

114TH CONGRESS
2D SESSION

H. R. 5952

To improve the retirement security of American families by strengthening
Social Security.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 8, 2016

Ms. LINDA T. SÁNCHEZ of California (for herself, Mr. HONDA, Mr. SMITH of Washington, Mr. CONYERS, Mr. NADLER, Ms. NORTON, Mr. ELLISON, Ms. CLARKE of New York, Ms. JUDY CHU of California, Mr. LYNCH, Mrs. NAPOLITANO, Mr. LANGEVIN, Mr. COHEN, Mr. POCAN, Mr. TED LIEU of California, Mr. McDERMOTT, Mr. JEFFRIES, Mr. HASTINGS, Mrs. LAWRENCE, Ms. LEE, Ms. SCHAKOWSKY, Ms. KAPTUR, Mrs. WATSON COLEMAN, Ms. SLAUGHTER, Ms. JACKSON LEE, Mr. KEATING, Mr. GRIJALVA, Mr. BRADY of Pennsylvania, Ms. DELAURO, Mr. VEASEY, Mr. TAKANO, Mr. MCGOVERN, Ms. LOFGREN, Mr. GRAYSON, Mr. MCNERNEY, Ms. MAXINE WATERS of California, Ms. PINGREE, Mr. LARSON of Connecticut, Mr. GALLEGO, Mr. QUIGLEY, Mr. CICILLINE, Mr. JOHNSON of Georgia, Ms. BASS, Ms. WASSERMAN SCHULTZ, Mr. CARTWRIGHT, Mr. SERRANO, Mr. YARMUTH, and Mr. PAYNE) introduced the following bill; which was referred to the Committee on Ways and Means, and in addition to the Committee on Education and the Workforce, 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 improve the retirement security of American families by
strengthening Social Security.

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 “Strengthening Social
3 Security Act of 2016”.

4 **SEC. 2. DETERMINATION OF TAXABLE WAGES AND SELF-**
5 **EMPLOYMENT INCOME ABOVE CONTRIBU-**
6 **TION AND BENEFIT BASE AFTER 2016.**

7 (a) DETERMINATION OF TAXABLE WAGES ABOVE
8 CONTRIBUTION AND BENEFIT BASE AFTER 2016.—

9 (1) AMENDMENTS TO THE INTERNAL REVENUE
10 CODE OF 1986.—Section 3121 of the Internal Rev-
11 enue Code of 1986 is amended—

12 (A) in subsection (a)(1), by inserting “the
13 applicable percentage (determined under sub-
14 section (c)(1)) of” before “that part of the re-
15 muneration”; and

16 (B) in subsection (c), by striking “(c) IN-
17 CLUDED AND EXCLUDED SERVICE.—For pur-
18 poses of this chapter, if” and inserting the fol-
19 lowing:

20 “(c) SPECIAL RULES FOR WAGES AND EMPLOY-
21 MENT.—

22 “(1) APPLICABLE PERCENTAGE OF REMUNERA-
23 TION IN DETERMINING TAXABLE WAGES.—For pur-
24 poses of subsection (a)(1), the applicable percentage
25 for a calendar year shall be equal to—

26 “(A) for 2017, 80 percent;

1 “(B) for 2018 through 2020, the applica-
 2 ble percentage under this paragraph for the
 3 previous year, decreased by 20 percentage
 4 points; and

5 “(C) for 2021 and each year thereafter, 0
 6 percent.

7 “(2) INCLUDED AND EXCLUDED SERVICE.—For
 8 purposes of this chapter, if”.

9 (2) AMENDMENTS TO THE SOCIAL SECURITY
 10 ACT.—Section 209 of the Social Security Act (42
 11 U.S.C. 409) is amended—

12 (A) in subsection (a)(1)(I)—

13 (i) by inserting “and before 2017”
 14 after “1974”; and

15 (ii) by inserting “and” after the semi-
 16 colon;

17 (B) in subsection (a)(1), by adding at the
 18 end the following new subparagraph:

19 “(J) The applicable percentage (deter-
 20 mined under subsection (I)) of that part of re-
 21 muneration which, after remuneration (other
 22 than remuneration referred to in the succeeding
 23 subsections of this section) equal to the con-
 24 tribution and benefit base (determined under
 25 section 230) with respect to employment has

1 been paid to an individual during any calendar
 2 year after 2016 with respect to which such con-
 3 tribution and benefit base is effective, is paid to
 4 such individual during such calendar year;”;
 5 and

6 (C) by adding at the end the following new
 7 subsection:

8 “(1) For purposes of subsection (a)(1)(J), the applica-
 9 ble percentage for a calendar year shall be equal to—

10 “(1) for 2017, 80 percent;

11 “(2) for 2018 through 2020, the applicable per-
 12 centage under this subsection for the previous year,
 13 decreased by 20 percentage points; and

14 “(3) for 2021 and each year thereafter, 0 per-
 15 cent.”.

