

117TH CONGRESS
1ST SESSION

S. 3071

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

IN THE SENATE OF THE UNITED STATES

OCTOBER 26, 2021

Mr. BLUMENTHAL (for himself and Mr. VAN HOLLEN) introduced the following bill; which was read twice and referred to the Committee on Finance

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,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as “Social Security 2100: A
5 Sacred Trust”.

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.

TITLE I—STRENGTHENING BENEFITS

- Sec. 101. Across-the-board benefit increase.
- Sec. 102. More accurate cost-of-living adjustment.

- Sec. 103. Increasing the minimum benefit for long-term low earners.
- Sec. 104. Increasing threshold amounts and rate for inclusion of Social Security benefits in income.
- Sec. 105. Improving benefits for widows and widowers in two-income households.
- Sec. 106. Increasing benefits for beneficiaries after 15 years of eligibility.
- Sec. 107. Providing caregiver credits for Social Security.
- Sec. 108. Eliminating the 5-month waiting period for disability benefits.
- Sec. 109. Establishing a gradual offset for disability beneficiaries with earnings.
- Sec. 110. Repealing the government pension offset and windfall elimination provisions.
- Sec. 111. Extending the child's benefit for post-secondary school students under age 26.
- Sec. 112. Increasing access to benefits for children who live with grandparents or other relatives.
- Sec. 113. Preventing an unintended drop in benefits relating to the application of the National Average Wage Index.
- Sec. 114. Holding SSI, Medicaid, and CHIP beneficiaries harmless.

TITLE II—STRENGTHENING THE TRUST FUND

- Sec. 201. Determining wages and self-employment income above contribution and benefit base after 2021.
- Sec. 202. Including earnings over \$400,000 in Social Security benefit formula.
- Sec. 203. Establishing the Social Security Trust Fund.

TITLE III—STRENGTHENING SERVICE DELIVERY

- Sec. 301. Clarifying the requirement to mail Social Security account statements.
- Sec. 302. Preventing closure of field and hearing offices and resident or rural contact stations.
- Sec. 303. Ensuring access to professional representation.

1 **TITLE I—STRENGTHENING**
 2 **BENEFITS**

3 **SEC. 101. ACROSS-THE-BOARD BENEFIT INCREASE.**

4 (a) IN GENERAL.—

5 (1) INCREASE IN PRIMARY INSURANCE AMOUNT

6 COMPUTATION FORMULA.—Section 215(a)(1)(A)(i)

7 of the Social Security Act (42 U.S.C.

8 415(a)(1)(A)(i)) is amended by striking “90 per-

9 cent” and inserting “93 percent”.

1 (b) CONFORMING AMENDMENT.—Section 215(a)(7)
2 of such Act (42 U.S.C. 415(a)(7)) is amended by adding
3 at the end the following:

4 “(F) With respect to monthly benefits payable for
5 months in calendar years 2022 through 2026, this para-
6 graph shall be applied by increasing by 3 percentage
7 points each of the percentages specified in subparagraph
8 (B)(ii) and in the table in subparagraph (D).”.

9 (c) EFFECTIVE DATE.—

10 (1) IN GENERAL.—The amendments made by
11 this section shall apply with respect to monthly in-
12 surance benefits payable for months in calendar
13 years 2022 through 2026.

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

19 (A) to carry out the amendments made by
20 this section; and

21 (B) to account for the nonapplication of
22 such amendments after calendar year 2026.

23 (d) RULE OF CONSTRUCTION.—For purposes of ap-
24 plying subparagraphs (A) and (B) of section 215(i)(1) of
25 the Social Security Act in any calendar year, nothing in

1 this section or the amendments made by this section shall
 2 be considered a general benefit increase under title II of
 3 such Act.

4 **SEC. 102. MORE ACCURATE COST-OF-LIVING ADJUSTMENT.**

5 (a) IN GENERAL.—Section 215(i)(1) of the Social Se-
 6 curity Act (42 U.S.C. 415(i)(1)) is amended by adding
 7 at the end the following new subparagraph:

8 “(H) the term ‘Consumer Price Index’ means
 9 the Consumer Price Index for Elderly Consumers
 10 (CPI–E, as published by the Bureau of Labor Sta-
 11 tistics of the Department of Labor).”.

12 (b) APPLICATION TO PRE-1979 LAW.—

13 (1) IN GENERAL.—Section 215(i)(1) of the So-
 14 cial Security Act as in effect in December 1978, and
 15 as applied in certain cases under the provisions of
 16 such Act as in effect after December 1978, is
 17 amended by adding at the end the following new
 18 subparagraph:

19 “(D) the term ‘Consumer Price Index’ means
 20 the Consumer Price Index for Elderly Consumers
 21 (CPI–E, as published by the Bureau of Labor Sta-
 22 tistics of the Department of Labor).”.

23 (2) CONFORMING CHANGE.—Section 215(i)(4)
 24 of the Social Security Act (42 U.S.C. 415(i)(4)) is

1 amended by inserting “and by section 102 of Social
2 Security 2100: A Sacred Trust” after “1986”.

3 (c) NO EFFECT ON ADJUSTMENTS UNDER OTHER
4 LAWS.—Section 215(i) of the Social Security Act (42
5 U.S.C. 415(i)) is amended by adding at the end the fol-
6 lowing:

7 “(6) Any provision of law (other than in this title,
8 title VIII, or title XVI) which provides for adjustment of
9 an amount based on a change in benefit amounts resulting
10 from a determination made under this subsection shall be
11 applied and administered without regard to the amend-
12 ments made by subsections (a) and (b) of section 102 of
13 Social Security 2100: A Sacred Trust.”.

14 (d) PUBLICATION OF CONSUMER PRICE INDEX FOR
15 ELDERLY CONSUMERS.—The Bureau of Labor Statistics
16 of the Department of Labor shall prepare and publish an
17 index for each calendar month to be known as the “Con-
18 sumer Price Index for Elderly Consumers” that indicates
19 changes over time in expenditures for consumption which
20 are typical for individuals in the United States who have
21 attained age 62.

22 (e) EFFECTIVE DATE.—The amendments made by
23 this section shall apply to determinations made with re-
24 spect to cost-of-living computation quarters (as defined in
25 section 215(i)(1)(B) of the Social Security Act (42 U.S.C.

1 415(i)(1)(B))) ending on September 30 of calendar years
2 2022 through 2026.

3 **SEC. 103. INCREASING THE MINIMUM BENEFIT FOR LONG-**
4 **TERM LOW EARNERS.**

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

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

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

11 “(D)(i) Effective with respect to the benefits of indi-
12 viduals who become eligible for old-age insurance benefits
13 or disability insurance benefits (or die before becoming so
14 eligible) after 2021, no primary insurance amount com-
15 puted under subparagraph (A) may be less than the great-
16 er of—

17 “(I) the minimum monthly amount computed
18 under subparagraph (C); or

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

23 “(ii)(I) The alternative minimum amount determined
24 under this clause is the applicable percentage of $\frac{1}{12}$ of

1 the annual dollar amount determined under clause (iii) for
 2 the year in which the amount is determined.

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

7 “(iii) The annual dollar amount determined under
 8 this clause is—

9 “(I) for calendar year 2022, the poverty guide-
 10 line for 2021; and

11 “(II) for any calendar year after 2022, the an-
 12 nual dollar amount established for the calendar year
 13 preceding such calendar year, or, if larger, the an-

1 nual dollar amount for 2022 multiplied by the ratio
2 of—

3 “(aa) the national average wage index (as
4 defined in section 209(k)(1)) for the second cal-
5 endar year preceding the calendar year for
6 which the determination is made, to

7 “(bb) the national average wage index (as
8 so defined) for 2020.

9 “(iv) For purposes of this subparagraph—

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

14 “(II) the term ‘poverty guideline for 2021’
15 means the annual poverty guideline for 2021 (as up-
16 dated annually in the Federal Register by the De-
17 partment of Health and Human Services under the
18 authority of section 673(2) of the Omnibus Budget
19 Reconciliation Act of 1981) as applicable to a single
20 individual.”.

21 (b) 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),”.

24 (c) EFFECTIVE DATE.—

1 (1) IN GENERAL.—The amendments made by
2 this section shall apply with respect to monthly in-
3 surance benefits payable for months in calendar
4 years 2022 through 2026.

5 (2) RECOMPUTATION OF PRIMARY INSURANCE
6 AMOUNTS.—Notwithstanding section 215(f) of the
7 Social Security Act, the Commissioner of Social Se-
8 curity shall recompute primary insurance amounts
9 to the extent necessary—

10 (A) to carry out the amendments made by
11 this section; and

12 (B) to account for the nonapplication of
13 such amendments after calendar year 2026.

14 **SEC. 104. INCREASING THRESHOLD AMOUNTS AND RATE**
15 **FOR INCLUSION OF SOCIAL SECURITY BENE-**
16 **FITS IN INCOME.**

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

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

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

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

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

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

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

11 “(2) \$50,000 in the case of a joint return, and

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

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

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

19 (c) TRANSFERS TO TRUST FUNDS.—

20 (1) HOSPITAL INSURANCE TRUST FUND HELD
21 HARMLESS.—Of the total revenue from taxation of
22 social security benefits, there are appropriated to the
23 Federal Hospital Insurance Trust Fund such
24 amounts as would be transferred to such fund under
25 section 121(e) of the Social Security Amendments of

1 1983 (42 U.S.C. 401 note) and section 86 of such
2 Code as such sections were in effect on the day be-
3 fore the date of the enactment of this Act, at such
4 times and in such manner as would be provided
5 therein.

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

12 (A) the numerator of which is the amount
13 equivalent to the net revenues received in the
14 Treasury attributable to the application of sec-
15 tions 86 and 871(a)(3) of such Code to pay-
16 ments from such payor fund made in taxable
17 years beginning after December 31, 2021, and
18 before January 1, 2027; and

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

22 (3) TRANSFERS.—The amounts appropriated
23 by paragraph (2) to any payor fund shall be trans-
24 ferred from time to time (but not less frequently
25 than quarterly) from the general fund of the Treas-

1 ury on the basis of estimates made by the Secretary
2 of the Treasury of the amounts referred to in such
3 paragraph. Any such quarterly payment shall be
4 made on the first day of such quarter and shall take
5 into account social security benefits estimated to be
6 received during such quarter. Proper adjustments
7 shall be made in the amounts subsequently trans-
8 ferred to the extent prior estimates were in excess
9 of or less than the amounts required to be trans-
10 ferred.

