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# Supplemental Security Income

## Program Overview

The Supplemental Security Income (SSI) program provides income support to persons aged 65 or older, blind or disabled adults, and blind or disabled children. Eligibility requirements and federal payment standards are nationally uniform. The 2017 SSI federal benefit rate (FBR) for an individual living in his or her own household and with no other countable income is \$735 monthly; for a couple (with both husband and wife eligible), the SSI benefit rate is \$1,103 monthly.

Payments under SSI began in January 1974. SSI replaced the former federal-state adult assistance programs in the 50 states and the District of Columbia. Under SSI each eligible person is provided a monthly cash payment based on a statutory federal benefit rate. Since 1975, these rates have been increased by the same percentage as the cost-of-living increases in OASDI benefits. If an individual or couple is living in another person's household and is receiving both food and shelter from the person in whose household they are living, the federal benefit rate is reduced by one-third. This is done instead of determining the actual dollar value of the in-kind support and maintenance.

For institutionalized persons, the eligibility requirements and payment standards depend on the type of institution. With some exceptions, inmates of public institutions are ineligible for SSI. For persons institutionalized for a complete calendar month, a maximum federal SSI payment of \$30 per month applies where (1) the institution receives a substantial part of the cost of the person's care from the Medicaid program, or (2) the institution receives payments from private health insurance on behalf of a recipient under age 18. Other eligible persons in institutions may receive up to the full federal benefit rate.

The federal payment is based on the individual's countable income. The first \$20 in monthly OASDI benefits or other earned or unearned income is not counted. Also excluded is \$65 of monthly earnings plus one-half of any earnings above \$65. For example, a person living in his or her own household, whose sole income is a \$200 monthly OASDI benefit, would receive \$555 in federal SSI payments:

$$\$735 - (\$200 - \$20) = (\$735 - \$180) = \$555.$$

A person whose income consists of \$500 in gross monthly earnings would receive \$527.50 in federal SSI payments:

$$((\$500 - \$85) \div 2) = \$207.50 \text{ countable earnings}$$
$$\text{FBR } \$735 - \$207.50 = \$527.50 \text{ federal SSI.}$$

Individuals generally are not eligible for SSI if they have resources in excess of \$2,000 (or \$3,000 for a couple). Certain resources are excluded, most commonly a home, an automobile, and household goods and personal effects. States have the option to supplement the federal SSI payment for all or selected categories of persons, regardless of previous state program eligibility.

## SSI: History Of Provisions

### Basic Eligibility Requirements

**1972** (Public Law 92-603, enacted October 30). An individual may qualify for payments on the basis of age, blindness, or disability.

*Aged:* Any person aged 65 or older.

*Blind:* Any person with 20/200 or less vision in the better eye with the use of correcting lenses, or with tunnel vision of 20 degrees or less. An individual transferred from a state Aid to the Blind program is eligible if he/she received such state aid in December 1973 and continues to meet the October 1972 state definition of blindness.

*Disabled:* Any person unable to engage in any substantial gainful activity (SGA) by reason of any medically determinable physical or mental impairment expected to result in death or that has lasted or can be expected to last for a continuous period of at least 12 months. For a child under age 18, eligibility is based on disability of severity comparable with that of an adult. An individual transferred from a state Aid to the Permanently and Totally Disabled (APTD) program to SSI is also eligible if he/she received such state aid in December 1973 and continues to meet the October 1972 state definition of disability.

**1973** (Public Law 93-233, enacted December 31). Only persons who had received APTD before July 1973 and were on the rolls in December 1973 may receive SSI on the basis of the state definition of disability; those who became eligible for state aid from July to December 1973 must meet the federal definition of disability.

**1980** (Public Law 96-265, enacted June 9). A disabled recipient who loses federal SSI eligibility because of earnings at the SGA level may continue to receive a special benefit under section 1619 and retain eligibility for Medicaid under Title XIX of the Social Security Act. This special benefit status may continue as long as the recipient has the disabling impairment and meets all nondisability SSI eligibility criteria. States have the option of supplementing this special benefit.

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This provision of the law was in effect from January 1, 1981, through December 31, 1983. Beginning in January 1984, under a 1-year demonstration project, this provision was continued for persons already eligible for either regular SSI payments or special monthly benefits.

**1984** (Public Law 98-460, enacted October 9). The special benefit and Medicaid provisions of the 1980 legislation were extended through June 30, 1987 (retroactive to January 1, 1984).

**1986** (Public Law 99-643, enacted November 10). The special benefit and Medicaid provisions of the 1980 amendments are made permanent. The provisions were amended effective July 1, 1987, with significant modifications to simplify administration and to allow free movement between regular SSI disability payments and either the special cash benefit or Medicaid eligibility under section 1619. The distinction between a disabled person eligible for regular SSI payments and one eligible for 1619(a) is that the latter has several months with gross earnings above the SGA level. Previously, section 1619(a) status required completion of a trial work period and the determination that the work was SGA.

**1996** (Public Law 104-193, enacted August 22). For individuals under age 18, the “comparable severity” standard is eliminated and replaced with a requirement that a child be considered disabled if he/she has a medically determinable impairment that results in “marked and severe functional limitations,” and meets the existing statutory duration requirement. The law also eliminates references to “maladaptive behaviors” in the Listing of Impairments for children, and discontinues the use of individualized functional assessments for children.

SSI eligibility is prohibited for an individual in any month during which such an individual is a fugitive felon, fleeing prosecution, or violating state or federal conditions of probation or parole.<sup>1</sup> In addition, SSI eligibility is prohibited for 10 years for those convicted of fraudulently claiming residence to obtain benefits simultaneously in two or more states.<sup>2</sup>

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1. In 2009, SSA entered into a nationwide class action settlement that limits the felony crime offense codes upon which fugitive felon nonpayments may be based under this statute. In 2010, the agency stopped parole and probation violator nonpayments for residents of New York, Connecticut, and Vermont pursuant to a Second Circuit Court of Appeals decision in a pending proposed nationwide class action suit. In 2011, the agency stopped parole and probation violator nonpayments nationwide.

2. This last provision was repealed in 1999 by Public Law 106-169 and replaced with a provision providing for nonpayment of benefits for up to 24 months for knowingly making false or misleading statements regarding material facts.

**2006** (Public Law 109-171, enacted February 8).

Requires the Commissioner to conduct reviews of a specific percentage of SSI initial disability and blindness cases involving individuals aged 18 or older that are allowed by State Disability Determination Service (DDS) agencies. The provision is phased in as follows—for fiscal year 2006, the Commissioner is required to review 20 percent of DDS allowances; in fiscal year 2007, the requirement is 40 percent; and, for fiscal years 2008 and thereafter, 50 percent of all DDS allowances are required to be reviewed. These reviews are to be made before the allowance decision is implemented.

## Other Eligibility Provisions

### *Citizenship and Residency*

**1972** (Public Law 92-603, enacted October 30). The individual must reside within one of the 50 states or the District of Columbia and be a citizen or an alien lawfully admitted for permanent residence or permanently residing in the United States under color of law. Persons living outside the United States for an entire calendar month lose their eligibility for such a month.

**1976** (Public Law 94-241, enacted March 24). Eligibility for SSI is extended to residents of the Northern Mariana Islands, effective January 9, 1978.

**1980** (Public Law 96-265, enacted June 9). The income and resources of the immigration sponsors of aliens applying for SSI are considered in determining eligibility for and the amount of payment. After allowances for the needs of the sponsor and his/her family, the remainder is deemed available for the support of the alien applicant for a 3-year period after admission to the United States for permanent residence. This provision does not apply to those who become blind or disabled after admission, to refugees, or to persons granted political asylum. (See section “Deeming of Income and Resources” for subsequent changes to sponsor-to-alien deeming provisions.)

**1989** (Public Law 101-239, enacted December 19). SSI eligibility is continued for a disabled or blind child who was receiving SSI benefits while living in the United States and is now living with a parent who is a member of the U.S. Armed Forces assigned to permanent duty ashore outside the United States, but not where the parent is stationed in Puerto Rico or the territories and possessions of the United States.

