

116TH CONGRESS
2D SESSION

H. R. 6951

To assist older Americans and people with disabilities affected by COVID–
19.

IN THE HOUSE OF REPRESENTATIVES

MAY 19, 2020

Ms. SCHAKOWSKY (for herself, Ms. MATSUI, Mr. LAMB, Ms. ROYBAL-ALLARD, Mrs. DINGELL, Ms. PRESSLEY, and Mr. DEUTCH) introduced the following bill; which was referred to the Committee on Ways and Means, and in addition to the Committees on Energy and Commerce, Education and Labor, and Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To assist older Americans and people with disabilities
affected by COVID–19.

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 “COVID–19 Recovery for Seniors and People with Dis-
6 abilities Act of 2020”.

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

Sec. 1. Short title; table of contents.

TITLE I—SOCIAL SECURITY

- Sec. 101. Definitions.
- Sec. 102. Pausing continuing disability reviews during the COVID–19 public health emergency.
- Sec. 103. Pausing all collection of overpayments during the COVID–19 public health emergency.
- Sec. 104. Pausing all suspension of benefits for failure to cooperate during the COVID–19 public health emergency.
- Sec. 105. Update in eligibility thresholds for supplemental security income; elimination of marriage penalty.
- Sec. 106. Elimination of Social Security disability and Medicare waiting periods.
- Sec. 107. Support and maintenance furnished in kind not included as income for purposes of SSI.
- Sec. 108. Suspension of certain regulations.
- Sec. 109. Discharge of student loans.
- Sec. 110. Elimination of separate account requirement for past-due supplemental security income benefits paid to child beneficiaries.
- Sec. 111. Increasing the substantial gainful activity limit.
- Sec. 112. State grants to protect the legal rights of SSI and SSDI applicants and beneficiaries.
- Sec. 113. Social security assistance and representation grants.

TITLE II—MEDICARE

- Sec. 201. Fairness in Medicare enrollment and coverage periods.
- Sec. 202. Permitting an attestation of employment-based health insurance coverage during the COVID–19 public health emergency.
- Sec. 203. Suspension of the Medicare part D low-income subsidy asset test.

TITLE III—MEDICAID

- Sec. 301. Suspension of asset test for medical assistance for Medicare cost sharing during COVID–19 emergency period.
- Sec. 302. Temporary increase of Medicaid FMAP for Medicare cost-sharing.
- Sec. 303. Delay in reduction of FMAP for Medicaid personal care services furnished without an electronic visit verification system.

TITLE IV—AGRICULTURE

- Sec. 401. Commodity supplemental food program.

1 **TITLE I—SOCIAL SECURITY**

2 **SEC. 101. DEFINITIONS.**

3 In this title:

4 (1) COMMISSIONER.—The term “Commis-

5 sioner” means the Commissioner of Social Security.

1 (2) COVID–19 EMERGENCY PERIOD.—The
 2 term “COVID–19 emergency period” means the pe-
 3 riod of months—

4 (A) beginning with the first month that be-
 5 gins on or after the date of enactment of this
 6 Act; and

7 (B) ending with the sixth month that be-
 8 gins on or after the last day of the public health
 9 emergency described in section 1135(g)(1)(B)
 10 of such Act (42 U.S.C. 1320b–5(g)(1)(B)).

11 **SEC. 102. PAUSING CONTINUING DISABILITY REVIEWS DUR-**
 12 **ING THE COVID–19 PUBLIC HEALTH EMER-**
 13 **GENCY.**

14 (a) IN GENERAL.—Notwithstanding any other provi-
 15 sion of law and except as provided in subsection (b), the
 16 Commissioner shall not conduct any continuing disability
 17 review (as such term is defined in section 201(g)(1)(A)
 18 of the Social Security Act (42 U.S.C. 401(g)(1)(A))) dur-
 19 ing the COVID–19 emergency period.

20 (b) EXCEPTION FOR CDR APPEALS.—Subsection (a)
 21 shall not apply to a continuing disability review that—

22 (1) is in progress on the date of enactment of
 23 this Act; and

24 (2) is being conducted pursuant to an appeal by
 25 an individual of a adverse decision of the Commis-

1 sioner with respect to the individual's eligibility for
2 benefits under title II or XVI of the Social Security
3 Act (42 U.S.C. 401 et seq., 1381 et seq.), or the
4 amount of such benefits for which the individual is
5 eligible.

6 **SEC. 103. PAUSING ALL COLLECTION OF OVERPAYMENTS**
7 **DURING THE COVID-19 PUBLIC HEALTH**
8 **EMERGENCY.**

9 (a) IN GENERAL.—Notwithstanding any other provi-
10 sion of law and except as provided in subsection (b), dur-
11 ing the COVID-19 emergency period, the Commissioner
12 shall not make any downward adjustment to a benefit
13 amount payable to an individual under title II or XVI of
14 the Social Security Act (42 U.S.C. 401 et seq., 1381 et
15 seq.), or take any other action, for the purpose of col-
16 lecting an overpayment made to such individual.

17 (b) EXCEPTION FOR FRAUD.—Subsection (a) shall
18 not apply to any downward adjustment or any other action
19 with respect to a benefit amount payable to an individual
20 under title II or XVI of the Social Security Act (42 U.S.C.
21 401 et seq., 1381 et seq.) if such adjustment is made, or
22 such action taken, on the basis that the individual is in-
23 volved in fraud or similar fault.