11 (4) DEFINITIONS.—For purposes of this sub-
12 section—

13 (A) TOTAL REVENUE FROM TAXATION OF
14 SOCIAL SECURITY BENEFITS.—The term “total
15 revenue from taxation of social security bene-
16 fits” means the amount equivalent to the net
17 revenues received in the Treasury attributable
18 to the application of sections 86 and 871(a)(3)
19 of the Internal Revenue Code of 1986 to pay-
20 ments from any payor fund made in taxable
21 years beginning after December 31, 2021, and
22 before January 1, 2027.

23 (B) PAYOR FUND.—The term “payor
24 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 AMENDMENT.—Section
8 121(e) of the Social Security Amendments of 1983
9 (42 U.S.C. 401 note) is repealed.

10 (d) EFFECTIVE DATE.—The amendments made by
11 this section shall apply to taxable years beginning after
12 December 31, 2021, and before January 1, 2027.

13 **SEC. 105. IMPROVING BENEFITS FOR WIDOWS AND WID-**
14 **OWERS IN TWO-INCOME HOUSEHOLDS.**

15 (a) IN GENERAL.—

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

18 (A) in paragraph (1)—

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

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

23 (iii) by striking subparagraph (D);

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

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

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

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

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

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

1 after application of subparagraphs (B) and (C))
2 of such deceased individual.”;

3 (C) in paragraph (5)—

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

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

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

11 “(9) 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 (2) WIDOWERS.—Section 202(f) of the Social
5 Security Act (42 U.S.C. 402(f)) is amended—

6 (A) in paragraph (1)—

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

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

11 (iii) by striking subparagraph (D);

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

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

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

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

1 “(i) the primary insurance amount (as de-
2 termined for purposes of this subsection after
3 application of subparagraphs (B) and (C)) of
4 such deceased individual, or

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

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:

23 “(9) For purposes of paragraph (2)(A)(ii), the
24 amount determined under such paragraph shall not

1 exceed the primary insurance amount for such
2 month of a hypothetical individual—

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

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

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

21 (c) EFFECTIVE DATE.—The amendments made by
22 this section shall apply with respect to widow’s or wid-
23 ower’s insurance benefits payable for months in calendar
24 years 2022 through 2026.

1 **SEC. 106. INCREASING BENEFITS FOR BENEFICIARIES**
2 **AFTER 15 YEARS OF ELIGIBILITY.**

3 (a) IN GENERAL.—Section 202 of the Social Security
4 Act (42 U.S.C. 402) is amended by adding at the end the
5 following new subsection:

6 “(aa) INCREASE IN BENEFIT AMOUNTS ON ACCOUNT
7 OF LONG-TERM ELIGIBILITY.—(1) In the case of an indi-
8 vidual who is a qualified beneficiary for a calendar year
9 after 2021, the amount of any monthly insurance benefit
10 of such qualified beneficiary under this section or section
11 223 for any month in such calendar year shall be in-
12 creased in accordance with paragraph (3).

13 “(2)(A) For purposes of this subsection, the term
14 ‘qualified beneficiary’ for a calendar year means an indi-
15 vidual in any case in which such calendar year begins at
16 least 16 years after the applicable date of eligibility for
17 such individual.

18 “(B) For purposes of this subsection, the applicable
19 date of eligibility for an individual is the date on which
20 the individual on whose wages and self-employment in-
21 come the monthly insurance benefit is based initially be-
22 came eligible (or died before becoming eligible) for old-
23 age insurance benefits under subsection (a) or disability
24 insurance benefits under section 223.

25 “(3)(A) The increase required under paragraph (1)
26 with respect to the monthly insurance benefit of an indi-

1 vidual who is a qualified beneficiary for a calendar year
2 shall be equal to the applicable percentage (specified for
3 such benefit in subparagraph (B)) of the full increase
4 amount for such calendar year (determined under sub-
5 paragraph (C)).

6 “(B) The applicable percentage specified for a
7 monthly insurance benefit under this subparagraph for a
8 calendar year is the percentage specified, in connection
9 with the number of years ending after the applicable date
10 of eligibility for such individual and before such calendar
11 year, in the following table:

“If the number of years is:	The applicable percentage is:
16	20 percent
17	40 percent
18	60 percent
19	80 percent
20 or larger	100 percent.

12 “(C)(i) Except as provided in clause (ii), the full in-
13 crease amount determined under this subparagraph for a
14 calendar year in connection with the monthly insurance
15 benefit of a qualified beneficiary is a dollar amount equal
16 to 5 percent of the amount of the benefit if—

17 “(I) such benefit were based on the primary in-
18 surance amount determined for January of such cal-
19 endar year of a putative individual;

20 “(II) on January 1 of the calendar year in
21 which occurred the applicable eligibility date with re-
22 spect to such individual, such putative individual

1 were fully insured, attained retirement age (as de-
2 fined in section 216(l)(2)) and were otherwise eligi-
3 ble for, and applied for, old-age insurance benefits;
4 and

5 “(III) such putative individual’s average in-
6 dexed monthly earnings taken into account in deter-
7 mining such primary insurance amount were equal
8 to $\frac{1}{12}$ of the national average wage index (as de-
9 fined in section 209(k)(1)) for the second year prior
10 to such calendar year.

11 “(ii)(I) In the case of a monthly insurance benefit
12 under subsection (b) or (c), the full increase amount deter-
13 mined under this subparagraph shall be one-half the
14 amount determined under clause (i); or

15 “(II) in the case of a monthly insurance benefit under
16 subsection (d), (g), or (h), the full increase amount deter-
17 mined under this subparagraph shall be the percentage of
18 the amount determined under clause (i) equal to the ratio
19 which the amount of such benefit bears to the primary
20 insurance amount (before the application of section
21 203(a)) of the individual on whose wages and self-employ-
22 ment income the monthly insurance benefit is based.

23 “(4) In the case of a qualified beneficiary who is enti-
24 tled to two or more monthly insurance benefits under this
25 title for the same month—

1 “(A) the earliest applicable date of eligibility for
2 such beneficiary with respect to such benefits shall
3 be treated as the applicable date of eligibility for
4 such beneficiary for the purposes of this subsection;
5 and

6 “(B) such beneficiary shall be entitled to an in-
7 crease with respect only to one such benefit.

8 “(5) This subsection shall be applied to monthly in-
9 surance benefits after any increase under subsection (w)
10 and any applicable reductions and deductions under this
11 title.

12 “(6) In any case in which an individual is entitled
13 to benefits under both this section and section 223, the
14 increase under this subsection shall be paid from the Fed-
15 eral Old-Age and Survivors Insurance Trust Fund.”.

16 (b) CONFORMING AMENDMENTS.—

17 (1) Section 202 of such Act (42 U.S.C. 402) is
18 amended—

19 (A) in the last sentence of subsection (a),
20 by striking “subsection (q) and subsection (w)”
21 and inserting “subsections (q), (w), and (aa)”;

22 (B) in subsection (b)(2), by striking “sub-
23 sections (k)(5) and (q)” and inserting “sub-
24 sections (k)(5), (q), and (aa)”;

1 (C) in subsection (c)(2), by striking “sub-
2 sections (k)(5) and (q)” and inserting “sub-
3 sections (k)(5), (q), and (aa)”;

4 (D) in subsection (d)(2), by adding at the
5 end the following: “This paragraph shall apply
6 subject to subsection (aa).”;

7 (E) in subsection (e)(2)(A), by striking
8 “subsection (k)(5), subsection (q), and subpara-
9 graph (D) of this paragraph” and inserting
10 “subsection (k)(5), subsection (q), subsection
11 (aa), and subparagraph (D) of this paragraph”;

12 (F) in subsection (f)(2)(A), by striking
13 “subsection (k)(5), subsection (q), and subpara-
14 graph (D) of this paragraph” and inserting
15 “subsection (k)(5), subsection (q), subsection
16 (aa), and subparagraph (D) of this paragraph”;

17 (G) in subsection (g)(2), by striking
18 “Such” and inserting “Except as provided in
19 subsections (k)(5) and (aa), such”;

20 (H) in subsection (h)(2)(A), by inserting
21 “and subsection (aa)” after “subparagraphs
22 (B) and (C)”;

23 (I) in section 223(a)(2), by striking “sec-
24 tion 202(q)” and inserting “sections 202(q) and
25 202(aa)”.

1 (2) Section 209(k)(1) of such Act (402 U.S.C.
2 409(k)(1)) is amended by inserting
3 “202(aa)(3)(C)(i)(II),” before “203(f)(8)(B)(ii)”.

4 (c) EFFECTIVE DATE.—The amendments made by
5 this section shall apply with respect to monthly insurance
6 benefits payable for months in calendar years 2022
7 through 2026.

8 **SEC. 107. PROVIDING CAREGIVER CREDITS FOR SOCIAL SE-**
9 **CURITY.**

10 (a) IN GENERAL.—Title II of the Social Security Act
11 is amended by adding after section 234 (42 U.S.C. 434)
12 the following new section:

13 “DEEMED WAGES FOR CAREGIVERS OF DEPENDENT
14 RELATIVES

15 “SEC. 235. (a) DEFINITIONS.—For purposes of this
16 section—

17 “(1)(A) Subject to subparagraph (B), the term
18 ‘qualifying month’ means, in connection with an in-
19 dividual, any month during which such individual
20 was engaged for not less than 80 hours in providing
21 care to a dependent relative without monetary com-
22 pensation.

23 “(B) The term ‘qualifying month’ does not in-
24 clude any month ending after the date on which
25 such individual attains retirement age (as defined in
26 section 216(l)).

1 “(2) The term ‘dependent relative’ means, in
2 connection with an individual—

3 “(A) a child, grandchild, niece, or nephew
4 (of such individual or such individual’s spouse
5 or domestic partner), or a child to which the in-
6 dividual or the individual’s spouse or domestic
7 partner is standing in loco parentis, who is
8 under the age of 12; or

9 “(B) a child, grandchild, niece, or nephew
10 (of such individual or such individual’s spouse
11 or domestic partner), a child to which the indi-
12 vidual or the individual’s spouse or domestic
13 partner is standing in loco parentis, a parent,
14 grandparent, sibling, aunt, or uncle (of such in-
15 dividual or his or her spouse or domestic part-
16 ner), or such individual’s spouse or domestic
17 partner, if such child, grandchild, niece, neph-
18 ew, parent, grandparent, sibling, aunt, uncle,
19 spouse, or domestic partner is a chronically de-
20 pendent individual.