**1993** (Public Law 103-66, enacted August 10). Above provision made applicable where the parent is a member of the U.S. Armed Forces and stationed in Puerto Rico or the territories and possessions of the United States.

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**1996** (Public Law 104-193, enacted August 22). Prohibits SSI eligibility for anyone who is not a U.S. citizen or national. Aliens are not eligible unless they meet the definition of “qualified alien” and the criteria for certain exception categories, such as lawful permanent residents who earn or can be credited with 40 qualifying quarters of earnings, certain refugee categories that may be granted time-limited eligibility, or active-duty U.S. military or veterans and their spouses and children. For aliens ineligible under the new standards who were receiving SSI as of August 22, 1996, extends eligibility 1 year from enactment.

(Public Law 104-208, enacted September 30). Amends Public Law 104-193 to add to the list of “qualified aliens” certain noncitizens (and their children) who have been battered or subjected to extreme cruelty by a spouse or parent or a member of the spouse’s or parent’s family living in the same household.

**1997** (Public Law 105-18, enacted June 12). Extends eligibility for aliens receiving SSI as of August 22, 1996, until September 30, 1997, for those found ineligible under the new alien standards of Public Law 104-193.

(Public Law 105-33, enacted August 5). Further amends Public Law 104-193 to add Cuban and Haitian entrants, and the child of a parent who has been battered or subjected to extreme cruelty, to the list of qualified aliens. Provides that Cuban and Haitian entrants and Amerasian immigrants qualify for time-limited eligibility, and increases the time limit from 5 to 7 years for all time-limited categories. Additional exceptions are added for qualified aliens: (1) lawfully residing in the United States and receiving SSI benefits on August 22, 1996; and (2) lawfully residing in the United States on August 22, 1996, and meeting the definition of blind or disabled in the Social Security Act.

Certain noncitizen American Indians are excepted from the alien nonpayment provisions of Public Law 104-193.

Extends eligibility for “nonqualified aliens” receiving SSI as of August 22, 1996, until September 30, 1998.

**1998** (Public Law 105-306, enacted October 28). Permanently extends eligibility of all remaining “nonqualified aliens” who were receiving SSI benefits when Public Law 104-193 was enacted on August 22, 1996.

**2000** (Public Law 106-386, enacted October 28). Non-citizens, regardless of their immigration status, may be eligible for SSI to the same extent as refugees, if they are determined to be victims of “severe forms of trafficking in persons.”

**2004** (Public Law 108-203, enacted March 2). Extends SSI eligibility to blind or disabled children who are U.S. citizens living with a parent assigned to permanent U.S. military duty outside of the United States and who were not receiving SSI benefits when living in the United States. Previously, only blind or disabled children who received an SSI benefit for the month before the parent reported for permanent duty abroad were eligible. Effective April 2004 for applications filed after enactment.

**2007** (Public Law 110-161, enacted December 26). Provides certain Iraqi and Afghan aliens with special immigrant status, as described in section 101(a)(27) of the Immigration and Nationality Act. As special immigrants, these Iraqi and Afghan aliens are eligible for resettlement assistance, entitlement programs, and other benefits available to refugees admitted under section 207 of such Act (admission of refugees in emergency situations) for a period not to exceed 6 months.

**2008** (Public Law 110-181, enacted January 28). Provides certain Iraqi aliens who have provided service to the United States with special immigrant status, as described in section 101(a)(27) of the Immigration and Nationality Act. As special immigrants, these Iraqis are eligible for resettlement assistance, entitlement programs, and other benefits available to refugees admitted under section 207 of such Act (admission of refugees in emergency situations) for a period not to exceed 8 months.

(Public Law 110-328, enacted September 30). Extends the 7-year SSI eligibility period for certain refugees, asylees, and other humanitarian immigrants (including victims of human trafficking) to 9 years for the period October 1, 2008 through September 30, 2011. For those with naturalization applications pending or awaiting the swearing-in ceremony, the eligibility period is extended through September 30, 2011. Also applies to the noncitizens whose SSI had previously ceased due to the expiration of the 7-year period. For these noncitizens, SSI benefits will be paid for months in the period October 1, 2008 through September 30, 2011, for the duration of the noncitizen’s reestablished eligibility.

**2009** (Public Law 111-118, enacted December 19). Eliminates the 8-month time limit on SSI eligibility for certain Iraqi and Afghan refugees who have provided service to the United States. The time-limited eligibility for these individuals is now the same period applicable to other humanitarian refugees.

### **Other Benefits**

**1980** (Public Law 96-272, enacted June 17). SSI applicants and recipients are not required as a condition

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of eligibility to elect to receive Veterans Administration pensions under the Veterans and Survivors' Pension Improvement Act of 1978 if the state of residence lacks a medically needy program under Title XIX.

### ***Drug Addiction and Alcoholism (DAA)***

**1972** (Public Law 92-603, enacted October 30). Any disabled individual who has been medically determined to be an alcoholic or drug addict must accept appropriate treatment, if available, in an approved facility and demonstrate compliance with conditions and requirements for treatment.

SSI payments are required to be made through a representative payee—another person or public or private agency designated by SSA to manage the recipient's benefit on his/her behalf.

**1994** (Public Law 103-296, enacted August 15). Any individual who is receiving SSI based on a disability where drug addiction or alcoholism is a contributing factor material to the finding of disability must comply with the DAA treatment requirements. The individual must accept appropriate treatment when it is available and comply with the conditions and terms of treatment. Instances of noncompliance with the requirements result in progressively longer payment suspensions. Before payments can resume, the individual must demonstrate compliance for specific periods; 2 months, 3 months, and 6 months, respectively, for the first, second, third, and subsequent instances of noncompliance. An individual who is not in compliance with the DAA treatment requirements for 12 consecutive months shall not be eligible for payments; however, this does not prevent such individuals from reapplying and again becoming eligible for payments.

SSI disability payments based on DAA are also limited to a total of 36 benefit months (beginning March 1995) regardless of whether appropriate treatment is available. Months for which benefits are not due and received do not count toward the 36-month limit.

Payments based on DAA must be made to a representative payee. Preference is required to be given to community based nonprofit social service agencies and federal, state, or local government agencies in representative payee selection. These agencies when serving as payees for individuals receiving payments based on DAA may retain the lesser of 10 percent of the monthly benefit or \$50 (adjusted annually after 1995 by the Consumer Price Index [CPI]) as compensation for their services.

Establishment of one or more referral and monitoring agencies for each state is required.

**1996** (Public Law 104-121, enacted March 29). An individual is not considered disabled if DAA is a contributing factor material to a finding of disability.

Applies DAA representative payee requirements enacted under Public Law 103-296 to disabled SSI recipients who have a DAA condition and are incapable of managing their benefits. In addition, these recipients shall be referred to the appropriate state agency administering the state plan for substance abuse treatment.

### ***Institutionalization***

**1972** (Public Law 92-603, enacted October 30). An individual who is an inmate of a public institution is ineligible for SSI payments unless the institution is a facility approved for Medicaid payments and is receiving such payments on behalf of the person. Under *regulations*, the Medicaid payment must represent more than 50 percent of the cost of services provided by the facility to the individual.

**1976** (Public Law 94-566, enacted October 20). An inmate of a publicly operated community residence serving no more than 16 persons may, if otherwise eligible, receive SSI.

**1983** (Public Law 98-21, enacted April 20). Payments may be made to persons who are residents of public emergency shelters for the homeless for a period of up to 3 months in any 12-month period.

**1986** (Public Law 99-643, enacted November 10). Effective July 1, 1987, disabled or blind recipients who were receiving special SSI payments or had special SSI recipient status under section 1619 in the month preceding the first full month of institutionalization, may receive payments based on the full federal benefit rate for the initial 2 full months of institutionalization, if they reside in certain public medical, psychiatric, or Medicaid facilities or in private Medicaid facilities.

