

115TH CONGRESS
2D SESSION

S. 2653

To create a poverty relief benefit under title II of the Social Security Act for eligible individuals.

IN THE SENATE OF THE UNITED STATES

APRIL 12, 2018

Mr. WYDEN (for himself, Mr. BROWN, and Mr. CASEY) introduced the following bill; which was read twice and referred to the Committee on Finance

A BILL

To create a poverty relief benefit under title II of the Social Security Act for eligible individuals.

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 This Act may be cited as the “Elder Poverty Relief
5 Act”.

6 **SEC. 2. POVERTY RELIEF BENEFIT.**

7 (a) IN GENERAL.—Title II of the Social Security Act
8 (42 U.S.C. 201 et seq.) is amended by adding at the end
9 the following new section:

1 “POVERTY RELIEF BENEFIT

2 “SEC. 235. (a) Subject to subsection (d), any eligible
3 individual shall be entitled to a poverty relief benefit that
4 shall be—

5 “(1) in addition to any other amounts to which the
6 individual is entitled under this title;

7 “(2) certified and paid monthly in such manner as
8 the Commissioner of Social Security (referred to in this
9 section as the ‘Commissioner’) considers appropriate; and

10 “(3) equal to the monthly benefit amount determined
11 under subsection (b).

12 “(b)(1) Subject to paragraph (4), the monthly benefit
13 amount determined under this subsection for any calendar
14 year shall be a dollar amount equal to $\frac{1}{12}$ th of 2 percent
15 of the national average wage index for the year (as defined
16 in section 209(k)(1)).

17 “(2) If the monthly benefit amount determined under
18 paragraph (1) is not a whole dollar, such amount shall
19 be rounded down to the next lower whole dollar.

20 “(3) The Commissioner shall determine the monthly
21 benefit amount under this subsection for each calendar
22 year not later than October 1 of the preceding calendar
23 year, based on the most recent data that is available.

24 “(4) If the monthly benefit amount determined for
25 a calendar year under paragraph (1) is less than the

1 monthly benefit amount determined for any previous cal-
2 endar year, the highest monthly benefit amount deter-
3 mined for a previous year shall be the monthly benefit
4 amount for the calendar year involved.

5 “(5) For purposes of a monthly benefit amount pay-
6 able to an eligible individual pursuant to this section, such
7 amount shall be payable for each month during the 12-
8 month period from the month of December of the applica-
9 ble calendar year under such subsection through the
10 month of November of the subsequent calendar year.

11 “(c)(1) For purposes of this section, the term ‘eligible
12 individual’ means any of the following:

13 “(A) An individual who—

14 “(i) is entitled to a monthly benefit under sub-
15 sections (a) through (h) of section 202 or section
16 223(a); and

17 “(ii) attains 82 years of age or 240 benefit
18 months (as defined in paragraph (3)) on the basis
19 of the wages and self-employment income of 1 indi-
20 vidual, whichever is earlier.

21 “(B) An individual who—

22 “(i) is eligible for supplemental security income
23 benefits under title XVI; and

1 “(ii) attains retirement age (as defined in sec-
2 tion 216(l)) or 240 benefit months (as defined in
3 paragraph (3)), whichever is earlier.

4 “(C) An individual who—

5 “(i) is entitled to a monthly benefit under sub-
6 sections (a) through (h) of section 202;

7 “(ii) attains retirement age (as defined in sec-
8 tion 216(l));

9 “(iii) has average indexed monthly earnings
10 which do not exceed the amount specified in sub-
11 paragraph (B) of section 215(a)(1) for the purposes
12 of clause (i) of subparagraph (A) of such section
13 215(a); and

14 “(iv) has not less than 11 years of coverage (as
15 defined for purposes of section 215(a)(7)(D)).

16 “(2)(A) An individual’s entitlement to a poverty relief
17 benefit under this section shall be suspended if, during any
18 month, the individual ceases to be an eligible individual.

19 “(B) In the case of an individual described in sub-
20 paragraph (A) who subsequently satisfies the require-
21 ments under paragraph (1), such individual shall be re-
22 entitled to a poverty relief benefit under this section.

23 “(3)(A) Subject to subparagraphs (B) and (C), for
24 purposes of this subsection, the term ‘benefit month’
25 means a month for which an individual has—

1 “(i) attained age 19; and

2 “(ii) been—

3 “(I) entitled to a monthly benefit under
4 subsections (a) through (h) of section 202 or
5 section 223(a); or

6 “(II) eligible for supplemental security in-
7 come benefits under title XVI.