21 “(3)(A) The term ‘chronically dependent indi-
22 vidual’ means an individual who—

23 “(i) is dependent on a daily basis on verbal
24 reminding, physical cueing, supervision, or
25 other assistance provided to the individual by

1 another person in the performance of at least
2 two of the activities of daily living (described in
3 subparagraph (B)) or instrumental activities of
4 daily living (described in subparagraph (C));
5 and

6 “(ii) without the assistance described in
7 clause (i), could not perform such activities of
8 daily living or instrumental activities of daily
9 living.

10 “(B) The ‘activities of daily living’ referred to
11 in subparagraph (A) means basic personal everyday
12 activities, including—

13 “(i) eating;

14 “(ii) bathing;

15 “(iii) dressing;

16 “(iv) toileting; and

17 “(v) transferring in and out of a bed or in
18 and out of a chair.

19 “(C) The ‘instrumental activities of daily living’
20 referred to in subparagraph (A) means activities re-
21 lated to living independently in the community, in-
22 cluding—

23 “(i) meal planning and preparation;

24 “(ii) managing finances;

1 “(iii) shopping for food, clothing, or other
2 essential items;

3 “(iv) performing essential household
4 chores;

5 “(v) communicating by phone or other
6 form of media; and

7 “(vi) traveling around and participating in
8 the community.

9 “(b) DEEMED WAGES OF CAREGIVER.—(1)(A) For
10 purposes of determining entitlement to and the amount
11 of any monthly benefit for any month after December
12 2021, or entitlement to and the amount of any lump-sum
13 death payment in the case of a death after such month,
14 payable under this title on the basis of the wages and self-
15 employment income of any individual, and for purposes
16 of section 216(i)(3), such individual shall be deemed to
17 have been paid during each qualifying month (in addition
18 to wages or self-employment income actually paid to or
19 derived by such individual during such month) at an
20 amount per month equal to—

21 “(i) in the case of a qualifying month during
22 which no wages or self-employment income were ac-
23 tually paid to or derived by such individual, 50 per-
24 cent of $\frac{1}{12}$ of the national average wage index (as
25 defined in section 209(k)(1)) for the second calendar

1 year preceding the calendar year in which such
2 month occurs; and

3 “(ii) in the case of any other qualifying month,
4 the excess of the amount determined under clause (i)
5 over $\frac{1}{2}$ of the wages or self-employment income ac-
6 tually paid to or derived by such individual during
7 such month.

8 “(B) In any case in which there are more than 60
9 qualifying months for an individual, only the last 60 of
10 such months shall be taken into account for purposes of
11 this section.

12 “(2) Paragraph (1) shall not be applicable in the case
13 of any monthly benefit or lump-sum death payment if a
14 larger such benefit or payment, as the case may be, would
15 be payable without its application.

16 “(3) Any assistance or support services provided to
17 caregivers under section 1720G of title 38, United States
18 Code, shall not be considered wages or self-employment
19 income for the purposes of determining entitlement to and
20 the amount of any monthly benefit payable under this sub-
21 section.

22 “(c) RULES AND REGULATIONS.—(1) Not later than
23 1 year after the date of the enactment of this section, the
24 Commissioner of Social Security shall promulgate such
25 regulations as are necessary to carry out this section and

1 to prevent fraud and abuse with respect to the benefits
2 under this section, including regulations establishing pro-
3 cedures for the application and certification requirements
4 described in paragraph (2).

5 “(2) A qualifying month shall not be taken into ac-
6 count under this section with respect to an individual un-
7 less—

8 “(A) the individual submits to the Commis-
9 sioner of Social Security an application for benefits
10 under this section that includes—

11 “(i) the name and identifying information
12 of the dependent relative with respect to whom
13 the individual was engaged in providing care
14 during such month;

15 “(ii) if the dependent relative is not a child
16 under the age of 12, documentation from the
17 physician of the dependent relative explaining
18 why the dependent relative is a chronically de-
19 pendent individual; and

20 “(iii) such other information as the Com-
21 missioner may require to verify the status of
22 the dependent relative; and

23 “(B) for every qualifying month or period of up
24 to 12 consecutive qualifying months that occurs
25 after the first period of 12 consecutive qualifying

1 months, the individual certifies, in such form and
2 manner as the Commissioner shall require, that the
3 information provided in the individual’s application
4 for benefits under this section has not changed.”.

5 (b) CONFORMING AMENDMENT.—Section 209(k)(1)
6 of such Act (42 U.S.C. 409(k)(1)) is amended—

7 (1) by striking “and” before “230(b)(2)” the
8 first time it appears; and

9 (2) by inserting “and 235(b)(1)(A)(i),” after
10 “1977),”.

11 (c) EFFECTIVE DATE.—The amendments made by
12 this section shall apply with respect to applications for
13 monthly insurance benefits filed in months in calendar
14 years 2022 through 2026 and with respect to individuals
15 entitled to such benefits during any such month, except
16 that such amendments shall not apply for purposes of de-
17 termining continuing eligibility or monthly benefit
18 amounts for monthly insurance benefits for any month
19 after calendar year 2026.

20 **SEC. 108. ELIMINATING THE 5-MONTH WAITING PERIOD**
21 **FOR DISABILITY BENEFITS.**

22 (a) IN GENERAL.—Section 223(a) of the Social Secu-
23 rity Act (42 U.S.C. 423(a)) is amended—

24 (1) in paragraph (1), in the matter following
25 subparagraph (E), by striking “(i) for each month”

1 and all that follows through “under such disability,”
2 and inserting “for each month beginning with the
3 first month during all of which the individual is
4 under a disability and in which the individual be-
5 comes entitled to such insurance benefits”; and

6 (2) in paragraph (2)—

7 (A) by striking “as though he had attained
8 age 62” and all that follows through “and as
9 though” and inserting “as though he had at-
10 tained age 62 in the first month for which he
11 becomes entitled to such disability insurance
12 benefits, and as though”; and

13 (B) by striking “in or before the first
14 month referred to in subparagraph (A) or (B)
15 of such sentence, as the case may be,” and in-
16 serting “in or before such month,”.

17 (b) DISABLED SURVIVING SPOUSES.—Section 202 of
18 the Social Security Act (42 U.S.C. 402) is amended—

19 (1) in subsection (e)—

20 (A) in paragraph (1)—

21 (i) in subparagraph (C)(ii)(III), by
22 striking “paragraph (8)” and inserting
23 “paragraph (6)”; and

24 (ii) by striking “beginning with—”
25 and all that follows through “and ending”

1 and inserting “beginning with the first
2 month in which she becomes so entitled to
3 such insurance benefits and ending”; and

4 (B) by striking paragraph (5) and redesi-
5 gnating paragraphs (6) through (8) as para-
6 graphs (5) through (7), respectively;

7 (2) in subsection (f)—

8 (A) in paragraph (1)—

9 (i) in subparagraph (C)(ii)(III), by
10 striking “paragraph (8)” and inserting
11 “paragraph (6)”; and

12 (ii) by striking “beginning with—”
13 and all that follows through “and ending”
14 and inserting “beginning with the first
15 month in which he becomes so entitled to
16 such insurance benefits and ending”; and

17 (B) by striking paragraph (5) and redesi-
18 gnating paragraphs (6) through (8) as para-
19 graphs (5) through (7), respectively.

20 (c) EFFECTIVE DATE.—The amendments made by
21 this section shall apply with respect to individuals who be-
22 come entitled to monthly insurance benefits in months in
23 calendar years 2022 through 2026.

1 **SEC. 109. ESTABLISHING A GRADUAL OFFSET FOR DIS-**
2 **ABILITY BENEFICIARIES WITH EARNINGS.**

3 (a) **ELIMINATION OF TERMINATION OF BENEFITS**
4 **DUE TO WORK ACTIVITY.—**

5 (1) **DATE OF TERMINATION OF DISABILITY**
6 **BENEFITS; ELIMINATION OF EXTENDED PERIOD OF**
7 **ELIGIBILITY.—**Section 223(a)(1) of the Social Secu-
8 rity Act (42 U.S.C. 423(a)(1)) is amended, in the
9 matter following subparagraph (E), by striking “;
10 except that, in the case of an individual who has a
11 period of trial work which ends as determined by ap-
12 plication of section 222(c)(4)(A), the termination
13 month shall be the earlier of (I) the third month fol-
14 lowing the earliest month after the end of such pe-
15 riod of trial work with respect to which such indi-
16 vidual is determined to no longer be suffering from
17 a disabling physical or mental impairment, or (II)
18 the third month following the earliest month in
19 which such individual engages or is determined able
20 to engage in substantial gainful activity, but in no
21 event earlier than the first month occurring after the
22 36 months following such period of trial work in
23 which he engages or is determined able to engage in
24 substantial gainful activity”.

25 (2) **DATE OF TERMINATION OF CHILD’S BENE-**
26 **FITS.—**Section 202(d)(1)(G)(i) of such Act (42

1 U.S.C. 402(d)(1)(G)(i)) is amended by striking
2 “ceases; except that,” and all that follows through
3 “substantial gainful activity),” and inserting
4 “ceases),”.

5 (3) DATE OF TERMINATION OF WIDOW’S AND
6 WIDOWER’S BENEFITS.—Subsections (e)(1) and
7 (f)(1) of section 202 of such Act (42 U.S.C. 402)
8 are each amended, in the matter following subpara-
9 graph (F), by striking “ceases; except that,” and all
10 that follows through the end and inserting “ceases.”.

11 (4) ELIMINATION OF TRIAL WORK PERIOD.—
12 Section 222 of such Act (42 U.S.C. 422) is amended
13 by striking subsection (c).

14 (5) ELIMINATION OF WORK-RELATED TERMI-
15 NATION OF HOSPITAL INSURANCE BENEFITS.—Sec-
16 tion 226(b) of such Act (42 U.S.C. 426(b)) is
17 amended, in the matter following paragraph (2), by
18 striking “For purposes of this subsection” and all
19 that follows through the end.

20 (6) CONFORMING AMENDMENT RELATED TO
21 EXPEDITED REINSTATEMENT.—Section 223 of such
22 Act (42 U.S.C. 423) is amended by striking sub-
23 section (i).

24 (b) BENEFIT REDUCTION BASED ON EARNINGS DE-
25 RIVED FROM SERVICES.—

1 (1) IN GENERAL.—Section 223(e) of such Act
2 (42 U.S.C. 423(e)) is amended to read as follows:

3 “(e)(1) Any benefit otherwise payable to an individual
4 for a month under subsection (d)(1)(B)(ii), (d)(6)(A)(ii),
5 (d)(6)(B), (e)(1)(B)(ii), or (f)(1)(B)(ii) of section 202 or
6 under subsection (a)(1) of this section shall be reduced
7 by \$1 for each \$2 by which the individual’s earnings de-
8 rived from services for such month exceeds the amount
9 specified in paragraph (2) with respect to such month, ex-
10 cept that such benefit may not be reduced below \$0.

