

116TH CONGRESS
2D SESSION

H. R. 6356

To protect our Social Security system and improve benefits for current and future generations.

IN THE HOUSE OF REPRESENTATIVES

MARCH 23, 2020

Mr. LARSON of Connecticut (for himself, Ms. PINGREE, Mrs. TRAHAN, Mr. CLAY, Mr. RUSH, Ms. FRANKEL, Mr. SABLAN, Mr. GONZALEZ of Texas, Mr. DEUTCH, Mr. MICHAEL F. DOYLE of Pennsylvania, Mr. LOWENTHAL, Mrs. NAPOLITANO, Mr. MCNERNEY, Mr. CARSON of Indiana, Mr. COHEN, Ms. LEE of California, Mr. BRENDAN F. BOYLE of Pennsylvania, Mr. HIGGINS of New York, Mr. KENNEDY, Mr. DANNY K. DAVIS of Illinois, Ms. BARRAGÁN, Mr. PASCRELL, Ms. SÁNCHEZ, Ms. JUDY CHU of California, Mr. KILDEE, Mr. BLUMENAUER, Ms. WILD, Mr. PERLMUTTER, Mr. KHANNA, Ms. BLUNT ROCHESTER, Mrs. HAYES, Ms. MOORE, Mr. GRIJALVA, Mr. CÁRDENAS, Mr. BISHOP of Georgia, Mr. VARGAS, Mr. MCGOVERN, Mr. RASKIN, Mr. POCAN, Ms. NORTON, Mr. THOMPSON of California, Ms. JAYAPAL, Mrs. WATSON COLEMAN, Ms. HAALAND, Mr. RYAN, Ms. JOHNSON of Texas, Ms. SEWELL of Alabama, and Mr. COURTNEY) introduced the following bill; which was referred to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, 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 protect our Social Security system and improve benefits for current and future generations.

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

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Emergency Social Se-
3 curity Benefits Improvement Act”.

4 **SEC. 2. TABLE OF CONTENTS.**

5 The table of contents for this Act is as follows:

- Sec. 1. Short title.
- Sec. 2. Table of contents.
- Sec. 3. Across-the-board benefit increase.
- Sec. 4. Increase in minimum benefit for lifetime low earners based on years in the workforce.
- Sec. 5. Increase in threshold amounts and rate for inclusion of Social Security benefits in income.
- Sec. 6. Extension of child’s benefit for full-time post-secondary school students under age 23.
- Sec. 7. Improving Social Security benefits for widows and widowers in two-income households.
- Sec. 8. Increasing access to benefits for children who live with grandparents or other relatives.
- Sec. 9. Holding SSI, Medicaid, and CHIP beneficiaries harmless.
- Sec. 10. Expedited adjustment of underpayments.
- Sec. 11. Appropriation of funds.

6 **SEC. 3. ACROSS-THE-BOARD BENEFIT INCREASE.**

7 (a) IN GENERAL.—Section 215(a)(1)(A)(i) of the So-
8 cial Security Act (42 U.S.C. 415(a)(1)(A)(i)) is amended
9 by striking “90 percent” and inserting “93 percent”.

10 (b) EFFECTIVE DATE.—

11 (1) IN GENERAL.—The amendment made by
12 subsection (a) shall apply with respect to monthly
13 insurance benefits payable for months in calendar
14 year 2020.

15 (2) RECOMPUTATION OF PRIMARY INSURANCE
16 AMOUNTS.—Notwithstanding section 215(f) of the
17 Social Security Act, the Commissioner of Social Se-

1 curity shall recompute primary insurance amounts
2 to the extent necessary—

3 (A) to carry out the amendments made by
4 this section; and

5 (B) to account for the nonapplication of
6 such amendments after calendar year 2020.

7 (c) **RULE OF CONSTRUCTION.**—For purposes of ap-
8 plying subparagraphs (A) and (B) of section 215(i)(1) of
9 the Social Security Act in any calendar year, nothing in
10 this Act shall be considered a general benefit increase
11 under title II of such Act.

