

116TH CONGRESS
2D SESSION

H. R. 7499

To prevent an unintended drop in Social Security benefits due to COVID-19 and the application of the National Average Wage Index, and improve Social Security and Supplemental Security Income benefits on an emergency basis.

IN THE HOUSE OF REPRESENTATIVES

JULY 9, 2020

Mr. LARSON of Connecticut (for himself, Mr. NEAL, Mr. LEWIS, Mr. THOMPSON of California, Mr. BLUMENAUER, Mr. PASCRELL, Mr. DANNY K. DAVIS of Illinois, Ms. SÁNCHEZ, Mr. HIGGINS of New York, Ms. SEWELL of Alabama, Ms. DELBENE, Ms. JUDY CHU of California, Ms. MOORE, Mr. KILDEE, Mr. BRENDAN F. BOYLE of Pennsylvania, Mr. BEYER, Mr. EVANS, Mr. SUOZZI, Mr. PANETTA, Mr. GOMEZ, Mr. HORSFORD, Mr. COURTNEY, Mr. BISHOP of Georgia, Mr. NADLER, Ms. SHALALA, Mr. MORELLE, Mr. KILMER, Mr. THOMPSON of Mississippi, Mr. CISNEROS, Ms. KUSTER of New Hampshire, Mr. MICHAEL F. DOYLE of Pennsylvania, Mr. GRIJALVA, Ms. DELAURO, Ms. NORTON, Mr. PAYNE, Ms. SCHAKOWSKY, Mr. SMITH of Washington, and Mr. RYAN) 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 prevent an unintended drop in Social Security benefits due to COVID-19 and the application of the National Average Wage Index, and improve Social Security and Supplemental Security Income benefits on an emergency basis.

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 “Social Security COVID
 5 Correction and Equity Act”.

6 **SEC. 2. TABLE OF CONTENTS.**

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

- Sec. 1. Short title.
- Sec. 2. Table of contents.
- Sec. 3. Preventing an unintended drop in benefits relating to the application of the National Average Wage Index.
- Sec. 4. Across-the-board benefit increase.
- Sec. 5. Increase in minimum benefit for lifetime low earners based on years in the workforce.
- Sec. 6. Increase in threshold amounts and rate for inclusion of Social Security benefits in income.
- Sec. 7. Extension of child’s benefit for full-time post-secondary school students under age 23.
- Sec. 8. Improving social security benefits for widows and widowers in two-income households.
- Sec. 9. Increasing access to benefits for children who live with grandparents or other relatives.
- Sec. 10. Update in eligibility for the supplemental security income program.
- Sec. 11. Support and maintenance furnished in kind not included as income.
- Sec. 12. Holding SSI, Medicaid, and CHIP beneficiaries harmless.
- Sec. 13. Expedited adjustment of underpayments.
- Sec. 14. Appropriation of funds.

8 **SEC. 3. PREVENTING AN UNINTENDED DROP IN BENEFITS**

9 **RELATING TO THE APPLICATION OF THE NA-**
 10 **TIONAL AVERAGE WAGE INDEX.**

11 (a) MODIFICATIONS RELATED TO COMPUTATION OF
 12 PRIMARY INSURANCE AMOUNT.—Section 215 of the So-
 13 cial Security Act (42 U.S.C. 415) is amended—

14 (1) in subsection (a)(1)(B)(ii)(I)—

15 (A) in subclause (I)—

1 (i) by striking “the national” and in-
2 serting “(aa) the national”; and

3 (ii) by striking “, by” at the end and
4 inserting “; or”; and

5 (B) by adding at the end of subclause (I)
6 the following:

7 “(bb) if higher (and if such second
8 calendar year is after 2019), the highest
9 national average wage index (as so de-
10 fined) for any calendar year before such
11 second calendar year, by”; and

12 (2) in subsection (b)(3)(A)(ii)—

13 (A) in subclause (I)—

14 (i) by striking “the national” and in-
15 serting “(aa) the national”; and

16 (ii) by striking “, by” at the end and
17 inserting “; or”; and

18 (B) by adding at the end of subclause (I)
19 the following:

20 “(bb) if higher (and if such second
21 calendar year is after 2019), the highest
22 national average wage index (as so de-
23 fined) for any calendar year before such
24 second calendar year, by”.

