

118TH CONGRESS
1ST SESSION

H. R. 5086

To amend the Food and Nutrition Act of 2008 to exclude from income, for the purpose of determining eligibility and benefits, increased income received from cost of living adjustments made under titles II and XVI of the Social Security Act, section 3(a)(1) of the Railroad Retirement Act of 1974 (45 U.S.C. 231b(a)(1)), or section 5312 of title 38 of the United States Code, and income received from supplementary payments received under section 1616 of the Social Security Act.

IN THE HOUSE OF REPRESENTATIVES

JULY 28, 2023

Ms. MOORE of Wisconsin (for herself, Ms. SCHAKOWSKY, Mrs. HAYES, Ms. NORTON, Mr. JOHNSON of Georgia, Ms. CLARKE of New York, Ms. PLASKETT, Ms. TOKUDA, Ms. SEWELL, Mr. GRIJALVA, Ms. SÁNCHEZ, Mr. EVANS, Mr. SCOTT of Virginia, and Mrs. BEATTY) introduced the following bill; which was referred to the Committee on Agriculture

A BILL

To amend the Food and Nutrition Act of 2008 to exclude from income, for the purpose of determining eligibility and benefits, increased income received from cost of living adjustments made under titles II and XVI of the Social Security Act, section 3(a)(1) of the Railroad Retirement Act of 1974 (45 U.S.C. 231b(a)(1)), or section 5312 of title 38 of the United States Code, and income received from supplementary payments received under section 1616 of the Social Security Act.

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 “COLAs Don’t Count
5 Act of 2023”.

6 **SEC. 2. AMENDMENTS.**

7 Section 5(d) of the Food and Nutrition Act of 2008
8 (7 U.S.C. 2014(d)) is amended—

9 (1) is by amending paragraph (12) to read as
10 follows:

11 “(12) through September 30 of any fiscal year
12 any increase in income attributable to a cost-of-liv-
13 ing adjustment made on or after January 1st of
14 such fiscal year under title II or XVI of the Social
15 Security Act (42 U.S.C. 401 et seq., 1381 et seq.),
16 section 3(a)(1) of the Railroad Retirement Act of
17 1974 (45 U.S.C. 231b(a)(1)), or section 5312 of
18 title 38 of the United States Code, if the household
19 was certified as eligible to participate in the supple-
20 mental nutrition assistance program or received an
21 allotment in the month immediately preceding the
22 first month in which the adjustment was effective;”,

23 (2) in paragraph (18) by striking “and” at the
24 end,

1 (3) by redesignating paragraph (19) as para-
2 graph (20), and

3 (4) by inserting after paragraph (18) the fol-
4 lowing:

5 “(19) supplementary payments received under
6 section 1616 of the Social Security Act (42 U.S.C.
7 1382e); and”.

8 **SEC. 3. EFFECTIVE DATE.**

9 This Act and the amendments made by this Act shall
10 take effect on October 1, 2024.

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