12 **SEC. 4. INCREASE IN MINIMUM BENEFIT FOR LIFETIME**
13 **LOW EARNERS BASED ON YEARS IN THE**
14 **WORKFORCE.**

15 (a) **IN GENERAL.**—Section 215(a)(1) of the Social
16 Security Act (42 U.S.C. 415(a)(1)) is amended—

17 (1) by redesignating subparagraph (D) as sub-
18 paragraph (E); and

19 (2) by inserting after subparagraph (C) the fol-
20 lowing new subparagraph:

21 “(D)(i) Effective with respect to monthly insurance
22 benefits payable for months in calendar year 2020, no pri-
23 mary insurance amount computed under subparagraph
24 (A) may be less than the greater of—

1 “(I) the minimum monthly amount computed
2 under subparagraph (C); or

3 “(II) in the case of an individual who has more
4 than 10 years of work (as defined in clause (iv)(I)),
5 the alternative minimum amount determined under
6 clause (ii).

7 “(ii)(I) The alternative minimum amount determined
8 under this clause is the applicable percentage of $\frac{1}{12}$ of
9 the poverty guideline for 2019.

10 “(II) For purposes of subclause (I), the applicable
11 percentage is the percentage specified in connection with
12 the number of years of work, as set forth in the following
13 table:

“If the number of years of work is:	The applicable percentage is:
11	6.25 percent
12	12.50 percent
13	18.75 percent
14	25.00 percent
15	31.25 percent
16	37.50 percent
17	43.75 percent
18	50.00 percent
19	56.25 percent
20	62.50 percent
21	68.75 percent
22	75.00 percent
23	81.25 percent
24	87.50 percent
25	93.75 percent
26	100.00 percent
27	106.25 percent
28	112.50 percent
29	118.75 percent
30 or more	125.00 percent.

14 “(iii) For purposes of this subparagraph—

1 “(I) the term ‘year of work’ means, with re-
2 spect to an individual, a year to which 4 quarters of
3 coverage have been credited based on such individ-
4 ual’s wages and self-employment income; and

5 “(II) the term ‘poverty guideline for 2019’
6 means the annual poverty guideline for 2019 (as up-
7 dated annually in the Federal Register by the De-
8 partment of Health and Human Services under the
9 authority of section 673(2) of the Omnibus Budget
10 Reconciliation Act of 1981) as applicable to a single
11 individual.”.

12 (b) RECOMPUTATION OF PRIMARY INSURANCE
13 AMOUNTS.—Notwithstanding section 215(f) of the Social
14 Security Act, the Commissioner of Social Security shall
15 recompute primary insurance amounts to the extent nec-
16 essary—

17 (1) to carry out the amendments made by this
18 section; and

19 (2) to account for the nonapplication of such
20 amendments after calendar year 2020.

21 (c) CONFORMING AMENDMENT.—Section 209(k)(1)
22 of such Act (42 U.S.C. 409(k)(1)) is amended by inserting
23 “215(a)(1)(E),” after “215(a)(1)(D),”.

1 **SEC. 5. INCREASE IN THRESHOLD AMOUNTS AND RATE**
 2 **FOR INCLUSION OF SOCIAL SECURITY BENE-**
 3 **FITS IN INCOME.**

4 (a) IN GENERAL.—Subsection (a) of section 86 of the
 5 Internal Revenue Code of 1986 is amended to read as fol-
 6 lows:

7 “(a) IN GENERAL.—Gross income for the taxable
 8 year of any taxpayer described in subsection (b) (notwith-
 9 standing section 207 of the Social Security Act) includes
 10 Social Security benefits in an amount equal to the lesser
 11 of—

12 “(1) 85 percent of the Social Security benefits
 13 received during the taxable year, or

14 “(2) one-half of the excess described in sub-
 15 section (b)(1).”.

16 (b) BASE AMOUNT.—Subsection (c) of section 86 of
 17 such Code is amended to read as follows:

18 “(c) BASE AMOUNT.—For purposes of this section,
 19 the term ‘base amount’ means—

20 “(1) except as otherwise provided in this para-
 21 graph, \$35,000,

22 “(2) \$50,000 in the case of a joint return, and

23 “(3) zero in the case of a taxpayer who—

24 “(A) is married as of the close of the tax-
 25 able year (within the meaning of section 7703)

1 but does not file a joint return for such year,
 2 and

3 “(B) does not live apart from his spouse at
 4 all times during the taxable year.”.

5 (c) TRANSFERS TO TRUST FUNDS.—

6 (1) HOSPITAL INSURANCE TRUST FUND HELD
 7 HARMLESS.—Of the total revenue from taxation of
 8 social security benefits, there are appropriated to the
 9 Federal Hospital Insurance Trust Fund such
 10 amounts as would be transferred to such fund under
 11 section 121(e) of the Social Security Amendments of
 12 1983 (42 U.S.C. 401 note) and section 86 of such
 13 Code as such sections were in effect on the day be-
 14 fore the date of the enactment of this Act, at such
 15 times and in such manner as would be provided
 16 therein.

