

119TH CONGRESS
2D SESSION

S. _____

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

Ms. WARREN introduced the following bill; which was read twice and referred to the Committee on _____

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 2026”.

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. Treatment of tribal general welfare payments.
- Sec. 9. Elimination of dedicated accounts for certain past-due benefits.
- Sec. 10. Elimination of installment payment requirement.
- Sec. 11. Extension of period of exclusion of certain payments from countable resources.
- Sec. 12. Modification of rules to determine marital relationships.
- Sec. 13. Extension of the supplemental security income program to Puerto Rico, the United States Virgin Islands, Guam, and American Samoa.
- Sec. 14. 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 “\$1,892 (increased as described in section
7 1617(d) for each calendar year after 2026)”.

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 “\$6,149 (increased as described in section
12 1617(d) for each calendar year after 2026”.

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 period at the end
18 and inserting “\$20,000 in calendar year 2026, and

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

3 (2) in subparagraph (B), by striking “\$1,500”
4 and all that follows through the period at the end
5 and inserting “\$10,000 in calendar year 2026, and
6 shall be increased as described in section 1617(d)
7 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 2026, 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 2026.”.

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

9 “(A) for calendar years 1974 through 2026, at
10 the rate of \$1,752 (or, if greater, the amount deter-
11 mined under section 1617), and

12 “(B) for calendar years after 2026, at the rate
13 equal to the annual poverty guideline for the cal-
14 endar year preceding such calendar year (as updated
15 annually in the Federal Register by the Department
16 of Health and Human Services under the authority
17 of section 673(2) of the Omnibus Budget Reconcili-
18 ation Act of 1981) as applicable to a single indi-
19 vidual,

20 reduced by the amount of income, not excluded pur-
21 suant to section 1612(b), of such individual.

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

24 “(A) for calendar years 1974 through 2026, at
25 the rate of \$2,628 (or, if greater, the amount deter-
26 mined under section 1617), 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. 5. EXCLUSION OF RETIREMENT ACCOUNTS FROM RE-**
5 **SOURCES.**

6 Section 1613(a) of the Social Security Act (42 U.S.C.
7 1382b(a)) is amended—

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

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

12 (3) by inserting after paragraph (17) the fol-
13 lowing new paragraph:

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

18 **SEC. 6. REPEAL OF PENALTY FOR DISPOSAL OF RE-**
19 **SOURCES FOR LESS THAN FAIR MARKET**
20 **VALUE.**

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

23 “(c) NOTIFICATION OF MEDICAID POLICY RESTRICT-
24 ING ELIGIBILITY OF INSTITUTIONALIZED INDIVIDUALS

1 FOR BENEFITS BASED ON DISPOSAL OF RESOURCES FOR
2 LESS THAN FAIR MARKET VALUE.—

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

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

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

24 “(2) PROVISION OF INFORMATION TO STATE
25 MEDICAID AGENCIES.—The Commissioner of Social

1 Security shall make the information obtained under
2 paragraph (1)(B) available, on request, to any State
3 agency administering a State plan approved under
4 title XIX.”.

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

7 Title XVI of the Social Security Act (42 U.S.C. 1381
8 et seq.) is amended—

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

15 (2) in section 1613(a)(11)—

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

21 (B) in subparagraph (B), by striking “and
22 any payment” and all that follows through
23 “credit)” and inserting “and any refund of
24 State income taxes made to such individual (or

1 such spouse) by reason of a State earned in-
2 come tax credit (as defined by the Secretary)”.

3 **SEC. 8. TREATMENT OF TRIBAL GENERAL WELFARE PAY-**
4 **MENTS.**

5 (a) **INCOME EXCLUSION.**—Section 1612(b) of the So-
6 cial Security Act (42 U.S.C. 1382a(b)) is amended—

7 (1) in paragraph (25), by striking “and” at the
8 end;

9 (2) in paragraph (26), by striking the period at
10 the end and inserting “; and”; and

11 (3) by adding at the end the following new
12 paragraph:

13 “(27) the value of any Indian general welfare
14 benefit (as defined in section 139E of the Internal
15 Revenue Code of 1986) received by such individual
16 (or such spouse).”.

17 (b) **RESOURCE EXCLUSION.**—Section 1613(a) of
18 such Act (42 U.S.C. 1382b(a)), as amended by section 5
19 of this Act, is amended—

20 (1) in paragraph (17), by striking “and” at the
21 end;

22 (2) in paragraph (18), by striking the period at
23 the end and inserting “; and”; and

24 (3) by adding at the end the following new
25 paragraph:

1 “(19) the value of any Indian general welfare
2 benefit (as defined in section 139E of the Internal
3 Revenue Code of 1986) received by such individual
4 (or such spouse).”.