1 (b) MODIFICATION RELATED TO REDUCTION OF
 2 BENEFITS BASED ON DISABILITY.—Section
 3 224(f)(2)(B)(i) of such Act (42 U.S.C. 424(f)(2)(B)(i)) is
 4 amended by inserting “(or if higher (and if such calendar
 5 year is after 2019), the highest national average wage
 6 index (as so defined) for any calendar year before such
 7 calendar year)” after “made”.

8 **SEC. 4. ACROSS-THE-BOARD BENEFIT INCREASE.**

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

12 (b) EFFECTIVE DATE.—

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

17 (2) RECOMPUTATION OF PRIMARY INSURANCE
 18 AMOUNTS.—Notwithstanding section 215(f) of the
 19 Social Security Act, the Commissioner of Social Se-
 20 curity shall recompute primary insurance amounts
 21 to the extent necessary—

22 (A) to carry out the amendments made by
 23 this section; and

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

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

6 **SEC. 5. INCREASE IN MINIMUM BENEFIT FOR LIFETIME**
 7 **LOW EARNERS BASED ON YEARS IN THE**
 8 **WORKFORCE.**

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

11 (1) by redesignating subparagraph (D) as sub-
 12 paragraph (E); and

13 (2) by inserting after subparagraph (C) the fol-
 14 lowing new subparagraph:

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

19 “(I) the minimum monthly amount computed
 20 under subparagraph (C); or

21 “(II) in the case of an individual who has more
 22 than 10 years of work (as defined in clause (iv)(I)),
 23 the alternative minimum amount determined under
 24 clause (ii).

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

4 “(II) For purposes of subclause (I), the applicable
 5 percentage is the percentage specified in connection with
 6 the number of years of work, as set forth in the following
 7 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.

8 “(iii) For purposes of this subparagraph—

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

13 “(II) the term ‘poverty guideline for 2019’
 14 means the annual poverty guideline for 2019 (as up-

1 dated annually in the Federal Register by the De-
 2 partment of Health and Human Services under the
 3 authority of section 673(2) of the Omnibus Budget
 4 Reconciliation Act of 1981) as applicable to a single
 5 individual.”.

6 (b) RECOMPUTATION OF PRIMARY INSURANCE
 7 AMOUNTS.—Notwithstanding section 215(f) of the Social
 8 Security Act, the Commissioner of Social Security shall
 9 recompute primary insurance amounts to the extent nec-
 10 essary—

11 (1) to carry out the amendments made by this
 12 section; and

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

15 (c) CONFORMING AMENDMENT.—Section 209(k)(1)
 16 of such Act (42 U.S.C. 409(k)(1)) is amended by inserting
 17 “215(a)(1)(E),” after “215(a)(1)(D),”.

18 **SEC. 6. INCREASE IN THRESHOLD AMOUNTS AND RATE**
 19 **FOR INCLUSION OF SOCIAL SECURITY BENE-**
 20 **FITS IN INCOME.**

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

24 “(a) IN GENERAL.—Gross income for the taxable
 25 year of any taxpayer described in subsection (b) (notwith-

1 standing section 207 of the Social Security Act) includes
 2 Social Security benefits in an amount equal to the lesser
 3 of—

4 “(1) 85 percent of the Social Security benefits
 5 received during the taxable year, or

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

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

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

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

14 “(2) \$50,000 in the case of a joint return, and

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

16 “(A) is married as of the close of the tax-
 17 able year (within the meaning of section 7703)
 18 but does not file a joint return for such year,
 19 and

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

22 (c) TRANSFERS TO TRUST FUNDS.—

23 (1) HOSPITAL INSURANCE TRUST FUND HELD
 24 HARMLESS.—Of the total revenue from taxation of
 25 social security benefits, there are appropriated to the

1 Federal Hospital Insurance Trust Fund such
2 amounts as would be transferred to such fund under
3 section 121(e) of the Social Security Amendments of
4 1983 (42 U.S.C. 401 note) and section 86 of such
5 Code as such sections were in effect on the day be-
6 fore the date of the enactment of this Act, at such
7 times and in such manner as would be provided
8 therein.

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

15 (A) the numerator of which is the amount
16 equivalent to the net revenues received in the
17 Treasury attributable to the application of sec-
18 tions 86 and 871(a)(3) of such Code to pay-
19 ments from such payor fund made in taxable
20 years beginning during calendar year 2019; and

21 (B) the denominator of which is the total
22 revenue from taxation of social security bene-
23 fits.