16 (3) EFFECTIVE DATE.—The amendments made
 17 by this subsection shall apply with respect to remu-
 18 neration paid in calendar years after 2016.

19 (b) DETERMINATION OF TAXABLE SELF-EMPLOY-
 20 MENT INCOME ABOVE CONTRIBUTION AND BENEFIT
 21 BASE AFTER 2016.—

22 (1) AMENDMENTS TO THE INTERNAL REVENUE
 23 CODE OF 1986.—Section 1402 of the Internal Rev-
 24 enue Code of 1986 is amended—

(A) in subsection (b)(1), by striking “that part of the net earnings” and all that follows through “minus” and inserting the following: “an amount equal to the applicable percentage (as determined under subsection (d)(2)) of that part of the net earnings from self-employment which is in excess of the difference (not to be less than zero) between (i) an amount equal to the contribution and benefit base (as determined under section 230 of the Social Security Act) which is effective for the calendar year in which such taxable year begins, and”; and

(B) in subsection (d)—

(i) by striking “(d) EMPLOYEE AND WAGES.—The term” and inserting the following:

“(d) RULES AND DEFINITIONS.—

“(1) EMPLOYEE AND WAGES.—The term”; and

(ii) by adding at the end the following:

“(2) APPLICABLE PERCENTAGE OF NET EARNINGS FROM SELF-EMPLOYMENT IN DETERMINING TAXABLE SELF-EMPLOYMENT INCOME.—For purposes of subsection (b)(1), the applicable percentage

1 for a taxable year beginning in any calendar year re-
2 ferred to in such paragraph shall be equal to—

3 “(A) for 2017, 80 percent;

4 “(B) for 2018 through 2020, the applica-
5 ble percentage under this paragraph for the
6 previous year, decreased by 20 percentage
7 points; and

8 “(C) for 2021 and each year thereafter, 0
9 percent.”.

10 (2) AMENDMENTS TO THE SOCIAL SECURITY
11 ACT.—Section 211 of the Social Security Act (42
12 U.S.C. 411) is amended—

13 (A) in subsection (b)—

14 (i) in paragraph (1)(I)—

15 (I) by striking “or” after the
16 semicolon; and

17 (II) by inserting “and before
18 2017” after “1974”;

19 (ii) by redesignating paragraph (2) as
20 paragraph (3); and

21 (iii) by inserting after paragraph (1)
22 the following:

23 “(2) For any taxable year beginning in any cal-
24 endar year after 2016, an amount equal to the appli-
25 cable percentage (as determined under subsection

1 (l)) of that part of net earnings from self-employ-
 2 ment which is in excess of the difference (not to be
 3 less than zero) between—

4 “(A) an amount equal to the contribution
 5 and benefit base (as determined under section
 6 230) that is effective for such calendar year,
 7 and

8 “(B) the amount of the wages paid to such
 9 individual during such taxable year; or”; and

10 (B) by adding at the end the following:

11 “(l) For purposes of subsection (b)(2), the applicable
 12 percentage for a taxable year beginning in any calendar
 13 year referred to in such paragraph shall be equal to—

14 “(1) for 2017, 80 percent;

15 “(2) for 2018 through 2020, the applicable per-
 16 centage under this subsection for the previous year,
 17 decreased by 20 percentage points; and

18 “(3) for 2021 and each year thereafter, 0 per-
 19 cent.”.

20 (3) EFFECTIVE DATE.—The amendments made
 21 by this subsection shall apply with respect to taxable
 22 years beginning during or after calendar year 2017.

1 **SEC. 3. ADJUSTMENTS TO BEND POINTS IN DETERMINING**
2 **PRIMARY INSURANCE AMOUNT AND INCLU-**
3 **SION OF SURPLUS EARNINGS FOR BENEFIT**
4 **DETERMINATIONS.**

5 (a) INCREASE IN FIRST BEND POINT FACTOR.—

6 (1) IN GENERAL.—Section 215(a)(1)(A)(i) of
7 the Social Security Act (42 U.S.C. 415(a)(1)(A)(i))
8 is amended by striking “90 percent” and inserting
9 “95 percent”.

