

112TH CONGRESS
1ST SESSION

H. R. 3758

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

IN THE HOUSE OF REPRESENTATIVES

DECEMBER 20, 2011

Ms. RICHARDSON 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 \$250 payment in the event that no cost-of-living adjustment is payable in a calendar 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 "Social Security Safety
5 Dividend Act".

1 **SEC. 2. PAYMENT IN LIEU OF A COST-OF-LIVING ADJUST-**
2 **MENT TO RECIPIENTS OF SOCIAL SECURITY,**
3 **SUPPLEMENTAL SECURITY INCOME, RAIL-**
4 **ROAD RETIREMENT BENEFITS, AND VET-**
5 **ERANS DISABILITY COMPENSATION OR PEN-**
6 **SION BENEFITS.**

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

8 (1) **ELIGIBILITY.—**

9 (A) **IN GENERAL.—**The Secretary of the
10 Treasury shall disburse, out of any funds in the
11 Treasury of the United States not otherwise ap-
12 propriated, a cash payment equal to \$250 for
13 each non-COLA year of a program providing
14 benefit payments described in clause (i), (ii), or
15 (iii) of subparagraph (C) or in subparagraph
16 (D) to each individual who, for any month dur-
17 ing such year, is entitled to such benefit pay-
18 ment.

19 (B) **NON-COLA YEAR.—**For purposes of
20 this section, the term “non-COLA year” means,
21 in connection with a program referred to in
22 subparagraph (A), a 12-month period for
23 which—

24 (i) a cost-of-living adjustment is gen-
25 erally provided under such program in re-
26 lation to an index specified in section

1 215(i) of the Social Security Act (42
2 U.S.C. 415(i)); and

3 (ii) such an adjustment does not take
4 effect by reason of the performance of such
5 index.

6 (C) BENEFIT PAYMENT DESCRIBED.—For
7 purposes of subparagraph (A):

8 (i) TITLE II BENEFIT.—A benefit pay-
9 ment described in this clause is a monthly
10 insurance benefit payable (without regard
11 to sections 202(j)(1) and 223(b) of the So-
12 cial Security Act (42 U.S.C. 402(j)(1),
13 423(b))) under—

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

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

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

20 (IV) section 202(d)(1)(B)(ii) of
21 such Act (42 U.S.C.
22 402(d)(1)(B)(ii));

23 (V) section 202(e) of such Act
24 (42 U.S.C. 402(e));

1 (VI) section 202(f) of such Act
2 (42 U.S.C. 402(f));

3 (VII) section 202(g) of such Act
4 (42 U.S.C. 402(g));

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

7 (IX) section 223(a) of such Act
8 (42 U.S.C. 423(a));

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

11 (XI) section 228 of such Act (42
12 U.S.C. 428).

13 (ii) RAILROAD RETIREMENT BEN-
14 EFIT.—A benefit payment described in this
15 clause is a monthly annuity or pension
16 payment payable (without regard to section
17 5(a)(ii) of the Railroad Retirement Act of
18 1974 (45 U.S.C. 231d(a)(ii))) under—

19 (I) section 2(a)(1) of such Act
20 (45 U.S.C. 231a(a)(1));

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

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

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

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

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

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

10 (VIII) section 7(b)(2) of such Act
11 (45 U.S.C. 231f(b)(2)) with respect to
12 any of the benefit payments described
13 in clause (i) of this subparagraph.

14 (iii) VETERANS BENEFIT.—A benefit
15 payment described in this clause is a com-
16 pensation or pension payment payable
17 under—

18 (I) section 1110, 1117, 1121,
19 1131, 1141, or 1151 of title 38,
20 United States Code;

21 (II) section 1310, 1312, 1313,
22 1315, 1316, or 1318 of title 38,
23 United States Code;

1 (III) section 1513, 1521, 1533,
2 1536, 1537, 1541, 1542, or 1562 of
3 title 38, United States Code; or

4 (IV) section 1805, 1815, or 1821
5 of title 38, United States Code,

6 to a veteran, surviving spouse, child, or
7 parent as described in paragraph (2), (3),
8 (4)(A)(ii), or (5) of section 101, title 38,
9 United States Code.

10 (D) SSI CASH BENEFIT DESCRIBED.—A
11 SSI cash benefit described in this subparagraph
12 is a cash benefit payable under section 1611
13 (other than under subsection (e)(1)(B) of such
14 section) or 1619(a) of the Social Security Act
15 (42 U.S.C. 1382, 1382h).

16 (2) REQUIREMENT.—A payment shall be made
17 under paragraph (1) only to individuals who reside
18 in 1 of the 50 States, the District of Columbia,
19 Puerto Rico, Guam, the United States Virgin Is-
20 lands, American Samoa, or the Northern Mariana
21 Islands, or who are utilizing a foreign or domestic
22 Army Post Office, Fleet Post Office, or Diplomatic
23 Post Office address. For purposes of the preceding
24 sentence, the determination of the individual's resi-
25 dence shall be based on the address of record, as of

1 the date of certification under subsection (b) for a
2 payment under this section under a program speci-
3 fied in paragraph (1).

