

116TH CONGRESS
2D SESSION

S. 4986

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 SENATE OF THE UNITED STATES

DECEMBER 9, 2020

Ms. HIRONO introduced the following bill; which was read twice and referred to the Committee on Finance

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.

1 **SEC. 3. PREVENTING AN UNINTENDED DROP IN BENEFITS**
 2 **RELATING TO THE APPLICATION OF THE NA-**
 3 **TIONAL AVERAGE WAGE INDEX.**

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

7 (1) in subsection (a)(1)(B)(ii)(I)—

8 (A) in subclause (I)—

9 (i) by striking “the national” and in-
 10 serting “(aa) the national”; and

11 (ii) by striking “, by” at the end and
 12 inserting “; or”; and

13 (B) by adding at the end of subclause (I)
 14 the following:

15 “(bb) if higher (and if such second
 16 calendar year is after 2019), the highest

1 national average wage index (as so de-
 2 fined) for any calendar year before such
 3 second calendar year, by”; and

4 (2) in subsection (b)(3)(A)(ii)—

5 (A) in subclause (I)—

6 (i) by striking “the national” and in-
 7 serting “(aa) the national”; and

8 (ii) by striking “, by” at the end and
 9 inserting “; or”; and

10 (B) by adding at the end of subclause (I)

11 the following:

12 “(bb) if higher (and if such second
 13 calendar year is after 2019), the highest
 14 national average wage index (as so de-
 15 fined) for any calendar year before such
 16 second calendar year, by”.

17 (b) MODIFICATION RELATED TO REDUCTION OF
 18 BENEFITS BASED ON DISABILITY.—Section
 19 224(f)(2)(B)(i) of such Act (42 U.S.C. 424(f)(2)(B)(i)) is
 20 amended by inserting “(or if higher (and if such calendar
 21 year is after 2019), the highest national average wage
 22 index (as so defined) for any calendar year before such
 23 calendar year)” after “made”.

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

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

5 (b) EFFECTIVE DATE.—

6 (1) IN GENERAL.—The amendment made by
 7 subsection (a) shall apply with respect to monthly
 8 insurance benefits payable for months in calendar
 9 year 2020.

10 (2) RECOMPUTATION OF PRIMARY INSURANCE
 11 AMOUNTS.—Notwithstanding section 215(f) of the
 12 Social Security Act, the Commissioner of Social Se-
 13 curity shall recompute primary insurance amounts
 14 to the extent necessary—

15 (A) to carry out the amendments made by
 16 this section; and

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

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

1 **SEC. 5. INCREASE IN MINIMUM BENEFIT FOR LIFETIME**
 2 **LOW EARNERS BASED ON YEARS IN THE**
 3 **WORKFORCE.**

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

6 (1) by redesignating subparagraph (D) as sub-
 7 paragraph (E); and

8 (2) by inserting after subparagraph (C) the fol-
 9 lowing new subparagraph:

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

14 “(I) the minimum monthly amount computed
 15 under subparagraph (C); or

16 “(II) in the case of an individual who has more
 17 than 10 years of work (as defined in clause (iv)(I)),
 18 the alternative minimum amount determined under
 19 clause (ii).

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

23 “(II) For purposes of subclause (I), the applicable
 24 percentage is the percentage specified in connection with
 25 the number of years of work, as set forth in the following
 26 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.

1 “(iii) For purposes of this subparagraph—

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

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

13 (b) RECOMPUTATION OF PRIMARY INSURANCE
14 AMOUNTS.—Notwithstanding section 215(f) of the Social
15 Security Act, the Commissioner of Social Security shall

1 recompute primary insurance amounts to the extent nec-
 2 essary—

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

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

7 (c) CONFORMING AMENDMENT.—Section 209(k)(1)
 8 of such Act (42 U.S.C. 409(k)(1)) is amended by inserting
 9 “215(a)(1)(E),” after “215(a)(1)(D),”.

10 **SEC. 6. INCREASE IN THRESHOLD AMOUNTS AND RATE**
 11 **FOR INCLUSION OF SOCIAL SECURITY BENE-**
 12 **FITS IN INCOME.**

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

16 “(a) IN GENERAL.—Gross income for the taxable
 17 year of any taxpayer described in subsection (b) (notwith-
 18 standing section 207 of the Social Security Act) includes
 19 Social Security benefits in an amount equal to the lesser
 20 of—

21 “(1) 85 percent of the Social Security benefits
 22 received during the taxable year, or

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

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

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

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

7 “(2) \$50,000 in the case of a joint return, and

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

9 “(A) is married as of the close of the tax-
 10 able year (within the meaning of section 7703)
 11 but does not file a joint return for such year,
 12 and

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

15 (c) TRANSFERS TO TRUST FUNDS.—

16 (1) HOSPITAL INSURANCE TRUST FUND HELD
 17 HARMLESS.—Of the total revenue from taxation of
 18 social security benefits, there are appropriated to the
 19 Federal Hospital Insurance Trust Fund such
 20 amounts as would be transferred to such fund under
 21 section 121(e) of the Social Security Amendments of
 22 1983 (42 U.S.C. 401 note) and section 86 of such
 23 Code as such sections were in effect on the day be-
 24 fore the date of the enactment of this Act, at such

1 times and in such manner as would be provided
 2 therein.