11 “(2) The amount specified in this paragraph with re-
12 spect to a month shall be the amount of monthly earnings
13 derived from services established by the Commissioner
14 (under regulations issued pursuant to section
15 223(d)(4)(A)) to represent substantial gainful activity in
16 the case of a blind individual for such month.

17 “(3) In the case of a benefit otherwise payable to an
18 individual for a month under section 202 on the basis of
19 the wages and self-employment income of an individual
20 whose benefit is reduced pursuant to paragraph (1), such
21 benefit shall be reduced for such month by the same pro-
22 portion as the reduction made pursuant to paragraph
23 (1).”.

24 (2) CONFORMING AMENDMENT.—Section
25 223(a)(2) of such Act (42 U.S.C. 423(a)(2)) is

1 amended by striking “and section 215(b)(2)(A)(ii)”
2 and inserting “, section 215(b)(2)(A)(ii), and sub-
3 section (e) of this section”.

4 (c) EFFECTIVE DATE.—The amendments made by
5 this section shall apply with respect to months in calendar
6 years 2022 through 2026.

7 **SEC. 110. REPEALING THE GOVERNMENT PENSION OFFSET**
8 **AND WINDFALL ELIMINATION PROVISIONS.**

9 (a) REPEAL OF GOVERNMENT PENSION OFFSET
10 PROVISION.—

11 (1) IN GENERAL.—Section 202(k) of the Social
12 Security Act (42 U.S.C. 402(k)) is amended by
13 striking paragraph (5).

14 (2) CONFORMING AMENDMENTS.—

15 (A) Section 202(b)(2) of the Social Secu-
16 rity Act (42 U.S.C. 402(b)(2)) is amended by
17 striking “subsections (k)(5) and (q)” and in-
18 serting “subsection (q)”.

19 (B) Section 202(c)(2) of such Act (42
20 U.S.C. 402(c)(2)) is amended by striking “sub-
21 sections (k)(5) and (q)” and inserting “sub-
22 section (q)”.

23 (C) Section 202(e)(2)(A) of such Act (42
24 U.S.C. 402(e)(2)(A)) is amended by striking

1 “subsection (k)(5), subsection (q),” and insert-
2 ing “subsection (q)”.

3 (D) Section 202(f)(2)(A) of such Act (42
4 U.S.C. 402(f)(2)(A)) is amended by striking
5 “subsection (k)(5), subsection (q)” and insert-
6 ing “subsection (q)”.

7 (b) REPEAL OF WINDFALL ELIMINATION PROVI-
8 SIONS.—

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

11 (A) in subsection (a), by striking para-
12 graph (7);

13 (B) in subsection (d), by striking para-
14 graph (3); and

15 (C) in subsection (f), by striking para-
16 graph (9).

17 (2) CONFORMING AMENDMENTS.—Subsections
18 (e)(2) and (f)(2) of section 202 of such Act (42
19 U.S.C. 402) are each amended by striking “section
20 215(f)(5), 215(f)(6), or 215(f)(9)(B)” in subpara-
21 graphs (C) and (D)(i) and inserting “paragraph (5)
22 or (6) of section 215(f)”.

23 (c) EFFECTIVE DATE.—

24 (1) IN GENERAL.—The amendments made by
25 this section shall apply with respect to monthly in-

1 insurance benefits payable for months in calendar
2 years 2022 through 2026.

3 (2) RECOMPUTATION OF PRIMARY INSURANCE
4 AMOUNTS.—Notwithstanding section 215(f) of the
5 Social Security Act, the Commissioner of Social Se-
6 curity shall recompute primary insurance amounts
7 to the extent necessary—

8 (A) to carry out the amendments made by
9 this section; and

10 (B) to account for the nonapplication of
11 such amendments after calendar year 2026.

12 **SEC. 111. EXTENDING THE CHILD’S BENEFIT FOR POST-**
13 **SECONDARY SCHOOL STUDENTS UNDER AGE**
14 **26.**

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 qualifying post-secondary
2 school student and had not attained the
3 age of 26, 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 QUALIFYING 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 ‘qualifying
13 post-secondary school student’ is an indi-
14 vidual who is in at least half-time attend-
15 ance as a student at a post-secondary edu-
16 cational institution” before “, as deter-
17 mined by the Commissioner”;

18 (ii) by inserting “or a ‘qualifying 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”;

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

4 (v) by inserting “or a qualifying post-
5 secondary school student” before “shall be
6 deemed”; and

7 (B) in subparagraph (B)—

8 (i) by inserting “or a qualifying post-
9 secondary school student” before “during
10 any period”;

11 (ii) by inserting “or, in the case of a
12 qualifying post-secondary school student,
13 any period of nonattendance at a post-sec-
14 ondary educational institution at which the
15 individual has been in at least half-time at-
16 tendance” after “full-time attendance”;
17 and

18 (iii) inserting “or, in the case of a
19 qualifying post-secondary school student,
20 in at least half-time attendance at a post-
21 secondary educational institution” before
22 “immediately following such period” each
23 place it appears.

24 (2) TRANSITION FROM ELEMENTARY OR SEC-
25 ONDARY SCHOOL.—Section 202(d)(7)(B) of such Act

1 (42 U.S.C. 402(d)(7)(B)) is amended by adding at
2 the end the following sentence: “An individual who
3 has been in full-time attendance at an elementary or
4 secondary school shall, during a succeeding period of
5 nonattendance at such school, be deemed to be a
6 qualifying post-secondary school student if (i) such
7 period is 4 calendar months or less, and (ii) the indi-
8 vidual shows to the satisfaction of the Commissioner
9 that he intends to be in at least half-time attendance
10 at a post-secondary educational institution imme-
11 diately following such period.”.

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

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

20 (d) CONFORMING AMENDMENTS.—

21 (1) Section 202(d)(1)(E) of such Act (42
22 U.S.C. 402(d)(1)(E)) is amended by inserting “or a
23 qualifying post-secondary school student” after “stu-
24 dent”.

1 (2) Section 202(d)(1)(F) of such Act (42
2 U.S.C. 402(d)(1)(F)) is amended by striking “the
3 earlier of—” and all that follows through “the age
4 of 19,” and inserting the following: “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 qualifying
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 qualifying 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 26,”.

15 (3) Section 202(d)(1)(G) of such Act (42
16 U.S.C. 402(d)(1)(G)) is amended by striking “(if
17 later)” and all that follows through the “the age of
18 19,” and inserting the following: “(if later) the ear-
19 lier 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 qualifying
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 qualifying 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 26,”.

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

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

10 “(ii) is a qualifying post-secondary school
11 student and has not attained the age of 26, or

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

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

17 “(D) the earlier of—

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

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

1 “(iii) the month in which the child at-
2 tains the age of 26,
3 but only if he is not under a disability (as so
4 defined) in such earlier month; or”.

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

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

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

17 “(iii) the month in which the child at-
18 tains the age of 26.”.

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

21 (A) by striking “A child who” and insert-
22 ing “(i) A child who”;

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

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

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

5 “(ii) A child who attains age 26 at a time
6 when he is a qualifying post-secondary school
7 student (as defined in subparagraph (A) of this
8 paragraph and without application of subpara-
9 graph (B) of such paragraph) but has not (at
10 such time) completed the requirements for, or
11 received, a diploma or equivalent certificate
12 from a post-secondary educational institution
13 (as defined in subparagraph (C)(iii)) shall be
14 deemed (for purposes of determining whether
15 his entitlement to benefits under this subsection
16 has terminated under paragraph (1)(F) and for
17 purposes of determining his initial entitlement
18 to such benefits under clause (iii) of paragraph
19 (1)(B)) not to have attained such age until the
20 first day of the first month following the end of
21 the quarter or semester in which he is enrolled
22 at such time (or, if the post-secondary edu-
23 cational institution (as so defined) in which he
24 is enrolled is not operated on a quarter or se-
25 mester system, until the first day of the first

1 month following the completion of the course in
2 which he is so enrolled or until the first day of
3 the third month beginning after such time,
4 whichever first occurs).”.

5 (e) EFFECTIVE DATE.—The amendments made by
6 this section shall apply with respect to applications for
7 child’s insurance benefits filed in months in calendar years
8 2022 through 2026 and with respect to individuals enti-
9 tled to such benefits during any such month, except that
10 such amendments shall not apply for purposes of deter-
11 mining continuing eligibility for child’s insurance benefits
12 for any month after calendar year 2026.

13 **SEC. 112. INCREASING ACCESS TO BENEFITS FOR CHIL-**
14 **DREN WHO LIVE WITH GRANDPARENTS OR**
15 **OTHER RELATIVES.**

16 (a) IN GENERAL.—Title II of the Social Security Act
17 (42 U.S.C. 401 et seq.) is amended—

18 (1) in section 202(d)—

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

22 (B) by amending paragraph (9) to read as
23 follows:

24 “(9)(A) In the case of a child who is the child of an
25 individual under clause (3) of the first sentence of section

1 216(e) and is not a child of such individual under clause
2 (1) or (2) of such first sentence, the criteria specified in
3 subparagraph (B) shall apply instead of the criteria speci-
4 fied in subparagraph (C) of paragraph (1).

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

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

9 “(ii) the child has been receiving not less than
10 $\frac{1}{2}$ of the child’s support from such individual for a
11 period of not less than 12 months; and

12 “(iii) the period during which the child was liv-
13 ing with such individual began before the child at-
14 tained age 18.

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

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

24 (A) by striking “grandchild or
25 stepgrandchild of an individual or his spouse”

1 and inserting “grandchild, stepgrandchild, or
2 other first-degree, second-degree, third-degree,
3 fourth-degree, or fifth-degree relative of an indi-
4 vidual or the individual’s spouse”;

5 (B) by striking “was no natural or adop-
6 tive parent” and inserting “is no living natural
7 or adoptive parent”;

8 (C) by striking “was under a disability”
9 and inserting “is under a disability”;

10 (D) by striking “living at the time” and all
11 that follows through “, or (B)” and inserting “,
12 (B)”;

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

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

20 (1) by striking “subparagraphs (A), (B), and
21 (C)” and inserting “subparagraphs (A) and (B) and
22 subparagraph (C) or paragraph (9) (as applicable)”;
23 and

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

4 (c) EFFECTIVE DATE.—The amendments made by
 5 this section shall apply with respect to applications for
 6 child’s insurance benefits filed in months in calendar years
 7 2022 through 2026 and with respect to individuals enti-
 8 tled to such benefits during any such month, except that
 9 such amendments shall not apply for purposes of deter-
 10 mining continuing eligibility for child’s insurance benefits
 11 for any month after calendar year 2026.