17 (2) TRANSFERS TO PAYOR FUNDS.—Of the bal-
 18 ance of the total revenue from taxation of social se-
 19 curity benefits remaining after appropriations under
 20 paragraph (1) have been made, there are appro-
 21 priated to each payor fund amounts equivalent to
 22 the portion of such balance equal to a fraction—

23 (A) the numerator of which is the amount
 24 equivalent to the net revenues received in the
 25 Treasury attributable to the application of sec-

1 tions 86 and 871(a)(3) of such Code to pay-
2 ments from such payor fund made in taxable
3 years beginning during calendar year 2019; and

4 (B) the denominator of which is the total
5 revenue from taxation of social security bene-
6 fits.

7 (3) TRANSFERS.—The amounts appropriated
8 by paragraph (2) to any payor fund shall be trans-
9 ferred from time to time (but not less frequently
10 than quarterly) from the general fund of the Treas-
11 ury on the basis of estimates made by the Secretary
12 of the Treasury of the amounts referred to in such
13 paragraph. Any such quarterly payment shall be
14 made on the first day of such quarter and shall take
15 into account social security benefits estimated to be
16 received during such quarter. Proper adjustments
17 shall be made in the amounts subsequently trans-
18 ferred to the extent prior estimates were in excess
19 of or less than the amounts required to be trans-
20 ferred.

21 (4) DEFINITIONS.—For purposes of this sub-
22 section—

23 (A) TOTAL REVENUE FROM TAXATION OF
24 SOCIAL SECURITY BENEFITS.—The term “total
25 revenue from taxation of social security bene-

fits” means the amount equivalent to the net revenues received in the Treasury attributable to the application of sections 86 and 871(a)(3) of the Internal Revenue Code of 1986 to payments from any payor fund made in taxable years beginning during calendar year 2019.

(B) PAYOR FUND.—The term “payor fund” means any trust fund or account from which payments of social security benefits are made.

(C) SOCIAL SECURITY BENEFITS.—The term “social security benefits” has the meaning given such term by section 86(d)(1) of the Internal Revenue Code of 1986.

(5) CONFORMING RULE.—Section 121(e) of the Social Security Amendments of 1983 (42 U.S.C. 401 note) shall not apply with respect to net revenues received in the Treasury attributable to the application of sections 86 and 871(a)(3) of the Internal Revenue Code of 1986 to payments from any payor fund made in taxable years beginning during calendar year 2019.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning in calendar year 2019.

1 **SEC. 6. EXTENSION OF CHILD'S BENEFIT FOR FULL-TIME**
2 **POST-SECONDARY SCHOOL STUDENTS**
3 **UNDER AGE 23.**

4 (a) IN GENERAL.—Section 202(d)(1)(B) of the So-
5 cial Security Act (42 U.S.C. 402(d)(1)(B)) is amended to
6 read as follows:

7 “(B) at the time such application was filed
8 was unmarried and—

9 “(i) had not attained the age of 18,

10 “(ii) was a full-time elementary or
11 secondary school student and had not at-
12 tained the age of 22,

13 “(iii) was a full-time post-secondary
14 school student and had not attained the
15 age of 23, or

16 “(iv) is under a disability (as defined
17 in section 223(d)) which began before he
18 attained the age of 22, and”.

19 (b) DEFINITION OF FULL-TIME POST-SECONDARY
20 SCHOOL STUDENT.—

21 (1) IN GENERAL.—Section 202(d)(7) of such
22 Act (42 U.S.C. 402(d)(7)) is amended—

23 (A) in subparagraph (A)—

24 (i) by inserting “and a ‘full-time post-
25 secondary school student’ is an individual
26 who is in full-time attendance as a student

1 at a post-secondary educational institu-
2 tion” before “, as determined by the Com-
3 missioner”;

4 (ii) by inserting “or a ‘full-time post-
5 secondary school student’” before “if he is
6 paid by his employer”;

7 (iii) by inserting “or a post-secondary
8 educational institution, as applicable,” be-
9 fore “at the request”;

10 (iv) by inserting “or a ‘full-time post-
11 secondary school student’” before “for the
12 purpose of this section”; and

13 (v) by inserting “or a full-time post-
14 secondary school student” before “shall be
15 deemed”; and

16 (B) in subparagraph (B)—

17 (i) by inserting “or a full-time post-
18 secondary school student” after “student”;

19 (ii) by inserting “or a post-secondary
20 educational institution, as applicable” be-
21 fore “at which he has been”; and

22 (iii) by striking “an elementary or sec-
23 ondary school” in each of the second and
24 third places in which such term appears
25 and inserting “such a school”.

