

117TH CONGRESS  
1ST SESSION

# H. R. 3763

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

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## IN THE HOUSE OF REPRESENTATIVES

JUNE 8, 2021

Mr. GRIJALVA (for himself, Ms. SCHAKOWSKY, Ms. SLOTKIN, Mr. GALLEGO, Ms. DEAN, Mr. DEFazio, Mr. KILMER, Mr. LANGEVIN, Mr. BOWMAN, Mr. COHEN, Mr. LARSON of Connecticut, Mr. ESPAILLAT, Ms. BASS, Mr. PAYNE, Mr. COOPER, Ms. MOORE of Wisconsin, Ms. NORTON, Ms. KAPTUR, Mrs. NAPOLITANO, Mr. SABLON, Mr. KHANNA, Mr. SMITH of Washington, Ms. PRESSLEY, and Mr. DEUTCH) introduced the following bill; which was referred to the Committee on Ways and Means

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## 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; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the  
5 “Supplemental Security Income Restoration Act of 2021”.

6 (b) TABLE OF CONTENTS.—The table of contents for  
7 this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Update in eligibility for the supplemental security income program.
- Sec. 3. Update in supplemental security income benefit amounts and repeal of marriage penalty.
- Sec. 4. Support and maintenance furnished in kind not included as income.
- Sec. 5. Exclusion of retirement accounts from resources.
- Sec. 6. Repeal of penalty for disposal of resources for less than fair market value.
- Sec. 7. Clarifying the treatment of certain State tax credits.
- Sec. 8. Elimination of dedicated accounts for certain past-due benefits.
- Sec. 9. Elimination of installment payment requirement.
- Sec. 10. Extension of period of exclusion of certain payments from countable resources.
- Sec. 11. Modification of rules to determine marital relationships.
- Sec. 12. Effective date.

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

**3 (a) UPDATE IN GENERAL INCOME EXCLUSION.—**  
**4 Section 1612(b)(2)(A) of the Social Security Act (42**  
**5 U.S.C. 1382a(b)(2)(A)) is amended by striking “\$240”**  
**6 and inserting “\$1,476 (increased as described in section**  
**7 1617(d) for each calendar year after 2022)”.**

**8 (b) UPDATE IN EARNED INCOME EXCLUSION.—Sec-**  
**9 tion 1612(b)(4) of such Act (42 U.S.C. 1382a(b)(4)) is**  
**10 amended by striking “\$780” each place it appears and**  
**11 inserting “\$4,788 (increased as described in section**  
**12 1617(d) for each calendar year after 2022)”.**

**13 (c) UPDATE IN RESOURCE LIMIT FOR INDIVIDUALS**  
**14 AND COUPLES.—Section 1611(a)(3) of such Act (42**  
**15 U.S.C. 1382(a)(3)) is amended—**

**16 (1) in subparagraph (A), by striking “\$2,250”**  
**17 and all that follows through the end of the subpara-**  
**18 graph and inserting “\$20,000 in calendar year**

1       2022, and shall be increased as described in section  
2       1617(d) for each subsequent calendar year.”; and

3               (2) in subparagraph (B), by striking “\$1,500”  
4       and all that follows through the end of the subpara-  
5       graph and inserting “\$10,000 in calendar year  
6       2022, and shall be increased as described in section  
7       1617(d) for each subsequent calendar year.”.

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

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

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

13       “(d) In the case of any calendar year after 2022, each  
14       of the amounts specified in sections 1611(a)(3),  
15       1612(b)(2)(A), and 1612(b)(4) shall be increased by mul-  
16       tiplying each such amount by the quotient (not less than  
17       1) obtained by dividing—

18              “(1) the average of the Consumer Price Index  
19       for Elderly Consumers (CPI-E, as published by the  
20       Bureau of Labor Statistics of the Department of  
21       Labor) for the 12-month period ending with Sep-  
22       tember of the preceding calendar year, by

23              “(2) such average for the 12-month period end-  
24       ing with September 2021.”.