1 **SEC. 104. PAUSING ALL SUSPENSION OF BENEFITS FOR**
 2 **FAILURE TO COOPERATE DURING THE**
 3 **COVID-19 PUBLIC HEALTH EMERGENCY.**

4 Notwithstanding any other provision of law, during
 5 the COVID-19 emergency period, the Commissioner shall
 6 not suspend, modify, or terminate an individual's entitle-
 7 ment to, or eligibility for, benefits under title II or XVI
 8 of the Social Security Act (42 U.S.C. 401 et seq., 1381
 9 et seq.) on the basis that the individual has failed to co-
 10 operate with a request of the Commissioner.

11 **SEC. 105. UPDATE IN ELIGIBILITY THRESHOLDS FOR SUP-**
 12 **PLEMENTAL SECURITY INCOME; ELIMI-**
 13 **NATION OF MARRIAGE PENALTY.**

14 (a) UPDATE IN GENERAL INCOME EXCLUSION.—
 15 Section 1612(b)(2)(A) of the Social Security Act (42
 16 U.S.C. 1382a(b)(2)(A)) is amended by striking “\$240”
 17 and inserting “\$1,476 (increased as described in section
 18 1617(d) for each calendar year after 2020)”.

19 (b) UPDATE IN EARNED INCOME EXCLUSION.—Sec-
 20 tion 1612(b)(4) of such Act (42 U.S.C. 1382a(b)(4)) is
 21 amended by striking “\$780” each place it appears and
 22 inserting “\$4,788 (increased as described in section
 23 1617(d) for each calendar year after 2020)”.

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

1 (1) in subparagraph (A), by striking “\$2,250”
 2 and all that follows through the end of the subpara-
 3 graph and inserting “\$20,000 in calendar year
 4 2020, and shall be increased as described in section
 5 1617(d) for each subsequent calendar year.”; and

6 (2) in subparagraph (B), by striking “\$1,500”
 7 and all that follows through the end of the subpara-
 8 graph and inserting “\$10,000 in calendar year
 9 2020, and shall be increased as described in section
 10 1617(d) for each subsequent calendar year.”.

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

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

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

16 “(d)(1) In the case of any calendar year after 2020,
 17 each of the amounts specified in sections 1611(a)(3),
 18 1612(b)(2)(A), and 1612(b)(4) shall be increased by mul-
 19 tiplying each such amount by the quotient obtained by di-
 20 viding—

21 “(A) the average of the Consumer Price
 22 Index for Elderly Consumers (CPI–E, as pub-
 23 lished by the Bureau of Labor Statistics of the
 24 Department of Labor) for the 12-month period

1 ending with September of the preceding cal-
 2 endar year, by

3 “(B) such average for the 12-month period
 4 ending with September 2019.

5 “(2) In no case shall the application of para-
 6 graph (1) result in a reduction to the amounts speci-
 7 fied in such paragraph.”.

8 (e) REPEAL OF MARRIAGE PENALTY.—

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

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

17 “(B) for calendar year 2020 and any calendar
 18 year thereafter, at twice the rate applicable for such
 19 calendar year under paragraph (1) for an individual
 20 who does not have an eligible spouse,

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

23 (2) CONFORMING AMENDMENT.—Section
 24 1617(a)(1) of the Social Security Act (42 U.S.C.
 25 1382(a)(1)) is amended by striking “subsections

1 (a)(1)(A), (a)(2)(A), (b)(1), and (b)(2)” and insert-
 2 ing “subsections (a)(1)(A), (a)(2)(A), and (b)(1)”.

3 (f) EFFECTIVE DATE.—The amendments made by
 4 this section shall take effect on the date of enactment of
 5 this Act, and shall apply to eligibility determinations
 6 made, and benefit amounts payable, under title XVI of
 7 the Social Security Act (42 U.S.C. 1381 et seq.) on or
 8 after such date.

9 **SEC. 106. ELIMINATION OF SOCIAL SECURITY DISABILITY**
 10 **AND MEDICARE WAITING PERIODS.**

11 (a) TEMPORARY ELIMINATION OF WAITING PERIODS
 12 FOR SOCIAL SECURITY DISABILITY BENEFITS AND RAIL-
 13 ROAD RETIREMENT ACT DISABILITY BENEFITS.—During
 14 the period that begins on the date of enactment of this
 15 Act and ends on the last day of the sixth month that be-
 16 gins on or after the last day of the public health emer-
 17 gency described in section 1135(g)(1)(B) of the Social Se-
 18 curity Act (42 U.S.C. 1320b–5(g)(1)(B))—

19 (1) section 202(e)(5) of the Social Security Act
 20 (42 U.S.C. 402(e)(5)) shall be applied by striking
 21 subparagraphs (A) and (B) and inserting the fol-
 22 lowing: “The waiting period referred to in paragraph
 23 (1)(F), in the case of any widow or surviving di-
 24 vorced wife, is zero months.”;

1 (2) section 202(f)(5) of the Social Security Act
2 (42 U.S.C. 402(f)(5)) shall be applied by striking
3 subparagraphs (A) and (B) and inserting the fol-
4 lowing: “The waiting period referred to in paragraph
5 (1)(F), in the case of any widower or surviving di-
6 vorced husband, is zero months.”;

7 (3) section 223(c)(2) of the Social Security Act
8 (42 U.S.C. 423(c)(2)) shall be applied by sub-
9 stituting “zero months.” for “the earliest period of
10 five consecutive calendar months” and all that fol-
11 lows through the period; and

12 (4) section 5(a)(ii) of the Railroad Retirement
13 Act of 1974 (45 U.S.C. 231c(a)(ii)) shall be applied
14 by striking “the of (A)” and all that follows through
15 “(B)”.