1 (2) TRANSITION FROM ELEMENTARY OR SEC-
2 ONDARY SCHOOL.—Section 202(d)(7)(B) of such Act
3 (42 U.S.C. 402(d)(7)(B)) is amended by adding at
4 the end the following sentence: “An individual who
5 has been in full-time attendance at an elementary or
6 secondary school shall, during a succeeding period of
7 nonattendance at such school, be deemed to be a
8 full-time secondary-school student if (i) such period
9 is 4 calendar months or less, and (ii) the individual
10 shows to the satisfaction of the Commissioner that
11 he intends to be in full-time attendance at a post-
12 secondary educational institution immediately fol-
13 lowing such period.”

14 (c) DEFINITION OF POST-SECONDARY EDUCATIONAL
15 INSTITUTION.—Section 202(d)(7)(C) of such Act (42
16 U.S.C. 402(d)(7)(C)) is amended by adding at the end the
17 following:

18 “(iii) A ‘post-secondary educational
19 institution’ is an institution described in
20 section 102 of the Higher Education Act
21 of 1965 (20 U.S.C. 1002).”.

22 (d) CONFORMING AMENDMENTS.—

23 (1) Section 202(d)(1)(E) of such Act (42
24 U.S.C. 402(d)(1)(E)) is amended by inserting “or a

1 full-time post-secondary school student” after “stu-
2 dent”.

3 (2) Section 202(d)(1)(F) of such Act (42
4 U.S.C. 402(d)(1)(F)) is amended by striking “the
5 earlier of—” and all that follows through “the age
6 of 19,” and inserting the following: “the earlier of—

7 “(i) the first month during no part of
8 which the child is a full-time elementary or
9 secondary school student or a full-time
10 post-secondary school student,

11 “(ii) the month in which the child at-
12 tains the age of 22, but only if the child
13 is not a full-time post-secondary school
14 student during any part of such month, or

15 “(iii) the month in which the child at-
16 tains the age of 23,”.

17 (3) Section 202(d)(1)(G) of such Act (42
18 U.S.C. 402(d)(1)(G)) is amended by striking “(if
19 later)” and all that follows through the “the age of
20 19,” and inserting the following: “(if later) the ear-
21 lier of—

22 “(i) the first month during no part of
23 which the child is a full-time elementary or
24 secondary school student or a full-time
25 post-secondary school student,

1 “(ii) the month in which the child at-
2 tains the age of 22, but only if the child
3 is not a full-time post-secondary school
4 student during any part of such month, or
5 “(iii) the month in which the child at-
6 tains the age of 23,”.

7 (4) Section 202(d)(6)(A) of such Act (42
8 U.S.C. 402(d)(6)(A)) is amended to read as follows:

9 “(A)(i) is a full-time elementary or sec-
10 ondary school student and has not attained the
11 age of 22,

12 “(ii) is a full-time post-secondary school
13 student and has not attained the age of 23, or

14 “(iii) is under a disability (as defined in
15 section 223(d)) and has not attained the age of
16 22, or”.

17 (5) Section 202(d)(6)(D) of such Act (42
18 U.S.C. 402(d)(6)(D)) is amended to read as follows:

19 “(D) the earlier of—

20 “(i) the first month during no part of
21 which the child is a full-time elementary or
22 secondary school student or a full-time
23 post-secondary school student,

24 “(ii) the month in which the child at-
25 tains the age of 22, but only if the child

1 is not a full-time post-secondary school
2 student during any part of such month, or
3 “(iii) the month in which the child at-
4 tains the age of 23,
5 but only if he is not under a disability (as so
6 defined) in such earlier month; or”.