**1987** (Public Law 100-203, enacted December 22). Effective January 1, 1988, payments may be made to persons who are residents of public emergency shelters for the homeless, for up to 6 months in a 9-month period.

Effective July 1, 1988, continued SSI payments for up to 3 months are permitted, at the rate that was applicable in the month prior to the first full month of institutionalization, for individuals whose expected institutional stay on admission is not likely to exceed 3 months, as certified by a physician, and for whom the receipt of payments is necessary to maintain living arrangements to which they may return.

**1996** (Public Law 104-193, enacted August 22). Effective December 1996, institutionalized children under

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age 18 whose private health insurance is making payments to the institution may receive no more than \$30 per month in federal SSI.

**2009** (Public Law 111-115, enacted December 15). Prohibits the payment of any retroactive SSI benefits to individuals while they are in prison, are in violation of conditions of their parole or probation, or are fleeing to avoid prosecution for a felony or a crime punishable by sentence of more than 1 year. These retroactive benefits will not be paid until the beneficiary is no longer a prisoner, probation or parole violator, or fugitive felon.

### ***Vocational Rehabilitation (VR) and Treatment***

**1972** (Public Law 92-603, enacted October 30). Blind or disabled individuals receiving federal SSI benefits who are under age 65 must be referred to the state agency providing services under the Vocational Rehabilitation Act and must accept the services offered. States are reimbursed for the cost of services.

**1976** (Public Law 94-566, enacted October 20). Blind or disabled children under age 16 must be referred to the state agency administering crippled children's services or to another agency designated by the state. States are reimbursed for the cost of services.

Of funds provided for these services, at least 90 percent must be used for children under age 6 or for those who have never attended public schools.

**1980** (Public Law 96-265, enacted June 9). Disabled SSI recipients who medically recover while enrolled in approved VR programs of state VR agencies may continue to receive benefits during their participation in such programs if the Commissioner of Social Security determines that continuation in the program will increase the probability that they leave the rolls permanently.

**1981** (Public Law 97-35, enacted August 13). Funding no longer provided under Title XVI for medical, social, developmental, and rehabilitative services to disabled or blind children.

Reimbursement for the cost of rehabilitation services will only be made if the services result in the recipient's return to work for a continuous period of 9 months. The work must be at the SGA earnings level.

**1984** (Public Law 98-460, enacted October 9). Authorizes the reimbursement of states for the cost of VR services provided to individuals who (1) continue to receive benefits after medical recovery because they are participating in a state VR program or (2) refuse, without good cause, to continue in or cooperate with the VR program in which they had been participating.

**1987** (Public Law 100-203, enacted December 22). Extends the provision for continuation of payments to disabled SSI recipients who have medically recovered while enrolled in an approved VR program to include blind SSI recipients.

**1990** (Public Law 101-508, enacted November 5). Reimbursement authorized for the cost of VR services provided in months in which the individual was not receiving federal SSI payments, if

- SSI recipient status for Medicaid eligibility purposes was retained under work incentive provisions, or
- Benefits were suspended<sup>3</sup> (for a reason other than cessation of disability or blindness), or
- Federally administered state supplementation was received.

Extends benefit continuation provision to disabled SSI recipients who medically recover while participating in a nonstate VR program.

**1999** (Public Law 106-170, enacted December 17). Establishes a Ticket to Work and Self-Sufficiency program that will provide SSI (and OASDI) disability beneficiaries with a ticket that can be used to obtain VR services, employment services, or other support services, from an employment network (EN) of their choice.

An EN chooses one of the two EN payment options at the time it submits an application to SSA to become an EN. The chosen payment system will apply to all beneficiaries served. An EN can elect to receive payment under the

- Outcome payment system, under which it can receive payment for up to 60 outcome payment months; or
- Outcome-milestone payment system, under which it can receive payment for up to four milestones in addition to outcome payments. These milestones must occur before the EN enters the first month for which it is eligible for an outcome payment. Four milestone payments plus 60 months of reduced outcome payments equal 85 percent of the total that would be available if the EN chose the outcome payment system.

The four milestones are based on gross earnings exceeding the SGA level for specified months. An outcome payment month is any month in which SSA does not pay any federal disability cash benefits to a beneficiary because of work or earnings.

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3. Recipients who have lost eligibility for SSI benefits for fewer than 13 consecutive months are in suspended payment status.

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Also eliminates the requirement that blind or disabled SSI recipients aged 16 through 64 be referred to the state VR agency and accept the services offered.

**2008** Under a *regulation* effective July 21, 2008, revising an initial *regulation* effective January 28, 2002:

- The outcome payment system provides that ENs can receive payment for up to 60 outcome payment months for an SSI beneficiary and up to 36 outcome payment months for an OASDI beneficiary (including a concurrent OASDI/SSI disability beneficiary), with the reduction in available number of outcome months for OASDI beneficiaries offset by an increased outcome payment; and
- The outcome-milestone payment system provides that ENs can receive the following milestone payments in addition to outcome payments:
  - Up to four Phase 1 milestones achieved by either an OASDI or SSI beneficiary; and
  - Up to 11 Phase 2 milestones achieved by an OASDI or concurrent beneficiary or up to 18 Phase 2 milestones achieved by an SSI beneficiary.

Phase 1 milestones are based on gross earnings at or above trial work level for specified months, and Phase 2 milestones are based on gross earnings exceeding the substantial gainful activity level for specified months. These milestones must occur before the EN enters the first month for which it is eligible for an outcome payment. If an available milestone payment is not paid prior to the outcome period, it is payable in a reconciliation payment when the beneficiary reaches the 12th outcome month. This payment amount is equal to the total amount of unpaid Phase 1 and Phase 2 milestones that were available when the ticket was first assigned. The Phase 1 and Phase 2 milestone payments and outcome payments equal 90 percent of the total that would be available if the EN chose the outcome payment system.

### ***Continuing Disability Reviews and Eligibility Redeterminations***

**1994** (Public Law 103-296, enacted August 15). During each of fiscal years 1996, 1997, and 1998, requires SSA to conduct continuing disability reviews (CDRs) on a minimum of 100,000 SSI recipients. In addition, during the same period, requires SSA to redetermine the SSI eligibility of at least one-third of all child SSI recipients who reach age 18 after April 1995 during the 1-year period following attainment of age 18. Redeterminations for persons turning age 18 could count toward the 100,000 CDR requirement.

**1996** (Public Law 104-193, enacted August 22). Repeals the requirement that SSA redetermine the eligibility of at least one-third of all child SSI recipients who reach age 18 after April 1995 during the 1-year period following attainment of age 18.

Requires a CDR

- At least once every 3 years for SSI recipients under age 18 who are eligible by reason of an impairment that is likely to improve, and
- Not later than 12 months after birth for recipients whose low birth weight is a contributing factor material to the determination of their disability.

Requires eligibility redetermination for all child SSI recipients eligible for the month before the month in which they attain age 18.

Requires redetermination of eligibility for children considered disabled based on an individual functional assessment and/or consideration of maladaptive behavior.

Requires the representative payee of a child SSI recipient whose continuing eligibility is being reviewed to present evidence that the recipient is receiving treatment that is considered medically necessary and available for the condition which was the basis for providing SSI benefits.

**1997** (Public Law 105-33, enacted August 5). Modifies provision of Public Law 104-193 to extend from 12 to 18 months the period for redetermining the disability of children under age 18 under the new childhood disability standard.

Modifies provision of Public Law 104-193 to permit SSA to schedule a CDR for a disabled child for whom low birth weight is a contributing factor material to the determination of disability, at a date after the child's first birthday if the Commissioner determines the impairment is not expected to improve within 12 months of the child's birth.

Modifies provision of Public Law 104-193 to authorize SSA to make redeterminations of disabled childhood recipients who attain age 18, more than 1 year after the date such recipient attains age 18.

**1999** (Public Law 106-170, enacted December 17). Prohibits the initiation of a CDR during the period that a recipient is "using a ticket" under the Ticket to Work program.