16 (b) TEMPORARY ELIMINATION OF MEDICARE WAIT-
17 ING PERIOD.—For purposes of applying section 226 of the
18 Social Security Act (42 U.S.C. 426) to any individual dur-
19 ing the period described in subsection (a), the following
20 special rules apply:

21 (1) Subsection (b) of such section shall be ap-
22 plied as if there were no requirement for any entitle-
23 ment to benefits, or status, for a period longer than
24 1 month.

1 (2) The entitlement under such subsection shall
2 begin with the first month (rather than twenty-fifth
3 month) of entitlement or status.

4 (3) Subsection (f) of such section shall not be
5 applied.

6 (c) RULES OF APPLICATION.—

7 (1) SCOPE OF APPLICATION.—The provisions of
8 the Social Security Act and the Railroad Retirement
9 Act of 1974 specified in subsections (a) and (b) shall
10 be applied in the manner described in such sub-
11 sections with respect to any individual—

12 (A) for whom a waiting period under such
13 provision began before the date of enactment of
14 this Act; and

15 (B) for whom a waiting period under such
16 a provision begins on or after such date of en-
17 actment.

18 (2) EFFECT OF APPLICATION.—An individual
19 with respect to whom a waiting period under a pro-
20 vision specified in subsection (a) or (b) does not
21 apply as a result of the application of such sub-
22 section shall, for purposes of applying such provision
23 to such individual after the end of the period de-
24 scribed in subsection (a), be deemed to have met the
25 waiting period requirement under such provision.

1 **SEC. 107. SUPPORT AND MAINTENANCE FURNISHED IN**
2 **KIND NOT INCLUDED AS INCOME FOR PUR-**
3 **POSES OF SSI.**

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

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

9 (2) in subparagraph (A)—

10 (A) by striking “or kind”;

11 (B) by striking clause (i) and redesign-
12 ating clauses (ii) and (iii) as clauses (i) and
13 (ii), respectively; and

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

17 (b) CONFORMING AMENDMENTS.—

18 (1) Section 1611(c) of such Act (42 U.S.C.
19 1382(c)) is amended by striking paragraph (6) and
20 redesignating paragraphs (7) through (10) as para-
21 graphs (6) through (9), respectively.

22 (2) Section 1612(a)(2) of such Act (42 U.S.C.
23 1382a(a)(2)) is amended—

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

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

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

5 (D) by striking subparagraph (H).

6 (3) Section 1621(c) of such Act (42 U.S.C.
7 1382j(c)) is amended to read as follows:

8 “(c) In determining the amount of income of an alien
9 during the period of 5 years after such alien’s entry into
10 the United States, support or maintenance furnished in
11 cash to the alien by such alien’s sponsor (to the extent
12 that it reflects income or resources which were taken into
13 account in determining the amount of income and re-
14 sources to be deemed to the alien under subsection (a)
15 or (b) of this section) shall not be considered to be income
16 of such alien under section 1612(a)(2)(A).”.

17 **SEC. 108. SUSPENSION OF CERTAIN REGULATIONS.**

18 During the COVID–19 emergency period, the Com-
19 missioner shall not promulgate or revise (and shall sus-
20 pend any activities related to the promulgation or revision
21 of) any regulation relating to—

22 (1) the frequency of continuing disability re-
23 views under title II or XVI of the Social Security
24 Act (42 U.S.C. 401 et seq., 1381 et seq.);

1 (2) the authority of administrative appeals
2 judges of the Social Security Administration; or

3 (3) the medical-vocational guidelines for deter-
4 mining whether an individual is disabled for pur-
5 poses of title II or XVI of the Social Security Act.

6 **SEC. 109. DISCHARGE OF STUDENT LOANS.**

7 (a) FFEL LOANS AND FEDERAL DIRECT LOANS.—
8 Section 437(a) of the Higher Education Act of 1965 (20
9 U.S.C. 1087(a)) is amended—

10 (1) by redesignating paragraph (3) as para-
11 graph (4); and

12 (2) by inserting after paragraph (2) the fol-
13 lowing:

14 “(3) MINE DISABILITY DETERMINATIONS.—

15 “(A) IN GENERAL.—A student borrower
16 whom the Commissioner of Social Security has
17 classified as ‘medical improvement not expected’
18 for purposes of entitlement to benefits under
19 title II of the Social Security Act (42 U.S.C.
20 401 et seq.) on the basis of a disability—

21 “(i) shall be considered permanently
22 and totally disabled for the purpose of dis-
23 charging such borrower’s loans under this
24 subsection; and

1 “(ii) shall not be required to present
2 additional documentation for purposes of
3 this subsection.

