.C. 1320a–8a);

12 (B) in the case of an individual entitled to
13 a benefit specified in paragraph (1)(D)(iii) if,
14 for the most recent month of such individual's
15 entitlement in the 3-month period described in
16 paragraph (1), such individual's benefit under
17 such paragraph was not payable, or was re-
18 duced, by reason of section 1505, 5313, or
19 5313B of title 38, United States Code;

20 (C) in the case of an individual entitled to
21 a benefit specified in paragraph (1)(E) if—

22 (i) for such most recent month of
23 such individual's eligibility in the 3-month
24 period described in paragraph (1); or

1 (ii) for any month thereafter which is
2 before the month after the month of the
3 payment;

4 such individual's benefit under such paragraph
5 was not payable by reason of subsection
6 (e)(1)(A) or (e)(4) of section 1611 (42 U.S.C.
7 1382) or section 1129A of such Act (42 U.S.C.
8 1320a-8a); or

9 (D) in the case of any individual whose
10 date of death occurs—

11 (i) before the date of the receipt of
12 the payment; or

13 (ii) in the case of a direct deposit, be-
14 fore the date on which such payment is de-
15 posited into such individual's account.

16 In the case of any individual whose date of
17 death occurs before a payment is negotiated (in
18 the case of a check) or deposited (in the case
19 of a direct deposit), such payment shall not be
20 due and shall not be reissued to the estate of
21 such individual or to any other person. Sub-
22 paragraphs (A)(ii) and (C)(ii) shall apply only
23 in the case of certifications under subsection (b)
24 which are, or but for this paragraph would be,
25 made after the date of the enactment of this

1 Act, shall apply to such certifications without
2 regard to the calendar year of the payments to
3 which such certifications apply.

4 (5) TIMING AND MANNER OF PAYMENTS.—

5 (A) IN GENERAL.—The Secretary of the
6 Treasury shall commence disbursing payments
7 under this section at the earliest practicable
8 date in 2011 prior to April 1, 2011. The Sec-
9 retary of the Treasury may disburse any pay-
10 ment electronically to an individual in such
11 manner as if such payment was a benefit pay-
12 ment or cash benefit to such individual under
13 the applicable program described in subpara-
14 graph (D) or (E) of paragraph (1).

15 (B) DEADLINE.—No payments shall be
16 disbursed under this section after December 31,
17 2011, regardless of any determinations of enti-
18 tlement to, or eligibility for, such payments
19 made after such date.

20 (b) IDENTIFICATION OF RECIPIENTS.—The Commis-
21 sioner of Social Security, the Railroad Retirement Board,
22 and the Secretary of Veterans Affairs shall certify the in-
23 dividuals entitled to receive payments under this section
24 and provide the Secretary of the Treasury with the infor-
25 mation needed to disburse such payments. A certification

1 of an individual shall be unaffected by any subsequent de-
2 termination or redetermination of the individual's entitle-
3 ment to, or eligibility for, a benefit specified in subpara-
4 graph (D) or (E) of subsection (a)(1) (except that such
5 certification shall be affected by a determination that an
6 individual is an individual described in subparagraph (A),
7 (B), (C), or (D) of subsection (a)(4) during a period de-
8 scribed in such subparagraphs), and no individual shall
9 be certified to receive a payment under this section for
10 a calendar year if such individual has at any time been
11 denied certification for such a payment for such calendar
12 year by reason of subparagraph (A)(ii) or (C)(ii) of sub-
13 section (a)(4) (unless such individual is subsequently de-
14 termined not to have been an individual described in either
15 such subparagraph at the time of such denial).

16 (c) TREATMENT OF PAYMENTS.—

17 (1) PAYMENT TO BE DISREGARDED FOR PUR-
18 POSES OF ALL FEDERAL AND FEDERALLY ASSISTED
19 PROGRAMS.—A payment under subsection (a) shall
20 not be regarded as income and shall not be regarded
21 as a resource for the month of receipt and the fol-
22 lowing 9 months, for purposes of determining the
23 eligibility of the recipient (or the recipient's spouse
24 or family) for benefits or assistance, or the amount
25 or extent of benefits or assistance, under any Fed-

1 eral program or under any State or local program fi-
2 nanced in whole or in part with Federal funds.

3 (2) PAYMENT NOT CONSIDERED INCOME FOR
4 PURPOSES OF TAXATION.—A payment under sub-
5 section (a) shall not be considered as gross income
6 for purposes of the Internal Revenue Code of 1986.

7 (3) PAYMENTS PROTECTED FROM ASSIGN-
8 MENT.—The provisions of sections 207 and
9 1631(d)(1) of the Social Security Act (42 U.S.C.
10 407, 1383(d)(1)), section 14(a) of the Railroad Re-
11 tirement Act of 1974 (45 U.S.C. 231m(a)), and sec-
12 tion 5301 of title 38, United States Code, shall
13 apply to any payment made under subsection (a) as
14 if such payment was a benefit payment or cash ben-
15 efit to such individual under the applicable program
16 described in subparagraph (D) or (E) of subsection
17 (a)(1).

18 (4) PAYMENTS SUBJECT TO OFFSET.—Notwith-
19 standing paragraph (3)—

20 (A) any payment made under this section
21 shall, in the case of a payment of a direct de-
22 posit which is made after the date of the enact-
23 ment of this Act, be subject to the reclamation
24 provisions under subpart B of part 210 of title

1 31, Code of Federal Regulations (relating to
2 reclamation of benefit payments); and

3 (B) any payment made under this section
4 shall not, for purposes of section 3716 of title
5 31, United States Code, be considered a benefit
6 payment or cash benefit made under the appli-
7 cable program described in subparagraph (D)
8 or (E) of subsection (a)(1), and all amounts
9 paid shall be subject to offset to collect delin-
10 quent debts.

11 (d) PAYMENT TO REPRESENTATIVE PAYEES AND FI-
12 DUCIARIES.—

13 (1) IN GENERAL.—In any case in which an in-
14 dividual who is entitled to a payment under sub-
15 section (a) and whose benefit payment or cash ben-
16 efit described in paragraph (1) of that subsection is
17 paid to a representative payee or fiduciary, the pay-
18 ment under subsection (a) shall be made to the indi-
19 vidual's representative payee or fiduciary and the en-
20 tire payment shall be used only for the benefit of the
21 individual who is entitled to the payment.

22 (2) APPLICABILITY.—

23 (A) PAYMENT ON THE BASIS OF A TITLE
24 II OR SSI BENEFIT.—Section 1129(a)(3) of the
25 Social Security Act (42 U.S.C. 1320a-8(a)(3))

1 shall apply to any payment made on the basis
2 of an entitlement to a benefit specified in para-
3 graph (1)(D)(i) or (1)(E) of subsection (a) in
4 the same manner as such section applies to a
5 payment under title II or XVI of such Act.

6 (B) PAYMENT ON THE BASIS OF A RAIL-
7 ROAD RETIREMENT BENEFIT.—Section 13 of
8 the Railroad Retirement Act (45 U.S.C. 2311)
9 shall apply to any payment made on the basis
10 of an entitlement to a benefit specified in para-
11 graph (1)(D)(ii) of subsection (a) in the same
12 manner as such section applies to a payment
13 under such Act.

14 (C) PAYMENT ON THE BASIS OF A VET-
15 ERANS BENEFIT.—Sections 5502, 6106, and
16 6108 of title 38, United States Code, shall
17 apply to any payment made on the basis of an
18 entitlement to a benefit specified in paragraph
19 (1)(D)(iii) of subsection (a) in the same manner
20 as those sections apply to a payment under that
21 title.

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