10 (2) EFFECTIVE DATE; APPLICATION RULE.—

11 The amendment made by paragraph (1) shall apply
12 with respect to computations or recomputations of
13 primary insurance amounts made on or after Janu-
14 ary 1, 2021, except that section 215(a)(1)(A)(i) of
15 the Social Security Act shall be applied by making
16 the following substitutions for “95 percent” for com-
17 putations and recomputations made in the following
18 calendar years:

19 (A) For calendar year 2021, by sub-
20 stituting “91 percent”.

21 (B) For calendar year 2022, by sub-
22 stituting “92 percent”.

23 (C) For calendar year 2023, by sub-
24 stituting “93 percent”.

25 (D) For calendar year 2024, by sub-
26 stituting “94 percent”.

1 (b) INCLUSION OF SURPLUS AVERAGE INDEXED
2 MONTHLY EARNINGS IN DETERMINATION OF PRIMARY
3 INSURANCE AMOUNTS.—

4 (1) IN GENERAL.—Section 215(a)(1)(A) of the
5 Social Security Act (42 U.S.C. 415(a)(1)(A)) is
6 amended—

7 (A) in clauses (i), (ii), and (iii), by insert-
8 ing “basic” before “average indexed monthly
9 earnings” each place it appears;

10 (B) in clause (ii), by striking “and” at the
11 end;

12 (C) in clause (iii), by adding “and” at the
13 end; and

14 (D) by inserting after clause (iii) the fol-
15 lowing new clause:

16 “(iv) 5 percent of the individual’s surplus aver-
17 age indexed monthly earnings,”.

18 (2) BEND POINT ADJUSTMENT.—Section
19 215(a)(1)(B) of such Act (42 U.S.C. 415(a)(1)(B))
20 is amended—

21 (A) by redesignating clause (iii) as clause
22 (iv); and

23 (B) by inserting after clause (ii) the fol-
24 lowing new clause:

1 “(iii) For individuals who initially become eligi-
 2 ble for old-age or disability insurance benefits, or
 3 who die (before becoming eligible for such benefits)
 4 in any calendar year after 2021, the amount deter-
 5 mined under clause (i) of this subparagraph for pur-
 6 poses of subparagraph (A)(i) for such calendar year
 7 shall be increased by—

8 “(I) for calendar year 2022, 1 percent;

9 “(II) for each of calendar years 2023
 10 through 2035, the percent determined under
 11 this clause for the preceding year increased by
 12 1 percentage point; and

13 “(III) for calendar year 2036 and each
 14 year thereafter, 15 percent.”.

15 (c) BASIC AIME AND SURPLUS AIME.—

16 (1) BASIC AIME.—Section 215(b)(1) of such
 17 Act (42 U.S.C. 415(b)(1)) is amended—

18 (A) by inserting “basic” before “average”;

19 and

20 (B) in subparagraph (A), by striking
 21 “paragraph (3)” and inserting “paragraph
 22 (3)(A)” and by inserting before the comma the
 23 following: “to the extent such total does not ex-
 24 ceed the contribution and benefit base for the
 25 applicable year”.

1 (2) SURPLUS AIME.—

2 (A) IN GENERAL.—Section 215(b)(1) of
3 such Act (as amended by paragraph (1)) is
4 amended—

5 (i) by redesignating subparagraphs
6 (A) and (B) as clauses (i) and (ii), respec-
7 tively;

8 (ii) by inserting “(A)” after “(b)(1)”;
9 and

10 (iii) by adding at the end the fol-
11 lowing new subparagraph:

12 “(B)(i) An individual’s surplus average indexed
13 monthly earnings shall be equal to the quotient obtained
14 by dividing—

15 “(I) the total (after adjustment under para-
16 graph (3)(B)) of such individual’s surplus earnings
17 (determined under clause (ii)) for such individual’s
18 benefit computation years (determined under para-
19 graph (2)), by

20 “(II) the number of months in those years.

21 “(ii) For purposes of clause (i) and paragraph (3)(B),
22 an individual’s surplus earnings for a benefit computation
23 year are the total of such individual’s wages paid in and
24 self-employment income credited to such benefit computa-
25 tion year, to the extent such total (before adjustment

1 under paragraph (3)(B)) exceeds the contribution and
 2 benefit base for such year.”.

3 (B) CONFORMING AMENDMENT.—The
 4 heading for section 215(b) of such Act is
 5 amended by striking “Average Indexed Monthly
 6 Earnings” and inserting “Basic Average In-
 7 dexed Monthly Earnings; Surplus Average In-
 8 dexed Monthly Earnings”.