4 “(B) PROCEDURES.—The Secretary and
5 the Commissioner of Social Security shall joint-
6 ly develop procedures through which the Com-
7 missioner shall, on not less than a quarterly
8 basis, provide the Secretary with such informa-
9 tion regarding individuals who are classified as
10 ‘medical improvement not expected’ for pur-
11 poses of entitlement to benefits under title II of
12 the Social Security Act on the basis of a dis-
13 ability as the Secretary shall require for pur-
14 poses of carrying out this paragraph.

15 “(C) OPT-OUT PROCESS.—After receiving
16 information regarding a borrower from the
17 Commissioner under subparagraph (B), the
18 Secretary shall—

19 “(i) identify whether the individual
20 has any loans under this title; and

21 “(ii) if the individual is a student bor-
22 rower of a loan described in subparagraph
23 (A) or (B) of section 428(a)(1), or a loan
24 under part D, notify the borrower, in writ-
25 ing, that—

1 “(I) the borrower qualifies for
2 discharge under this section based on
3 the determination of the Commis-
4 sioner;

5 “(II) unless the borrower re-
6 quests otherwise within 30 days after
7 receiving the notification under sub-
8 clause (I), the Secretary shall dis-
9 charge the borrower’s liability on the
10 loan in accordance with the require-
11 ments of this section; and

12 “(III) there may be tax implica-
13 tions to the borrower for a discharge
14 under this paragraph; and

15 “(iii) if the borrower does not opt out
16 of the discharge under this paragraph by
17 the date specified in the notice, discharge
18 the borrower’s liability on the loan, in ac-
19 cordance with the requirements of this sec-
20 tion.

21 “(D) GRACE PERIOD.—Any borrower who
22 receives a discharge under this paragraph may,
23 during the 1-year period immediately following
24 the discharge, request that the Secretary re-

1 store the loan and reverse the discharge without
2 suffering any penalty.”.

3 (b) PERKINS LOANS.—Section 464(c) of the Higher
4 Education Act of 1965 (20 U.S.C. 1087dd(c)) is amended
5 by adding at the end the following:

6 “(8)(A) A student borrower whom the Commissioner
7 of Social Security has classified as ‘medical improvement
8 not expected’ for purposes of entitlement to benefits under
9 title II of the Social Security Act (42 U.S.C. 401 et seq.)
10 on the basis of a disability—

11 “(i) shall be considered permanently and totally
12 disabled for the purpose of cancelling such bor-
13 rower’s loans under paragraph (1)(F); and

14 “(ii) shall not be required to present additional
15 documentation for purposes of paragraph (1)(F).

16 “(B) The Secretary and the Commissioner of Social
17 Security shall jointly develop procedures through which
18 the Commissioner shall, on not less than a quarterly basis,
19 provide the Secretary with such information regarding in-
20 dividuals who are classified as ‘medical improvement not
21 expected’ for purposes of entitlement to benefits under
22 title II of the Social Security Act on the basis of a dis-
23 ability as the Secretary shall require for purposes of car-
24 rying out this paragraph.

1 “(C) After receiving information regarding a bor-
2 rower from the Commissioner under subparagraph (B),
3 the Secretary shall—

4 “(i) identify whether the individual has any
5 loans under this part; and

6 “(ii) if the individual is a student borrower of
7 a loan under this part, notify the borrower, in writ-
8 ing, that—

9 “(I) the borrower qualifies for cancellation
10 under this subsection based on the determina-
11 tion of the Commissioner; and

12 “(II) unless the borrower requests other-
13 wise within 30 days after receiving the notifica-
14 tion under subclause (I), the Secretary shall
15 cancel the borrower’s liability on the loan in ac-
16 cordance with the requirements of this sub-
17 section;

18 “(III) there may be tax implications to the
19 borrower for a loan cancellation under this
20 paragraph; and

21 “(iii) if the borrower does not opt out of the
22 cancellation under this paragraph by the date speci-
23 fied in the notice, cancel the borrower’s liability on
24 the loan, in accordance with the requirements of this
25 subsection.

1 “(D) Any borrower who receives a cancellation under
 2 this paragraph may, during the 1-year period immediately
 3 following the cancellation, request that the Secretary re-
 4 store the loan and reverse the cancellation without suf-
 5 fering any penalty.”.

6 (c) EFFECTIVE DATE.—The amendments made by
 7 subsections (a) and (b) shall take effect on the date that
 8 is 120 days after the date of enactment of this Act.

9 **SEC. 110. ELIMINATION OF SEPARATE ACCOUNT REQUIRE-**
 10 **MENT FOR PAST-DUE SUPPLEMENTAL SECU-**
 11 **RITY INCOME BENEFITS PAID TO CHILD**
 12 **BENEFICIARIES.**

13 (a) IN GENERAL.—Section 1631(a)(2)(F) of the So-
 14 cial Security Act (42 U.S.C. 1383(a)(2)(F)) is amended—

15 (1) in clause (i)(I), by striking “Each rep-
 16 resentative payee” and inserting “Subject to clause
 17 (v), each representative payee”; and

18 (2) by adding at the end the following clause:

19 “(v) Beginning on the date of enact-
 20 ment of this clause, the requirements of
 21 clause (i) shall cease to be effective, and
 22 any amounts maintained in an account es-
 23 tablished on behalf of an individual under
 24 clause (i) shall be subject to the same re-
 25 quirements, and may be used in the same

1 manner, as monthly benefits payable to
2 such an individual under this title.”.

