

112TH CONGRESS
1ST SESSION

H. R. 2711

To provide relief payments for non-COLA years to recipients of Social Security, supplemental security income, railroad retirement benefits, and veterans disability compensation or pension benefits.

IN THE HOUSE OF REPRESENTATIVES

JULY 29, 2011

Mr. TONKO 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 provide relief payments for non-COLA years to recipients of Social Security, supplemental security income, railroad retirement benefits, and veterans disability compensation or pension benefits.

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 “Supporting Our Sen-
5 iors COLA Act of 2011”.

1 **SEC. 2. RELIEF PAYMENTS FOR NON-COLA YEARS TO RE-**
2 **CIPIENTS OF SOCIAL SECURITY, SUPPLE-**
3 **MENTAL SECURITY INCOME, RAILROAD RE-**
4 **TIREMENT BENEFITS, AND VETERANS DIS-**
5 **ABILITY COMPENSATION OR PENSION BENE-**
6 **FITS.**

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

8 (1) **ELIGIBILITY.—**

9 (A) **IN GENERAL.—**For each non-COLA
10 year of a program providing benefit payments
11 described in clause (i), (ii), or (iii) of subpara-
12 graph (C) or in subparagraph (D), the Sec-
13 retary of the Treasury shall disburse a cash
14 payment equal to the applicable dollar amount
15 for such non-COLA year to each individual
16 who, for any month during such year, is enti-
17 tled to such a benefit payment under such pro-
18 gram.

19 (B) **DEFINITIONS.—**For purposes of this
20 section—

21 (i) **NON-COLA YEAR.—**The term
22 “non-COLA year” means, in connection
23 with a program referred to in subpara-
24 graph (A), a 12-month period, ending with
25 or during any calendar year after 2009, for
26 which—

1 (I) a cost-of-living adjustment is
2 generally provided under such pro-
3 gram in relation to an index; and

4 (II) such an adjustment does not
5 take effect by reason of the perform-
6 ance of such index.

7 (ii) APPLICABLE DOLLAR AMOUNT.—
8 The term “applicable dollar amount” for a
9 non-COLA year is—

10 (I) in the case of a non-COLA
11 year ending with or during 2010 or
12 2011 and in the case of a later non-
13 COLA year which is not immediately
14 preceded by a non-COLA year, \$250;
15 and

16 (II) in the case of a non-COLA
17 year ending after 2011 which is im-
18 mediately preceded by a non-COLA
19 year, the applicable dollar amount in
20 effect under this clause for such pre-
21 ceding non-COLA year, plus \$50.

22 (C) BENEFIT PAYMENT DESCRIBED.—For
23 purposes of subparagraph (A)—

24 (i) TITLE II BENEFIT.—A benefit pay-
25 ment described in this clause is a monthly

1 insurance benefit payable (without regard
2 to sections 202(j)(1) and 223(b) of the So-
3 cial Security Act (42 U.S.C. 402(j)(1),
4 423(b)) under—

5 (I) section 202(a) of such Act
6 (42 U.S.C. 402(a));

7 (II) section 202(b) of such Act
8 (42 U.S.C. 402(b));

9 (III) section 202(c) of such Act
10 (42 U.S.C. 402(c));

11 (IV) section 202(d)(1)(B)(ii) of
12 such Act (42 U.S.C.
13 402(d)(1)(B)(ii));

14 (V) section 202(e) of such Act
15 (42 U.S.C. 402(e));

16 (VI) section 202(f) of such Act
17 (42 U.S.C. 402(f));

18 (VII) section 202(g) of such Act
19 (42 U.S.C. 402(g));

20 (VIII) section 202(h) of such Act
21 (42 U.S.C. 402(h));

22 (IX) section 223(a) of such Act
23 (42 U.S.C. 423(a));

24 (X) section 227 of such Act (42
25 U.S.C. 427); or

1 (XI) section 228 of such Act (42
2 U.S.C. 428).

3 (ii) RAILROAD RETIREMENT BEN-
4 EFIT.—A benefit payment described in this
5 clause is a monthly annuity or pension
6 payment payable (without regard to section
7 5(a)(ii) of the Railroad Retirement Act of
8 1974 (45 U.S.C. 231d(a)(ii))) under—

9 (I) section 2(a)(1) of such Act
10 (45 U.S.C. 231a(a)(1));

11 (II) section 2(c) of such Act (45
12 U.S.C. 231a(c));

13 (III) section 2(d)(1)(i) of such
14 Act (45 U.S.C. 231a(d)(1)(i));

15 (IV) section 2(d)(1)(ii) of such
16 Act (45 U.S.C. 231a(d)(1)(ii));

17 (V) section 2(d)(1)(iii)(C) of such
18 Act to an adult disabled child (45
19 U.S.C. 231a(d)(1)(iii)(C));

20 (VI) section 2(d)(1)(iv) of such
21 Act (45 U.S.C. 231a(d)(1)(iv));

22 (VII) section 2(d)(1)(v) of such
23 Act (45 U.S.C. 231a(d)(1)(v)); or

24 (VIII) section 7(b)(2) of such Act
25 (45 U.S.C. 231f(b)(2)) with respect to

1 any of the benefit payments described
2 in clause (i) of this subparagraph.