8 “(B) The term ‘benefit month’ shall not include any
9 month in which an individual is—

10 “(i) entitled to a benefit under section 202 that
11 is not payable or reduced to zero by application of
12 subsection (k), (n), (t), (u), (v), or (x) of such sec-
13 tion and is not eligible for a benefit under title XVI
14 (or is eligible for a benefit under such title but the
15 benefit is not payable or reduced to zero);

16 “(ii) eligible for a benefit under title XVI that
17 is not payable or reduced to zero and is not entitled
18 to a benefit under sections 202 or 223 (or is entitled
19 to a benefit under such section 202 but the benefit
20 is not payable or reduced to zero); or

21 “(iii) subject to a penalty under section 1129A.

22 “(C) In the case of an individual who is entitled to
23 a monthly insurance benefit described in subclause (I) of
24 subparagraph (A)(ii) on the basis of the wages and self-
25 employment income of more than 1 individual, a benefit

1 month shall be determined based on the wages and self-
2 employment income that are the basis of the largest ben-
3 efit to which such individual is entitled for such month.

4 “(d)(1) In no case shall an eligible individual be enti-
5 tled to more than 1 poverty relief benefit under this sec-
6 tion for any month.

7 “(2) For any month in which an eligible individual
8 is entitled to a monthly benefit described in subsection
9 (c)(1)(A)(i) on the basis of the wages and self-employment
10 income of more than 1 individual, a poverty relief benefit
11 under this section may only be paid for such month on
12 the basis of the wages and self-employment that are the
13 basis for the largest monthly benefit to which such indi-
14 vidual is entitled for such month.

15 “(3) Any amounts provided to an eligible individual
16 pursuant to this section shall not be regarded as income
17 or earnings for purposes of determining the eligibility of
18 the recipient for benefits or assistance, or the amount or
19 extent of benefits or assistance, under any Federal pro-
20 gram or under any State or local program financed in
21 whole or in part with Federal funds, or the eligibility for
22 or extent of benefits or assistance under such programs
23 of any individual for whom the income of the recipient is
24 counted.”.

1 (b) RAILROAD RETIREMENT ACT.—Section 19 of the
2 Railroad Retirement Act of 1974 (45 U.S.C. 231r) is
3 amended—

4 (1) by redesignating subsection (d) as sub-
5 section (e);

6 (2) by inserting after subsection (c) the fol-
7 lowing new subsection:

8 “(d)(1) An individual entitled to an annuity compo-
9 nent computed under section 3(a)(1), 4(a)(1), or 4(f)(1)
10 of this Act shall be entitled to the benefit described in sec-
11 tion 235 of the Social Security Act, subject to the require-
12 ments and conditions set forth therein.”; and

13 (3) in subsection (e), as so redesignated, by
14 striking “subsection (a), (b), or (c)” each place it
15 appears and inserting “subsection (a), (b), (c), or
16 (d)”.

17 (c) SOURCE OF FUNDS.—Subsection (h) of section
18 201 of the Social Security Act (42 U.S.C. 401) is amended
19 to read as follows:

20 “(h)(1) Benefit payments required to be made under
21 section 223, and benefit payments required to be made
22 under subsection (b), (c), or (d) of section 202 to individ-
23 uals entitled to benefits on the basis of the wages and self-
24 employment income of an individual entitled to disability
25 insurance benefits, shall be made only from the Federal

1 Disability Insurance Trust Fund. All other benefit pay-
2 ments required to be made under this title (other than
3 sections 226 and 235) shall be made only from the Federal
4 Old-Age and Survivors Insurance Trust Fund.

5 “(2) Any benefit payment required to made under
6 section 235 to an individual entitled to a poverty relief
7 benefit under such section shall be made—

8 “(A) in the case of an individual who is also en-
9 titled to a benefit under section 202 or 223, from
10 the same trust fund from which the individual’s ben-
11 efit under section 202 or 223 is made; and

12 “(B) in the case of an individual who is not en-
13 titled to a benefit under section 202 or 223, from
14 funds appropriated for such purpose pursuant to the
15 authorization of appropriations in section 1601.”.

16 (d) AUTHORIZATION OF APPROPRIATIONS.—Section
17 1601 of the Social Security Act (42 U.S.C. 1381) is
18 amended by striking “there are authorized” and all that
19 follows through the period and inserting the following:
20 “and to make poverty relief benefit payments under sec-
21 tion 235 to individuals who are described in section
22 201(h)(2)(B), there are authorized to be appropriated
23 sums sufficient to carry out this title and make such pay-
24 ments.”.

1 (e) EFFECTIVE DATE.—The amendments made by
2 this section shall apply to benefits payable for months be-
3 ginning after November 2018.

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