

111TH CONGRESS  
2D SESSION

# H. R. 5987

To ensure that seniors, veterans, and people with disabilities who receive Social Security and certain other Federal benefits receive a one-time \$250 payment in the event that no cost-of-living adjustment is payable in 2011.

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## IN THE HOUSE OF REPRESENTATIVES

JULY 30, 2010

Mr. POMEROY (for himself, Ms. TITUS, Mr. KLEIN of Florida, Ms. GIFFORDS, Ms. SHEA-PORTER, Mr. BRIGHT, Ms. SUTTON, Ms. KOSMAS, Mr. CRITZ, Mr. DEUTCH, Mr. ARCURI, Mr. BECERRA, Ms. BERKLEY, Mr. BISHOP of New York, Mr. BOREN, Mr. BRADY of Pennsylvania, Mrs. CAPPS, Ms. CASTOR of Florida, Ms. CLARKE, Mr. CLAY, Mr. COSTA, Mr. COSTELLO, Mr. COURTNEY, Mr. CROWLEY, Mr. CUMMINGS, Mrs. DAHLKEMPER, Mr. DAVIS of Illinois, Mr. DEFazio, Ms. DELAURO, Mr. DRIEHAUS, Ms. EDWARDS of Maryland, Mr. ELLISON, Mr. FILNER, Ms. FUDGE, Mr. GARAMENDI, Mr. GORDON of Tennessee, Mr. GRAYSON, Mr. GRIJALVA, Mr. HALL of New York, Mr. HARE, Mr. HASTINGS of Florida, Mr. HINCHEY, Ms. HIRONO, Mr. ISRAEL, Mr. KAGEN, Ms. KAPTUR, Ms. KILPATRICK of Michigan, Mrs. KIRKPATRICK of Arizona, Mr. KISSELL, Mr. LANGEVIN, Mr. LARSON of Connecticut, Ms. LEE of California, Mr. LEVIN, Mr. LEWIS of Georgia, Mr. LOEBSACK, Mrs. LOWEY, Mr. LYNCH, Mrs. MALONEY, Ms. MATSUI, Mr. MCINTYRE, Mr. MICHAUD, Mr. GEORGE MILLER of California, Ms. MOORE of Wisconsin, Mr. NEAL of Massachusetts, Mr. OBERSTAR, Mr. ORTIZ, Mr. PERRIELLO, Mr. PETERS, Mr. RAHALL, Mr. RANGEL, Ms. RICHARDSON, Mr. RODRIGUEZ, Mr. ROTHMAN of New Jersey, Mr. SABLON, Ms. SCHAKOWSKY, Mr. SCHAUER, Ms. SCHWARTZ, Mr. SCOTT of Georgia, Mr. STARK, Mr. TOWNS, Ms. TSONGAS, Mr. WALZ, Mr. WILSON of Ohio, Mr. YARMUTH, and Mr. MEEK of Florida) 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 seniors, veterans, and people with disabilities who receive Social Security and certain other Federal benefits receive a one-time \$250 payment 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,*

## 3   **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Seniors Protection Act  
 5   of 2010”.

## 6   **SEC. 2. PAYMENT IN LIEU OF A COST-OF-LIVING ADJUST-** 7                   **MENT TO RECIPIENTS OF SOCIAL SECURITY,** 8                   **SUPPLEMENTAL SECURITY INCOME, RAIL-** 9                   **ROAD RETIREMENT BENEFITS, AND VET-** 10                  **ERANS DISABILITY COMPENSATION OR PEN-** 11                  **SION BENEFITS.**

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

13           (1) **ELIGIBILITY.—**

14               (A) **IN GENERAL.**—Subject to paragraph  
 15       (5)(B), the Secretary of the Treasury shall dis-  
 16       burse a \$250 payment to each individual who,  
 17       for any month during the 3-month period end-  
 18       ing with the month which ends prior to the  
 19       month that includes the date of the enactment  
 20       of this Act, is entitled to a benefit payment de-  
 21       scribed in clause (i), (ii), or (iii) of subpara-

graph (B) or is eligible for a SSI cash benefit described in subparagraph (C). Payments shall be made under this section only if no increase takes effect with the month of December 2010 under section 215(i) of the Social Security Act. In the case of an individual who is eligible for a payment under this subparagraph by reason of entitlement to a benefit described in subparagraph (B)(i), no such payment shall be made to such individual unless such individual was paid a benefit described in such subparagraph (B)(i) for any month in the 12-month period ending with the month which ends prior to the month that includes the date of the enactment of this Act.

(B) BENEFIT PAYMENT DESCRIBED.—For purposes of subparagraph (A):

(i) TITLE II BENEFIT.—A benefit payment described in this clause is a monthly insurance benefit payable (without regard to sections 202(j)(1) and 223(b) of the Social Security Act (42 U.S.C. 402(j)(1), 423(b)) under—

(I) section 202(a) of such Act (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 (C) 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)(B)(i) or  
24              paragraph (1)(B)(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)(B)(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)(C) 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 death oc-  
17 curs before a payment is negotiated (in the case of  
18 a check) or deposited (in the case of a direct de-  
19 posit), such payment shall not be due and shall not  
20 be reissued to the estate of such individual or to any  
21 other person. Subparagraphs (A)(ii) and (C)(ii) shall  
22 apply only in the case of certifications under sub-  
23 section (b) which are, or but for this paragraph  
24 would be, made after the date of the enactment of  
25 this Act, shall apply to such certifications without

1        regard to the calendar year of the payments to  
2        which such certifications apply.

3            (5) TIMING AND MANNER OF PAYMENTS.—

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

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

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

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

15 (c) TREATMENT OF PAYMENTS.—

16 (1) PAYMENT TO BE DISREGARDED FOR PUR-  
17 POSES OF ALL FEDERAL AND FEDERALLY ASSISTED  
18 PROGRAMS.—A payment under subsection (a) shall  
19 not be regarded as income and shall not be regarded  
20 as a resource for the month of receipt and the fol-  
21 lowing 9 months, for purposes of determining the  
22 eligibility of the recipient (or the recipient's spouse  
23 or family) for benefits or assistance, or the amount  
24 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 (B) or (C) 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 (B)  
8           or (C) 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)(B)(i) or (1)(C) 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)(B)(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)(B)(iii) of subsection (a) in the same manner  
20 as those sections apply to a payment under that  
21 title.

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