

114TH CONGRESS
1ST SESSION

H. R. 4140

To provide for a one-time supplementary payment to beneficiaries of Social Security and Veterans benefits, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

DECEMBER 1, 2015

Mr. GUINTA (for himself and Ms. SINEMA) introduced the following bill; which was referred to the Committee on Ways and Means, and in addition to the Committees on Veterans' Affairs, Transportation and Infrastructure, Appropriations, Energy and Commerce, and Financial Services, 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 a one-time supplementary payment to beneficiaries of Social Security and Veterans benefits, and for other purposes.

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 “Saving the Earnings
5 and Noting the Investment of Our Retired Seniors Act
6 of 2015” or the “SENIORS Act of 2015”.

1 **SEC. 2. SENSE OF CONGRESS.**

2 It is the sense of Congress that—

3 (1) seniors, especially those on a fixed income,
4 who were promised social security benefits, paid into
5 the system, and now rely on those benefits, receive
6 a proper cost-of-living increase to fulfill their needs;
7 and

8 (2) Congress, in coordination with the heads of
9 the Social Security Administration, the Railroad Re-
10 tirement Board, the Department of Veterans Affairs,
11 and the Department of Labor, should develop a leg-
12 islative solution to ensure that the cost-of-living ad-
13 justment formula for Social Security adequately re-
14 flects beneficiaries' needs.

15 **SEC. 3. ONE-TIME SUPPLEMENTARY PAYMENT TO BENE-**
16 **FICIARIES OF SOCIAL SECURITY AND VET-**
17 **ERANS BENEFITS.**

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

19 (1) **ELIGIBILITY.—**

20 (A) **IN GENERAL.—**Subject to paragraph
21 (4)(C), the Secretary of the Treasury shall dis-
22 burse a payment equal to the amount described
23 in subsection (e) to each individual who, for any
24 month during the 3-month period ending with
25 the month which ends prior to the month that
26 includes the date of the enactment of this Act,

1 is entitled to a benefit payment described in
2 clause (i), (ii), or (iii) of subparagraph (B), or
3 is eligible for a SSI cash benefit described in
4 subparagraph (C).

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

7 (i) TITLE II BENEFIT.—A benefit pay-
8 ment described in this clause is a monthly
9 insurance benefit payable under title II of
10 the Social Security Act (42 U.S.C. 401 et
11 seq.).

12 (ii) RAILROAD RETIREMENT BEN-
13 EFIT.—A benefit payment described in this
14 clause is a monthly annuity or pension
15 payment payable under subsection (a), (c),
16 or (d) of section 2 of the Railroad Retire-
17 ment Act of 1974 (45 U.S.C. 231a).

18 (iii) VETERANS BENEFIT.—A benefit
19 payment described in this clause is a pay-
20 ment made by the Secretary of Veterans
21 Affairs for a benefit under the laws admin-
22 istered by the Secretary—

23 (I) that is covered by section
24 5312 of title 38, United States Code;

1 (II) for which there was an in-
2 crease in rates made pursuant to the
3 Veterans' Compensation Cost-of-Liv-
4 ing Adjustment Act of 2014 (Public
5 Law 113–181); or

6 (III) that would otherwise be in-
7 creased pursuant to an increase in
8 benefit amounts payable under title II
9 of the Social Security Act (42 U.S.C.
10 401 et seq.).

11 (C) SSI CASH BENEFIT DESCRIBED.—A
12 SSI cash benefit described in this subparagraph
13 is a supplemental security income benefit pay-
14 able under title XVI of the Social Security Act
15 (42 U.S.C. 1381 et seq.).

16 (2) NO DOUBLE PAYMENTS.—An individual
17 shall be paid only 1 payment under this section, re-
18 gardless of whether the individual is entitled to, or
19 eligible for, more than 1 benefit payment described
20 in paragraph (1).

21 (3) LIMITATION.—A payment under this section
22 shall not be made in the case of any individual
23 whose date of death occurs before the date on which
24 the individual is certified under subsection (b) to re-
25 ceive a payment under this section.

(4) TIMING AND MANNER OF PAYMENTS.—

(A) IN GENERAL.—The Secretary of the Treasury shall commence disbursing payments under this section at the earliest practicable date but in no event later than 120 days after the date of enactment of this Act. The Secretary of the Treasury may disburse any payment electronically to an individual in such manner as if such payment was a benefit payment to such individual under the applicable program described in subparagraph (B) or (C) of paragraph (1).

(B) NOTICE.—

(i) IN GENERAL.—The Secretary of the Treasury shall provide written notice, sent by mail to each individual receiving a payment under this section, explaining that the payment represents a one-time benefit increase to the benefit payment described in paragraph (1) to which the individual is entitled.

(ii) PUBLIC NOTICE.—The Secretary of the Treasury, in consultation with the Commissioner of Social Security and the Secretary of Veterans Affairs, shall publish

1 on a public Web site information about the
2 payments authorized under this subsection,
3 including—

4 (I) information on eligibility for
5 such payments;

6 (II) information on the time-
7 frame in which such payments will be
8 distributed; and

9 (III) other relevant information.

