

117TH CONGRESS  
1ST SESSION

# H. R. 1161

To amend the Internal Revenue Code of 1986 to exclude the portion of a lump-sum social security benefit payment that relates to periods prior to the taxable year from the determination of household income.

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## IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 18, 2021

Mr. NEGUSE introduced the following bill; which was referred to the Committee on Ways and Means

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## A BILL

To amend the Internal Revenue Code of 1986 to exclude the portion of a lump-sum social security benefit payment that relates to periods prior to the taxable year from the determination of household income.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Fairness in Social Se-  
5 curity Act of 2021”.

1 **SEC. 2. TREATMENT OF LUMP-SUM SOCIAL SECURITY BEN-**  
2 **EFITS IN DETERMINING HOUSEHOLD IN-**  
3 **COME.**

4 (a) IN GENERAL.—Section 36B(d)(2) of the Internal  
5 Revenue Code of 1986 is amended by adding at the end  
6 the following new subparagraph:

7 “(C) EXCLUSION OF PORTION OF LUMP-  
8 SUM SOCIAL SECURITY BENEFITS.—

9 “(i) IN GENERAL.—The term ‘modi-  
10 fied adjusted gross income’ shall not in-  
11 clude so much of any lump-sum social se-  
12 curity benefit payment as is attributable to  
13 months ending before the beginning of the  
14 taxable year.

15 “(ii) LUMP-SUM SOCIAL SECURITY  
16 BENEFIT PAYMENT.—For purposes of this  
17 subparagraph, the term ‘lump-sum social  
18 security benefit payment’ means any pay-  
19 ment of social security benefits (as defined  
20 in section 86(d)(1)) which constitutes more  
21 than 1 month of such benefits.

22 “(iii) ELECTION TO INCLUDE EX-  
23 CLUDABLE AMOUNT.—A taxpayer may  
24 elect (at such time and in such manner as  
25 the Secretary may provide) to have this

1                   subparagraph not apply for any taxable  
2                   year.”.

3           (b) EFFECTIVE DATE.—The amendment made by  
4 this section shall apply to taxable years beginning after  
5 December 31, 2013.

6           (c) WAIVER OF STATUTE OF LIMITATION ON CREDIT  
7 OR REFUND.—If the period of limitation on a credit or  
8 refund resulting from the amendment made by subsection  
9 (a) expires before the end of the 1-year period beginning  
10 on the date of the enactment of this Act, refund or credit  
11 of such overpayment (to the extent attributable to such  
12 amendment) may, nevertheless, be made or allowed if  
13 claim therefor is filed before the close of such 1-year pe-  
14 riod.

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