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

9 (A) the numerator of which is the amount
 10 equivalent to the net revenues received in the
 11 Treasury attributable to the application of sec-
 12 tions 86 and 871(a)(3) of such Code to pay-
 13 ments from such payor fund made in taxable
 14 years beginning during calendar year 2019; and

15 (B) the denominator of which is the total
 16 revenue from taxation of social security bene-
 17 fits.

18 (3) TRANSFERS.—The amounts appropriated
 19 by paragraph (2) to any payor fund shall be trans-
 20 ferred from time to time (but not less frequently
 21 than quarterly) from the general fund of the Treas-
 22 ury on the basis of estimates made by the Secretary
 23 of the Treasury of the amounts referred to in such
 24 paragraph. Any such quarterly payment shall be
 25 made on the first day of such quarter and shall take

1 into account social security benefits estimated to be
 2 received during such quarter. Proper adjustments
 3 shall be made in the amounts subsequently trans-
 4 ferred to the extent prior estimates were in excess
 5 of or less than the amounts required to be trans-
 6 ferred.

7 (4) DEFINITIONS.—For purposes of this sub-
 8 section—

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

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

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

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

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

12 **SEC. 7. EXTENSION OF CHILD’S BENEFIT FOR FULL-TIME**
 13 **POST-SECONDARY SCHOOL STUDENTS**
 14 **UNDER AGE 23.**

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

18 “(B) at the time such application was filed
 19 was unmarried and—

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

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

1 “(iii) was a full-time post-secondary
 2 school student and had not attained the
 3 age of 23, or

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

7 (b) DEFINITION OF FULL-TIME POST-SECONDARY
 8 SCHOOL STUDENT.—

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

11 (A) in subparagraph (A)—

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

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

21 (iii) by inserting “or a post-secondary
 22 educational institution, as applicable,” be-
 23 fore “at the request”;

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

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

(B) in subparagraph (B)—

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

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

(iii) by striking “an elementary or secondary school” in each of the second and third places in which such term appears and inserting “such a school”.

(2) TRANSITION FROM ELEMENTARY OR SECONDARY SCHOOL.—Section 202(d)(7)(B) of such Act (42 U.S.C. 402(d)(7)(B)) is amended by adding at the end the following sentence: “An individual who has been in full-time attendance at an elementary or secondary school shall, during a succeeding period of nonattendance at such school, be deemed to be a full-time secondary-school student if (i) such period is 4 calendar months or less, and (ii) the individual

1 shows to the satisfaction of the Commissioner that
 2 he intends to be in full-time attendance at a post-
 3 secondary educational institution immediately fol-
 4 lowing such period.”

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

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

13 (d) CONFORMING AMENDMENTS.—

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

18 (2) Section 202(d)(1)(F) of such Act (42
 19 U.S.C. 402(d)(1)(F)) is amended by striking “the
 20 earlier of—” and all that follows through “the age
 21 of 19,” and inserting the following: “the earlier 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 (3) Section 202(d)(1)(G) of such Act (42
8 U.S.C. 402(d)(1)(G)) is amended by striking “(if
9 later)” and all that follows through “the age of 19,”
10 and inserting the following: “(if later) the earlier
11 of—

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

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

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

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

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

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

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

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

11 “(D) the earlier of—

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

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

20 “(iii) the month in which the child at-
 21 tains the age of 23,

22 but only if he is not under a disability (as so
 23 defined) in such earlier month; or”.

24 (6) Section 202(d)(6)(E) of such Act (42
 25 U.S.C. 402(d)(6)(E)) is amended by striking “(if

1 later)” and all that follows to the end and inserting
 2 the following: “(if later) the earlier of—

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

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

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

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

15 (A) by striking “A child who” and insert-
 16 ing “(i) A child who”;

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

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

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

23 “(ii) A child who attains age 23 at a time
 24 when he is a full-time post-secondary school
 25 student (as defined in subparagraph (A) of this

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

23 (e) EFFECTIVE DATE.—The amendments made by
 24 this section shall apply with respect to applications for
 25 child’s insurance benefits filed in calendar year 2020 and

1 with respect to individuals entitled to such benefits during
 2 any month of such calendar year, except that such amend-
 3 ments shall not apply for purposes of determining con-
 4 tinuing eligibility for child's insurance benefits for any
 5 month after such calendar year.