1 **SEC. 3. UPDATE IN SUPPLEMENTAL SECURITY INCOME**  
 2 **BENEFIT AMOUNTS AND REPEAL OF MAR-**  
 3 **RIAGE PENALTY.**

4 (a) IN GENERAL.—Section 1611(b) of the Social Se-  
 5 curity Act (42 U.S.C. 1382(b)) is amended to read as fol-  
 6 lows:

7 “Amounts of Benefits

8 “(b)(1) The benefit under this title for an individual  
 9 who does not have an eligible spouse shall be payable—

10 “(A) for calendar years 1974 through 2021, at  
 11 the rate of \$1,752 (or, if greater, the amount deter-  
 12 mined under section 1617), and

13 “(B) for calendar years after 2021, at the rate  
 14 equal to the annual poverty guideline for the cal-  
 15 endar year preceding such calendar year (as updated  
 16 annually in the Federal Register by the Department  
 17 of Health and Human Services under the authority  
 18 of section 673(2) of the Omnibus Budget Reconcili-  
 19 ation Act of 1981) as applicable to a single indi-  
 20 vidual,

21 reduced by the amount of income, not excluded pursuant  
 22 to section 1612(b), of such individual.

23 “(2) The benefit under this title for an individual who  
 24 has an eligible spouse shall be payable—

4 “(B) for calendar years after 2021, at the rate  
5 equal to twice the rate described in paragraph  
6 (1)(B),

7 reduced by the amount of income, not excluded pursuant  
8 to section 1612(b), of such individual and spouse.”.

9 (b) CONFORMING CHANGES TO COST-OF-LIVING AD-  
10 JUSTMENTS.—Section 1617(a)(1) of such Act (42 U.S.C.  
11 1382f(a)(1)) is amended by striking “(a)(1)(A), (a)(2)(A),  
12 (b)(1), and (b)(2)” and inserting “(a)(1)(A) and  
13 (a)(2)(A)”.

(c) **EFFECTIVE DATE.**—The amendments made by this section shall apply with respect to calendar years after 2021.

17 SEC. 4. SUPPORT AND MAINTENANCE FURNISHED IN KIND  
18 NOT INCLUDED AS INCOME.

19 (a) IN GENERAL.—Section 1612(a)(2) of such Act  
20 (42 U.S.C. 1382a(a)(2)) is amended—

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

24 (2) in subparagraph (A)—

25 (A) by striking “or kind”;

1 (B) by striking clause (i) and redesignating clauses (ii) and (iii) as clauses (i) and (ii), respectively; and

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

3 (b) CONFORMING AMENDMENTS.—

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

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

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

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

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

9 (D) by striking subparagraph (H).

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

11 “(c) In determining the amount of income of an alien during the period of 5 years after such alien’s entry into the United States, support or maintenance furnished in

1 cash to the alien by such alien's sponsor (to the extent  
 2 that it reflects income or resources which were taken into  
 3 account in determining the amount of income and re-  
 4 sources to be deemed to the alien under subsection (a)  
 5 or (b) of this section) shall not be considered to be income  
 6 of such alien under section 1612(a)(2)(A).”.

7 **SEC. 5. EXCLUSION OF RETIREMENT ACCOUNTS FROM RE-**  
 8 **SOURCES.**

9 Section 1613(a) of the Social Security Act (42 U.S.C.  
 10 1382b(a)) is amended—

11 (1) in paragraph (16), by striking “; and” and  
 12 inserting a semicolon;

13 (2) in paragraph (17), by striking the period at  
 14 the end and inserting “; and”; and

15 (3) by inserting after paragraph (17) the fol-  
 16 lowing new paragraph:

17 “(18) any qualified retirement plan or eligible  
 18 deferred compensation plan (as such terms are de-  
 19 fined in sections 4974(c) and 457(b), respectively, of  
 20 the Internal Revenue Code of 1986).”.