9 (3) ADJUSTMENT OF SURPLUS EARNINGS FOR
 10 PURPOSES OF DETERMINING SURPLUS AIME.—Sec-
 11 tion 215(b)(3) of such Act (42 U.S.C. 415(b)(3)) is
 12 amended—

13 (A) in subparagraph (A), by striking “sub-
 14 paragraph (B)” and inserting “subparagraph
 15 (C)” and by inserting “and determination of
 16 basic average indexed monthly income” after
 17 “paragraph (2)”;

18 (B) by redesignating subparagraph (B) as
 19 subparagraph (C); and

20 (C) by inserting after subparagraph (A)
 21 the following new subparagraph:

22 “(B) For purposes of determining under paragraph
 23 (1)(B) an individual’s surplus average indexed monthly
 24 earnings, the individual’s surplus earnings (described in

1 paragraph (2)(B)(ii)) for a benefit computation year shall
 2 be deemed to be equal to the product of—

3 “(i) the individual’s surplus earnings for such
 4 year (as determined without regard to this subpara-
 5 graph), and

6 “(ii) the quotient described in subparagraph
 7 (A)(ii).”.

8 (d) **EFFECTIVE DATE.**—The amendments made by
 9 subsections (b) and (c) shall apply with respect to individ-
 10 uals who initially become eligible (within the meaning of
 11 section 215(a)(3)(B) of the Social Security Act) for old-
 12 age or disability insurance benefits under title II of the
 13 Social Security Act, or who die (before becoming eligible
 14 for such benefits), in any calendar year after 2021.

15 **SEC. 4. CONSUMER PRICE INDEX FOR ELDERLY CON-**
 16 **SUMERS.**

17 (a) **IN GENERAL.**—The Bureau of Labor Statistics
 18 of the Department of Labor shall prepare and publish an
 19 index for each calendar month to be known as the “Con-
 20 sumer Price Index for Elderly Consumers” that indicates
 21 changes over time in expenditures for consumption which
 22 are typical for individuals in the United States who have
 23 attained early retirement age (as defined under section
 24 216(l)(2) of the Social Security Act (42 U.S.C. 416(l)(2))

1 for purposes of an old-age, wife's, or husband's insurance
2 benefit).

3 (b) EFFECTIVE DATE.—Subsection (a) shall apply
4 with respect to calendar months ending on or after June
5 30 of the calendar year in which this Act is enacted.

6 (c) AUTHORIZATION OF APPROPRIATIONS.—There
7 are authorized to be appropriated such sums as are nec-
8 essary to carry out the provisions of this section.

9 **SEC. 5. COMPUTATION OF COST-OF-LIVING INCREASES FOR**
10 **SOCIAL SECURITY BENEFITS.**

11 (a) IN GENERAL.—Section 215(i) of the Social Secu-
12 rity Act (42 U.S.C. 415(i)) is amended—

13 (1) in paragraph (1)(G), by inserting before the
14 period the following: “, and, with respect to any
15 monthly insurance benefit payable under this title,
16 effective for adjustments under this subsection to
17 the primary insurance amount on which such benefit
18 is based (or to any such benefit under section 227
19 or 228), the applicable Consumer Price Index shall
20 be deemed to be the Consumer Price Index for El-
21 derly Consumers and such primary insurance
22 amount shall be deemed adjusted under this sub-
23 section using such Index”; and

24 (2) in paragraph (4), by striking “and by sec-
25 tion 9001” and inserting “, by section 9001”, and

1 by inserting after “1986,” the following: “and by
2 section 5(a) of the Strengthening Social Security Act
3 of 2016,”.

4 (b) CONFORMING AMENDMENTS IN APPLICABLE
5 FORMER LAW.—Section 215(i)(1)(C) of the Social Secu-
6 rity Act, as in effect in December 1978 and applied in
7 certain cases under the provisions of such Act in effect
8 after December 1978, is amended by inserting before the
9 period the following: “, and, with respect to any monthly
10 insurance benefit payable under this title, effective for ad-
11 justments under this subsection to the primary insurance
12 amount on which such benefit is based (or to any such
13 benefit under section 227 or 228), the applicable Con-
14 sumer Price Index shall be deemed to be the Consumer
15 Price Index for Elderly Consumers and such primary in-
16 surance amount shall be deemed adjusted under this sub-
17 section using such Index”.

18 (c) EFFECTIVE DATE.—The amendments made by
19 this section shall apply to determinations made by the
20 Commissioner of Social Security under section 215(i)(2)
21 of the Social Security Act (42 U.S.C. 415(i)(2)) with re-
22 spect to cost-of-living computation quarters ending on or
23 after September 30, 2016.

