

116TH CONGRESS
1ST SESSION

S. 2753

To amend title XVI of the Social Security Act to update eligibility for the supplemental security income program, and for other purposes.

IN THE SENATE OF THE UNITED STATES

OCTOBER 30, 2019

Mr. BROWN (for himself, Ms. WARREN, Ms. HIRONO, Mr. DURBIN, Mr. WHITEHOUSE, Mr. BLUMENTHAL, Mr. MERKLEY, Mr. SANDERS, Mr. CASEY, and Ms. HARRIS) introduced the following bill; which was read twice and referred to the Committee on Finance

A BILL

To amend title XVI of the Social Security Act to update eligibility for the supplemental security income program, 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 “Supplemental Security
5 Income Restoration Act of 2019”.

6 **SEC. 2. UPDATE IN ELIGIBILITY FOR THE SUPPLEMENTAL**
7 **SECURITY INCOME PROGRAM.**

8 (a) UPDATE IN GENERAL INCOME EXCLUSION.—
9 Section 1612(b)(2)(A) of the Social Security Act (42

1 U.S.C. 1382a(b)(2)(A)) is amended by striking “\$240”
 2 and inserting “\$1,476 (increased as described in section
 3 1617(d) for each calendar year after 2020)”.

4 (b) UPDATE IN EARNED INCOME EXCLUSION.—Sec-
 5 tion 1612(b)(4) of such Act (42 U.S.C. 1382a(b)(4)) is
 6 amended by striking “\$780” each place it appears and
 7 inserting “\$4,788 (increased as described in section
 8 1617(d) for each calendar year after 2020)”.

9 (c) UPDATE IN RESOURCE LIMIT FOR INDIVIDUALS
 10 AND COUPLES.—Section 1611(a)(3) of such Act (42
 11 U.S.C. 1382(a)(3)) is amended—

12 (1) in subparagraph (A), by striking “\$2,250”
 13 and all that follows through the end of the subpara-
 14 graph and inserting “\$20,000 in calendar year
 15 2020, and shall be increased as described in section
 16 1617(d) for each subsequent calendar year.”; and

17 (2) in subparagraph (B), by striking “\$1,500”
 18 and all that follows through the end of the subpara-
 19 graph and inserting “\$10,000 in calendar year
 20 2020, and shall be increased as described in section
 21 1617(d) for each subsequent calendar year.”.

22 (d) INFLATION ADJUSTMENT.—Section 1617 of such
 23 Act (42 U.S.C. 1382f) is amended—

24 (1) in the section heading, by inserting “; IN-
 25 FLATION ADJUSTMENT” after “BENEFITS”; and

1 (2) by adding at the end the following:

2 “(d) In the case of any calendar year after 2020, each
3 of the amounts specified in sections 1611(a)(3),
4 1612(b)(2)(A), and 1612(b)(4) shall be increased by mul-
5 tiplying each such amount by the quotient (not less than
6 1) obtained by dividing—

7 “(1) the average of the Consumer Price Index
8 for Elderly Consumers (CPI-E, as published by the
9 Bureau of Labor Statistics of the Department of
10 Labor) for the 12-month period ending with Sep-
11 tember of the preceding calendar year, by

12 “(2) such average for the 12-month period end-
13 ing with September 2019.”.

14 **SEC. 3. SUPPORT AND MAINTENANCE FURNISHED IN KIND**
15 **NOT INCLUDED AS INCOME.**

16 (a) IN GENERAL.—Section 1612(a)(2) of such Act
17 (42 U.S.C. 1382a(a)(2)) is amended—

18 (1) by inserting “(other than support or main-
19 tenance furnished in kind)” after “all other income”;
20 and

21 (2) in subparagraph (A)—

22 (A) by striking “or kind”;

23 (B) by striking clause (i) and redesign-
24 ating clauses (ii) and (iii) as clauses (i) and
25 (ii), respectively; and

1 (C) in clause (ii) (as so redesignated), by
2 striking “and the provisions of clause (i) shall
3 not be applicable”.

4 (b) CONFORMING AMENDMENTS.—

5 (1) Section 1611(c) of such Act (42 U.S.C.
6 1382(c)) is amended by striking paragraph (6) and
7 redesignating paragraphs (7) through (10) as para-
8 graphs (6) through (9), respectively.

9 (2) Section 1612(a)(2) of such Act (42 U.S.C.
10 1382a(a)(2)) is amended—

11 (A) in subparagraph (F), by inserting
12 “and” at the end;

13 (B) in subparagraph (G), by striking “;
14 and” and inserting a period;

15 (C) by moving subparagraph (G) 2 ems to
16 the right; and

17 (D) by striking subparagraph (H).