### ***Deeming of Income and Resources***

**1972** (Public Law 92-603, enacted October 30). Deeming occurs when the income and resources of certain family members living in the same household with the SSI recipient are considered in determining

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the amount of the SSI payment. These family members are the ineligible spouse of an adult recipient and the ineligible parents of a child recipient under age 21.

After deduction of personal allocations for the spouse (or parents) and for ineligible children in the home, and after application of income exclusions, any remaining income of the spouse (or parents) is added to the income of the eligible person.

**1980** (Public Law 96-265, enacted June 9). Children aged 18 or older are not subject to parental deeming.

Sponsor's income and resources deemed to an alien for 3 years.

**1989** (Public Law 101-239, enacted December 19). Disabled children receiving home care services under state Medicaid programs, who are ineligible for SSI because of deeming of parental income, and who received SSI benefits limited to \$30 while in a medical treatment facility, may receive the \$30 monthly allowance that would be payable if the recipient were institutionalized.

**1993** (Public Law 103-152, enacted November 24). Sponsor-to-alien deeming period extended from 3 years to 5 years, effective January 1, 1994, through September 30, 1996.

Considers an ineligible spouse or parent who is absent from the household because of active military service to be a member of the household for deeming purposes.

**1996** (Public Law 104-193, enacted August 22). Deeming of income and resources from an immigration sponsor to a noncitizen continues until citizenship, with exceptions for those who earn, or can be credited with, 40 qualifying quarters of earnings. Effective for those whose sponsor signs a new legally enforceable affidavit of support.

(Public Law 104-208, enacted September 30). Amends Public Law 104-193 to add two exceptions to the sponsor-to-alien deeming:

- Provides that if the noncitizen is indigent and would be unable to obtain food and shelter without SSI benefits even after receiving support from the sponsor, then only the amount of income and resources actually provided by the sponsor will be counted for a 12-month period after a determination of indigence; and
- Provides that in certain cases, deeming would not apply for a 12-month period (with some options for extension) if the noncitizen (or his/her children) has been battered or subjected to extreme cruelty by family members.

**1997** (Public Law 105-33, enacted August 5). Amends Public Law 104-208 to add an additional exception to sponsor-to-alien deeming when the parent of a noncitizen has been battered or subjected to extreme cruelty by family members.

**2006** (Public Law 109-163, enacted January 6). Provides that individuals who were made ineligible for SSI because of their spouses or parents being called to active military duty would not have to file a new application for SSI benefits if they again could be eligible for benefits before the end of 24 consecutive months of ineligibility.

## **Federal Benefit Payments**

### ***Federal Benefit Rates***

Basic benefit standards are used in computing the amount of federal SSI payments. Benefit levels differ for individuals and couples living in households and for persons in Medicaid institutions. Individuals or couples living in their own households receive the full federal benefit. If an individual or couple is living in another person's household and receiving support and maintenance there, the federal benefit is reduced by one-third. The federal benefit rates for persons in households are increased annually to reflect increases in the cost of living. Legislation affecting the level of federal benefit rates since the inception of the SSI program are summarized in Table 2.B1.

### ***Windfall Offset***

**1980** (Public Law 96-265, enacted June 9). Requires an offset (by reducing retroactive Social Security benefits) for persons whose initial OASDI payment is retroactive, to equalize total benefits with those if paid when regularly due.

**1984** (Public Law 98-369, enacted July 18). Expands offset provision to allow for reduction of retroactive SSI benefits and to apply in cases of OASDI benefit reinstatement.

### ***Proration of Benefit***

**1982** (Public Law 97-248, enacted September 3). Benefit for first month of eligibility to be prorated by the number of days in the month for which an application has been filed and there is eligibility.

**1996** (Public Law 104-193, enacted August 22). Changes the effective date of an SSI application to the first day of the month following the date on which the application was filed or on which the individual first becomes eligible, whichever is later. This, in effect, eliminates prorated payments in initial claims.

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### **Retrospective Monthly Accounting**

- 1981** (Public Law 97-35, enacted August 13). Changes the method of computing the SSI benefit to one under which the benefit amount is computed on a monthly basis and is based on income and other characteristics in the previous (or second previous) month.
- 1984** (Public Law 98-369, enacted July 18). Changes the method of computing the SSI benefit to persons receiving Title II payments. The effect of the increased Title II income at the time of the cost-of-living increase is not delayed as it otherwise would be.
- 1987** (Public Law 100-203, enacted December 22). Provides an exception to retrospective monthly accounting so that amounts received under Aid to Families with Dependent Children (AFDC), foster care, refugee cash assistance, Cuban-Haitian entrant assistance, or general and child welfare assistance provided by the Bureau of Indian Affairs are counted only in the month received.
- 1993** (Public Law 103-66, enacted August 10). Changes the method of computing the SSI benefit to persons receiving the value of the one-third reduction. The effect of the increased value at the time of the cost-of-living increase is not delayed as it otherwise would be. Effective January 1995.
- 2004** (Public Law 108-203, enacted March 2). Eliminates triple counting of one-time, nonrecurring income by providing that this income will be counted only for the month that the income is received and not for any other month during the transition to retrospective monthly accounting during the first 3 months of an individual's SSI eligibility. Effective April 2005.

### **Uncashed Checks**

- 1981** (Public Law 97-35, enacted August 13). States that have federally administered supplements are to be credited their share of SSI checks that remain unnegotiated for 180 days.
- 1987** (Public Law 100-86, enacted August 10). SSI checks now unnegotiable after 1 year. States are credited their share of SSI checks after 1 year rather than 180 days.

### **Rounding of Payment Amounts**

- 1982** (Public Law 97-248, enacted September 3). Cost-of-living adjustments in the federal SSI benefit and income eligibility levels are to be rounded to the next lower whole dollar, after the adjustment is calculated. Subsequent cost-of-living adjustments will be calculated on the previous year's benefit standard before rounding.

### **Penalties Resulting in Nonpayment of Benefits for False or Misleading Statements**

- 1999** (Public Law 106-169, enacted December 14). Provides for the nonpayment of OASDI and SSI benefits (6, 12, and 24 months, respectively, for the first, second, and third or subsequent violations) for individuals found to have knowingly made a false or misleading statement of material fact for use in determining eligibility for benefits.
- 2004** (Public Law 108-203, enacted March 2). Expands the administrative sanction of nonpayment of benefits to situations in which an individual has failed to disclose material information, if the person knew or should have known that such failure was misleading. Authorizes federal courts to order a defendant convicted of defrauding Social Security, Special Veterans' Benefits, or SSI to make restitution to SSA. Restitution funds would be deposited to the trust funds or general fund of the Treasury, as appropriate. Effective with respect to violations occurring on or after the date of enactment.

### **Installment Payments**

- 1996** (Public Law 104-193, enacted August 22). Establishes a schedule for paying retroactive SSI benefit amounts that exceed 12 times the federal benefit rate (FBR) plus the state supplement level. Payments would be made at 6-month intervals:
- The first installment would be 12 times the FBR plus any federally administered state supplement.
  - Any remaining retroactive benefits would be paid in a second installment (not to exceed the first payment amount).
  - All remaining retroactive benefits would be paid in the third installment.

Provides that where an underpaid individual has incurred debts to provide for food, clothing, or shelter, has expenses for disability-related items and services that exceed the installment amount, or has entered into a contract to purchase a home, the installment payment would be increased by the amount needed to cover those debts, expenses, and obligations.

Provides that full retroactive payments be paid to an individual who is terminally ill or, if currently ineligible, is likely to remain so for the next 12 months.

- 2006** (Public Law 109-171, enacted February 8). Requires that past-due monthly SSI benefits that exceed three times the maximum monthly benefit (federal benefit rate plus state supplementary payment amount, if any) payable to the individual be paid in up to three installment payments, 6 months



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apart. Also, limits the amount of the first two installment payments to three times the maximum monthly benefit. All remaining benefits due are to be paid in the third installment. As under current law, the amounts of the installment payments may be increased in certain cases, such as those in which the individual has outstanding debt relating to food, clothing, or shelter, or has necessary medical needs. Effective 3 months after enactment.