6 **SEC. 8. IMPROVING SOCIAL SECURITY BENEFITS FOR WID-**
 7 **OWS AND WIDOWERS IN TWO-INCOME HOUSE-**
 8 **HOLDS.**

9 (a) IN GENERAL.—

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

12 (A) in paragraph (1)—

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

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

17 (iii) by striking subparagraph (D);

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

21 (v) in the flush matter following sub-
 22 paragraph (E)(ii), as so redesignated, by
 23 striking “becomes entitled to an old-age in-
 24 surance benefit” and all that follows
 25 through “such deceased individual,”;

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

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

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

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

21 (C) in paragraph (5)—

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

1 (ii) in subparagraph (B), by striking
 2 “paragraph (1)(F)(i)” and inserting
 3 “paragraph (1)(E)(i)”; and
 4 (D) by adding at the end the following:

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

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

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

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

25 (A) in paragraph (1)—

- 1 (i) in subparagraph (B), by inserting
- 2 “and” at the end;
- 3 (ii) in subparagraph (C)(iii), by strik-
- 4 ing “and” at the end;
- 5 (iii) by striking subparagraph (D);
- 6 (iv) by redesignating subparagraphs
- 7 (E) and (F) as subparagraphs (D) and
- 8 (E), respectively; and
- 9 (v) in the flush matter following sub-
- 10 paragraph (E)(ii), as so redesignated, by
- 11 striking “or becomes entitled to an old-age
- 12 insurance benefit” and all that follows
- 13 through “such deceased individual,”;
- 14 (B) by striking subparagraph (A) in para-
- 15 graph (2) and inserting the following:
- 16 “(2)(A) Except as provided in subsection
- 17 (k)(5), subsection (q), and subparagraph (D) of this
- 18 paragraph, such widower’s insurance benefit for
- 19 each month shall be equal to the greater of—
- 20 “(i) the primary insurance amount (as
- 21 determined for purposes of this subsection
- 22 after application of subparagraphs (B) and
- 23 (C)) of such deceased individual, or
- 24 “(ii) subject to paragraph (9), in the
- 25 case of a fully insured widower or surviving

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

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

13 (ii) in subparagraph (B), by striking
 14 “paragraph (1)(F)(i)” and inserting
 15 “paragraph (1)(E)(i)”;

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

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

21 “(A) who became entitled to old-age insur-
 22 ance benefits upon attaining early retirement
 23 age during the month in which the deceased in-
 24 dividual referred to in paragraph (1) became
 25 entitled to old-age or disability insurance bene-

1 fits, or died (before becoming entitled to such
2 benefits), and

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

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

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

18 **SEC. 9. INCREASING ACCESS TO BENEFITS FOR CHILDREN**
19 **WHO LIVE WITH GRANDPARENTS OR OTHER**
20 **RELATIVES.**

21 (a) IN GENERAL.—Title II of the Social Security Act
22 (42 U.S.C. 401 et seq.) is amended—

23 (1) in section 202(d)—

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

4 (B) by amending paragraph (9) to read as
5 follows:

6 “(9)(A) In the case of a child who is the child of an
7 individual under clause (3) of the first sentence of section
8 216(e) and is not a child of such individual under clause
9 (1) or (2) of such first sentence, the criteria specified in
10 subparagraph (B) shall apply instead of the criteria speci-
11 fied in subparagraph (C) of paragraph (1).

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

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

16 “(ii) the child has been receiving not less than
17 $\frac{1}{2}$ of the child’s support from such individual for a
18 period of not less than 12 months; and

19 “(iii) the period during which the child was liv-
20 ing with such individual began before the child at-
21 tained age 18.

22 “(C) In the case of a child who is less than 12 months
23 old, such child shall be deemed to meet the requirements
24 of subparagraph (B) if, on the date the child attains 1
25 year of age, such child has lived with such individual in

1 the United States and received at least $\frac{1}{2}$ of the child's
 2 support from such individual for substantially all of the
 3 period which began on the date of such child's birth.";
 4 and

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

6 (A) by striking “grandchild or stepgrand-
 7 child of an individual or his spouse” and insert-
 8 ing “grandchild, stepgrandchild, or other first-
 9 degree, second-degree, third-degree, fourth-de-
 10 gree, or fifth-degree relative of an individual or
 11 the individual's spouse”;

12 (B) by striking “was no natural or adop-
 13 tive parent” and inserting “is no living natural
 14 or adoptive parent”;

15 (C) by striking “was under a disability”
 16 and inserting “is under a disability”;

17 (D) by striking “living at the time” and all
 18 that follows through “, or (B)” and inserting “,
 19 (B)”;

20 (E) by inserting “, or (C) a court of com-
 21 petent jurisdiction has issued an order granting
 22 custody of such person to the individual or the
 23 individual's spouse” before the first period.