24 (3) TRANSFERS.—The amounts appropriated
25 by paragraph (2) to any payor fund shall be trans-

1 ferred from time to time (but not less frequently
2 than quarterly) from the general fund of the Treas-
3 ury on the basis of estimates made by the Secretary
4 of the Treasury of the amounts referred to in such
5 paragraph. Any such quarterly payment shall be
6 made on the first day of such quarter and shall take
7 into account social security benefits estimated to be
8 received during such quarter. Proper adjustments
9 shall be made in the amounts subsequently trans-
10 ferred to the extent prior estimates were in excess
11 of or less than the amounts required to be trans-
12 ferred.

13 (4) DEFINITIONS.—For purposes of this sub-
14 section—

15 (A) TOTAL REVENUE FROM TAXATION OF
16 SOCIAL SECURITY BENEFITS.—The term “total
17 revenue from taxation of social security bene-
18 fits” means the amount equivalent to the net
19 revenues received in the Treasury attributable
20 to the application of sections 86 and 871(a)(3)
21 of the Internal Revenue Code of 1986 to pay-
22 ments from any payor fund made in taxable
23 years beginning during calendar year 2019.

24 (B) PAYOR FUND.—The term “payor
25 fund” means any trust fund or account from

1 which payments of social security benefits are
2 made.

3 (C) SOCIAL SECURITY BENEFITS.—The
4 term “social security benefits” has the meaning
5 given such term by section 86(d)(1) of the In-
6 ternal Revenue Code of 1986.

7 (5) CONFORMING RULE.—Section 121(e) of the
8 Social Security Amendments of 1983 (42 U.S.C.
9 401 note) shall not apply with respect to net reve-
10 nues received in the Treasury attributable to the ap-
11 plication of sections 86 and 871(a)(3) of the Inter-
12 nal Revenue Code of 1986 to payments from any
13 payor fund made in taxable years beginning during
14 calendar year 2019.

15 (d) EFFECTIVE DATE.—The amendments made by
16 this section shall apply to taxable years beginning in cal-
17 endar year 2019.

18 **SEC. 7. EXTENSION OF CHILD’S BENEFIT FOR FULL-TIME**
19 **POST-SECONDARY SCHOOL STUDENTS**
20 **UNDER AGE 23.**

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

24 “(B) at the time such application was filed
25 was unmarried and—

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

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

5 “(iii) was a full-time post-secondary
6 school student and had not attained the
7 age of 23, or

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

11 (b) DEFINITION OF FULL-TIME POST-SECONDARY
12 SCHOOL STUDENT.—

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

15 (A) in subparagraph (A)—

16 (i) by inserting “and a ‘full-time post-
17 secondary school student’ is an individual
18 who is in full-time attendance as a student
19 at a post-secondary educational institu-
20 tion” before “, as determined by the Com-
21 missioner”;

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

1 (iii) by inserting “or a post-secondary
2 educational institution, as applicable,” be-
3 fore “at the request”;

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

7 (v) by inserting “or a full-time post-
8 secondary school student” before “shall be
9 deemed”; and

10 (B) in subparagraph (B)—

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

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

16 (iii) by striking “an elementary or sec-
17 ondary school” in each of the second and
18 third places in which such term appears
19 and inserting “such a school”.

20 (2) TRANSITION FROM ELEMENTARY OR SEC-
21 ONDARY SCHOOL.—Section 202(d)(7)(B) of such Act
22 (42 U.S.C. 402(d)(7)(B)) is amended by adding at
23 the end the following sentence: “An individual who
24 has been in full-time attendance at an elementary or
25 secondary school shall, during a succeeding period of

1 nonattendance at such school, be deemed to be a
 2 full-time secondary-school student if (i) such period
 3 is 4 calendar months or less, and (ii) the individual
 4 shows to the satisfaction of the Commissioner that
 5 he intends to be in full-time attendance at a post-
 6 secondary educational institution immediately fol-
 7 lowing such period.”

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

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

16 (d) CONFORMING AMENDMENTS.—

17 (1) Section 202(d)(1)(E) of such Act (42
 18 U.S.C. 402(d)(1)(E)) is amended by inserting “or a
 19 full-time post-secondary school student” after “stu-
 20 dent”.