12 **SEC. 113. PREVENTING AN UNINTENDED DROP IN BENE-**
 13 **FITS RELATING TO THE APPLICATION OF**
 14 **THE NATIONAL AVERAGE WAGE INDEX.**

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

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

19 (A) in subclause (I)—

20 (i) by striking “the national” and in-
 21 serting “(aa) the national”; and

22 (ii) by striking “, by” at the end and
 23 inserting “; or”; and

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

25 the following:

1 “(bb) if higher (and if such second
 2 calendar year is after 2021), the highest
 3 national average wage index (as so de-
 4 fined) for any calendar year before such
 5 second calendar year, by”;

6 (2) in subsection (b)(3)(A)(ii)—

7 (A) in subclause (I)—

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

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

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

13 the following:

14 “(bb) if higher (and if such second
 15 calendar year is after 2021), the highest
 16 national average wage index (as so de-
 17 fined) for any calendar year before such
 18 second calendar year, by”.

19 (b) MODIFICATION RELATED TO REDUCTION OF
 20 BENEFITS BASED ON DISABILITY.—Section
 21 224(f)(2)(B)(i) of such Act (42 U.S.C. 424(f)(2)(B)(i)) is
 22 amended by inserting “(or if higher (and if such calendar
 23 year is after 2021), the highest national average wage
 24 index (as so defined) for any calendar year before such
 25 calendar year)” after “made”.

1 **SEC. 114. HOLDING SSI, MEDICAID, AND CHIP BENE-**
 2 **FICIARIES 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 **TITLE II—STRENGTHENING THE**
 16 **TRUST FUND**

17 **SEC. 201. DETERMINING WAGES AND SELF-EMPLOYMENT**
 18 **INCOME ABOVE CONTRIBUTION AND BEN-**
 19 **EFIT BASE AFTER 2021.**

20 (a) DETERMINATION OF WAGES ABOVE CONTRIBU-
 21 TION AND BENEFIT BASE AFTER 2021.—

22 (1) AMENDMENTS TO THE INTERNAL REVENUE
 23 CODE OF 1986.—

24 (A) REPEAL OF PRESENT LAW LIMITA-
 25 TION.—Section 3121(a) of the Internal Revenue

1 Code of 1986 is amended by striking paragraph
2 (1).

3 (B) LIMITATION ON AMOUNT OF WAGES.—

4 Section 3121 of the Internal Revenue Code of
5 1986 is amended by adding at the end the fol-
6 lowing:

7 “(aa) LIMITATION ON AMOUNT OF WAGES.—

8 “(1) IN GENERAL.—In the case of any calendar
9 year in which the contribution and benefit base (as
10 determined under section 230 of the Social Security
11 Act) is less than \$400,000, for purposes of the taxes
12 imposed by sections 3101(a) and 3111(a), the term
13 ‘wages’ does not include that part of the remunera-
14 tion which, after remuneration equal to such con-
15 tribution and benefit base with respect to employ-
16 ment has been paid to an individual by an employer
17 during the calendar year with respect to which such
18 contribution and benefit base is effective, is paid to
19 such individual by such employer during the cal-
20 endar year. The preceding sentence shall not apply
21 to that part of the remuneration paid to an indi-
22 vidual after remuneration of \$400,000 with respect
23 to employment has been paid to such individual by
24 an employer (or any person related to, or acting on

1 behalf of, such employer, as determined by the Sec-
2 retary) during the calendar year.

3 “(2) SUCCESSOR EMPLOYER.—If an employer
4 (hereinafter referred to as successor employer) dur-
5 ing any calendar year, acquires substantially all the
6 property used in a trade or business of another em-
7 ployer (hereinafter referred to as a predecessor), or
8 used in a separate unit of a trade or business of a
9 predecessor, and immediately after the acquisition
10 employs in his trade or business an individual who
11 immediately prior to the acquisition was employed in
12 the trade or business of such predecessor, then, for
13 the purpose of determining whether the successor
14 employer has paid remuneration with respect to em-
15 ployment equal to the contribution and benefit base
16 (as determined under section 230 of the Social Secu-
17 rity Act) to such individual during such calendar
18 year, any remuneration with respect to employment
19 paid (or considered under this paragraph as having
20 been paid) to such individual by such predecessor
21 during such calendar year and prior to such acquisi-
22 tion shall be considered as having been paid by such
23 successor employer.

24 “(3) REMUNERATION.—For purposes of this
25 subsection, the term ‘remuneration’ does not include

1 remuneration referred to in any paragraph of sub-
2 section (a).”.

3 (C) APPLICATION TO RAILROAD RETIRE-
4 MENT.—

5 (i) IN GENERAL.—Section
6 3231(e)(2)(A) of the Internal Revenue
7 Code of 1986 is amended by adding at the
8 end the following new clause:

9 “(iv) LIMITATION ON EXCLUSION.—
10 For purposes of so much of the taxes im-
11 posed by sections 3201(a), 3211(a) and
12 3221(a) as are determined by reference to
13 the rate in effect under section 3101(a) or
14 3111(a)—

15 “(I) in the case of any calendar
16 year in which the contribution and
17 benefit base (as determined under sec-
18 tion 230 of the Social Security Act) is
19 less than \$400,000, clause (i) shall
20 not apply to that part of the remu-
21 neration paid to an individual after
22 remuneration of \$400,000 for services
23 rendered as an employee has been
24 paid to such individual by an em-
25 ployer (or any person related to, or

1 acting on behalf of, such employer, as
2 determined by the Secretary) during
3 the calendar year, and

4 “(II) in the case of any calendar
5 year in which such contribution and
6 benefit base equals or exceeds
7 \$400,000, clause (i) shall not apply.”.

8 (ii) EXCLUSION OF REMUNERATION
9 WHICH IS NOT TREATED AS COMPENSA-
10 TION.—Section 3231(e)(2)(A)(ii) of the In-
11 ternal Revenue Code of 1986 is amended
12 by inserting “or (iv)” after “under clause
13 (i)”.

14 (D) CONFORMING AMENDMENT.—Section
15 3231(e)(2)(C) of the Internal Revenue Code of
16 1986 is amended by striking “the second sen-
17 tence of section 3121(a)(1)” and inserting “sec-
18 tion 3121(aa)(2)”.

19 (2) AMENDMENT TO THE SOCIAL SECURITY
20 ACT.—Section 209(a)(1)(I) of the Social Security
21 Act (42 U.S.C. 409(a)(1)(I)) is amended by insert-
22 ing before the semicolon at the end the following:
23 “except that this subparagraph shall apply only to
24 calendar years for which the contribution and ben-
25 efit base (as so determined) is less than \$400,000,

1 and, for such calendar years, only to the extent that
2 remuneration with respect to employment paid to
3 such employee does not exceed \$400,000”.

4 (b) DETERMINATION OF SELF-EMPLOYMENT IN-
5 COME ABOVE CONTRIBUTION AND BENEFIT BASE AFTER
6 2021.—

7 (1) AMENDMENTS TO INTERNAL REVENUE
8 CODE OF 1986.—

9 (A) IN GENERAL.—Section 1402(b) of the
10 Internal Revenue Code of 1986 is amended to
11 read as follows:

12 “(b) SELF-EMPLOYMENT INCOME.—

13 “(1) IN GENERAL.—The term ‘self-employment
14 income’ means the net earnings from self-employ-
15 ment derived by an individual, except that such term
16 shall not include net earnings from self-employment
17 if such net earnings for the taxable year are less
18 than \$400.

19 “(2) LIMITATION ON OASDI TAX.—For purposes
20 of section 1401(a), the term ‘self employment in-
21 come’ shall not exceed the sum of—

22 “(A) the total compensation not in excess
23 of the contribution and benefit base (as deter-
24 mined under section 230 of the Social Security
25 Act) which is effective for the calendar year in

1 which such taxable year begins, reduced by the
2 amount of wages not in excess of such base
3 paid to such individual during the taxable year,
4 plus

5 “(B) the total compensation in excess of
6 the greater of—

7 “(i) \$400,000, or

8 “(ii) the amount of wages paid to
9 such individual during the taxable year.

10 “(3) DEFINITION AND SPECIAL RULES.—

11 “(A) TOTAL COMPENSATION.—For pur-
12 poses of paragraph (2), the term ‘total com-
13 pensation’ means the sum of the net earnings
14 from self-employment and the amount of wages
15 paid to such individual during the taxable year.

16 “(B) WAGES.—For purposes of this sub-
17 section, the term ‘wages’—

18 “(i) includes such remuneration paid
19 to an employee for services included under
20 an agreement entered into pursuant to the
21 provisions of section 3121(l) (relating to
22 coverage of citizens of the United States
23 who are employees of foreign affiliates of
24 American employers) as would be wages
25 under section 3121(a) if such services con-

1 stituted employment under section
2 3121(b), and

3 “(ii) includes compensation which is
4 subject to the tax imposed by section 3201
5 or 3211 (or would be so subject but for
6 paragraph (2) of section 3231(e)).

7 “(C) NONRESIDENT ALIENS.—A non-
8 resident alien individual shall not be treated as
9 an individual for purposes of paragraph (1), ex-
10 cept as provided by an agreement under section
11 233 of the Social Security Act. An individual
12 who is not a citizen of the United States but
13 who is a resident of the Commonwealth of
14 Puerto Rico, the Virgin Islands, Guam, or
15 American Samoa shall not, for purposes of this
16 chapter, be considered to be a nonresident alien
17 individual.

18 “(D) CHURCH EMPLOYEE.—In the case of
19 church employee income, the special rules of
20 subsection (j)(2) shall apply for purposes of
21 paragraph (1).”.

22 (B) CONFORMING AMENDMENTS.—

23 (i) Section 1402(j)(2)(A) of the Inter-
24 nal Revenue Code of 1986 is amended by

1 striking all that precedes “shall be ap-
 2 plied” and inserting:

3 “(A) SEPARATE APPLICATION OF DE MINI-
 4 MIS RULE.—Subsection (b)(1)”.

5 (ii) Section 1402(j)(2)(B) of such
 6 Code is amended by striking “paragraph
 7 (2) of subsection (b)” and inserting “sub-
 8 section (b)(1)”.