21 **SEC. 6. REPEAL OF PENALTY FOR DISPOSAL OF RE-**  
 22 **SOURCES FOR LESS THAN FAIR MARKET**  
 23 **VALUE.**

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

1       “(c) NOTIFICATION OF MEDICAID POLICY RESTRICT-  
2   ING ELIGIBILITY OF INSTITUTIONALIZED INDIVIDUALS  
3   FOR BENEFITS BASED ON DISPOSAL OF RESOURCES FOR  
4   LESS THAN FAIR MARKET VALUE.—

5           “(1) IN GENERAL.—At the time an individual  
6       (and the individual’s eligible spouse, if any) applies  
7       for benefits under this title, and at the time the eli-  
8       gibility of an individual (and such spouse, if any) for  
9       such benefits is redetermined, the Commissioner of  
10      Social Security shall—

11           “(A) inform such individual of the provi-  
12       sions of section 1917(c) providing for a period  
13       of ineligibility for benefits under title XIX for  
14       individuals who make certain dispositions of re-  
15       sources for less than fair market value, and in-  
16       form such individual that information obtained  
17       pursuant to subparagraph (B) will be made  
18       available to the State agency administering a  
19       State plan under title XIX (as provided in  
20       paragraph (2)); and

21           “(B) obtain from such individual informa-  
22       tion which may be used by the State agency in  
23       determining whether or not a period of ineligi-  
24       bility for such benefits would be required by  
25       reason of section 1917(c).



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

7   **SEC. 7. CLARIFYING THE TREATMENT OF CERTAIN STATE**  
 8           **TAX CREDITS.**

9           Title XVI of the Social Security Act (42 U.S.C.  
 10   1382a) is amended—

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

17           (2) in section 1613(a)(11)—

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

23           (B) in subparagraph (B), by striking “and  
 24           any payment” and all that follows through  
 25           “credit)” and inserting “and any refund of

1 State income taxes made to such individual (or  
 2 such spouse) by reason of a State earned in-  
 3 come tax credit (as defined by the Secretary)’’.

4 **SEC. 8. ELIMINATION OF DEDICATED ACCOUNTS FOR CER-**  
 5 **TAIN PAST-DUE BENEFITS.**

6 (a) IN GENERAL.—Section 1631(a)(2) of the Social  
 7 Security Act (42 U.S.C. 1383(a)(2)) is amended by strik-  
 8 ing subparagraph (F).

9 (b) CONFORMING AMENDMENTS.—

10 (1) RELATING TO PAYMENTS AND PROCE-  
 11 DURES.—Section 1631(a)(2) of the Social Security  
 12 Act (42 U.S.C. 1383(a)(2)), as amended by sub-  
 13 section (a), is amended—

14 (A) by redesignating subparagraphs (G),  
 15 (H), and (I) as subparagraphs (F), (G), and  
 16 (H), respectively;

17 (B) in subparagraph (B)(vii)(I), by strik-  
 18 ing “subparagraph (I)” and inserting “subpara-  
 19 graph (H)”;

20 (C) in subparagraph (D)—

21 (i) in clause (i), by striking “subpara-  
 22 graphs (E) and (F)” and inserting “sub-  
 23 paragraph (E)”;

1 (ii) in clause (ii), by striking “sub-  
 2 paragraph (I)” and inserting “subpara-  
 3 graph (H)”;

4 (D) in subparagraph (E), by striking “sub-  
 5 paragraph (H)(ii)” and inserting “subpara-  
 6 graph (G)(ii)”;

7 (E) in subparagraph (G)(i)(II), as redesign-  
 8 nated by subparagraph (A), by striking “sub-  
 9 paragraph (I)” and inserting “subparagraph  
 10 (H)”.