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

1 “(i) the first month during no part of
2 which the child is a full-time elementary or
3 secondary school student or a full-time
4 post-secondary school student,

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

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

11 (3) Section 202(d)(1)(G) of such Act (42
12 U.S.C. 402(d)(1)(G)) is amended by striking “(if
13 later)” and all that follows through the “the age of
14 19,” and inserting the following: “(if later) the ear-
15 lier of—

16 “(i) the first month during no part of
17 which the child is a full-time elementary or
18 secondary school student or a full-time
19 post-secondary school student,

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

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

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

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

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

8 “(iii) is under a disability (as defined in
9 section 223(d)) and has not attained the age of
10 22, or”.

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

13 “(D) the earlier of—

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

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

22 “(iii) the month in which the child at-
23 tains the age of 23,
24 but only if he is not under a disability (as so
25 defined) in such earlier month; or”.

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

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

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

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

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

17 (A) by striking “A child who” and insert-
18 ing “(i) A child who”;

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

21 (C) by striking “clause (i) of paragraph
22 (1)(B)” and inserting “clause (ii) of paragraph
23 (1)(B)”;

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

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

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

9 **SEC. 8. IMPROVING SOCIAL SECURITY BENEFITS FOR WID-**
 10 **OWS AND WIDOWERS IN TWO-INCOME HOUSE-**
 11 **HOLDS.**

12 (a) IN GENERAL.—

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

15 (A) in paragraph (1)—

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

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

20 (iii) by striking subparagraph (D);

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

24 (v) in the flush matter following sub-
 25 paragraph (E)(ii), as so redesignated, by

1 striking “becomes entitled to an old-age in-
2 surance benefit” and all that follows
3 through “such deceased individual,”;

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

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

10 “(i) the primary insurance amount (as
11 determined for purposes of this subsection
12 after application of subparagraphs (B) and
13 (C)) of such deceased individual, or

14 “(ii) subject to paragraph (9), in the
15 case of a fully insured widow or surviving
16 divorced wife, 75 percent of the sum of any
17 old-age or disability insurance benefit for
18 which the widow or the surviving divorced
19 wife is entitled for such month and the pri-
20 mary insurance amount (as determined for
21 purposes of this subsection after applica-
22 tion of subparagraphs (B) and (C)) of such
23 deceased individual.”;

24 (C) in paragraph (5)—

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

4 (ii) in subparagraph (B), by striking
5 “paragraph (1)(F)(i)” and inserting
6 “paragraph (1)(E)(i)”; and

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

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

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

19 “(B) to whom wages and self-employment
20 income were credited in each of such hypo-
21 thetical individual’s elapsed years (within the
22 meaning of section 215(b)(2)(B)(iii)) in an
23 amount equal to the national average wage
24 index (as described in section 209(k)(1)) for
25 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 paragraph, such widower’s insurance benefit for each month shall be equal to the greater of—

“(i) the primary insurance amount (as determined for purposes of this subsection

1 after application of subparagraphs (B) and
2 (C)) of such deceased individual, or

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

14 (i) in subparagraph (A), by striking
15 “paragraph (1)(F)” and inserting “para-
16 graph (1)(E)”; and

17 (ii) in subparagraph (B), by striking
18 “paragraph (1)(F)(i)” and inserting
19 “paragraph (1)(E)(i)”; and

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

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

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

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

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

19 (c) EFFECTIVE DATE.—The amendments made by
20 this section shall apply only with respect to widow’s and
21 widower’s insurance benefits payable for months in cal-
22 endar year 2020.

1 **SEC. 9. INCREASING ACCESS TO BENEFITS FOR CHILDREN**
2 **WHO LIVE WITH GRANDPARENTS OR OTHER**
3 **RELATIVES.**

4 (a) IN GENERAL.—Title II of the Social Security Act
5 (42 U.S.C. 401 et seq.) is amended—

6 (1) in section 202(d)—

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

10 (B) by amending paragraph (9) to read as
11 follows:

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

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

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

22 “(ii) the child has been receiving not less than
23 $\frac{1}{2}$ of the child’s support from such individual for a
24 period of not less than 12 months; and

1 “(iii) the period during which the child was liv-
2 ing with such individual began before the child at-
3 tained age 18.