3 (b) RULE OF CONSTRUCTION.—Amounts transferred
4 into the account of an individual pursuant to subsection
5 (a) shall not be taken into account as income or resources
6 of such individual for purposes of determining the eligi-
7 bility of such individual or any other individual for benefits
8 or assistance, or the amount or extent of such benefits
9 or assistance, under title XVI of the Social Security Act
10 (42 U.S.C. 1381 et seq.), under any other Federal pro-
11 gram, or under any State or local program financed in
12 whole or in part with Federal funds.

13 **SEC. 111. INCREASING THE SUBSTANTIAL GAINFUL ACTIV-**
14 **ITY LIMIT.**

15 Section 223(d)(4) of the Social Security Act (42
16 U.S.C. 423(d)(4)) is amended—

17 (1) in subparagraph (A), by striking the second
18 sentence; and

19 (2) by adding at the end the following new sub-
20 paragraphs:

21 “(D)(i) Earnings derived from services shall
22 demonstrate an individual’s ability to engage in sub-
23 stantial gainful activity when the amount of such
24 earnings exceeds, on a monthly basis—

1 “(I) for calendar year 2020, \$2,400;

2 and

3 “(II) for any calendar year after
4 2020, subject to clause (ii), an amount
5 equal to the amount that applied under
6 this subparagraph for the preceding cal-
7 endar year multiplied by the quotient ob-
8 tained by dividing—

9 “(aa) the national average wage
10 index (as defined in section 209(k)(1))
11 for the 12-month period ending with
12 September of such preceding calendar
13 year; by

14 “(bb) the national average wage
15 index (as so defined) for the 12-month
16 period ending with September 2019.

17 “(ii) In no case shall the amount deter-
18 mined for a calendar year under subclause (II)
19 of clause (i) be less than the amount that ap-
20 plied under this subparagraph for the preceding
21 calendar year.”.

1 **SEC. 112. STATE GRANTS TO PROTECT THE LEGAL RIGHTS**
2 **OF SSI AND SSDI APPLICANTS AND BENE-**
3 **FICIARIES.**

4 Title XI of the Social Security Act (42 U.S.C. 1301
5 et seq.) is amended by inserting after section 1150B the
6 following new section:

7 **“SEC. 1150C. STATE GRANTS TO PROTECT THE LEGAL**
8 **RIGHTS OF SUPPLEMENTAL SECURITY AND**
9 **DISABILITY INSURANCE APPLICANTS AND**
10 **BENEFICIARIES.**

11 “(a) IN GENERAL.—The Commissioner may make
12 payments in each State to the protection and advocacy
13 system established pursuant to part C of title I of the De-
14 velopmental Disabilities Assistance and Bill of Rights Act
15 for the purpose of protecting the legal rights of bene-
16 ficiaries with a disability.

17 “(b) SERVICES PROVIDED.—Services provided to
18 beneficiaries with a disability pursuant to a payment made
19 under this section may include—

20 “(1) information and advice about accessing
21 and applying for benefits under title II or title XVI
22 on the basis of a disability and appealing eligibility
23 decisions with respect to such benefits;

24 “(2) advocacy and other services that a bene-
25 ficiary with a disability may need related to such
26 benefits; and

1 “(3) services described in section 1150(b).

2 “(c) APPLICATION.—In order to receive payments
3 under this section, a protection and advocacy system shall
4 submit an application to the Commissioner, at such time,
5 in such form and manner, and accompanied by such infor-
6 mation and assurances as the Commissioner may require.

7 “(d) AMOUNT OF PAYMENTS.—

8 “(1) IN GENERAL.—Subject to the amount ap-
9 propriated for a fiscal year for making payments
10 under this section, a protection and advocacy system
11 shall not be paid an amount that is less than—

12 “(A) in the case of a protection and advo-
13 cacy system located in one of the 50 States, the
14 District of Columbia, or Puerto Rico, \$200,000;
15 and

16 “(B) in the case of a protection and advo-
17 cacy system located in Guam, American Samoa,
18 the United States Virgin Islands, or the Com-
19 monwealth of the Northern Mariana Islands,
20 \$100,000.

21 “(2) INFLATION ADJUSTMENT.—For each fiscal
22 year in which the total amount appropriated to carry
23 out this section exceeds the total amount appro-
24 priated to carry out this section in the preceding fis-
25 cal year, the Commissioner shall increase each min-

1 imum payment under subparagraphs (A) and (B) of
 2 paragraph (1) by a percentage equal to the percent-
 3 age increase in the total amount so appropriated to
 4 carry out this section.

5 “(e) ANNUAL REPORT.—Each protection and advo-
 6 cacy system that receives a payment under this section
 7 shall submit an annual report to the Commissioner on the
 8 services provided to individuals by the system.

9 “(f) FUNDING.—

10 “(1) ALLOCATION OF PAYMENTS.—Payments
 11 under this section shall be made from amounts made
 12 available for the administration of title II and
 13 amounts made available for the administration of
 14 title XVI, and shall be allocated among those
 15 amounts as appropriate.