10 (C) DEADLINE.—No payments shall be
11 disbursed under this section after December 31,
12 2016, regardless of any determinations of enti-
13 tlement to, or eligibility for, such payments
14 made after such date.

15 (b) IDENTIFICATION OF RECIPIENTS.—The Commis-
16 sioner of Social Security, the Railroad Retirement Board,
17 and the Secretary of Veterans Affairs shall certify the in-
18 dividuals entitled to receive payments under this section
19 and provide the Secretary of the Treasury with the infor-
20 mation needed to disburse such payments. A certification
21 of an individual shall be unaffected by any subsequent de-
22 termination or redetermination of the individual's entitle-
23 ment to, or eligibility for, a benefit specified in subpara-
24 graph (B) or (C) of subsection (a)(1).

25 (c) TREATMENT OF PAYMENTS.—

1 (1) PAYMENT NOT CONSIDERED INCOME FOR
2 PURPOSES OF TAXATION.—A payment under sub-
3 section (a) shall not be considered as gross income
4 for purposes of the Internal Revenue Code of 1986.

5 (2) PAYMENTS PROTECTED FROM ASSIGN-
6 MENT.—The provisions of section 207 of the Social
7 Security Act (42 U.S.C. 407) and section 14(a) of
8 the Railroad Retirement Act of 1974 (45 U.S.C.
9 231m(a)) shall apply to any payment made under
10 subsection (a) as if such payment was a benefit pay-
11 ment to such individual under the applicable pro-
12 gram described in subsection (a)(1)(B).

13 (3) TREATMENT UNDER SOCIAL SECURITY
14 ACT.—

15 (A) NO EFFECT ON FAMILY MAXIMUM.—
16 For purposes of section 203(a) of the Social Se-
17 curity Act (42 U.S.C. 403(a)), a payment under
18 subsection (a) shall be disregarded in deter-
19 mining reductions in benefits under such sec-
20 tion.

21 (B) PAYMENT NOT A GENERAL BENEFIT
22 INCREASE.—For purposes of section 215(i) of
23 the Social Security Act (42 U.S.C. 415(i)), a
24 payment under subsection (a) shall not be re-
25 garded as a general benefit increase.

1 (4) PAYMENTS SUBJECT TO RECLAMATION.—

2 Any payment made under this section shall, in the
 3 case of a payment by direct deposit which is made
 4 after the date of the enactment of this Act, be sub-
 5 ject to the reclamation provisions under subpart B
 6 of part 210 of title 31, Code of Federal Regulations
 7 (relating to reclamation of benefit payments).

8 (d) PAYMENT TO REPRESENTATIVE PAYEES AND FI-
 9 DUCIARIES.—

10 (1) IN GENERAL.—In any case in which an in-
 11 dividual who is entitled to a payment under sub-
 12 section (a) and whose benefit payment or cash ben-
 13 efit described in paragraph (1) of that subsection is
 14 paid to a representative payee or fiduciary, the pay-
 15 ment under subsection (a) shall be made to the indi-
 16 vidual's representative payee or fiduciary and the en-
 17 tire payment shall be used only for the benefit of the
 18 individual who is entitled to the payment.

19 (2) APPLICABILITY.—

20 (A) PAYMENT ON THE BASIS OF A TITLE
 21 II BENEFIT OR SSI BENEFIT.—Section
 22 1129(a)(3) of the Social Security Act (42
 23 U.S.C. 1320a–8(a)(3)) shall apply to any pay-
 24 ment made on the basis of an entitlement to a
 25 benefit specified in paragraph (1)(B)(i) or

(1)(C) of subsection (a) in the same manner as such section applies to a payment under title II or XVI of such Act.

(B) PAYMENT ON THE BASIS OF A RAILROAD RETIREMENT BENEFIT.—Section 13 of the Railroad Retirement Act (45 U.S.C. 231l) shall apply to any payment made on the basis of an entitlement to a benefit specified in paragraph (1)(B)(ii) of subsection (a) in the same manner as such section applies to a payment under such Act.

(C) PAYMENT ON THE BASIS OF A VETERANS BENEFIT.—Sections 5502, 6106, and 6108 of title 38, United States Code, shall apply to any payment made on the basis of an entitlement to a benefit specified in paragraph (1)(B)(iii) of subsection (a) in the same manner as those sections apply to a payment under that title.

(e) PAYMENT AMOUNT.—The amount described in this subsection, with respect to an individual who is entitled to a benefit payment described in clause (i), (ii), or (iii) of subparagraph (B) of subsection (a)(1) or eligible for a SSI cash benefit described in subparagraph (C) of such subsection, is the amount that is equal to 12 percent

1 of the amount of such benefit payment or SSI cash benefit
2 payable to the individual for the month of November 2015.

3 (f) APPROPRIATION.—Out of any sums in the Treas-
4 ury of the United States not otherwise appropriated, the
5 following sums are appropriated for the period of fiscal
6 years 2016 through 2017, to remain available until ex-
7 pended, to carry out this section:

8 (1) For the Secretary of the Treasury, such
9 sums as may be necessary for administrative costs
10 incurred in carrying out this section.