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

4 (1) by striking “subparagraphs (A), (B), and
 5 (C)” and inserting “subparagraphs (A) and (B) and
 6 subparagraph (C) or paragraph (9) (as applicable)”;
 7 and

8 (2) by striking “subparagraphs (B) and (C)”
 9 and inserting “subparagraph (B) and subparagraph
 10 (C) or paragraph (9) (as applicable)”.

11 (c) EFFECTIVE DATE.—The amendments made by
 12 this section shall apply with respect to applications for
 13 child’s insurance benefits filed in calendar year 2020, ex-
 14 cept that such amendments shall not apply for purposes
 15 of determining continuing eligibility for child’s insurance
 16 benefits for any month after such calendar year.

17 **SEC. 10. UPDATE IN ELIGIBILITY FOR THE SUPPLEMENTAL**
 18 **SECURITY INCOME PROGRAM.**

19 (a) UPDATE IN GENERAL INCOME EXCLUSION.—
 20 Section 1612(b)(2)(A) of the Social Security Act (42
 21 U.S.C. 1382a(b)(2)(A)) shall be applied for calendar year
 22 2020 by substituting “\$1,476” for “\$240”.

23 (b) UPDATE IN EARNED INCOME EXCLUSION.—Sec-
 24 tion 1612(b)(4) of such Act (42 U.S.C. 1382a(b)(4)) shall

1 be applied for calendar year 2020 by substituting “4,788”
 2 for “\$780” each place it appears.

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

6 (1) in subparagraph (A), by adding at the end
 7 the following: “Notwithstanding the preceding sen-
 8 tence, such dollar amount shall be deemed to be
 9 \$20,000 for calendar year 2020 only.”; and

10 (2) in subparagraph (B), by adding at the end
 11 the following: “Notwithstanding the preceding sen-
 12 tence, such dollar amount shall be deemed to be
 13 \$10,000 for calendar year 2020 only.”.

14 **SEC. 11. SUPPORT AND MAINTENANCE FURNISHED IN KIND**
 15 **NOT INCLUDED AS INCOME.**

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

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

21 (2) in subparagraph (A)—

22 (A) by striking “or kind”;

23 (B) by striking clause (i) and redesign-
 24 ating clauses (ii) and (iii) as clauses (i) and
 25 (ii), respectively; and

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

4 (b) CONFORMING AMENDMENTS.—

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

9 (2) Section 1612(a)(2) of such Act (42 U.S.C.
 10 1382a(a)(2)) is amended—

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

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

15 (C) by moving subparagraph (G) 2 ems to
 16 the right; and

17 (D) by striking subparagraph (H).

18 (3) Section 1621(c) of such Act (42 U.S.C.
 19 1382j(c)) is amended to read as follows:

20 “(c) In determining the amount of income of an alien
 21 during the period of 5 years after such alien’s entry into
 22 the United States, support or maintenance furnished in
 23 cash to the alien by such alien’s sponsor (to the extent
 24 that it reflects income or resources which were taken into
 25 account in determining the amount of income and re-

1 sources to be deemed to the alien under subsection (a)
2 or (b) of this section) shall not be considered to be income
3 of such alien under section 1612(a)(2)(A).”.

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

8 **SEC. 12. HOLDING SSI, MEDICAID, AND CHIP BENE-**
9 **FICIARIES HARMLESS.**

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

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

23 In any case in which, as a result of a provision of
24 this Act or an amendment made by this Act, the Commis-
25 sioner determines that an underpayment of benefits has

1 occurred, the Commissioner shall pay the balance of the
2 amount due as soon as practicable after the date of enact-
3 ment of this Act.

4 **SEC. 14. APPROPRIATION OF FUNDS.**

5 There are appropriated from the general fund of the
6 Treasury to the Federal Old-Age and Survivors Insurance
7 Trust Fund and the Federal Disability Insurance Trust
8 Fund such sums as necessary to pay for the increases in
9 benefits paid from such Trust Funds attributable to sec-
10 tions 3 through 9 of this Act and the amendments made
11 by such sections.

○