

111TH CONGRESS
1ST SESSION

H. R. 3536

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.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 8, 2009

Mrs. MCCARTHY of New York (for herself, Mr. KILDEE, Ms. FUDGE, Mr. FILNER, Mr. PETERS, Mr. ROTHMAN of New Jersey, Mr. BOUCHER, Mr. COSTELLO, Mr. HARE, and Mr. BISHOP of New York) 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.

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 “Social Security COLA
5 Fix for 2010 Act”.

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

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

1 (1) no cost-of-living increase in Social Security
2 benefits is anticipated under current law for 2010;
3 and

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

8 (b) STATEMENT OF POLICY.—It is the policy of this
9 Act to provide some compensation to our Nation’s seniors
10 and disabled individuals and their families for the lack of
11 a cost-of-living increase in Social Security benefits for
12 2010 by providing for them a benefit increase of \$150 for
13 one month in 2010.

14 **SEC. 3. SOCIAL SECURITY BENEFIT INCREASE FOR ONE**
15 **MONTH PAYABLE IN 2010.**

16 (a) IN GENERAL.—Except as provided in this section,
17 each individual who is entitled to a monthly insurance ben-
18 efit under section 202 or 223 of the Social Security Act
19 (42 U.S.C. 402, 423) for the month in which this Act is
20 enacted and is also entitled to such benefit for the applica-
21 ble increase month (as defined in subsection (b)) shall be
22 entitled to an increase in such benefit for the applicable
23 increase month in the amount of \$150.

24 (b) APPLICABLE INCREASE MONTH.—For purposes
25 of this section, the term “applicable increase month”

1 means the first month beginning after 180 days after the
2 date of the enactment of this Act

3 (c) RESTRICTION OF INCREASE TO ONE MONTH.—

4 Nothing in this section shall affect the amount of a benefit
5 under section 202 or 223 of the Social Security Act for
6 any month other than the applicable increase month.

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

18 (e) SIMULTANEOUS ENTITLEMENTS.—In any case in
19 which an individual is entitled to 2 or more monthly insur-
20 ance benefits under title II of the Social Security Act for
21 the applicable increase month, the increase provided in
22 subsection (a) shall apply to the total amount of such ben-
23 efits for the applicable increase month, after application
24 of section 202(k), in lieu of the amount of each benefit
25 which is so payable.

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

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

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

21 (i) BENEFITS NOT OTHERWISE PAYABLE.—Nothing
22 in this section shall be construed to provide, in connection
23 with the increase of any benefit under this section, for a
24 payment of any amount of such benefit if such benefit is

1 not otherwise payable under subsection (t) or (x) of sec-
2 tion 202 of the Social Security Act (42 U.S.C. 402(t), (x)).

○