16 “(2) CARRYOVER.—Any amounts allotted for
 17 payment to a protection and advocacy system under
 18 this section for a fiscal year shall remain available
 19 for payment to or on behalf of the protection and
 20 advocacy system until the end of the succeeding fis-
 21 cal year.

22 “(g) DEFINITIONS.—In this section:

23 “(1) BENEFICIARY WITH A DISABILITY.—The
 24 term ‘beneficiary with a disability’ means an indi-
 25 vidual who—

1 “(A) is a title II disability beneficiary or a
2 title XVI disability beneficiary (as such terms
3 are defined under section 1148(k)); or

4 “(B) is an applicant or prospective appli-
5 cant for benefits under title II or title XVI on
6 the basis that such individual has a disability.

7 “(2) COMMISSIONER.—The term ‘Commis-
8 sioner’ means the Commissioner of Social Security.

9 “(3) PROTECTION AND ADVOCACY SYSTEM.—
10 The term ‘protection and advocacy system’ means a
11 protection and advocacy system established pursuant
12 to part C of title I of the Developmental Disabilities
13 Assistance and Bill of Rights Act.

14 “(h) AUTHORIZATION OF APPROPRIATIONS.—There
15 are authorized to be appropriated to carry out this section
16 \$25,000,000 for each of fiscal years 2021 through 2025.”.

17 **SEC. 113. SOCIAL SECURITY ASSISTANCE AND REPRES-**
18 **TATION GRANTS.**

19 (a) IN GENERAL.—For each fiscal year during the
20 5-year period beginning with fiscal year 2020, the Com-
21 missioner shall award not less than 10 grants under this
22 section to community-based organizations for the purpose
23 of assisting beneficiaries with disabilities—

24 (1) during the process of applying for benefits
25 under title II or XVI of the Social Security Act (42

1 U.S.C. 401 et seq., 1381 et seq.) on the basis of a
2 disability;

3 (2) any appeals processes before the Commis-
4 sioner, an administrative judge of the Social Secu-
5 rity Administration, or a State Disability Determina-
6 tion Services office; and

7 (3) in accessing such benefits.

8 (b) GRANT REQUIREMENTS.—

9 (1) DURATION AND AMOUNT OF GRANTS.—A
10 grant awarded to a community-based organization
11 under this section—

12 (A) shall be for an amount that is not less
13 than \$500,000; and

14 (B) shall be for a period of 5 years.

15 (2) USE OF FUNDS.—Grant funds shall only be
16 used for a purpose described in subsection (a).

17 (c) APPLICATION.—

18 (1) IN GENERAL.—To receive a grant under
19 this section, a community-based organization shall
20 submit an application to the Commissioner, at such
21 time and in such form and manner and accompanied
22 by such information and assurances as the Commis-
23 sioner may require.

1 (2) REQUIRED INFORMATION.—An application
2 for a grant under this section shall include the fol-
3 lowing information:

4 (A) The region to be served by the appli-
5 cant.

6 (B) A description of the needs of bene-
7 ficiaries with a disability in such region.

8 (C) A description of services to be provided
9 under such grant.

10 (D) The personnel that would provide such
11 services.

12 (E) The applicant's plan for disseminating
13 awareness of the services provided under the
14 grant to beneficiaries with a disability in the re-
15 gion.

16 (3) MEMORANDUM OF UNDERSTANDING.—An
17 application for a grant under this section shall in-
18 clude a memorandum of understanding among any
19 collaborating entities as to roles and allocation of
20 grant funds for each collaborating agency.

21 (4) ASSURANCE OF AVAILABILITY.—An applica-
22 tion for a grant under this section shall include a
23 commitment by the applicant that all services pro-
24 vided under the grant, including information about

1 such services, shall be accessible to beneficiaries with
2 a disability.

3 (d) DEFINITIONS.—

4 (1) BENEFICIARY WITH A DISABILITY.—The
5 term “beneficiary with a disability” has the meaning
6 given such term in section 1150C of the Social Secu-
7 rity Act (as added by section 112).

8 (2) COMMISSIONER.—The term “Commis-
9 sioner” means the Commissioner of Social Security.

10 (3) COMMUNITY-BASED ORGANIZATION.—The
11 term “community-based organization” means a non-
12 profit agency or collaboration of non-profit agencies
13 that—

14 (A) serves a region of one or more States;

15 (B) includes—

16 (i) a legal team of lawyers licensed to
17 practice in the State or States served by
18 the organization;

19 (ii) experts in disability benefits pro-
20 vided under title II and XVI of the Social
21 Security Act (42 U.S.C. 401 et seq., 1381
22 et seq.), including application, and appeals
23 procedures under such titles; and

24 (iii) individuals currently receiving
25 benefits on the basis of a disability under

1 such a title, or who were beneficiaries
2 under such a title on the basis of a dis-
3 ability within the past 5 years; and

4 (C) is overseen by a board or advisory
5 group composed of at least $\frac{1}{3}$ members who are
6 current or former beneficiaries on the basis of
7 a disability under title II or XVI of the Social
8 Security Act.

9 (4) STATE.—The term “State” means the 50
10 states, the District of Columbia, Puerto Rico, the
11 Virgin Islands, Guam, American Samoa, and the
12 Commonwealth of Northern Mariana Islands.

13 (e) APPROPRIATION.—There is appropriated to the
14 Commissioner, for each of fiscal years 2020 through 2024,
15 \$15,000,000 for the purpose of carrying out this section.