9 (2) AMENDMENTS TO THE SOCIAL SECURITY
 10 ACT.—

11 (A) IN GENERAL.—Section 211(b)(1) of
 12 the Social Security Act (42 U.S.C. 411(b)) is
 13 amended—

14 (i) in subparagraph (I)—

15 (I) by inserting “and before
 16 2022” after “1974”; and

17 (II) by striking “or” at the end;
 18 and

19 (ii) by adding at the end the fol-
 20 lowing:

21 “(J) For any taxable year beginning in any
 22 calendar year after 2021, an amount equal to—

23 “(i) \$400,000, reduced (but not below
 24 zero) by

25 “(ii) the sum of—

1 “(I) the part of the net earnings
2 from self-employment (if any) which is
3 not in excess of—

4 “(aa) the amount equal to
5 the contribution and benefit base
6 (as determined under section
7 230) which is effective for the
8 calendar year in which such tax-
9 able year begins, minus

10 “(bb) the amount of the
11 wages paid to such individual
12 during such taxable year, plus

13 “(II) the amount of the wages
14 paid to such individual during such
15 taxable year which is in excess of the
16 amount in subclause (I)(aa); or”.

17 (B) PHASEOUT.—Section 211(b) of the
18 Social Security Act (42 U.S.C. 411(b)) is
19 amended by adding at the end the following:
20 “Paragraph (1) shall apply only to taxable
21 years beginning in calendar years for which the
22 contribution and benefit base (as determined
23 under section 230) is less than \$400,000.”.

24 (c) SPECIAL RULE FOR WAGES FROM MULTIPLE
25 EMPLOYERS WHICH TOTAL IN EXCESS OF \$400,000.—

1 (1) IN GENERAL.—Subchapter A of chapter 21
2 of the Internal Revenue Code of 1986 is amended by
3 adding at the end the following new section:

4 **“SEC. 3103. SPECIAL RULES FOR REMUNERATION FROM**
5 **MULTIPLE EMPLOYERS.**

6 “(a) IN GENERAL.—In the case of an employee re-
7 ceiving wages from more than one employer during a cal-
8 endar year, there is hereby imposed a tax on such em-
9 ployee (for the last taxable year beginning in the calendar
10 year the wages are received) equal to the excess (if any)
11 of—

12 “(1) the tax that would have been imposed by
13 section 3101(a) if such wages had been received
14 from one employer, over

15 “(2) the aggregate tax imposed by such section
16 with respect to such wages.

17 “(b) COORDINATION WITH SPECIAL REFUND PROVI-
18 SION.—No credit shall be determined under section 31(b)
19 with respect to any employee for any taxable year unless
20 the amount described in subsection (a)(1) with respect to
21 wages received during the calendar year in which such tax-
22 able year begins exceeds the amount described in sub-
23 section (a)(2) with respect to such wages, and the amount
24 of such credit so determined shall not exceed such excess.

1 “(c) WAGES.—For purposes of this section, the term
2 ‘wages’ shall have the same meaning as when used in sec-
3 tion 1402(b).

4 “(d) APPLICATION TO TIER I RAILROAD RETIRE-
5 MENT TAX.—In the case of compensation (as defined in
6 section 3231(e)), for purposes of applying subsections (a)
7 and (b), the reference to the tax that would have been
8 imposed by section 3101(a) shall be treated as including
9 a reference to so much of the tax that would have been
10 imposed on such compensation under section 3201(a) or
11 3211(a) (or would have been so imposed but for paragraph
12 (2) of section 3231(e)) as is determined by reference to
13 the rate of tax in effect under section 3101(a).”.

14 (2) FAILURE BY INDIVIDUAL TO PAY ESTI-
15 MATED INCOME TAX.—Subsection (m) of section
16 6654 of the Internal Revenue Code of 1986 is
17 amended to read as follows:

18 “(m) SPECIAL RULE FOR CERTAIN EMPLOYMENT
19 TAXES.—For purposes of this section, the tax imposed by
20 sections 3101(b)(2) (to the extent not withheld) and the
21 tax imposed by section 3103 shall be treated as taxes im-
22 posed by chapter 2.”.

23 (3) CLERICAL AMENDMENT.—The table of sec-
24 tions for subchapter A of chapter 21 of the Internal

1 Revenue Code of 1986 is amended by adding at the
2 end the following new item:

“Sec. 3103. Special rules for remuneration from multiple employers.”.

3 (d) EFFECTIVE DATES.—

4 (1) IN GENERAL.—Except as otherwise pro-
5 vided in this subsection, the amendments made by
6 this section shall apply to remuneration paid in cal-
7 endar years after 2021.

8 (2) SELF-EMPLOYMENT INCOME.—The amend-
9 ments made by subsection (b) shall apply to taxable
10 years beginning after December 31, 2021.

11 **SEC. 202. INCLUDING EARNINGS OVER \$400,000 IN SOCIAL**
12 **SECURITY BENEFIT FORMULA.**

13 (a) INCLUSION OF EARNINGS OVER \$400,000 IN DE-
14 TERMINATION OF PRIMARY INSURANCE AMOUNTS.—Sec-
15 tion 215(a)(1)(A) of the Social Security Act (42 U.S.C.
16 415(a)(1)(A)) is amended—

17 (1) in clause (ii), by striking “and” at the end;

18 (2) in clause (iii), by inserting “and” at the
19 end; and

20 (3) by inserting after clause (iii) the following:

21 “(iv) 1 percent of the individual’s excess aver-
22 age indexed monthly earnings (as defined in sub-
23 section (b)(5)(A)).”.

1 (b) DEFINITION OF EXCESS AVERAGE INDEXED
2 MONTHLY EARNINGS.—Section 215(b) of the Social Secu-
3 rity Act (42 U.S.C. 415(b)) is amended—

4 (1) by striking “wages” and “self-employment
5 income” each place such terms appear and inserting
6 “basic wages” and “basic self-employment income”,
7 respectively; and

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

9 “(5)(A) An individual’s excess average indexed
10 monthly earnings shall be equal to the amount of the indi-
11 vidual’s average indexed monthly earnings that would be
12 determined under this subsection by substituting ‘excess
13 wages’ for ‘basic wages’ and ‘excess self-employment in-
14 come’ for ‘basic self-employment income’ each place such
15 terms appear in this subsection (except in this paragraph).

16 “(B) For purposes of this subsection—

17 “(i) the term ‘basic wages’ means that portion
18 of the wages of an individual paid in a year that
19 does not exceed the contribution and benefit base for
20 the year;

21 “(ii) the term ‘basic self-employment income’
22 means that portion of the self-employment income of
23 an individual credited to a year that does not exceed
24 an amount equal to the contribution and benefit

1 base for the year minus the amount of the wages
2 paid to the individual in the year;

3 “(iii) the term ‘excess wages’ means that por-
4 tion of the wages of an individual paid in a year
5 after 2021 in excess of the higher of \$400,000 or
6 the contribution and benefit base for the year; and

7 “(iv) the term ‘excess self-employment income’
8 means that portion of the self-employment income of
9 an individual credited to a year after 2021 in excess
10 of the higher of \$400,000 or such contribution and
11 benefit base for the year.”.

12 (c) CONFORMING AMENDMENTS.—Title II of the So-
13 cial Security Act is amended—

14 (1) in section 203(a)(6)(A) (42 U.S.C.
15 403(a)(6)(A)), by striking “85 percent of such indi-
16 vidual’s average indexed monthly earnings” and in-
17 serting “the sum of 85 percent of such individual’s
18 average indexed monthly earnings and 1 percent of
19 such individual’s excess average indexed monthly
20 earnings (as defined in section 215(b)(5)(A))”;

21 (2) in section 212 (42 U.S.C. 412), by inserting
22 “excess average indexed monthly earnings,” after
23 “average indexed monthly earnings,” each place it
24 appears;

1 (3) in section 215(e)(1) (42 U.S.C. 415(e)(1)),
2 by inserting “and before 2022” after “after 1974”.

3 (d) **EFFECTIVE DATE.**—The amendments made by
4 this section shall apply with respect to individuals who ini-
5 tially become eligible (within the meaning of section
6 215(a)(3)(B) of the Social Security Act) for old-age or dis-
7 ability insurance benefits under title II of the Social Secu-
8 rity Act, or who die (before becoming eligible for such ben-
9 efits), in any calendar year after 2021.

10 **SEC. 203. ESTABLISHING THE SOCIAL SECURITY TRUST**
11 **FUND.**

12 (a) **IN GENERAL.**—Section 201(a) of the Social Secu-
13 rity Act (42 U.S.C. 401(a)) is amended to read as follows:

14 “(a) There is hereby created on the books of the
15 Treasury of the United States a trust fund to be known
16 as the ‘Social Security Trust Fund’. The Social Security
17 Trust Fund shall consist of the securities held by the Sec-
18 retary of the Treasury for the Federal Old-Age and Sur-
19 vivors Insurance Trust Fund and the Federal Disability
20 Insurance Trust Fund and the amount standing to the
21 credit of the Federal Old-Age and Survivors Insurance
22 Trust Fund and the Federal Disability Insurance Trust
23 Fund on the books of the Treasury on January 1 of the
24 first calendar year beginning after the date of the enact-
25 ment of section 203 of Social Security 2100: A Sacred

1 Trust, which securities and amount the Secretary of the
2 Treasury is authorized and directed to transfer to the So-
3 cial Security Trust Fund, and, in addition, such gifts and
4 bequests as may be made as provided in subsection (i)(1),
5 and such amounts as may be appropriated to, or deposited
6 in, the Social Security Trust Fund as hereinafter pro-
7 vided. There is hereby appropriated to the Social Security
8 Trust Fund for the first fiscal year that begins after date
9 of the enactment of section 203 of Social Security 2100:
10 A Sacred Trust, and for each fiscal year thereafter, out
11 of any moneys in the Treasury not otherwise appropriated,
12 amounts equivalent to 100 percent of—

13 “(1) the taxes imposed by chapter 21 (other
14 than sections 3101(b) and 3111(b)) of the Internal
15 Revenue Code of 1986 with respect to wages (as de-
16 fined in section 3121 of such Code) reported to the
17 Secretary of the Treasury pursuant to subtitle F of
18 the Internal Revenue Code of 1986, as determined
19 by the Secretary of the Treasury by applying the ap-
20 plicable rates of tax under such chapter (other than
21 sections 3101(b) and 3111(b)) to such wages, which
22 wages shall be certified by the Commissioner of So-
23 cial Security on the basis of the records of wages es-
24 tablished and maintained by such Commissioner in
25 accordance with such reports; and

1 “(2) the taxes imposed by chapter 2 (other than
2 section 1401(b)) of the Internal Revenue Code of
3 1986 with respect to self-employment income (as de-
4 fined in section 1402 of such Code) reported to the
5 Secretary of the Treasury on tax returns under sub-
6 title F of such Code, as determined by the Secretary
7 of the Treasury by applying the applicable rate of
8 tax under such chapter (other than section 1401(b))
9 to such self-employment income, which self-employ-
10 ment income shall be certified by the Commissioner
11 of Social Security on the basis of the records of self-
12 employment income established and maintained by
13 the Commissioner of Social Security in accordance
14 with such returns.