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

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

13 (A) by striking “grandchild or stepgrand-
14 child of an individual or his spouse” and insert-
15 ing “grandchild, stepgrandchild, or other first-
16 degree, second-degree, third-degree, fourth-de-
17 gree, or fifth-degree relative of an individual or
18 the individual’s spouse”;

19 (B) by striking “was no natural or adop-
20 tive parent” and inserting “is no living natural
21 or adoptive parent”;

22 (C) by striking “was under a disability”
23 and inserting “is under a disability”;

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

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

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

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

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

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

1 **SEC. 10. UPDATE IN ELIGIBILITY FOR THE SUPPLEMENTAL**
2 **SECURITY INCOME PROGRAM.**

3 (a) UPDATE IN GENERAL INCOME EXCLUSION.—
4 Section 1612(b)(2)(A) of the Social Security Act (42
5 U.S.C. 1382a(b)(2)(A)) shall be applied for calendar year
6 2020 by substituting “\$1,476” for “\$240”.

7 (b) UPDATE IN EARNED INCOME EXCLUSION.—Sec-
8 tion 1612(b)(4) of such Act (42 U.S.C. 1382a(b)(4)) shall
9 be applied for calendar year 2020 by substituting “4,788”
10 for “\$780” each place it appears.

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

14 (1) in subparagraph (A), by adding at the end
15 the following: “Notwithstanding the preceding sen-
16 tence, such dollar amount shall be deemed to be
17 \$20,000 for calendar year 2020 only.”; and

18 (2) in subparagraph (B), by adding at the end
19 the following: “Notwithstanding the preceding sen-
20 tence, such dollar amount shall be deemed to be
21 \$10,000 for calendar year 2020 only.”.

22 **SEC. 11. SUPPORT AND MAINTENANCE FURNISHED IN KIND**
23 **NOT INCLUDED AS INCOME.**

24 (a) IN GENERAL.—Section 1612(a)(2) of such Act
25 (42 U.S.C. 1382a(a)(2)) is amended—

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

4 (2) in subparagraph (A)—

5 (A) by striking “or kind”;

6 (B) by striking clause (i) and redesign-
 7 nating clauses (ii) and (iii) as clauses (i) and
 8 (ii), respectively; and

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

12 (b) CONFORMING AMENDMENTS.—

13 (1) Section 1611(c) of such Act (42 U.S.C.
 14 1382(c)) is amended by striking paragraph (6) and
 15 redesignating paragraphs (7) through (10) as para-
 16 graphs (6) through (9), respectively.

17 (2) Section 1612(a)(2) of such Act (42 U.S.C.
 18 1382a(a)(2)) is amended—

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

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

23 (C) by moving subparagraph (G) 2 ems to
 24 the right; and

25 (D) by striking subparagraph (H).

1 (3) Section 1621(c) of such Act (42 U.S.C.
2 1382j(c)) is amended to read as follows:

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

12 (c) EFFECTIVE DATE.—The amendments made by
13 this section shall apply for purposes of determining eligi-
14 bility to supplemental security income benefits for months
15 during calendar year 2020.

16 **SEC. 12. HOLDING SSI, MEDICAID, AND CHIP BENE-**
17 **FICIARIES HARMLESS.**

18 For purposes of determining the income of an indi-
19 vidual to establish eligibility for, and the amount of, bene-
20 fits payable under title XVI of the Social Security Act,
21 eligibility for medical assistance under the State plan
22 under title XIX (or a waiver of such plan), or eligibility
23 for child health assistance under the State child health
24 plan under title XXI (or a waiver of the plan), the amount
25 of any benefit to which the individual is entitled under

1 title II of such Act shall be deemed not to exceed the
2 amount of the benefit that would be determined for such
3 individual under such title as in effect on the day before
4 the date of the enactment of this Act.

5 **SEC. 13. EXPEDITED ADJUSTMENT OF UNDERPAYMENTS.**

6 In any case in which, as a result of a provision of
7 this Act or an amendment made by this Act, the Commis-
8 sioner determines that an underpayment of benefits has
9 occurred, the Commissioner shall pay the balance of the
10 amount due as soon as practicable after the date of enact-
11 ment of this Act.

12 **SEC. 14. APPROPRIATION OF FUNDS.**

13 There are appropriated from the general fund of the
14 Treasury to the Federal Old-Age and Survivors Insurance
15 Trust Fund and the Federal Disability Insurance Trust
16 Fund such sums as necessary to pay for the increases in
17 benefits paid from such Trust Funds attributable to sec-
18 tions 3 through 9 of this Act and the amendments made
19 by such sections.

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