16 (f) REPORTS.—

17 (1) IN GENERAL.—Each community-based or-
18 ganization that receives a grant under this sections
19 shall provide the Commissioner with—

20 (A) for each year of the grant period, an
21 annual report on the services provided; and

22 (B) at the conclusion of the grant period,
23 a final report of activities provided under the
24 grant.

1 (2) EVALUATION GRANT.—From the adminis-
 2 trative funds of title II and title XVI, there shall be
 3 awarded an evaluation grant to an independent enti-
 4 ty to evaluate the impact of the grants under this
 5 section. The amount to be awarded to the evaluation
 6 entity shall be at least \$500,000 for each of the 5
 7 years of the grant period and at least \$500,000 for
 8 the 2 years following the grant period.

9 **TITLE II—MEDICARE**

10 **SEC. 201. FAIRNESS IN MEDICARE ENROLLMENT AND COV-** 11 **ERAGE PERIODS.**

12 (a) ELIMINATION OF MEDICARE COVERAGE GAPS
 13 FOR NEW ENROLLEES.—In the case of an individual who
 14 enrolled under part A of title XVIII of the Social Security
 15 Act during the general enrollment period under section
 16 1818 of such Act (42 U.S.C. 1395i–2) or enrolled under
 17 part B of such title during the general enrollment period
 18 under section 1837(e) of such Act (42 U.S.C. 1395p(e)),
 19 the following shall apply:

20 (1) COVERAGE PERIOD.—Notwithstanding sub-
 21 section (c) of such section 1818 and subsection
 22 (a)(2)(E) of section 1838 of such Act (42 U.S.C.
 23 1395q), such individual’s coverage period under such
 24 sections 1818 and 1838 shall begin on April 1,
 25 2020, rather than on July 1, 2020.

1 (2) INSTALLMENT PLAN FOR RETROACTIVE
2 PREMIUM PAYMENTS.—Notwithstanding subsection
3 (d) of such section 1818 and section 1839 of such
4 Act (42 U.S.C. 1395r), if the individual is required
5 to make any back payments of the monthly premium
6 under such subsection (d) or such section 1839 by
7 reason of the retroactive coverage period under para-
8 graph (1), the Secretary of Health and Human
9 Services shall permit the individual, if requested by
10 the individual, to pay such back payments in install-
11 ments, as determined by the Secretary.

12 (b) SPECIAL PART B OPEN ENROLLMENT PERIOD
13 RELATING TO THE COVID–19 PUBLIC HEALTH EMER-
14 GENCY.—

15 (1) ENROLLMENT.—Section 1837 of the Social
16 Security Act (42 U.S.C. 1395p) is amended by add-
17 ing at the end the following new subsection:

18 “(m) SPECIAL OPEN ENROLLMENT PERIOD RELAT-
19 ING TO THE COVID–19 PUBLIC HEALTH EMERGENCY.—
20 In the case of any individual who is eligible to enroll but
21 who has elected not to enroll (or to be deemed enrolled)
22 under this part, there shall be a special enrollment period
23 during the emergency period described in section
24 1135(g)(1)(B).”.

1 (2) COVERAGE PERIOD.—Section 1838 of the
 2 Social Security Act (42 U.S.C. 1395q) is amended
 3 by adding at the end the following new subsection:
 4 “(g) Notwithstanding subsection (a), in the case of
 5 an individual who enrolls during a special enrollment pe-
 6 riod pursuant to section 1837(m), the coverage period
 7 under this part shall begin on the date the individual ap-
 8 plied for such enrollment (but in no case earlier than Jan-
 9 uary 31, 2020).”.

10 (3) CONFORMING AMENDMENT.—Section
 11 1839(b) of the Social Security Act (42 U.S.C.
 12 1395r(b)) is amended, in the first sentence, by strik-
 13 ing “or (l)” and inserting “(l), or (m)”.

14 **SEC. 202. PERMITTING AN ATTESTATION OF EMPLOYMENT-**
 15 **BASED HEALTH INSURANCE COVERAGE DUR-**
 16 **ING THE COVID-19 PUBLIC HEALTH EMER-**
 17 **GENCY.**

18 Subsection (b) of section 1839 of the Social Security
 19 Act (42 U.S.C. 1395r) is amended by inserting the fol-
 20 lowing after the second sentence: “With respect to enroll-
 21 ments under this part during the emergency period de-
 22 scribed in section 1135(g)(1)(B), for purposes of dem-
 23 onstrating enrollment in a group health plan or a large
 24 group health plan for a period of time under the preceding
 25 sentence, the Secretary shall accept an attestation from

1 an individual regarding the individual's coverage during
2 such period in lieu of the individual providing otherwise
3 required documentation.”.

4 **SEC. 203. SUSPENSION OF THE MEDICARE PART D LOW-IN-**
5 **COME SUBSIDY ASSET TEST.**

6 Section 1860D–14(a)(3) of the Social Security Act
7 (42 U.S.C. 1395w–114(a)(3)) is amended—

8 (1) in subparagraph (A)(iii), by striking
9 “meets” and inserting “subject to subparagraph
10 (H), meets”; and

11 (2) by adding at the end the following new sub-
12 paragraph:

13 “(H) SUSPENSION OF THE ASSET TEST.—

14 During the period beginning on the date of en-
15 actment of this subparagraph and ending on
16 December 31 of the year following the year that
17 includes the date of the end of the emergency
18 period described in section 1135(g)(1)(B), sub-
19 paragraph (A) shall be applied without regard
20 to clause (iii) of such subparagraph.”.