15 The amounts appropriated by paragraphs (1) and (2) shall
16 be transferred from time to time from the general fund
17 in the Treasury to the Social Security Trust Fund, such
18 amounts to be determined on the basis of estimates by
19 the Secretary of the Treasury of the taxes, specified in
20 paragraphs (1) and (2), paid to or deposited into the
21 Treasury; and proper adjustments shall be made in
22 amounts subsequently transferred to the extent prior esti-
23 mates were in excess of or were less than the taxes speci-
24 fied in such paragraphs (1) and (2). All amounts trans-
25 ferred to the Social Security Trust Fund under the pre-

1 ceding sentence shall be invested by the Managing Trustee
2 in the same manner and to the same extent as the other
3 assets of the Trust Fund. Notwithstanding the preceding
4 sentence, in any case in which the Secretary of the Treas-
5 ury determines that the assets of the Trust Fund would
6 otherwise be inadequate to meet the Trust Fund's obliga-
7 tions for any month, the Secretary of the Treasury shall
8 transfer to the Trust Fund on the first day of such month
9 the total amount which would have been transferred to
10 the Trust Fund under this section as in effect on October
11 1, 1990; and the Trust Fund shall pay interest to the gen-
12 eral fund on the amount so transferred on the first day
13 of any month at a rate (calculated on a daily basis, and
14 applied against the difference between the amount so
15 transferred on such first day and the amount which would
16 have been transferred to the Trust Fund up to that day
17 under the procedures in effect on January 1, 1983) equal
18 to the rate earned by the investments of the Trust Fund
19 in the same month under subsection (d).”.

20 (b) REQUIRED ACTUARIAL ANALYSIS.—Section
21 201(e) of the Social Security Act is amended by striking
22 the fourth sentence in the matter following paragraph (5)
23 and inserting the following: “Such report shall also include
24 actuarial analysis of the benefit cost with respect to dis-
25 abled beneficiaries and their auxiliaries, to retired bene-

1 ficiaries and their auxiliaries, and to survivor bene-
2 ficiaries.”.

3 (c) BOARD OF TRUSTEES.—

4 (1) BOARD OF TRUSTEES OF SOCIAL SECURITY
5 TRUST FUND.—Section 201(c) of the Social Security
6 Act, as amended by subsection (b) of this section, is
7 further amended in the matter preceding paragraph
8 (1) by striking “the Federal Old-Age and Survivors
9 Insurance Trust Fund and the Federal Disability
10 Insurance Trust Fund (hereinafter in this title
11 called the ‘Trust Funds’)” and inserting “the Social
12 Security Trust Fund (in this title referred to as the
13 ‘Trust Fund’)”.

14 (2) CONTINUITY OF BOARD OF TRUSTEES.—
15 The Board of Trustees of the Social Security Trust
16 Fund created by the amendment made by subsection
17 (a) shall be a continuous body with the Board of
18 Trustees of the Federal Old-Age and Survivors In-
19 surance Trust Fund and the Federal Disability In-
20 surance Trust Fund in operation prior to the effec-
21 tive date of such amendment. Individuals serving as
22 members of the Board of Trustees of the Federal
23 Old-Age and Survivors Insurance Trust Fund and
24 the Federal Disability Insurance Trust Fund as of
25 the effective date of such amendment shall serve the

1 remainder of their term as members of the Board of
2 Trustees of the Social Security Trust Fund.

3 (d) CONFORMING AMENDMENTS RELATED TO SO-
4 CIAL SECURITY TRUST FUND.—

5 (1) AMENDMENT TO SECTION HEADING.—The
6 section heading for section 201 of the Social Secu-
7 rity Act is amended to read as follows: “SOCIAL SE-
8 CURITY TRUST FUND”.

9 (2) BOARD OF TRUSTEES.—Section 201(c) of
10 such Act, as amended by subsections (b) and (c)(1),
11 is further amended—

12 (A) in the matter preceding paragraph (1),
13 by striking “Board of Trustees of the Trust
14 Funds” and inserting “Board of Trustees of
15 the Trust Fund”;

16 (B) in paragraph (1), by striking “Trust
17 Funds” and inserting “Trust Fund”;

18 (C) in paragraph (2)—

19 (i) by striking “Trust Funds” and in-
20 serting “Trust Fund”; and

21 (ii) by striking “their” and inserting
22 “its”;

23 (D) in paragraph (3), by striking “either
24 of the Trust Funds” and inserting “the Trust
25 Fund”;

1 (E) in paragraph (5)—

2 (i) by striking “managing the Trust
3 Funds” and inserting “managing the
4 Trust Fund”; and

5 (ii) by striking “Trust Funds are”
6 and inserting “Trust Fund is”;

7 (F) in the matter following paragraph (5),
8 by striking “Trust Funds” each place it ap-
9 pears and inserting “Trust Fund”; and

10 (G) in the second sentence in the matter
11 following paragraph (5), by striking “whether
12 the Federal Old-Age and Survivors Insurance
13 Trust Fund and the Federal Disability Insur-
14 ance Trust Fund, individually and collectively,
15 are” and inserting “whether the Social Security
16 Trust Fund is”.

17 (3) INVESTMENTS.—Section 201 of such Act is
18 amended in subsections (d) and (e) by striking
19 “Trust Funds” each place it appears and inserting
20 “Trust Fund”.

21 (4) CREDITING OF INTEREST AND PROCEEDS
22 TO TRUST FUNDS.—Section 201(f) of such Act is
23 amended—

24 (A) by striking “the Federal Old-Age and
25 Survivors Insurance Trust Fund and the Fed-

1 eral Disability Insurance Trust Fund shall be
2 credited to and form a part of the Federal Old-
3 Age and Survivors Insurance Trust Fund and
4 the Disability Insurance Trust Fund, respec-
5 tively” and inserting “the Social Security Trust
6 Fund shall be credited to and form a part of
7 the Social Security Trust Fund”;

8 (B) by striking “either of the Trust
9 Funds” and inserting “the Trust Fund”; and

10 (C) by striking “such Trust Fund” and in-
11 serting “the Trust Fund”.

12 (5) ADMINISTRATIVE COSTS.—Section 201(g) of
13 such Act is amended—

14 (A) in paragraph (1)—

15 (i) in subparagraph (A), by striking
16 “Of the amounts authorized to be made
17 available out of the Federal Old-Age and
18 Survivors Insurance Trust Fund and the
19 Federal Disability Insurance Trust Fund
20 under the preceding sentence” and all that
21 follows through “(Public Law 103–296).”;
22 and

23 (ii) in subparagraph (B)(i)—

24 (I) by striking subclauses (II)
25 and (III) and inserting the following:

1 “(II) the portion of such costs which
2 should have been borne by the Social Security
3 Trust Fund,”; and

4 (II) by redesignating subclauses
5 (IV) and (V) as subclauses (III) and
6 (IV);

7 (B) in paragraph (2)—

8 (i) by striking “Trust Funds” and in-
9 serting “Trust Fund”; and

10 (ii) by striking the last sentence; and

11 (C) in paragraph (4), by striking “Trust
12 Funds” each place it appears and inserting
13 “Trust Fund”.

14 (6) BENEFIT PAYMENTS.—Section 201(h) of
15 such Act is amended to read as follows:

16 “(h) All benefit payments required to be made under
17 this title shall be made only from the Social Security Trust
18 Fund.”.

19 (7) GIFTS.—Section 201(i) of such Act is
20 amended—

21 (A) in paragraph (1), by striking “the
22 Federal Old-Age and Survivors Insurance Trust
23 Fund, the Federal Disability Insurance Trust
24 Fund” and inserting “the Social Security Trust
25 Fund”; and

1 (B) in paragraph (2)(B), by striking “the
2 Federal Old-Age and Survivors Insurance Trust
3 Fund” and inserting “the Social Security Trust
4 Fund”.

5 (8) TRAVEL EXPENSES.—Section 201(j) of such
6 Act is amended by striking “the Federal Old-Age
7 and Survivors Insurance Trust Fund, or the Federal
8 Disability Insurance Trust Fund (as determined ap-
9 propriate by the Commissioner of Social Security)”
10 and inserting “the Social Security Trust Fund”.

11 (9) DEMONSTRATION PROJECTS.—Section
12 201(k) of such Act is amended by striking “the Fed-
13 eral Disability Insurance Trust Fund and the Fed-
14 eral Old-Age and Survivors Insurance Trust Fund,
15 as determined appropriate by the Commissioner of
16 Social Security” and inserting “the Social Security
17 Trust Fund”.

18 (10) BENEFIT CHECKS.—Section 201(m) of
19 such Act is amended—

20 (A) in paragraph (2), by striking “each of
21 the Trust Funds” and inserting “the Social Se-
22 curity Trust Fund”;

23 (B) in paragraph (3), by striking “one of
24 the Trust Funds” and inserting “the Trust
25 Fund”; and

1 (C) by striking “such Trust Fund” each
2 place it appears and inserting “the Trust
3 Fund”.

4 (11) CONFORMING REPEALS.—

5 (A) IN GENERAL.—Section 201 of such
6 Act is amended by striking subsections (b), (l),
7 and (n).

8 (B) REDESIGNATIONS.—Section 201 of
9 such Act is further amended—

10 (i) by redesignating subsections (c)
11 through (j) as subsections (b) through (i),
12 respectively;

13 (ii) by redesignating subsection (k) as
14 subsection (j); and

15 (iii) by redesignating subsection (m)
16 as subsection (k).

17 (C) REFERENCES TO REDESIGNATED SEC-
18 TIONS.—

19 (i) Section 201(a) of such Act, as
20 amended by subsection (a) of this section,
21 is further amended—

22 (I) by striking “subsection
23 (i)(1)” and inserting “subsection
24 (h)(1)”; and

1 (II) by striking “subsection (d)”
2 and inserting “subsection (c)”.

3 (ii) Section 1131(b)(1) of such Act is
4 amended by striking “section 201(g)(1)”
5 and inserting “section 201(f)(1)”.