1 **SEC. 6. IMPROVING SOCIAL SECURITY BENEFITS FOR WID-**
 2 **OWS AND WIDOWERS IN TWO-INCOME HOUSE-**
 3 **HOLDS.**

4 (a) IN GENERAL.—

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

7 (A) in paragraph (1)—

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

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

12 (iii) by striking subparagraph (D);

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

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

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

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

1 “(i) subject to paragraph (9), the primary
2 insurance amount (as determined for purposes
3 of this subsection after application of subpara-
4 graphs (B) and (C)) of such deceased indi-
5 vidual; or

6 “(ii) subject to paragraphs (9) and (10), in
7 the case of a fully insured widow or surviving
8 divorced wife, 75 percent of the sum of any old-
9 age or disability insurance benefit for which the
10 widow or the surviving divorced wife is entitled
11 for such month and the primary insurance
12 amount (as determined for purposes of this
13 subsection after application of subparagraphs
14 (B) and (C)) of such deceased individual.”;

15 (C) in paragraph (5)—

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

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

22 (D) by adding at the end the following new
23 paragraphs:

24 “(9) For purposes of clauses (i) and (ii) of
25 paragraph (2)(A), in the case of a surviving divorced

1 wife, the amount determined under either such
2 clause (and, for purposes of clause (ii) of paragraph
3 (2)(A), as determined after application of paragraph
4 (10)) shall be equal to the applicable percentage (as
5 determined under section 202(b)(2)(B)) of such
6 amount (as determined before application of this
7 paragraph but after application of subsection
8 (k)(3)).

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

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

20 “(B) to whom wages and self-employment
21 income were credited in each of such hypo-
22 thetical individual’s elapsed years (within the
23 meaning of section 215(b)(2)(B)(iii)) in an
24 amount equal to the national average wage

1 index (as described in section 209(k)(1)) for
2 each such year.”.

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

5 (A) in paragraph (1)—

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

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

10 (iii) by striking subparagraph (D);

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

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

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

21 “(2)(A) Except as provided in subsection
22 (k)(5), subsection (q), and subparagraph (D) of this
23 paragraph, such widower’s insurance benefit for
24 each month shall be equal to the greater of—

1 “(i) subject to paragraph (9), the primary
2 insurance amount (as determined for purposes
3 of this subsection after application of subpara-
4 graphs (B) and (C)) of such deceased indi-
5 vidual; or

6 “(ii) subject to paragraphs (9) and (10), in
7 the case of a fully insured widower or surviving
8 divorced husband, 75 percent of the sum of any
9 old-age or disability insurance benefit for which
10 the widower or the surviving divorced husband
11 is entitled for such month and the primary in-
12 surance amount (as determined for purposes of
13 this subsection after application of subpara-
14 graphs (B) and (C)) of such deceased indi-
15 vidual.”;

16 (C) in paragraph (5)—

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

20 (ii) in subparagraph (B), by striking
21 “paragraph (1)(F)(i)” and inserting
22 “paragraph (1)(E)(i)”; and

23 (D) by adding at the end the following new
24 paragraphs:

1 “(9) For purposes of clauses (i) and (ii) of
2 paragraph (2)(A), in the case of a surviving divorced
3 husband, the amount determined under either such
4 clause (and, for purposes of clause (ii) of paragraph
5 (2)(A), as determined after application of paragraph
6 (10)) shall be equal to the applicable percentage (as
7 determined under section 202(c)(2)(B)) of such
8 amount (as determined before application of this
9 paragraph but after application of subsection
10 (k)(3)).

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

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

22 “(B) to whom wages and self-employment
23 income were credited in each of such hypo-
24 thetical individual’s elapsed years (within the
25 meaning of section 215(b)(2)(B)(iii)) in an

1 amount equal to the national average wage
2 index (as described in section 209(k)(1)) for
3 each such year.”.

4 (b) EFFECTIVE DATE.—The amendments made by
5 this section shall apply with respect to widow’s and wid-
6 ower’s insurance benefits payable for months after Decem-
7 ber 2016.

8 **SEC. 7. HOLDING SSI BENEFICIARIES HARMLESS.**

9 For purposes of determining the income of an indi-
10 vidual to establish eligibility for, and the amount of, bene-
11 fits payable under title XVI of the Social Security Act,
12 the amount of any benefit to which the individual is enti-
13 tled under title II of such Act shall be deemed not to ex-
14 ceed the amount of the benefit that would be determined
15 for such individual under such title as in effect on the day
16 before the date of the enactment of this Act.

○