TITLE III—MEDICAID

SEC. 301. SUSPENSION OF ASSET TEST FOR MEDICAL ASSISTANCE FOR MEDICARE COST SHARING DURING COVID-19 EMERGENCY PERIOD.

(a) IN GENERAL.—During the period described in subsection (b), for purposes of determining eligibility for medical assistance for Medicare cost sharing under section 1902(a)(10)(E) of the Social Security Act (42 U.S.C. 1396a(a)(10)(E))—

(1) subsection (p)(1) of section 1905 of the Social Security Act (42 U.S.C. 1396d) shall be applied by disregarding subparagraph (C) of such subsection; and

(2) subsection (s) of such section shall be applied by disregarding paragraph (3) of such subsection.

(b) COVID-19 EMERGENCY PERIOD.—The period described in this subsection is the period—

(1) beginning on the date of enactment of this Act; and

(2) ending with the last day of the twelfth month that begins on or after the last day of the public health emergency described in section 1135(g)(1)(B) of such Act (42 U.S.C. 1320b-5(g)(1)(B)).

1 **SEC. 302. TEMPORARY INCREASE OF MEDICAID FMAP FOR**
2 **MEDICARE COST-SHARING.**

3 (a) IN GENERAL.—Notwithstanding any other provi-
4 sion of law, for each calendar quarter occurring during
5 the period described in section 301(b), the Federal medical
6 assistance percentage applicable under section 1903(a) of
7 the Social Security Act (42 U.S.C. 1396b(a)) for each
8 State, including the District of Columbia, American
9 Samoa, Guam, the Northern Mariana Islands, Puerto
10 Rico, and the Virgin Islands, with respect to amounts ex-
11 pended by such State on medical assistance for Medicare
12 cost-sharing (as defined in section 1905(p)(3) of such Act
13 (42 U.S.C. 1396d(p)(3))) provided during such period,
14 shall be equal to 100 percent.

15 (b) EXCLUSION OF ENHANCED PAYMENTS FROM
16 TERRITORIAL PAYMENT LIMITS.—To the extent that a
17 Federal payment for Medicare cost-sharing that is made
18 to American Samoa, Guam, the Northern Mariana Is-
19 lands, Puerto Rico, and the Virgin Islands is increased
20 pursuant to subsection (a)—

21 (1) the limitations on payments to territories
22 under subsections (f) and (g) of section 1108 of the
23 Social Security Act (42 U.S.C. 1308) shall not apply
24 to the amount of such increase; and

25 (2) the amount of such increase shall be dis-
26 regarded in applying such subsections.

1 **SEC. 303. DELAY IN REDUCTION OF FMAP FOR MEDICAID**
 2 **PERSONAL CARE SERVICES FURNISHED**
 3 **WITHOUT AN ELECTRONIC VISIT VERIFICA-**
 4 **TION SYSTEM.**

5 Section 1903(l)(1) of the Social Security Act (42
 6 U.S.C. 1396b(l)(1)) is amended—

7 (1) by striking “January 1, 2020” and insert-
 8 ing “the date that is 6 months after the end of the
 9 emergency period described in section
 10 1135(g)(1)(B)”;

11 (2) in subparagraph (A), by inserting “(if appli-
 12 cable)” after “percentage points” each place it ap-
 13 pears.

14 **TITLE IV—AGRICULTURE**

15 **SEC. 401. COMMODITY SUPPLEMENTAL FOOD PROGRAM.**

16 (a) DEFINITIONS.—In this section:

17 (1) COVERED PERIOD.—The term “covered pe-
 18 riod” means the period beginning on the date of en-
 19 actment of this Act and ending on the date on which
 20 the public health emergency declared by the Sec-
 21 retary of Health and Human Services under section
 22 319 of the Public Health Service Act (42 U.S.C.
 23 247d) on January 31, 2020, with respect to
 24 COVID–19, is terminated.

25 (2) PROGRAM.—The term “program” means
 26 the commodity supplemental food program estab-

lished under section 4 of the Agriculture and Consumer Protection Act of 1973 (7 U.S.C. 612c note; Public Law 93–86).

(3) SECRETARY.—The term “Secretary” means the Secretary of Agriculture.

(b) TEMPORARY MODIFICATIONS TO PROGRAM.—

(1) DELIVERY FLEXIBILITY.—Notwithstanding any other provision of law, during the covered period, the Secretary shall permit each State and State agency to modify practices under the program to achieve contactless delivery of commodities, including by waiving the requirement for signature from program participants at the time of delivery.

(2) MONTHLY DISTRIBUTION.—

(A) IN GENERAL.—Notwithstanding any other provision of law, during the covered period, the Secretary may use appropriated funds under the program to increase by not more than 200 percent the maximum monthly quantity of commodities distributed to each program participant.

(B) SUPPLEMENT NOT SUPPLANT.—The increased commodities described in subparagraph (A) shall supplement and not supplant

- 1 the regular distribution of commodities under
- 2 the program.