**2009** (Public Law 111-115, enacted December 15). Prohibits the payment of any retroactive SSI benefits to individuals while they are in prison, in violation of conditions of their parole or probation; or fleeing to avoid prosecution, custody, or confinement for a felony or a crime punishable by sentence of more than one year.

## Exclusions from Income

### General Exclusions

**1972** (Public Law 92-603, enacted October 30). The first \$60 of earned or unearned income per calendar quarter for an individual or couple; the next \$195 and one-half the remainder of quarterly earned income. Unearned income includes Social Security benefits, other government or private pensions, veterans' benefits, and workers' compensation.

**1981** (Public Law 97-35, enacted August 13). The first \$20 of earned or unearned income per month for an individual or couple; the next \$65 and one-half the remainder of monthly earned income. Unearned income includes Social Security benefits, other government or private pensions, veterans' benefits, and workers' compensation.

**2000** (Public Law 106-554, enacted December 21). Earnings of persons defined as Social Security statutory employees are treated as self-employment income for SSI purposes.

### Special Exclusions

**1972** (Public Law 92-603, enacted October 30). Any amount of tax rebate issued to an individual by any public agency that is based on either real property or food purchase taxes.

Grants, scholarships, and fellowships used to pay tuition and fees at an educational institution.

Income required for achieving an approved self-support plan for blind or disabled persons.

Work expenses of blind persons.

For blind persons transferred from state programs to SSI, income exclusions equal to the maximum amount permitted as of October 1972 under the state programs.

Irregularly or infrequently received income totaling \$60 or less of unearned income and \$30 of earned income in a calendar quarter.

Payment for foster care of ineligible child residing in recipient's home through placement by a public or private nonprofit child care agency.

One-third of any payment received from an absent parent for the support of a child eligible for SSI.

Certain earnings of a blind or disabled child under age 22 regularly attending an educational institution.

State or local government cash payments based on need and designed to supplement SSI payments.

**1976** (Public Law 94-331, enacted June 30). Disaster assistance from income for 9 months and application of one-third reduction for 6 months for certain victims of disasters occurring between January 1, 1976, and December 31, 1976.

(Public Law 94-566, enacted October 20). Any assistance based on need (including vendor payments) made to or on behalf of SSI recipients, which is paid and wholly funded by state or local governments.

The value of assistance provided under certain federal housing programs.

**1977** (Public Law 95-113, enacted September 29). Food stamps, federally donated food, and the value of free or reduced price food for women and children under the Child Nutrition Act and National School Lunch Act.

(Public Law 95-171, enacted November 12). Provisions excluding support and maintenance under the Disaster Relief and Emergency Assistance Act of 1974 extended on a permanent basis. Effective January 1, 1978.

**1980** (Public Law 96-222, enacted April 1). Earned income tax credit treated as earned income (temporarily excluded from 1975 through 1980).

(Public Law 96-265, enacted June 9). Remunerations received in sheltered workshops and work activity centers are considered earned income and qualify for earned income exclusions.

Impairment-related work expenses paid by the individual (including cost for attendant care, medical equipment, drugs, and services necessary to control an impairment) are deducted from earnings when determining if an individual is engaging in SGA. Impairment-related work expenses are excluded in calculating income for benefit purposes if initial eligibility for benefits exists on the basis of countable income without applying this exclusion.

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- 1981** (Public Law 97-35, enacted August 13). Modifies provision under which irregularly or infrequently received income is excluded to conform to change from quarterly to monthly accounting; amounts excludable: \$20 or less of unearned income and \$10 of earned income in a month.
- 1982** (Public Law 97-377, enacted December 21). From December 18, 1982, to September 30, 1983, certain home energy assistance payments are excluded if a state agency certified that they are based on need.
- 1983** (Public Law 97-424, enacted January 6). Support or maintenance assistance (including home energy assistance) provided in kind by a nonprofit organization or in cash or in kind by certain providers of home energy is excluded if the state determines that the assistance is based on need. Provision is applicable through September 1984.
- Certain home energy assistance payments are excluded if a state agency certified that the assistance is based on need. Provision is applicable through June 1985.
- 1984** (Public Law 98-369, enacted July 18). The 1983 provisions for support and maintenance and home energy assistance continue to October 1, 1987.
- 1986** (Public Law 99-498, enacted October 17). Educational assistance used for educational expenses under the Higher Education Act of 1965 as amended.
- 1987** (Public Law 100-203, enacted December 22). The 1983 provisions for support and maintenance and home energy assistance made permanent.
- Excludes death payments (for example, proceeds from life insurance) from SSI income determinations to the extent they were spent on last illness and burial.
- Modifies the 1982 resource exclusion for burial funds to extend the exclusion to any burial fund of \$1,500 or less maintained separately from all other assets, thereby allowing interest to be excluded from income if retained in the fund.
- 1988** (Public Law 100-383, enacted August 10). Restitution payments made to Japanese internees and relocated Aleutians.
- 1989** (Public Law 101-239, enacted December 19). Interest on agreements representing the purchase of an excluded burial space.
- Payments from the Agent Orange Settlement.
- Value of a ticket for domestic travel received as a gift and not cashed.
- 1990** (Public Law 101-508, enacted November 5). Earned income tax credit (including the child health insurance portion).
- Payments received from a state-administered fund established to aid victims of crime.
- Impairment-related work expenses excluded from income in determining initial eligibility for benefits.
- Payments received as state or local government relocation assistance.
- Payments received under the Radiation Exposure Compensation Act.
- Redefines as earned income, royalties earned in connection with any publication of the individual's work and honoraria received for services rendered (previously defined as unearned income).
- 1993** (Public Law 103-66, enacted August 10). Hostile fire pay to members of the uniformed services.
- Payments received as state or local government relocation assistance made permanent.
- 1994** (Public Law 103-286, enacted August 1). Payments to victims of Nazi persecution.
- 1998** (Public Law 105-285, enacted October 27). Funds made available to an SSI recipient by a state or local government or a nonprofit organization as part of the Individual Development Account demonstration project.
- (Public Law 105-306, enacted October 28). In-kind gifts to children with life-threatening conditions by tax-exempt organizations not converted to cash.
- The first \$2,000 annually of cash gifts by tax-exempt organizations to, or for the benefit of, individuals under age 18 with life-threatening conditions.
- (Public Law 105-369, enacted November 12). Payments made under the Ricky Ray Hemophilia Relief Fund Act of 1998.
- 2000** (Public Law 106-554, enacted December 21). Interest on funds deposited in an individual development account.
- Any adjustments made to prior payments from other federal programs to account for the error in the computation of the Consumer Price Index during 1999.
- 2001** (Public Law 107-16, enacted June 7). The refundable child tax credit is excluded in determining eligibility for means-tested programs, including SSI.
- 2004** (Public Law 108-203, enacted March 2). Changes the calculation of infrequent and irregular income from a monthly to a quarterly basis.
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Excludes from the determination of an individual's income all interest and dividend income earned on countable resources. Effective July 2004.

Permits the student earned income exclusion to apply to any individual under age 22 who is a student. Thus, students under age 22 who are married or heads of households would be eligible for the exclusion. Effective April 2005.

Excludes from the determination of income any gift to an individual for use in paying tuition or educational fees, just as grants, scholarships, and fellowships for such use are currently excluded from the determination of income. Effective June 2004.

**2005** (Public Law 109-64, enacted September 20). Amends the National Flood Insurance Act of 1968 to specify that assistance provided under a program for flood mitigation activities with respect to a property would not be considered income or a resource of the owner of the property when determining eligibility for or benefit levels under any income assistance or resource-tested program (including SSI) that is funded in whole or in part by a federal agency or by appropriated federal funds.