7 (6) Section 202(d)(6)(E) of such Act (42
8 U.S.C. 402(d)(6)(E)) is amended by striking “(if
9 later)” and all that follows to the end and inserting
10 the following: “(if later) the earlier of—

11 “(i) the first month during no part of
12 which the child is a full-time elementary or
13 secondary school student or a full-time
14 post-secondary school student,

15 “(ii) the month in which the child at-
16 tains the age of 22, but only if the child
17 is not a full-time post-secondary school
18 student during any part of such month, or

19 “(iii) the month in which the child at-
20 tains the age of 23.”.

21 (7) Section 202(d)(7)(D) of such Act (42
22 U.S.C. 402(d)(7)(D)) is amended—

23 (A) by striking “A child who” and insert-
24 ing “(i) A child who”;

1 (B) by striking “age 19” and inserting
2 “age 22”;

3 (C) by striking “clause (i) of paragraph
4 (1)(B)” and inserting “clause (ii) of paragraph
5 (1)(B)”; and

6 (D) by adding at the end the following:

7 “(ii) A child who attains age 23 at a time
8 when he is a full-time post-secondary school
9 student (as defined in subparagraph (A) of this
10 paragraph and without application of subpara-
11 graph (B) of such paragraph) but has not (at
12 such time) completed the requirements for, or
13 received, a diploma or equivalent certificate
14 from a post-secondary educational institution
15 (as defined in subparagraph (C)(iii)) shall be
16 deemed (for purposes of determining whether
17 his entitlement to benefits under this subsection
18 has terminated under paragraph (1)(F) and for
19 purposes of determining his initial entitlement
20 to such benefits under clause (iii) of paragraph
21 (1)(B)) not to have attained such age until the
22 first day of the first month following the end of
23 the quarter or semester in which he is enrolled
24 at such time (or, if the post-secondary edu-
25 cational institution (as so defined) in which he

1 is enrolled is not operated on a quarter or se-
 2 mester system, until the first day of the first
 3 month following the completion of the course in
 4 which he is so enrolled or until the first day of
 5 the third month beginning after such time,
 6 whichever first occurs).’’.

7 (e) EFFECTIVE DATE.—The amendments made by
 8 this section shall apply with respect to applications for
 9 child’s insurance benefits filed in calendar year 2020 and
 10 with respect to individuals entitled to such benefits during
 11 any month of such calendar year, except that such amend-
 12 ments shall not apply for purposes of determining con-
 13 tinuing eligibility for child’s insurance benefits for any
 14 month after such calendar year.

15 **SEC. 7. IMPROVING SOCIAL SECURITY BENEFITS FOR WID-**
 16 **OWS AND WIDOWERS IN TWO-INCOME HOUSE-**
 17 **HOLDS.**

18 (a) IN GENERAL.—

19 (1) WIDOWS.—Section 202(e) of the Social Se-
 20 curity Act (42 U.S.C. 402(e)) is amended—

21 (A) in paragraph (1)—

22 (i) in subparagraph (B), by inserting
 23 “and” at the end;

24 (ii) in subparagraph (C)(iii), by strik-
 25 ing “and” at the end;

1 (iii) by striking subparagraph (D);

2 (iv) by redesignating subparagraphs
3 (E) and (F) as subparagraphs (D) and
4 (E), respectively; and

5 (v) in the flush matter following sub-
6 paragraph (E)(ii), as so redesignated, by
7 striking “becomes entitled to an old-age in-
8 surance benefit” and all that follows
9 through “such deceased individual,”;

10 (B) by striking subparagraph (A) in para-
11 graph (2) and inserting the following:

12 “(2)(A) Except as provided in subsection
13 (k)(5), subsection (q), and subparagraph (D) of this
14 paragraph, such widow’s insurance benefit for each
15 month shall be equal to the greater of—

16 “(i) the primary insurance amount (as
17 determined for purposes of this subsection
18 after application of subparagraphs (B) and
19 (C)) of such deceased individual, or

20 “(ii) subject to paragraph (9), in the
21 case of a fully insured widow or surviving
22 divorced wife, 75 percent of the sum of any
23 old-age or disability insurance benefit for
24 which the widow or the surviving divorced
25 wife is entitled for such month and the pri-

1 mary insurance amount (as determined for
 2 purposes of this subsection after applica-
 3 tion of subparagraphs (B) and (C)) of such
 4 deceased individual.”;
 5 (C) in paragraph (5)—

6 (i) in subparagraph (A), by striking
 7 “paragraph (1)(F)” and inserting “para-
 8 graph (1)(E)”;