11 (2) For the Commissioner of Social Security—

12 (A) such sums as may be necessary for
13 payments to individuals certified by the Com-
14 missioner of Social Security as entitled to re-
15 ceive a payment under this section; and

16 (B) such sums as may be necessary to the
17 Social Security Administration’s Limitation on
18 Administrative Expenses for costs incurred in
19 carrying out this section.

20 (3) For the Railroad Retirement Board—

21 (A) such sums as may be necessary for
22 payments to individuals certified by the Rail-
23 road Retirement Board as entitled to receive a
24 payment under this section; and

1 (B) such sums as may be necessary to the
2 Railroad Retirement Board's Limitation on Ad-
3 ministration for administrative costs incurred in
4 carrying out this section.

5 (4)(A) For the Secretary of Veterans Affairs—

6 (i) such sums as may be necessary for the
7 Compensation and Pensions account, for pay-
8 ments to individuals certified by the Secretary
9 of Veterans Affairs as entitled to receive a pay-
10 ment under this section; and

11 (ii) such sums as may be necessary for the
12 Information Systems Technology account and
13 the General Operating Expenses account for ad-
14 ministrative costs incurred in carrying out this
15 section.

16 (B) The Department of Veterans Affairs Com-
17 pensation and Pensions account shall hereinafter be
18 available for payments authorized under subsection
19 (a)(1)(A) to individuals entitled to a benefit payment
20 described in subsection (a)(1)(B)(iii).

21 **SEC. 4. OFFSETS.**

22 (a) RESCISSION OF FUNDS IN U.S. ENRICHMENT
23 CORPORATION FUND.—All balances under “United States
24 Enrichment Corporation Fund” are hereby permanently
25 rescinded. No amounts may be rescinded from amounts

1 that were designated by the Congress as an emergency re-
 2 quirement pursuant to a concurrent resolution on the
 3 budget or the Balanced Budget and Emergency Deficit
 4 Control Act of 1985.

5 (b) SOCIAL SECURITY NUMBER REQUIRED TO CLAIM
 6 THE REFUNDABLE PORTION OF THE CHILD TAX CRED-
 7 IT.—

8 (1) IN GENERAL.—Section 24(d) of the Internal
 9 Revenue Code of 1986 is amended by adding at the
 10 end the following new paragraph:

11 “(5) IDENTIFICATION REQUIREMENT WITH RE-
 12 SPECT TO TAXPAYER AND QUALIFYING CHILD.—

13 “(A) IN GENERAL.—Paragraph (1) shall
 14 not apply to any taxpayer for any taxable year
 15 unless the taxpayer includes on the return of
 16 tax for such taxable year the taxpayer’s social
 17 security number.

18 “(B) JOINT RETURNS.—In the case of a
 19 joint return, the requirement of subparagraph
 20 (A) shall be treated as met if the social security
 21 number of either spouse is included on such re-
 22 turn.

23 “(C) LIMITATION.—Subparagraph (A)
 24 shall not apply to the extent that the tentative
 25 minimum tax (as defined in section

1 55(b)(1)(A)) exceeds the credit allowed under
2 section 32.”.

3 (2) OMISSIONS TREATED AS MATHEMATICAL OR
4 CLERICAL ERROR.—Section 6213(g)(2)(I) of such
5 Code is amended to read as follows:

6 “(I) an omission of a correct social secu-
7 rity number required under section 24(d)(5)
8 (relating to refundable portion of child tax cred-
9 it), or a correct TIN under section 24(e) (relat-
10 ing to child tax credit), to be included on a re-
11 turn,”.

12 (3) CONFORMING AMENDMENT.—Section 24(e)
13 of such Code is amended by inserting “WITH RE-
14 SPECT TO QUALIFYING CHILDREN” after “IDENTI-
15 FICATION REQUIREMENT” in the heading thereof.

16 (4) EFFECTIVE DATE.—The amendments made
17 by this section shall apply to taxable years beginning
18 after December 31, 2015.

19 (c) RESCISSION OF FUNDS FOR THE MAKING HOME
20 AFFORDABLE PROGRAM.—Of the amounts obligated, but
21 not expended, under the Emergency Economic Stabiliza-
22 tion Act of 2008 for the Making Home Affordable Pro-
23 gram of the Department of the Treasury, the Secretary
24 of the Treasury shall transfer \$2,500,000,000 to the gen-
25 eral fund of the Treasury.

1 (d) RESCISSION OF FUNDS FOR THE DOE ATVM
2 LOAN PROGRAM.—Of the funds made available by section
3 129 of the Consolidated Security, Disaster Assistance, and
4 Continuing Appropriations Act, 2009, Public Law 110–
5 329, the unobligated balance is hereby rescinded.

6 **SEC. 5. REPORT.**

7 Not later than 1 year after the date of the enactment
8 of this Act, the heads of the Social Security Administra-
9 tion, the Railroad Retirement Board, the Department of
10 Veterans Affairs, and the Department of Labor shall joint-
11 ly submit a report to Congress that includes a legislative
12 solution to ensure that the cost-of-living adjustment for-
13 mula for Social Security adequately reflects beneficiary’s
14 needs.

○