**2006** (Public Law 109-432, enacted December 20). Extends the present law that allows combat pay to be considered for Earned Income Tax Credit (EITC) purposes for one additional year (for taxable years ending before January 1, 2008). For SSI purposes, EITC payments are excluded from income, and are not a countable resource for 9 calendar months following the month of receipt.

**2008** (Public Law 110-185, enacted February 13). A rebate payment received under the Economic Stimulus Act of 2008, and any other credit or refund under section 6428 of the Internal Revenue Code, would not be taken into account as income for purposes of SSI.

(Public Law 110-245, enacted June 17). Privatized military housing allowances withdrawn directly from a servicemember's pay by military payroll and paid to the landlord will be considered in-kind income, and the SSI benefit reduction attributable to the housing allowance will be capped at one-third of the federal benefit rate. In other cases, housing allowances will be considered earned income.

Excludes any cash or in-kind benefits provided under an AmeriCorps program from income consideration. Effective for benefits payable for months beginning 60 days after enactment.

Excludes annuity payments paid by a state to a person or his or her spouse because the state has determined the person is a veteran and blind, disabled, or aged.

**2009** (Public Law 111-5, enacted February 17). A one-time economic recovery payment of \$250 to SSI recipients will not be taken into account as income for purposes of SSI.

The Making Work Pay tax credit, which provides a tax credit in the form of decreased withholding by employers, will not be counted as income.

A one-time payment of \$15,000 for eligible Filipino veterans who are citizens of the United States, and \$9,000 for eligible veterans who are noncitizens will not be taken into account as income for SSI purposes.

**2010** (Public Law 111-148, enacted March 23). Excludes incentives an SSI recipient with Medicaid receives for participating in an "Incentives for Prevention of Chronic Diseases in Medicaid" (IPCDM) program from consideration as income.

(Public Law 111-255, enacted October 5). Excludes the first \$2,000 received during a calendar year by an SSI recipient or spouse as compensation for participation in a clinical trial for rare diseases or conditions from consideration as income. The exclusion is effective for a 5-year period from date of enactment.

(Public Law 111-291, enacted December 8). Excludes any settlement payments to American Indians, under the Claims Resettlement Act of 2010, from consideration as income.

(Public Law 111-312, enacted December 17). Excludes federal tax refunds and advance payment of refundable tax credits received after December 31, 2009, but before January 1, 2013, from consideration as income.

**2013** (Public Law 112-240, enacted January 2). Makes permanent the exclusion from income of federal tax refunds and advance payment of refundable tax credits.

**2015** (Public Law 114-63, enacted October 7). Makes permanent the exclusion of the first \$2,000 in payments per calendar year that an SSI recipient receives as compensation for participation in certain clinical trials.

**2016** (Public Law 114-241, enacted October 7). Excludes from income payments made by a state program intended to compensate individuals who had been sterilized under state authority.

## Resources

**1972** (Public Law 92-603, enacted October 30). Countable resources limited to \$1,500 or less for an individual and to \$2,250 or less for a couple.

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**1984** (Public Law 98-369, enacted July 18). Limit on countable resources raised by \$100 a year for individuals and \$150 a year for couples, beginning in calendar year 1985 through 1989. The respective limits would become \$2,000 for an individual and \$3,000 for a couple in 1989 and thereafter.

**1999** (Public Law 106-169, enacted December 14). Includes generally in the countable resources of an individual the assets of a trust that could be used for the benefit of the individual or spouse.

### **General Exclusions**

**1972** (Public Law 92-603, enacted October 30). A home of reasonable value—established *by regulation* as not exceeding a fair-market value of \$25,000 (\$35,000 in Alaska and Hawaii).

Personal effects and household goods of reasonable value established *by regulation* as not exceeding a total market value of \$1,500.

An automobile of reasonable value—established *by regulation* as not exceeding a market value of \$1,200.

An automobile may be excluded, regardless of value, if the individual's household uses it for employment or medical treatment or if it is modified to be operated by or for transportation of a handicapped person.

Life insurance with face value of \$1,500 or less.

**1976** (Public Law 94-569, enacted October 20). The recipient's home, regardless of value, is excluded from consideration in determining resources.

**1977** (Public Law 95-171, enacted November 12). Assistance received under the Disaster Relief and Emergency Assistance Act of 1974 for 9 months following receipt.

**1979** Reasonable value for an automobile increased *by regulation* to \$4,500 of current-market value; personal goods and household effects increased to \$2,000 of equity value.

**1982** (Public Law 97-248, enacted September 3). The value, within prescribed limits, of a burial space for the recipient, spouse, and immediate family is excluded. In addition, \$1,500 each (less the value of already excluded life insurance and any amount in an irrevocable burial arrangement) may be set aside for the burial of the recipient and spouse.

**1984** (Public Law 98-369, enacted July 18). The unspent portion of any retroactive Title II or Title XVI payment is excluded for 6 months following its receipt, and the individual must be given written notice of the time limit on the exclusion.

**1985** *Regulations* permit exclusion, regardless of value, of an automobile needed for essential transportation or modified for a handicapped person. The \$4,500 current market value limit applies only if no automobile could be excluded based on the nature of its use.

**1987** (Public Law 100-203, enacted December 22). Provides for suspension of the 1980 transfer of assets provision, in any month that it is determined that undue hardship would result.

Real property that cannot be sold for the following reasons: it is jointly owned; its sale would cause the other owner(s) undue hardship because of loss of housing; its sale is barred by a legal impediment; or the owner's reasonable efforts to sell have been unsuccessful.

Temporarily extends the 1984 exclusion of retroactive Title II and Title XVI benefits from 6 months to 9 months (the longer exclusion applies to benefits paid in fiscal years 1988 and 1989).

**1988** (Public Law 100-707, enacted November 23). Removes the time limit for exclusion of disaster assistance.

**2004** (Public Law 108-203, enacted March 2). Increases to 9 months and makes uniform the time period for excluding from resources amounts attributable to payments of past-due Social Security and SSI benefits and earned income and child tax credits. Effective for such payments received on or after the date of enactment.

**2005** *Regulations* permit exclusion of, regardless of value,

- One automobile if used for transportation for the beneficiary or a member of the beneficiary's household and
- Personal goods and household effects.

### **Special Exclusions**

**1972** (Public Law 92-603, enacted October 30). Assets of a blind or disabled individual that are necessary to an approved plan of self-support.

Tools and other property essential to self-support, within reasonable limits. Shares of nonnegotiable stock in regional or village corporations held by natives of Alaska.

For persons transferred from state programs to SSI, resource exclusions equal to the maximum amount permitted as of October 1972 under the state program.