9 (ii) in subparagraph (B), by striking
 10 “paragraph (1)(F)(i)” and inserting
 11 “paragraph (1)(E)(i)”;

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

13 “(9) For purposes of paragraph (2)(A)(ii), the
 14 amount determined under such paragraph shall not
 15 exceed the primary insurance amount for such
 16 month of a hypothetical individual—

17 “(A) who became entitled to old-age insur-
 18 ance benefits upon attaining early retirement
 19 age during the month in which the deceased in-
 20 dividual referred to in paragraph (1) became
 21 entitled to old-age or disability insurance bene-
 22 fits, or died (before becoming entitled to such
 23 benefits), and

24 “(B) to whom wages and self-employment
 25 income were credited in each of such hypo-

thetical individual's elapsed years (within the meaning of section 215(b)(2)(B)(iii)) in an amount equal to the national average wage index (as described in section 209(k)(1)) for each such year.”.

(2) WIDOWERS.—Section 202(f) of the Social Security Act (42 U.S.C. 402(f)) is amended—

(A) in paragraph (1)—

(i) in subparagraph (B), by inserting “and” at the end;

(ii) in subparagraph (C)(iii), by striking “and” at the end;

(iii) by striking subparagraph (D);

(iv) by redesignating subparagraphs (E) and (F) as subparagraphs (D) and (E), respectively; and

(v) in the flush matter following subparagraph (E)(ii), as so redesignated, by striking “or becomes entitled to an old-age insurance benefit” and all that follows through “such deceased individual,”;

(B) by striking subparagraph (A) in paragraph (2) and inserting the following:

“(2)(A) Except as provided in subsection (k)(5), subsection (q), and subparagraph (D) of this

1 paragraph, such widower's insurance benefit for
2 each month shall be equal to the greater of—

3 “(i) the primary insurance amount (as
4 determined for purposes of this subsection
5 after application of subparagraphs (B) and
6 (C)) of such deceased individual, or

7 “(ii) subject to paragraph (9), in the
8 case of a fully insured widower or surviving
9 divorced husband, 75 percent of the sum of
10 any old-age or disability insurance benefit
11 for which the widower or the surviving di-
12 vorced husband is entitled for such month
13 and the primary insurance amount (as de-
14 termined for purposes of this subsection
15 after application of subparagraphs (B) and
16 (C)) of such deceased individual.”;
17 (C) in paragraph (5)—

18 (i) in subparagraph (A), by striking
19 “paragraph (1)(F)” and inserting “para-
20 graph (1)(E)”; and

21 (ii) in subparagraph (B), by striking
22 “paragraph (1)(F)(i)” and inserting
23 “paragraph (1)(E)(i)”; and
24 (D) by adding at the end the following:

1 “(9) For purposes of paragraph (2)(A)(ii), the
2 amount determined under such paragraph shall not
3 exceed the primary insurance amount for such
4 month of a hypothetical individual—

5 “(A) who became entitled to old-age insur-
6 ance benefits upon attaining early retirement
7 age during the month in which the deceased in-
8 dividual referred to in paragraph (1) became
9 entitled to old-age or disability insurance bene-
10 fits, or died (before becoming entitled to such
11 benefits), and

12 “(B) to whom wages and self-employment
13 income were credited in each of such hypo-
14 thetical individual’s elapsed years (within the
15 meaning of section 215(b)(2)(B)(iii)) in an
16 amount equal to the national average wage
17 index (as described in section 209(k)(1)) for
18 each such year.”.

19 (b) CONFORMING AMENDMENT.—Section 209(k)(1)
20 of the Social Security Act (42 U.S.C. 409(k)(1)), as
21 amended by section 103(c), is further amended by insert-
22 ing “202(e)(9), 202(f)(9),” after “sections”.

23 (c) EFFECTIVE DATE.—The amendments made by
24 this section shall apply only with respect to widow’s and

1 widower’s insurance benefits payable for months in cal-
 2 endar year 2020.

3 **SEC. 8. INCREASING ACCESS TO BENEFITS FOR CHILDREN**
 4 **WHO LIVE WITH GRANDPARENTS OR OTHER**
 5 **RELATIVES.**

6 (a) IN GENERAL.—Title II of the Social Security Act
 7 (42 U.S.C. 401 et seq.) is amended—

8 (1) in section 202(d)—

9 (A) in paragraph (1)(C), by inserting “ex-
 10 cept as provided in paragraph (9),” before “was
 11 dependent”; and

12 (B) by amending paragraph (9) to read as
 13 follows:

14 “(9)(A) In the case of a child who is the child of an
 15 individual under clause (3) of the first sentence of section
 16 216(e) and is not a child of such individual under clause
 17 (1) or (2) of such first sentence, the criteria specified in
 18 subparagraph (B) shall apply instead of the criteria speci-
 19 fied in subparagraph (C) of paragraph (1).

