

111TH CONGRESS
2D SESSION

H. R. 4429

To provide for an increase of \$250 in benefits under certain Federal cash benefit programs for one month in 2010 to compensate for the lack of a cost-of-living adjustment for that year.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 13, 2010

Mr. ADLER of New Jersey (for himself, Mr. McMAHON, Mr. MICA, and Mr. YOUNG of Florida) introduced the following bill; which was referred to the Committee on Ways and Means, and in addition to the Committees on Appropriations, Veterans' Affairs, Oversight and Government Reform, and Transportation and Infrastructure, 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 provide for an increase of \$250 in benefits under certain Federal cash benefit programs 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 “Restoring the Social
5 Security COLA Act”.

1 **SEC. 2. INCREASE IN MONTHLY CASH BENEFIT FOR ONE**
2 **MONTH PAYABLE IN 2010.**

3 (a) IN GENERAL.—Except as provided in this section,
4 each individual who is entitled to a monthly cash benefit
5 under a covered Federal cash benefit program (as defined
6 in subsection (b)) for the month in which this Act is en-
7 acted and is also entitled to such benefit for the applicable
8 increase month (as defined in subsection (c)) shall be enti-
9 tled to an increase in such monthly cash benefit for the
10 applicable increase month in the amount of \$250.

11 (b) COVERED FEDERAL CASH BENEFIT PROGRAM.—
12 For purposes of this section, the term “covered Federal
13 cash benefit program” means a Federal program pro-
14 viding—

15 (1) Social Security benefits (as defined in sec-
16 tion 86(d) of the Internal Revenue Code of 1986
17 (without regard to paragraph (3) thereof)),

18 (2) benefits under chapter 11, 13, or 15 of title
19 38, United States Code, or

20 (3) benefits under chapter 83 or 84 of title 5,
21 United States Code.

22 (c) APPLICABLE INCREASE MONTH.—For purposes
23 of this section, the term “applicable increase month”
24 means the first month beginning after the earlier of—

25 (1) 120 days after the date of the enactment of
26 this Act, or

1 (2) November 30, 2010.

2 (d) RESTRICTION OF INCREASE TO ONE MONTH.—

3 Nothing in this section shall affect the amount of a month-
4 ly cash benefit under any Federal cash benefit program
5 for any month other than the applicable increase month.

6 (e) NOTICE.—Not later than the date of the monthly
7 cash benefit to each individual which reflects the benefit
8 increase under this section, the Secretary of the Treasury
9 shall issue to such individual a written notice which in-
10 cludes the following statement: “Your monthly cash ben-
11 efit for _____ reflects a one-time increase in the
12 monthly benefit for that month of \$250 which is in lieu
13 of an annual cost-of-living increase in benefits for 2010.”,
14 with the blank space therein being filled with a reference
15 to the calendar month which is the applicable increase
16 month.

17 (f) SIMULTANEOUS ENTITLEMENTS.—In any case in
18 which an individual is entitled to 2 or more monthly cash
19 benefits under a covered Federal cash benefit program for
20 the applicable increase month, the increase provided in
21 subsection (a) shall apply to the total amount of such ben-
22 efits for the applicable increase month, after application
23 of any provision under such program providing for coordi-
24 nation of multiple benefits for any month, in lieu of the
25 amount of each benefit which is so payable.

1 (g) EFFECT ON FAMILY MAXIMUMS.—The amount of
2 the increase in monthly cash benefits provided under sub-
3 section (a) in connection with a covered Federal cash ben-
4 efit program shall be disregarded in determining reduc-
5 tions under such program in benefits under any provision
6 under such program providing for reductions in benefits
7 based on the same work record or in connection with fam-
8 ily membership.

9 (h) INCREASE TO BE DISREGARDED FOR PURPOSES
10 OF ALL FEDERAL AND FEDERALLY ASSISTED PRO-
11 GRAMS.—

12 (1) IN GENERAL.—The increase under sub-
13 section (a) shall not be regarded as income and shall
14 not be regarded as a resource for the applicable in-
15 crease month and the following 9 months, for pur-
16 poses of determining the eligibility of the recipient
17 (or the recipient's spouse or family) for benefits or
18 assistance, or the amount or extent of benefits or as-
19 sistance, under any Federal program or under any
20 State or local program financed in whole or in part
21 with Federal funds.

22 (2) FEDERAL RETIREMENT.—The increase
23 under subsection (a) shall not be taken into ac-
24 count—

1 (A) for purposes of applying section
2 8340(g) of title 5, United States Code; or

3 (B) for purposes of any computation under
4 section 8342(e) or 8424(f) of such title.

5 (i) INCREASE NOT CONSIDERED INCOME FOR PUR-
6 POSES OF TAXATION.—The increase under subsection (a)
7 shall not be considered as gross income for purposes of
8 the Internal Revenue Code of 1986.

9 (j) BENEFITS NOT OTHERWISE PAYABLE.—Nothing
10 in this section shall be construed to provide, in connection
11 with the increase under this section of any monthly cash
12 benefit under a covered Federal cash benefit program, for
13 a payment of any amount of such monthly cash benefit
14 to any individual if—

15 (1) such monthly cash benefit is not otherwise
16 payable or is suspended or reduced by reason of—

17 (A) confinement of the individual in a jail,
18 prison, or other penal institution or correctional
19 facility, confinement of the individual in an in-
20 stitution at public expense, flight by the indi-
21 vidual to avoid criminal prosecution or custody
22 or confinement after conviction of a crime, or
23 violation by the individual of a condition of pro-
24 bation or parole, or

1 (B) failure of the individual to make child
2 support payments required under applicable
3 law, or

4 (2) such individual is an alien who is not law-
5 fully present in the United States.

6 **SEC. 3. FUNDING.**

7 (a) IN GENERAL.—Effective February 1, 2010, of
8 the unobligated balance of the discretionary appropria-
9 tions made available by division A of the American Recov-
10 ery and Reinvestment Act of 2009 (Public Law 111–5),
11 there is rescinded the amount determined by the Director
12 of the Office of Management and Budget to be required
13 to offset the increase in spending resulting from the provi-
14 sions of section 2.

15 (b) APPLICATION.—The rescission made by sub-
16 section (a) shall be applied proportionately—

17 (1) to each discretionary account; and

18 (2) within each such account, to each program,
19 project, and activity (with programs, projects, and
20 activities as delineated in the appropriation Act or
21 accompanying reports for the relevant fiscal year
22 covering such account, or for accounts not included
23 in an appropriation Act, as delineated in the most
24 recently submitted President’s budget).

1 (c) OMB REPORT.—Not later than March 1, 2010,
2 the Director of the Office of Management and Budget
3 shall submit to the House of Representatives and the Sen-
4 ate a report specifying the reductions made to each ac-
5 count, program, project, and activity pursuant to this sec-
6 tion.

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