3 (iii) VETERANS BENEFIT.—A benefit
4 payment described in this clause is a com-
5 pensation or pension payment payable
6 under—

7 (I) section 1110, 1117, 1121,
8 1131, 1141, or 1151 of title 38,
9 United States Code;

10 (II) section 1310, 1312, 1313,
11 1315, 1316, or 1318 of title 38,
12 United States Code;

13 (III) section 1513, 1521, 1533,
14 1536, 1537, 1541, 1542, or 1562 of
15 title 38, United States Code; or

16 (IV) section 1805, 1815, or 1821
17 of title 38, United States Code,

18 to a veteran, surviving spouse, child, or
19 parent as described in paragraph (2), (3),
20 (4)(A)(ii), or (5) of section 101, title 38,
21 United States Code, who received that ben-
22 efit during any month within the 3 month
23 period ending with the month which ends
24 prior to the month that includes the date
25 of the enactment of this Act.

1 (D) SSI CASH BENEFIT DESCRIBED.—An
2 SSI cash benefit described in this subparagraph
3 is a cash benefit payable under section 1611
4 (other than under subsection (e)(1)(B) of such
5 section) or 1619(a) of the Social Security Act
6 (42 U.S.C. 1382, 1382h).

7 (2) REQUIREMENT.—A payment shall be made
8 under paragraph (1) in connection with a non-COLA
9 year only to individuals who reside in 1 of the 50
10 States, the District of Columbia, Puerto Rico,
11 Guam, the United States Virgin Islands, American
12 Samoa, or the Northern Mariana Islands. For pur-
13 poses of the preceding sentence, the determination of
14 the individual's residence shall be based on the cur-
15 rent address of record as of the beginning of the
16 non-COLA year under a program specified in para-
17 graph (1).

18 (3) NO DOUBLE PAYMENTS.—An individual
19 shall be paid only 1 payment under this section, re-
20 gardless of whether the individual is entitled to, or
21 eligible for, more than 1 benefit or cash payment de-
22 scribed in paragraph (1).

23 (4) LIMITATION.—A payment under this section
24 shall not be made in connection with a non-COLA
25 year—

1 (A) in the case of an individual entitled to
2 a benefit specified in paragraph (1)(C)(i) or
3 paragraph (1)(C)(ii)(VIII) if, for the last month
4 of such individual's entitlement in the non-
5 COLA year, such individual's benefit under
6 such paragraph was not payable by reason of
7 subsection (x) or (y) of section 202 of the So-
8 cial Security Act (42 U.S.C. 402) or section
9 1129A of such Act (42 U.S.C. 1320a-8a);

10 (B) in the case of an individual entitled to
11 a benefit specified in paragraph (1)(C)(iii) if,
12 for the last month of such individual's entitle-
13 ment in the non-COLA year, such individual's
14 benefit under such paragraph was not payable,
15 or was reduced, by reason of section 1505,
16 5313, or 5313B of title 38, United States Code;

17 (C) in the case of an individual entitled to
18 a benefit specified in paragraph (1)(D) if, for
19 last month of such individual's entitlement in
20 the non-COLA year, such individual's benefit
21 under such paragraph was not payable by rea-
22 son of subsection (e)(1)(A) or (e)(4) of section
23 1611 (42 U.S.C. 1382) or section 1129A of
24 such Act (42 U.S.C. 1320a-8a); or

1 (D) in the case of any individual whose
2 date of death occurs before the date on which
3 the individual is certified under subsection (b)
4 to receive a payment under this section.

5 (5) TIMING AND MANNER OF PAYMENTS.—The
6 Secretary of the Treasury shall commence disbursing
7 payments under this section with respect to a non-
8 COLA year—

9 (A) in the case of a non-COLA year ending
10 with or during 2010 or 2011, not later than 90
11 days after the date of the enactment of this
12 Act; and

13 (B) in the case of a non-COLA year end-
14 ing after 2010, at the earliest practicable date
15 but in no event later than 90 days after the
16 later of the date of the enactment of this Act
17 or the end of such non-COLA year.

18 The Secretary of the Treasury may disburse any
19 payment electronically to an individual in such man-
20 ner as if such payment was a benefit payment or
21 cash benefit to such individual under the applicable
22 program described in subparagraph (C) or (D) of
23 paragraph (1).

24 (b) IDENTIFICATION OF RECIPIENTS.—The Commis-
25 sioner of Social Security, the Railroad Retirement Board,

1 and the Secretary of Veterans Affairs shall certify the in-
2 dividuals entitled to receive payments under this section
3 and provide the Secretary of the Treasury with the infor-
4 mation needed to disburse such payments. A certification
5 of an individual shall be unaffected by any subsequent de-
6 termination or redetermination of the individual's entitle-
7 ment to, or eligibility for, a benefit specified in subpara-
8 graph (C) or (D) of subsection (a)(1).

