116TH CONGRESS  
1ST SESSION  

S. 2753

To amend title XVI of the Social Security Act to update eligibility for the supplemental security income program, and for other purposes.

IN THE SENATE OF THE UNITED STATES

OCTOBER 30, 2019

Mr. BROWN (for himself, Ms. WARREN, Ms. HIRONO, Mr. DURBIN, Mr. WHITEHOUSE, Mr. BLUMENTHAL, Mr. MERKLEY, Mr. SANDERS, Mr. CASEY, and Ms. HARRIS) introduced the following bill; which was read twice and referred to the Committee on Finance

A BILL

To amend title XVI of the Social Security Act to update eligibility for the supplemental security income program, and for other purposes.

Be it enacted by the Senate and House of Representa-

tives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Supplemental Security

Income Restoration Act of 2019”.

SEC. 2. UPDATE IN ELIGIBILITY FOR THE SUPPLEMENTAL

SECURITY INCOME PROGRAM.

(a) UPDATE IN GENERAL INCOME EXCLUSION.—

Section 1612(b)(2)(A) of the Social Security Act (42
U.S.C. 1382a(b)(2)(A)) is amended by striking “$240” and inserting “$1,476 (increased as described in section 1617(d) for each calendar year after 2020)”.

(b) **Update in Earned Income Exclusion.**—Section 1612(b)(4) of such Act (42 U.S.C. 1382a(b)(4)) is amended by striking “$780” each place it appears and inserting “$4,788 (increased as described in section 1617(d) for each calendar year after 2020)”.

(c) **Update in Resource Limit for Individuals and Couples.**—Section 1611(a)(3) of such Act (42 U.S.C. 1382(a)(3)) is amended—

1. in subparagraph (A), by striking “$2,250” and all that follows through the end of the subparagraph and inserting “$20,000 in calendar year 2020, and shall be increased as described in section 1617(d) for each subsequent calendar year.”; and
2. in subparagraph (B), by striking “$1,500” and all that follows through the end of the subparagraph and inserting “$10,000 in calendar year 2020, and shall be increased as described in section 1617(d) for each subsequent calendar year.”.

(d) **Inflation Adjustment.**—Section 1617 of such Act (42 U.S.C. 1382f) is amended—

1. in the section heading, by inserting “; Inflation Adjustment” after “Benefits”; and
(2) by adding at the end the following:

“(d) In the case of any calendar year after 2020, each
of the amounts specified in sections 1611(a)(3),
1612(b)(2)(A), and 1612(b)(4) shall be increased by mul-
tiplying each such amount by the quotient (not less than
1) obtained by dividing—

“(1) the average of the Consumer Price Index
for Elderly Consumers (CPI–E, as published by the
Bureau of Labor Statistics of the Department of
Labor) for the 12-month period ending with Sep-
tember of the preceding calendar year, by

“(2) such average for the 12-month period end-
ing with September 2019.”.

SEC. 3. SUPPORT AND MAINTENANCE FURNISHED IN KIND

NOT INCLUDED AS INCOME.

(a) In General.—Section 1612(a)(2) of such Act
(42 U.S.C. 1382a(a)(2)) is amended—

(1) by inserting “(other than support or main-
tenance furnished in kind)” after “all other income”;
and

(2) in subparagraph (A)—

(A) by striking “or kind”;

(B) by striking clause (i) and redesig-
nating clauses (ii) and (iii) as clauses (i) and
(ii), respectively; and
(C) in clause (ii) (as so redesignated), by striking “and the provisions of clause (i) shall not be applicable”.

(b) **Conforming Amendments.**—

(1) Section 1611(c) of such Act (42 U.S.C. 1382(c)) is amended by striking paragraph (6) and redesignating paragraphs (7) through (10) as paragraphs (6) through (9), respectively.

(2) Section 1612(a)(2) of such Act (42 U.S.C. 1382a(a)(2)) is amended—

(A) in subparagraph (F), by inserting “and” at the end;

(B) in subparagraph (G), by striking “; and” and inserting a period;

(C) by moving subparagraph (G) 2 ems to the right; and

(D) by striking subparagraph (H).