4 (3) NO DOUBLE PAYMENTS.—An individual
5 shall be paid only 1 payment for any non-COLA
6 year under this section, regardless of whether the in-
7 dividual is entitled to, or eligible for, more than 1
8 benefit or cash payment described in paragraph (1).

9 (4) LIMITATION.—A payment under this section
10 shall not be made (or, in the case of subparagraph
11 (D), shall not be due)—

12 (A) in the case of an individual entitled to
13 a benefit specified in paragraph (1)(B)(i) or
14 paragraph (1)(B)(ii)(VIII) if, for any month
15 within the 12-month period ending with the
16 month of payment, such individual's benefit
17 under such paragraph was not payable by rea-
18 son of subsection (x) or (y) of section 202 the
19 Social Security Act (42 U.S.C. 402) or section
20 1129A of such Act (42 U.S.C. 1320a–8a);

21 (B) in the case of an individual entitled to
22 a benefit specified in paragraph (1)(B)(iii) if,
23 for any month within the 12-month period end-
24 ing with the month of payment, such individ-
25 ual's benefit under such paragraph was not

1 payable, or was reduced, by reason of section
2 1505, 5313, or 5313B of title 38, United
3 States Code;

4 (C) in the case of an individual entitled to
5 a benefit specified in paragraph (1)(C) if, for
6 any month within the 12-month period ending
7 with the month of payment, such individual's
8 benefit under such paragraph was not payable
9 by reason of subsection (e)(1)(A) or (e)(4) of
10 section 1611 (42 U.S.C. 1382) or section
11 1129A of such Act (42 U.S.C. 1320a–8a); or

12 (D) in the case of any individual whose
13 date of death occurs—

14 (i) before the date of the receipt of
15 the payment; or

16 (ii) in the case of a direct deposit, be-
17 fore the date on which such payment is de-
18 posited into such individual's account.

19 In the case of any individual whose date of
20 death occurs before a payment is negotiated (in
21 the case of a check) or deposited (in the case
22 of a direct deposit), such payment shall not be
23 due and shall not be reissued to the estate of
24 such individual or to any other person.

1 (5) TIMING AND MANNER OF PAYMENTS.—The
2 Secretary of the Treasury shall commence disbursing
3 payments under this section at the earliest prac-
4 ticable date for any non-COLA year prior to April
5 1 following such year. The Secretary of the Treasury
6 may disburse any payment electronically to an indi-
7 vidual in such manner as if such payment was a
8 benefit payment or cash benefit to such individual
9 under the applicable program described in subpara-
10 graph (B) or (C) of paragraph (1).

11 (b) IDENTIFICATION OF RECIPIENTS.—The Commis-
12 sioner of Social Security, the Railroad Retirement Board,
13 and the Secretary of Veterans Affairs shall certify the in-
14 dividuals entitled to receive payments under this section
15 for each non-COLA year and provide the Secretary of the
16 Treasury with the information needed to disburse such
17 payments. A certification of an individual shall be unaf-
18 fected by any subsequent determination or redetermina-
19 tion of the individual's entitlement to, or eligibility for, a
20 benefit specified in subparagraph (B) or (C) of subsection
21 (a)(1) (except that such certification shall be affected by
22 a determination that an individual is an individual de-
23 scribed in subparagraph (A), (B), (C), or (D) of sub-
24 section (a)(4) during a period described in such subpara-
25 graphs).

1 (c) TREATMENT OF PAYMENTS.—

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

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

17 (3) PAYMENTS PROTECTED FROM ASSIGN-
18 MENT.—The provisions of sections 207 and
19 1631(d)(1) of the Social Security Act (42 U.S.C.
20 407, 1383(d)(1)), section 14(a) of the Railroad Re-
21 tirement Act of 1974 (45 U.S.C. 231m(a)), and sec-
22 tion 5301 of title 38, United States Code, shall
23 apply to any payment made under subsection (a) as
24 if such payment was a benefit payment or cash ben-
25 efit to such individual under the applicable program

1 described in subparagraph (B) or (C) of subsection
2 (a)(1).

3 (4) PAYMENTS SUBJECT TO OFFSET.—Notwith-
4 standing paragraph (3)—

5 (A) any payment made under this section
6 shall, in the case of a payment of a direct de-
7 posit which is made after the date of the enact-
8 ment of this Act, be subject to the reclamation
9 provisions under subpart B of part 210 of title
10 31, Code of Federal Regulations (relating to
11 reclamation of benefit payments); and

12 (B) any payment made under this section
13 shall not, for purposes of section 3716 of title
14 31, United States Code, be considered a benefit
15 payment or cash benefit made under the appli-
16 cable program described in subparagraph (B)
17 or (C) of subsection (a)(1), and all amounts
18 paid shall be subject to offset to collect delin-
19 quent 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)(B)(i) or (1)(C) 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)(B)(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)(B)(iii) of subsection (a) in the same manner
4 as those sections apply to a payment under that
5 title.

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