11 (2) EXCLUSIONS FROM INCOME.—

12 (A) IN GENERAL.—Section 1612(b) of the  
 13 Social Security Act is amended—

14 (i) by striking paragraph (21); and

15 (ii) by redesignating paragraphs (22)  
 16 through (26) as paragraphs (21) through  
 17 (25), respectively.

18 (B) CONFORMING AMENDMENT.—Section  
 19 1613(a)(17) of such Act is amended by striking  
 20 “section 1612(b)(26)” and inserting “section  
 21 1612(b)(25)”.

22 (3) EXCLUSIONS FROM RESOURCES.—Section  
 23 1613(a) of the Social Security Act, as amended by  
 24 section 5, is amended—

25 (A) by striking paragraph (12); and

1 (B) by redesignating paragraphs (13)  
2 through (18) as paragraphs (12) through (17),  
3 respectively.

4 (c) TREATMENT OF AMOUNTS TRANSFERRED FROM  
5 DEDICATED ACCOUNTS.—Amounts transferred from an  
6 account established on behalf of an individual as described  
7 in section 1631(a)(2)(F) of the Social Security Act (42  
8 U.S.C. 1383(a)(2)(F)) (as in effect on the day before the  
9 date of enactment of this Act) into another account of the  
10 individual as a result of the amendments made by this  
11 section shall not be taken into account as income or re-  
12 sources of such individual for purposes of determining the  
13 eligibility of such individual or any other individual for  
14 benefits or assistance, or the amount or extent of such  
15 benefits or assistance, under title XVI of the Social Secu-  
16 rity Act (42 U.S.C. 1381 et seq.), under any other Federal  
17 program, or under any State or local program financed  
18 in whole or in part with Federal funds.

19 **SEC. 9. ELIMINATION OF INSTALLMENT PAYMENT RE-**  
20 **QUIREMENT.**

21 Section 1631(a) of the Social Security Act (42 U.S.C.  
22 1383(a)) is amended by striking paragraph (10).

1 **SEC. 10. EXTENSION OF PERIOD OF EXCLUSION OF CER-**  
 2 **TAIN PAYMENTS FROM COUNTABLE RE-**  
 3 **SOURCES.**

4 Section 1613(a)(7) of the Social Security Act (42  
 5 U.S.C. 1382b(a)(7)) is amended by striking “9 months”  
 6 and inserting “21 months”.

7 **SEC. 11. MODIFICATION OF RULES TO DETERMINE MAR-**  
 8 **ITAL RELATIONSHIPS.**

9 (a) IN GENERAL.—Section 1614(d) of the Social Se-  
 10 curity Act (42 U.S.C. 1382c(d)) is amended by striking  
 11 “except that” and all that follows through the end of the  
 12 subsection and inserting “except that if two individuals  
 13 have been determined to be married under section  
 14 216(h)(1) for purposes of title II they shall be considered  
 15 (from and after the date of such determination or the date  
 16 of their application for benefits under this title, whichever  
 17 is later) to be married for purposes of this title.”.

18 (b) CONFORMING AMENDMENTS.—Title XVI of the  
 19 Social Security Act (42 U.S.C. 1381 et seq.) is amended—

20 (1) in section 1611(e)(3)—

21 (A) by striking “a husband and wife” each  
 22 place it appears and inserting “two married in-  
 23 dividuals”; and

24 (B) by striking “such husband and wife”  
 25 and inserting “such married individuals”;

26 (2) in section 1614(b)—

1           (A) in the first sentence, by striking “the  
2           husband or wife of” and inserting “married to”;  
3           and

4           (B) in the second sentence, by striking  
5           “husband and wife” and inserting “married”;  
6           and

7           (3) in section 1631(b)(1)(A)(i), by striking  
8           “husband or wife” and inserting “spouse”.

9   **SEC. 12. EFFECTIVE DATE.**

10          The amendments made by this Act shall take effect  
11   on January 1, 2022.

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