(3) Section 1621(c) of such Act (42 U.S.C. 1382j(c)) is amended to read as follows:

“(c) In determining the amount of income of an alien during the period of 5 years after such alien’s entry into the United States, support or maintenance furnished in cash to the alien by such alien’s sponsor (to the extent that it reflects income or resources which were taken into account in determining the amount of income and re-
sources to be deemed to the alien under subsection (a) or (b) of this section) shall not be considered to be income of such alien under section 1612(a)(2)(A).”.

SEC. 4. REPEAL OF PENALTY FOR DISPOSAL OF RESOURCES FOR LESS THAN FAIR MARKET VALUE.

Section 1613(c) of such Act (42 U.S.C. 1382b(c)) is amended to read as follows:

“(c) NOTIFICATION OF MEDICAID POLICY RESTRICTING ELIGIBILITY OF INSTITUTIONALIZED INDIVIDUALS FOR BENEFITS BASED ON DISPOSAL OF RESOURCES FOR LESS THAN FAIR MARKET VALUE.—

“(1) IN GENERAL.—At the time an individual (and the individual’s eligible spouse, if any) applies for benefits under this title, and at the time the eligibility of an individual (and such spouse, if any) for such benefits is redetermined, the Commissioner of Social Security shall—

“(A) inform such individual of the provisions of section 1917(e) providing for a period of ineligibility for benefits under title XIX for individuals who make certain dispositions of resources for less than fair market value, and inform such individual that information obtained pursuant to subparagraph (B) will be made
available to the State agency administering a
State plan under title XIX (as provided in
paragraph (2)); and

“(B) obtain from such individual informa-
tion which may be used by the State agency in
determining whether or not a period of ineligi-
tility for such benefits would be required by
reason of section 1917(c).

“(2) PROVISION OF INFORMATION TO STATE
MEDICAID AGENCIES.—The Commissioner of Social
Security shall make the information obtained under
paragraph (1)(B) available, on request, to any State
agency administering a State plan approved under
title XIX.”.

SEC. 5. REPEAL OF MARRIAGE PENALTY.

(a) In General.—Section 1611(b)(2) of the Social
Security Act (42 U.S.C. 1382f(b)(2)) is amended by strik-
ing “payable at the rate of” and all that follows through
the end of the paragraph and inserting “payable—

“(A) for calendar years 1974 through 2019, at
the rate of $2,628 (or, if greater, the amount deter-
mined under section 1617); and

“(B) for calendar year 2020 and any calendar
year thereafter, at twice the rate applicable for such
calendar year under paragraph (1) for an individual
who does not have an eligible spouse,
reduced by the amount of income, not excluded pursuant
to section 1612(b), of such individual and spouse.”.

(b) CONFORMING AMENDMENT.—Section 1617(a)(1)
of such Act (42 U.S.C. 1382(a)(1)) is amended by striking
“subsections (a)(1)(A), (a)(2)(A), (b)(1), and (b)(2)” and
inserting “subsections (a)(1)(A), (a)(2)(A), and (b)(1)”.

SEC. 6. CLARIFYING THE TREATMENT OF CERTAIN STATE
TAX CREDITS.

Title XVI of the Social Security Act (42 U.S.C.
1382a) is amended—

(1) in section 1612(b)(19), by striking “and
any payment” and all that follows through “credit)”
and inserting “and any refund of State income taxes
made to such individual (or such spouse) by reason
of a State earned income tax credit (as defined by
the Secretary)”;

(2) in section 1613(a)(11)—

(A) in subparagraph (A), by inserting “,
and any refund of State income taxes made to
such individual (or such spouse) by reason of a
State child tax credit (as defined by the Sec-
retary)” before the semicolon; and
(B) in subparagraph (B), by striking “and any payment” and all that follows through “credit)” and inserting “and any refund of State income taxes made to such individual (or such spouse) by reason of a State earned income tax credit (as defined by the Secretary)”.

SEC. 7. EFFECTIVE DATE.

The amendments made by this Act shall take effect on January 1, 2020.