9 (c) TREATMENT OF PAYMENTS.—

10 (1) PAYMENT TO BE DISREGARDED FOR PUR-
11 POSES OF ALL FEDERAL AND FEDERALLY ASSISTED
12 PROGRAMS.—A payment under subsection (a) shall
13 not be regarded as income and shall not be regarded
14 as a resource for the month of receipt and the fol-
15 lowing 9 months, for purposes of determining the
16 eligibility of the recipient (or the recipient's spouse
17 or family) for benefits or assistance, or the amount
18 or extent of benefits or assistance, under any Fed-
19 eral program or under any State or local program fi-
20 nanced in whole or in part with Federal funds.

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

1 (3) PAYMENTS PROTECTED FROM ASSIGN-
2 MENT.—The provisions of sections 207 and
3 1631(d)(1) of the Social Security Act (42 U.S.C.
4 407, 1383(d)(1)), section 14(a) of the Railroad Re-
5 tirement Act of 1974 (45 U.S.C. 231m(a)), and sec-
6 tion 5301 of title 38, United States Code, shall
7 apply to any payment made under subsection (a) as
8 if such payment was a benefit payment or cash ben-
9 efit to such individual under the applicable program
10 described in subparagraph (C) or (D) of subsection
11 (a)(1).

12 (4) PAYMENTS SUBJECT TO OFFSET.—Notwith-
13 standing paragraph (3), for purposes of section
14 3716 of title 31, United States Code, any payment
15 made under this section shall not be considered a
16 benefit payment or cash benefit made under the ap-
17 plicable program described in subparagraph (C) or
18 (D) of subsection (a)(1) and all amounts paid shall
19 be subject to offset to collect delinquent debts.

20 (d) PAYMENT TO REPRESENTATIVE PAYEES AND FI-
21 DUCIARIES.—

22 (1) IN GENERAL.—In any case in which an in-
23 dividual who is entitled to a payment under sub-
24 section (a) and whose benefit payment or cash ben-
25 efit described in paragraph (1) of that subsection is

1 paid to a representative payee or fiduciary, the pay-
2 ment under subsection (a) shall be made to the indi-
3 vidual's representative payee or fiduciary and the en-
4 tire payment shall be used only for the benefit of the
5 individual who is entitled to the payment.

6 (2) APPLICABILITY.—

7 (A) PAYMENT ON THE BASIS OF A TITLE
8 II OR SSI BENEFIT.—Section 1129(a)(3) of the
9 Social Security Act (42 U.S.C. 1320a–8(a)(3))
10 shall apply to any payment made on the basis
11 of an entitlement to a benefit specified in para-
12 graph (1)(C)(i) or (1)(D) of subsection (a) in
13 the same manner as such section applies to a
14 payment under title II or XVI of such Act.

15 (B) PAYMENT ON THE BASIS OF A RAIL-
16 ROAD RETIREMENT BENEFIT.—Section 13 of
17 the Railroad Retirement Act (45 U.S.C. 2311)
18 shall apply to any payment made on the basis
19 of an entitlement to a benefit specified in para-
20 graph (1)(C)(ii) of subsection (a) in the same
21 manner as such section applies to a payment
22 under such Act.

23 (C) PAYMENT ON THE BASIS OF A VET-
24 ERANS BENEFIT.—Sections 5502, 6106, and
25 6108 of title 38, United States Code, shall

1 apply to any payment made on the basis of an
2 entitlement to a benefit specified in paragraph
3 (1)(C)(iii) of subsection (a) in the same manner
4 as those sections apply to a payment under that
5 title.

6 (e) APPROPRIATION.—Out of any sums in the Treas-
7 ury of the United States not otherwise appropriated, the
8 following sums are appropriated for each fiscal year begin-
9 ning on or after October 1, 2011, to remain available until
10 expended, to carry out this section:

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

14 (2) For the Commissioner of Social Security—

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

19 (B) such sums as may be certified by the
20 Commissioner to the Secretary of the Treasury
21 for the Social Security Administration’s Limita-
22 tion on Administrative Expenses as necessary
23 for administrative costs incurred in carrying out
24 this section.

25 (3) For the Railroad Retirement Board—

1 (A) such sums as may be necessary for
2 payments to individuals certified by the Rail-
3 road Retirement Board as entitled to receive a
4 payment under this section; and

5 (B) such sums as may be certified by the
6 Board to the Secretary of the Treasury for the
7 Railroad Retirement Board's Limitation on Ad-
8 ministration as necessary for administrative
9 costs incurred in carrying out this section.

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

11 (i) such sums as may be necessary for
12 the Compensation and Pensions account,
13 for payments to individuals certified by the
14 Secretary of Veterans Affairs as entitled to
15 receive a payment under this section; and

16 (ii) such sums as may be certified by
17 the Secretary of Veterans Affairs to the
18 Secretary of the Treasury for the Informa-
19 tion Systems Technology account and for
20 the General Operating Expenses account
21 as necessary for administrative costs in-
22 curred in carrying out this section.

23 (B) The Department of Veterans Affairs Com-
24 pensation and Pensions account shall hereinafter be
25 available for payments authorized under subsection

- 1 (a)(1)(A) to individuals entitled to a benefit payment
- 2 described in subsection (a)(1)(C)(iii).

○