18 (3) Section 1621(c) of such Act (42 U.S.C.
19 1382j(c)) is amended to read as follows:

20 “(c) In determining the amount of income of an alien
21 during the period of 5 years after such alien’s entry into
22 the United States, support or maintenance furnished in
23 cash to the alien by such alien’s sponsor (to the extent
24 that it reflects income or resources which were taken into
25 account in determining the amount of income and re-

1 sources to be deemed to the alien under subsection (a)
 2 or (b) of this section) shall not be considered to be income
 3 of such alien under section 1612(a)(2)(A).”.

4 **SEC. 4. REPEAL OF PENALTY FOR DISPOSAL OF RE-**
 5 **SOURCES FOR LESS THAN FAIR MARKET**
 6 **VALUE.**

7 Section 1613(c) of such Act (42 U.S.C. 1382b(c)) is
 8 amended to read as follows:

9 “(c) NOTIFICATION OF MEDICAID POLICY RESTRICT-
 10 ING ELIGIBILITY OF INSTITUTIONALIZED INDIVIDUALS
 11 FOR BENEFITS BASED ON DISPOSAL OF RESOURCES FOR
 12 LESS THAN FAIR MARKET VALUE.—

13 “(1) IN GENERAL.—At the time an individual
 14 (and the individual’s eligible spouse, if any) applies
 15 for benefits under this title, and at the time the eli-
 16 gibility of an individual (and such spouse, if any) for
 17 such benefits is redetermined, the Commissioner of
 18 Social Security shall—

19 “(A) inform such individual of the provi-
 20 sions of section 1917(c) providing for a period
 21 of ineligibility for benefits under title XIX for
 22 individuals who make certain dispositions of re-
 23 sources for less than fair market value, and in-
 24 form such individual that information obtained
 25 pursuant to subparagraph (B) will be made

available to the State agency administering a State plan under title XIX (as provided in paragraph (2)); and

“(B) obtain from such individual information which may be used by the State agency in determining whether or not a period of ineligibility for such benefits would be required by reason of section 1917(c).

“(2) PROVISION OF INFORMATION TO STATE MEDICAID AGENCIES.—The Commissioner of Social Security shall make the information obtained under paragraph (1)(B) available, on request, to any State agency administering a State plan approved under title XIX.”.

SEC. 5. REPEAL OF MARRIAGE PENALTY.

(a) IN GENERAL.—Section 1611(b)(2) of the Social Security Act (42 U.S.C. 1382f(b)(2)) is amended by striking “payable at the rate of” and all that follows through the end of the paragraph and inserting “payable—

“(A) for calendar years 1974 through 2019, at the rate of \$2,628 (or, if greater, the amount determined under section 1617); and

“(B) for calendar year 2020 and any calendar year thereafter, at twice the rate applicable for such

1 calendar year under paragraph (1) for an individual
 2 who does not have an eligible spouse,
 3 reduced by the amount of income, not excluded pursuant
 4 to section 1612(b), of such individual and spouse.”.

5 (b) CONFORMING AMENDMENT.—Section 1617(a)(1)
 6 of such Act (42 U.S.C. 1382(a)(1)) is amended by striking
 7 “subsections (a)(1)(A), (a)(2)(A), (b)(1), and (b)(2)” and
 8 inserting “subsections (a)(1)(A), (a)(2)(A), and (b)(1)”.

9 **SEC. 6. CLARIFYING THE TREATMENT OF CERTAIN STATE**
 10 **TAX CREDITS.**

11 Title XVI of the Social Security Act (42 U.S.C.
 12 1382a) is amended—

13 (1) in section 1612(b)(19), by striking “and
 14 any payment” and all that follows through “credit)”
 15 and inserting “and any refund of State income taxes
 16 made to such individual (or such spouse) by reason
 17 of a State earned income tax credit (as defined by
 18 the Secretary)”; and

19 (2) in section 1613(a)(11)—

20 (A) in subparagraph (A), by inserting “,
 21 and any refund of State income taxes made to
 22 such individual (or such spouse) by reason of a
 23 State child tax credit (as defined by the Sec-
 24 retary)” before the semicolon; and

1 (B) in subparagraph (B), by striking “and
2 any payment” and all that follows through
3 “credit)” and inserting “and any refund of
4 State income taxes made to such individual (or
5 such spouse) by reason of a State earned in-
6 come tax credit (as defined by the Secretary)”.

7 **SEC. 7. EFFECTIVE DATE.**

8 The amendments made by this Act shall take effect
9 on January 1, 2020.

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