- 1988** (Public Law 100-383, enacted August 10). Restitution payments made to Japanese internees and relocated Aleutians.
- 1989** (Public Law 101-239, enacted December 19). Specifies that no limitation can be placed on property essential to self-support used in a trade or business, or by an individual as an employee (including the tools of a tradesperson and the machinery and livestock of a farmer).
- Payments from the Agent Orange Settlement.
- 1990** (Public Law 101-508, enacted November 5). Earned income tax credit excluded for the month following the month the credit is received.
- Payments received from a state-administered fund established to aid victims of crime excluded for a 9-month period. Individuals not required to file for such benefits.
- Payments received as state or local government relocation assistance excluded for a 9-month period. (The provision expired 3 years after its effective date.)
- Payments received under the Radiation Exposure Compensation Act.
- 1993** (Public Law 103-66, enacted August 10). Makes permanent the 9-month exclusion of payments received as state or local government relocation assistance.
- 1994** (Public Law 103-286, enacted August 1). Payments to victims of Nazi persecution.
- 1996** (Public Law 104-193, enacted August 22). Dedicated financial institution accounts required to be established for large past-due benefits for disabled individuals under age 18 with a representative payee.
- 1998** (Public Law 105-285, enacted October 27). Funds made available to an SSI recipient by a state or local government or a nonprofit organization as part of the Individual Development Account demonstration project.
- (Public Law 105-306, enacted October 28). In-kind gifts to children with life-threatening conditions by tax-exempt organizations not converted to cash.
- The first \$2,000 annually of cash gifts by tax-exempt organizations to, or for the benefit of, individuals under age 18 with life-threatening conditions.
- (Public Law 105-369, enacted November 12). Payments made under the Ricky Ray Hemophilia Relief Fund Act of 1998.
- 2000** (Public Law 106-554, enacted December 21). Funds deposited by an individual in an individual development account and the interest on those funds.
- 2001** (Public Law 107-16, enacted June 7). The refundable child tax credit in the month of receipt and in the following month.
- 2004** (Public Law 108-203, enacted March 2). Grants, scholarships, fellowships, or gifts to be used for tuition or educational fees for 9 months after the month of receipt.
- 2008** (Public Law 110-185, enacted February 13). A rebate payment received under the Economic Stimulus Act of 2008, and any other credit or refund under section 6428 of the Internal Revenue Code, would not be included as a resource during the month of receipt or the 2 following months.
- (Public Law 110-245, enacted June 17). State-provided pensions for aged, blind, or disabled veterans (or their spouses). Effective for benefits payable for months beginning 60 days after enactment.
- 2009** (Public Law 111-5, enacted February 17). A one-time economic recovery payment of \$250 to SSI recipients will not be taken into account as a resource for the month of receipt and the following 9 months.
- The Making Work Pay tax credit, which provides a tax credit in the form of decreased withholding by employers, will not be taken into account as a resource for the month of receipt and the following 2 months.
- 2010** (Public Law 111-148, enacted March 23). Excludes incentives an SSI recipient with Medicaid receives for participating in an IPCDM program from consideration as a resource.
- (Public Law 111-255, enacted October 5). Excludes the first \$2,000 received during a calendar year by an SSI recipient or spouse as compensation for participation in a clinical trial for rare diseases or conditions from consideration as a resource.
- (Public Law 111-291, enacted December 8). Excludes any settlement payments to American Indians, under the Claims Resettlement Act of 2010, from consideration as a resource (for a period of 12 months from receipt).
- (Public Law 111-312, enacted December 17). Excludes federal tax refunds and advance payment of refundable tax credits received after December 31, 2009, but before January 1, 2013, from consideration as a resource (for a period of 12 months from receipt).
- 2013** (Public Law 112-240, enacted January 2). Makes permanent the 12-month resource exclusion of

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federal tax refunds and advance payment of refundable tax credits.

**2014** (Public Law 113-295, enacted December 19). Modifies the Internal Revenue Code to establish Achieving a Better Life Experience (ABLE) accounts, which are tax-advantaged savings accounts for individuals who became disabled prior to age 26. ABLE account balances (up to \$100,000) and distributions that pay for qualifying disability expenses (except distributions for housing) do not affect the disabled person's SSI eligibility and payment amount.

**2015** (Public Law 114-63, enacted October 7). Makes permanent the resource exclusion of the first \$2,000 in payments per calendar year that an SSI recipient receives as compensation for participation in certain clinical trials.

**2016** (Public Law 114-241, enacted October 7). Excludes from resources payments received under a state program intended to compensate individuals who had been sterilized under state authority, if the recipient retains the payment beyond the month of receipt.

### ***Transfer-of-Resources Penalties***

**1980** (Public Law 96-611, enacted December 28). Assets transferred for less than fair market value for the purpose of establishing eligibility for benefits under the Social Security Act are counted as resources for 24 months after transfer.

**1988** (Public Law 100-360, enacted July 1). Removes the transfer-of-assets penalty for transfers made July 1, 1988, or later.

**1999** (Public Law 106-169, enacted December 14). Provides a penalty under the SSI program for the disposal of resources at less than fair market value. The penalty is a loss of benefits for up to 36 months. A formula is provided to determine the number of months.

### **Presumptive and Emergency Payments and Interim Assistance Reimbursement**

#### ***Presumptive Payments***

**1972** (Public Law 92-603, enacted October 30). A person applying on the basis of disability who meets all other criteria of eligibility, and is likely to be disabled, may receive payments for 3 months pending the disability determination.

**1976** (Public Law 94-569, enacted October 20). Presumptive payment provision was extended to persons applying on the basis of blindness.

**1990** (Public Law 101-508, enacted November 5). Extends the period for receipt of payments to 6 months.

#### ***Emergency Advance Payments***

**1972** (Public Law 92-603, enacted October 30). Any applicant who can be presumed to meet the eligibility criteria, but has not yet been determined eligible, and who is faced with a financial emergency may receive an immediate cash advance of up to \$100.

**1987** (Public Law 100-203, enacted December 22). Increases the maximum emergency advance payment amount to the maximum amount of the regular federal SSI monthly benefit rate plus, if any, the federally administered state supplementary payment.

**1996** (Public Law 104-193, enacted August 22). Applicants who have a financial emergency may receive an emergency advance payment in the month of application, which, effective with this law, is always before the first month of eligibility. These advance payments are recouped by proportional reductions in the recipient's first 6 months of SSI benefits.

#### ***Interim Assistance Reimbursement***

**1974** (Public Law 93-368, enacted August 7). SSA may enter into agreements with the states to repay them directly for assistance payments made to an SSI applicant while his/her claim is being adjudicated. The repayment is made from the first check due to the individual. This legislation expires June 30, 1976.

**1976** (Public Law 94-365, enacted July 14). The authority to repay the state for interim assistance is made permanent.

**1987** (Public Law 100-203, enacted December 22). Extends interim assistance reimbursement to situations in which payments are made by states or political subdivisions to persons whose SSI payments were suspended or terminated and who subsequently are found to be eligible for such benefits. Also clarifies that the payment from which the interim assistance reimbursement is paid must be the first payment of benefits relating to the interim period.

#### **Medicaid Eligibility**

**1972** (Public Law 92-603, enacted October 30). States can provide Medicaid coverage to all recipients of SSI payments. Alternatively, they can limit coverage by applying more restrictive criteria from the state Medicaid plan in effect on January 1, 1972.

States can accept SSA determination of eligibility or make their own determination.

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**1976** (Public Law 94-566, enacted October 20). Preserves the Medicaid eligibility of recipients who become ineligible for cash SSI payments due to the cost-of-living increases in Social Security benefits.

**1980** (Public Law 96-265, enacted June 9). Blind or disabled recipients under age 65 no longer eligible for either regular or special SSI payments because of their earnings may retain SSI recipient status for Medicaid eligibility purposes under the following conditions: (1) they continue to have the disabling impairment, (2) they meet all nondisability eligibility criteria except for earned income, (3) they would be seriously inhibited from continuing employment without Medicaid services, and (4) their earnings are insufficient to provide a reasonable equivalent of SSI payments and Medicaid.

In states that do not provide Medicaid coverage categorically to all SSI recipients, qualification for Medicaid benefits depends on the state's specific eligibility and program requirements.

The Medicaid provision of the 1980 legislation was in effect from January 1, 1981, through December 31, 1983. Under a 1-year demonstration project, beginning January 1, 1984, this provision was continued for persons already eligible for regular or special SSI payments or for retention of Medicaid eligibility.

**1984** (Public Law 98-460, enacted October 9). Medicaid provision of 1980 legislation extended through June 30, 1987 (retroactive to January 1, 1984).

**1986** (Public Law 99-272, enacted April 7). Restores Medicaid eligibility for some disabled widow(er)s who became ineligible for SSI when their Title II benefits increased in 1984 because of a change in the Social Security disabled widow(er)s benefits reduction factor.

(Public Law 99-643, enacted November 10). The SSI recipient status for Medicaid eligibility provision of the 1980 amendments is made permanent.

Effective July 1, 1987, certain expenses are excluded from earnings when determining sufficiency of earnings to establish SSI recipient status eligibility for Medicaid purposes:

- Impairment-related work expenses of disabled persons,
- Work expenses of blind persons,
- Income required for achieving an approved self-support plan, and
- The value of publicly funded attendant care services.

Effective July 1, 1987, preserves the Medicaid eligibility of recipients who become ineligible for SSI

payments because of entitlement to, or an increase in, Social Security disabled adult child benefits on or after the effective date.