20 “(B) The criteria of this subparagraph are that—

21 “(i) the child has been living with such indi-
 22 vidual in the United States for a period of not less
 23 than 12 months;

1 “(ii) the child has been receiving not less than
2 $\frac{1}{2}$ of the child’s support from such individual for a
3 period of not less than 12 months; and

4 “(iii) the period during which the child was liv-
5 ing with such individual began before the child at-
6 tained age 18.

7 “(C) In the case of a child who is less than 12 months
8 old, such child shall be deemed to meet the requirements
9 of subparagraph (B) if, on the date the child attains 1
10 year of age, such child has lived with such individual in
11 the United States and received at least $\frac{1}{2}$ of the child’s
12 support from such individual for substantially all of the
13 period which began on the date of such child’s birth.”;
14 and

15 (2) in section 216(e), in the first sentence—

16 (A) by striking “grandchild or
17 stepgrandchild of an individual or his spouse”
18 and inserting “grandchild, stepgrandchild, or
19 other first-degree, second-degree, third-degree,
20 fourth-degree, or fifth-degree relative of an indi-
21 vidual or the individual’s spouse”;

22 (B) by striking “was no natural or adop-
23 tive parent” and inserting “is no living natural
24 or adoptive parent”;

1 (C) by striking “was under a disability”
2 and inserting “is under a disability”;

3 (D) by striking “living at the time” and all
4 that follows through “, or (B)” and inserting “,
5 (B)”;

6 (E) by inserting “, or (C) a court of com-
7 petent jurisdiction has issued an order granting
8 custody of such person to the individual or the
9 individual’s spouse” before the first period.

10 (b) CONFORMING AMENDMENTS.—Section 202(d)(1)
11 of the Social Security Act (42 U.S.C. 402(d)(1)) is amend-
12 ed—

13 (1) by striking “subparagraphs (A), (B), and
14 (C)” and inserting “subparagraphs (A) and (B) and
15 subparagraph (C) or paragraph (9) (as applicable)”;
16 and

17 (2) by striking “subparagraphs (B) and (C)”
18 and inserting “subparagraph (B) and subparagraph
19 (C) or paragraph (9) (as applicable)”.

20 (c) EFFECTIVE DATE.—The amendments made by
21 this section shall apply with respect to applications for
22 child’s insurance benefits filed in calendar year 2020, ex-
23 cept that such amendments shall not apply for purposes
24 of determining continuing eligibility for child’s insurance
25 benefits for any month after such calendar year.

1 **SEC. 9. HOLDING SSI, MEDICAID, AND CHIP BENEFICIARIES**

2 **HARMLESS.**

3 For purposes of determining the income of an indi-
4 vidual to establish eligibility for, and the amount of, bene-
5 fits payable under title XVI of the Social Security Act,
6 eligibility for medical assistance under the State plan
7 under title XIX (or a waiver of such plan), or eligibility
8 for child health assistance under the State child health
9 plan under title XXI (or a waiver of the plan), the amount
10 of any benefit to which the individual is entitled under
11 title II of such Act shall be deemed not to exceed the
12 amount of the benefit that would be determined for such
13 individual under such title as in effect on the day before
14 the date of the enactment of this Act.

15 **SEC. 10. EXPEDITED ADJUSTMENT OF UNDERPAYMENTS.**

16 In any case in which, as a result of a provision of
17 this Act or an amendment made by this Act, the Commis-
18 sioner determines that an underpayment of benefits has
19 occurred, the Commissioner shall pay the balance of the
20 amount due as soon as practicable after the date of enact-
21 ment of this Act.

22 **SEC. 11. APPROPRIATION OF FUNDS.**

23 There are appropriated from the general fund of the
24 Treasury to the Federal Old-Age and Survivors Insurance
25 Trust Fund and the Federal Disability Insurance Trust
26 Fund such sums as necessary to pay for the benefit in-

- 1 creases attributable to the this Act and the amendments
- 2 made by such Act.