5 **SEC. 9. ELIMINATION OF DEDICATED ACCOUNTS FOR CER-**
6 **TAIN PAST-DUE BENEFITS.**

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

10 (b) CONFORMING AMENDMENTS.—

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

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

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

21 (C) in subparagraph (D)—

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

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 (F)(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. 10. ELIMINATION OF INSTALLMENT PAYMENT RE-**
20 **QUIREMENT.**

21 (a) IN GENERAL.—Section 1631(a) of the Social Se-
22 curity Act (42 U.S.C. 1383(a)) is amended by striking
23 paragraph (10).

1 (b) CONFORMING AMENDMENT.—Section 1631(a)(1)
2 of such Act (42 U.S.C. 1383(a)(1)) is amended by striking
3 “(subject to paragraph (10))”.

4 **SEC. 11. EXTENSION OF PERIOD OF EXCLUSION OF CER-**
5 **TAIN PAYMENTS FROM COUNTABLE RE-**
6 **SOURCES.**

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

10 **SEC. 12. MODIFICATION OF RULES TO DETERMINE MAR-**
11 **ITAL RELATIONSHIPS.**

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

21 (b) CONFORMING AMENDMENTS.—Title XVI of the
22 Social Security Act (42 U.S.C. 1381 et seq.) is amended—
23 (1) in section 1611(e)(3)—

1 (A) by striking “a husband and wife” each
 2 place it appears and inserting “two married in-
 3 dividuals”; and

4 (B) by striking “such husband and wife”
 5 and inserting “such married individuals”;

6 (2) in section 1614(b)—

7 (A) in the first sentence, by striking “the
 8 husband or wife of” and inserting “married to”;
 9 and

10 (B) in the second sentence, by striking
 11 “husband and wife” and inserting “married”;
 12 and

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

15 **SEC. 13. EXTENSION OF THE SUPPLEMENTAL SECURITY IN-**
 16 **COME PROGRAM TO PUERTO RICO, THE**
 17 **UNITED STATES VIRGIN ISLANDS, GUAM, AND**
 18 **AMERICAN SAMOA.**

19 (a) IN GENERAL.—Section 303 of the Social Security
 20 Amendments of 1972 (42 U.S.C. 301 note; Public Law
 21 92–603 86 Stat. 1484) is amended by striking subsection
 22 (b).

23 (b) CONFORMING AMENDMENTS.—

24 (1) DEFINITION OF STATE.—Section
 25 1101(a)(1) of the Social Security Act (42 U.S.C.

1 1301(a)(1)) is amended by striking the 5th sentence
2 and inserting the following: “Such term when used
3 in title XVI includes Puerto Rico, the United States
4 Virgin Islands, Guam, and American Samoa.”.

5 (2) **ELIMINATION OF LIMIT ON TOTAL PAY-**
6 **MENTS TO THE TERRITORIES.**—Section 1108 of
7 such Act (42 U.S.C. 1308) is amended—

8 (A) in the section heading, by striking “;
9 **LIMITATION ON TOTAL PAYMENTS**”;

10 (B) by striking subsection (a); and

11 (C) in subsection (c), by striking para-
12 graphs (2) and (4) and redesignating para-
13 graphs (3) and (5) as paragraphs (2) and (4),
14 respectively.

15 (3) **UNITED STATES NATIONALS TREATED THE**
16 **SAME AS CITIZENS.**—Section 1614(a)(1)(B) of such
17 Act (42 U.S.C. 1382c(a)(1)(B)) is amended—

18 (A) in clause (i)(I), by inserting “or na-
19 tional,” after “citizen”;

20 (B) in clause (i)(II), by adding “; or” at
21 the end; and

22 (C) in clause (ii), by inserting “or na-
23 tional” after “citizen”.

24 (4) **TERRITORIES INCLUDED IN GEOGRAPHIC**
25 **MEANING OF THE UNITED STATES.**—Section

1 1614(e) of such Act (42 U.S.C. 1382c(e)) is amend-
2 ed by striking “and the District of Columbia” and
3 inserting “, the District of Columbia, Puerto Rico,
4 the United States Virgin Islands, Guam, and Amer-
5 ican Samoa”.

6 (c) WAIVER AUTHORITY.—The Commissioner of So-
7 cial Security may waive or modify any statutory require-
8 ment relating to the provision of benefits under the Sup-
9 plemental Security Income Program under title XVI of the
10 Social Security Act in Puerto Rico, the United States Vir-
11 gin Islands, Guam, or American Samoa, to the extent that
12 the Commissioner deems it necessary in order to adapt
13 the program to the needs of the territory involved.

14 **SEC. 14. EFFECTIVE DATE.**

15 The amendments made by this Act shall take effect
16 on the first day of the first calendar month that begins
17 after the date that is 1 year after the date of enactment
18 of this Act.