Effective July 1, 1987, requires all states to provide Medicaid coverage for recipients in special SSI status (either receiving special SSI payments or in the special recipient status described for 1980) if they received Medicaid coverage the month before special SSI status.

**1987** (Public Law 100-203, enacted December 22). Effective July 1, 1988, restores or preserves the Medicaid eligibility of persons aged 60 or older who are eligible for Social Security benefits as widows or widowers (but not eligible for Medicare) and who become ineligible for SSI payments or state supplementation because of the receipt of old-age or survivors insurance benefits under Social Security.

**1990** (Public Law 101-508, enacted November 5). Age limit for retention of SSI recipient status for Medicaid eligibility purposes (1980 and subsequent work incentive provisions, above) is eliminated.

Preserves the Medicaid eligibility of SSI recipients who become ineligible for payments when they become entitled to Social Security disabled widow(er)s benefits following the revised definition used for their disability.

**1997** (Public Law 105-33, enacted August 5). Requires states to continue Medicaid coverage for disabled children who were receiving SSI payments as of August 22, 1996, and would have continued to be eligible for such payments except that their eligibility terminated because they did not meet the revised SSI childhood disability standard established under Public Law 104-193.

**2006** (Public Law 109-171, enacted February 8). Begins Medicaid coverage for children who are eligible for SSI effective the month the SSI application is filed or the first month of SSI eligibility, whichever is later. (Under prior law, Medicaid eligibility for such children began the month following the month of the SSI application or first eligibility.)

**2014** (Public Law 113-295, enacted December 19). Retains Medicaid eligibility for an SSI recipient whose Achieving a Better Life Experience (ABLE) account balance in excess of \$100,000 causes him or her to exceed the SSI resource limit.

### State Supplementation

**1972** (Public Law 92-603, enacted October 30). States are given the option of providing supplementary payments both to recipients transferred from the state program and to those newly eligible for SSI.

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States may either administer the payments themselves or have the Social Security Administration make payments on their behalf. When state supplementary payments are federally administered, the Social Security Administration makes eligibility and payment determinations for the state and assumes administrative costs.

“Hold harmless” protection, which limits a state’s fiscal liability to its share of expenditures for Old-Age Assistance, Aid to the Blind, and Aid to the Permanently and Totally Disabled for calendar year 1972, is provided to states electing federal administration of their supplementary plans. This provision applies only to supplementary payments that do not, on the average, exceed a state’s “adjusted payment level.” (The adjusted payment level is the average of the payments that individuals with no other income received in January 1972; it may include the bonus value of food stamps. Adjustments are provided for payments that had been below state standards.)

**1973** (Public Law 93-66, enacted July 9). Provides for mandatory state supplementation as assurance against reduction of income for persons who received state assistance in December 1973 and were transferred to SSI. These supplementary payments must equal the difference between (1) the amount of the state assistance payment that the individual received in December 1973 plus other income and (2) the individual’s federal SSI payment plus other income.

**1976** (Public Law 94-585, enacted October 21). After June 30, 1977, when the federal SSI payment level is increased by a cost-of-living increase, such an increase will be excluded in calculating the “hold harmless” amount.

Requires states to maintain state supplementation payments at the level of December 1976 (“maintenance of payments”) or to continue to pay in supplements the same total annual amounts (“maintenance of expenditures”) when the federal SSI payment level is increased and thereby pass through any increases in federal benefits without reducing state supplements.

**1982** (Public Law 97-248, enacted September 3). Begins a 3-year phase out of “hold harmless” protection. Effective with fiscal year 1985, Wisconsin and Hawaii (the only remaining “hold harmless” states) assumed the full cost of their supplementary payments.

**1983** (Public Law 98-21, enacted April 20). Federal pass-through law is adjusted (1) by substituting the state supplementary payment levels in effect in March 1983 for those in effect in December 1976 as the levels that states must maintain in complying

with the pass-through requirements, and (2) with regard to the \$20 (individual) and \$30 (couple) increase in the federal SSI standard in July 1983, by requiring states to pass through only as much as would have been required if the SSI cost-of-living adjustment had been made in July 1983.

**1987** (Public Law 100-203, enacted December 22). Provides for federal administration of state supplements to residents of medical institutions.

Provides for required pass through of \$5 increase in federal rate for persons whose care in institutions is paid in substantial part by Medicaid.

**1993** (Public Law 103-66, enacted August 10). Requires states to pay fees for federal administration of their state supplementation payments. The fees are \$1.67 for each monthly supplementary payment in fiscal year 1994, \$3.33 in fiscal year 1995, and \$5.00 in fiscal year 1996. Fees for subsequent fiscal years will be \$5.00 or another amount determined by the commissioner to be appropriate. The commissioner may charge the states additional fees for services they request that are beyond the level customarily provided in administering state supplementary payments.

**1997** (Public Law 105-33, enacted August 5). Revises the schedule of per-payment fees for federal administration of state supplementation for fiscal years 1998 (\$6.20) through 2002 (\$8.50) and provides a formula for determining the fee beyond fiscal year 2002.

**1999** (Public Law 106-170, enacted December 17). A state that has an agreement with SSA to administer its supplementation payments must remit both payments and fees prior to the SSI payment date.

**2000** (Public Law 106-554, enacted December 21). Changes the effective date of above provision from 2009 to 2001.

### Overpayment Recovery

**1984** (Public Law 98-369, enacted July 18). Limits the rate of recovering overpayments from monthly payments to the lesser of (1) the monthly payment or (2) 10 percent of a recipient’s monthly income. Permits a higher or lower adjustment at the request of the recipient subject to the agreement of the Commissioner. The limit does not apply if fraud, willful misrepresentation, or concealment of material information was involved on the part of the recipient or spouse in connection with the overpayment.

Waives recovery of certain overpayments due to amount of excess resources of \$50 or less.



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Provides temporary authority for the recovery of overpayments from tax refunds.

**1988** (Public Law 100-485, enacted October 13). Grants permanent authority to recover overpayments from tax refunds.

**1998** (Public Law 105-306, enacted October 28). Authorizes SSA to collect SSI overpayments by offsetting Social Security benefits, with a maximum monthly offset of no more than 10 percent of the Social Security benefit.

**1999** (Public Law 106-169, enacted December 14). Makes representative payees liable for an SSI overpayment caused by a payment made to a recipient who has died, and requires SSA to establish an overpayment control record under the representative payee's Social Security number.

Requires SSA to recover SSI overpayments from SSI lump-sum amounts by withholding at least 50 percent of the lump-sum payment or the amount of the overpayment, whichever is less.

Extends all of the debt collection authorities currently available for the collection of overpayments under the OASDI program to the SSI program.

**2001** (Public Law 107-16, enacted June 7). Subjects one-time tax refund payments provided under this Act to overpayment recovery under tax refund offset provisions.

**2004** (Public Law 108-203, enacted March 2). Provides for recovery of overpayment of SSI benefits by withholding from OASDI and Special Veterans' Benefits up to 100 percent of any underpayment of benefits and 10 percent of ongoing monthly benefits.

Also provides for recovery of overpayment of OASDI or Special Veterans' Benefits by withholding from SSI up to 100 percent of any underpayment of benefits but limits any recovery from SSI benefits to the lesser of 100 percent of the monthly benefit or 10 percent of the individual's total monthly income.

Effective with respect to overpayments that are outstanding at the time of enactment.

### **Fees for Attorneys and Nonattorney Representatives**

**2004** (Public Law 108-203, enacted March 2). Extends the current OASDI attorney fee withholding process to SSI for a period of 5 years to attorneys. Also extends OASDI and SSI fee withholding provisions to qualified nonattorneys effective with the implementation of the 5-year demonstration project.

**2010** (Public Law 111-142, enacted February 27). Permanently extends the OASDI attorney fee withholding process to SSI. The prior authority expired February 28, 2010. Allows direct payment of attorneys and certain nonattorney representatives.

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