6 (e) OTHER CONFORMING AMENDMENTS TO SOCIAL
7 SECURITY ACT.—

8 (1) TITLE II.—Title II of the Social Security
9 Act (42 U.S.C. 401 et seq.) is amended—

10 (A) in section 202(x)(3)(B)(iii), by striking
11 “the Federal Old-Age and Survivors Insurance
12 Trust Fund and the Federal Disability Insur-
13 ance Trust Fund, as appropriate,” and insert-
14 ing “the Social Security Trust Fund”;

15 (B) in section 206(d)(5), by striking “the
16 Federal Old-Age and Survivors Insurance Trust
17 Fund and the Federal Disability Insurance
18 Trust Fund, as appropriate” and inserting “the
19 Social Security Trust Fund”;

20 (C) in section 206(e)(3)(B), by striking
21 “the Federal Old-Age and Survivors Insurance
22 Trust Fund and the Federal Disability Insur-
23 ance Trust Fund” and inserting “the Social Se-
24 curity Trust Fund”;

1 (D) in section 208(b)(5)(A), by striking
2 “the Federal Old-Age and Survivors Insurance
3 Trust Fund and the Federal Disability Insur-
4 ance Trust Fund, as appropriate” and inserting
5 “the Social Security Trust Fund”;

6 (E) in section 215(i)(1)(F)—

7 (i) in clause (i)—

8 (I) by striking “the combined
9 balance in the Federal Old-Age and
10 Survivors Insurance Trust Fund and
11 the Federal Disability Insurance
12 Trust Fund” and inserting “the bal-
13 ance in the Social Security Trust
14 Fund”; and

15 (II) by striking “and reduced by
16 the outstanding amount of any loan
17 (including interest thereon) thereto-
18 fore made to either such Fund from
19 the Federal Hospital Insurance Trust
20 Fund under section 201(l)”;

21 (ii) in clause (ii)—

22 (I) by striking “the Federal Old-
23 Age and Survivors Insurance Trust
24 Fund and the Federal Disability In-
25 surance Trust Fund” and inserting

1 “the Social Security Trust Fund”;
2 and

3 (II) by striking “(other than pay-
4 ments” and all that follows through
5 “and reducing” and inserting “, but
6 reducing”;

7 (F) in section 221(e)—

8 (i) by striking “Trust Funds” each
9 place it appears and inserting “Trust
10 Fund”; and

11 (ii) by striking the last sentence;

12 (G) in section 221(f), by striking “Trust
13 Funds” and inserting “Trust Fund”;

14 (H) in section 222(d)—

15 (i) in the section heading, by striking
16 “TRUST FUNDS” and inserting “TRUST
17 FUND”;

18 (ii) in paragraph (1), by striking “to
19 the end that savings will accrue to the
20 Trust Funds as a result of rehabilitating
21 such individuals, there are authorized to be
22 transferred from the Federal Old-Age and
23 Survivors Insurance Trust Fund and the
24 Federal Disability Insurance Trust Fund”
25 and inserting “to the end that savings will

1 accrue to the Trust Fund as a result of re-
2 habilitating such individuals, there are au-
3 thorized to be transferred from the Social
4 Security Trust Fund”; and

5 (iii) by amending paragraph (4) to
6 read as follows:

7 “(4) The Commissioner of Social Security shall deter-
8 mine according to such methods and procedures as the
9 Commissioner may deem appropriate the total amount to
10 be reimbursed for the cost of services under this sub-
11 section.”;

12 (I) in section 228(g)—

13 (i) in the section heading, by striking
14 “FEDERAL OLD-AGE AND SURVIVORS IN-
15 SURANCE TRUST FUND” and inserting
16 “SOCIAL SECURITY TRUST FUND”; and

17 (ii) in the matter preceding paragraph
18 (1), by striking “Federal Old-Age and Sur-
19 vivors Insurance Trust Fund” and insert-
20 ing “Social Security Trust Fund”;

21 (J) in section 231(e), by striking “Trust
22 Funds” each place it appears and inserting
23 “Trust Fund”; and

24 (K) in section 234(a)(1), by striking
25 “Trust Funds” and inserting “Trust Fund”.

1 (2) TITLE VII.—Title VII of the Social Security
2 Act (42 U.S.C. 901 et seq.) is amended—

3 (A) in section 703(j), by striking “Federal
4 Disability Insurance Trust Fund, the Federal
5 Old-Age and Survivors Insurance Trust Fund,”
6 and inserting “Social Security Trust Fund”;

7 (B) in section 708(c), by striking “the
8 ‘OASDI trust fund ratio’ under section 201(l),”
9 after “computing”;

10 (C) in section 709—

11 (i) in subsection (a), by striking “Fed-
12 eral Old-Age and Survivors Insurance
13 Trust Fund and the Federal Disability In-
14 surance Trust Fund” and inserting “Social
15 Security Trust Fund”; and

16 (ii) in subsection (b)—

17 (I) in paragraph (1), by striking
18 “section 201(l) or”; and

19 (II) in paragraph (2), by striking
20 “Federal Old-Age and Survivors In-
21 surance Trust Fund and the Federal
22 Disability Insurance Trust Fund” and
23 inserting “Social Security Trust
24 Fund”; and

25 (D) in section 710—

1 (i) in subsection (a), by striking “Fed-
2 eral Old-Age and Survivors Insurance
3 Trust Fund and the Federal Disability In-
4 surance Trust Fund” and inserting “Social
5 Security Trust Fund”; and

6 (ii) in subsection (b)—

7 (I) by striking “any Trust Fund
8 specified in subsection (a)” and in-
9 serting “the Social Security Trust
10 Fund”; and

11 (II) by striking “payments from
12 any such Trust Fund” and inserting
13 “payments from the Social Security
14 Trust Fund”.

15 (3) TITLE XI.—Title XI of the Social Security
16 Act (42 U.S.C. 1301 et seq.) is amended—

17 (A) in section 1106(b), by striking “the
18 Federal Old-Age and Survivors Insurance Trust
19 Fund, the Federal Disability Insurance Trust
20 Fund” and inserting “the Social Security Trust
21 Fund”;

22 (B) in section 1129(e)(2)(A), by striking
23 “the Federal Old-Age and Survivors Insurance
24 Trust Fund or the Federal Disability Insurance
25 Trust Fund, as determined appropriate by the

1 Secretary” and inserting “the Social Security
2 Trust Fund”;

3 (C) in sections 1131(b)(2) and 1140(c)(2),
4 by striking “the Federal Old-Age and Survivors
5 Insurance Trust Fund” and inserting “the So-
6 cial Security Trust Fund”;

7 (D) in section 1145(c)—

8 (i) by striking paragraphs (1) and (2)
9 and inserting the following:

10 “(1) the Social Security Trust Fund;” and

11 (ii) by redesignating paragraphs (3)
12 and (4) as paragraphs (2) and (3), respec-
13 tively; and

14 (E) in section 1148(j)(1)(A)—

15 (i) in the first sentence, by striking
16 “the Federal Old-Age and Survivors Insur-
17 ance Trust Fund and the Federal Dis-
18 ability Insurance Trust Fund” and insert-
19 ing “the Social Security Trust Fund”; and

20 (ii) by striking the second sentence.

21 (4) TITLE XVIII.—Title XVIII of the Social Se-
22 curity Act (42 U.S.C. 1395) is amended—

23 (A) in section 1817(g), by striking “Fed-
24 eral Old-Age and Survivors Insurance Trust
25 Fund and from the Federal Disability Insur-

1 ance Trust Fund” and inserting “Social Secu-
2 rity Trust Fund”;

3 (B) in section 1840(a)(2), by striking
4 “Federal Old-Age and Survivors Insurance
5 Trust Fund or the Federal Disability Insurance
6 Trust Fund” and inserting “Social Security
7 Trust Fund”; and

8 (C) in section 1841(f), by striking “Fed-
9 eral Old-Age and Survivors Insurance Trust
10 Fund and from the Federal Disability Insur-
11 ance Trust Fund” and inserting “Social Secu-
12 rity Trust Fund”.

13 (f) CONFORMING AMENDMENTS OUTSIDE OF SOCIAL
14 SECURITY ACT.—

15 (1) BUDGET.—

16 (A) OFF-BUDGET EXEMPTION.—Section
17 405(a) of the Congressional Budget Act of
18 1974 (2 U.S.C. 655(a)) is amended by striking
19 “Federal Old-Age and Survivors Insurance and
20 Federal Disability Insurance Trust Funds” and
21 inserting “Social Security Trust Fund”.

22 (B) SEQUESTRATION EXEMPTION.—Sec-
23 tion 255(g)(1)(A) of the Balanced Budget and
24 Emergency Deficit Control Act of 1985 (2
25 U.S.C. 905(g)(1)(A)) is amended by striking

1 “Payments to Social Security Trust Funds”
2 and inserting “Payments to the Social Security
3 Trust Fund”.

4 (2) TAX.—

5 (A) TAXABLE WAGES.—Section 3121(l)(4)
6 of the Internal Revenue Code of 1986 is
7 amended by striking “Federal Old-Age and
8 Survivors Insurance Trust Fund and the Fed-
9 eral Disability Insurance Trust Fund” and in-
10 serting “Social Security Trust Fund”.

11 (B) OVERPAYMENTS.—

12 (i) Section 6402(d)(3)(C) of the Inter-
13 nal Revenue Code of 1986 is amended by
14 striking “Federal Old-Age and Survivors
15 Insurance Trust Fund or the Federal Dis-
16 ability Insurance Trust Fund, whichever is
17 certified to the Secretary as appropriate by
18 the Commissioner of Social Security” and
19 inserting “Social Security Trust Fund”.

20 (ii) Subsection (f)(2)(B) of section
21 3720A of title 31, United States Code, is
22 amended by striking “Federal Old-Age and
23 Survivors Insurance Trust Fund or the
24 Federal Disability Insurance Trust Fund,
25 whichever is certified to the Secretary of

1 the Treasury as appropriate by the Com-
2 missioner of Social Security” and inserting
3 “Social Security Trust Fund”.

4 (3) FALSE CLAIMS PENALTIES.—Subsection
5 (g)(2) of section 3806 of title 31, United States
6 Code, is amended—

7 (A) in subparagraph (B)—

8 (i) by striking “Secretary of Health
9 and Human Services” and inserting “Com-
10 missioner of Social Security”; and

11 (ii) by striking “Federal Old-Age and
12 Survivors Insurance Trust Fund” and in-
13 serting “Social Security Trust Fund”; and

14 (B) in subparagraph (C)—

15 (i) by striking “Secretary of Health
16 and Human Services” and inserting “Com-
17 missioner of Social Security”; and

18 (ii) by striking “Federal Disability In-
19 surance Trust Fund” and inserting “Social
20 Security Trust Fund”.

21 (4) RAILROAD RETIREMENT BOARD.—Section 7
22 of the Railroad Retirement Act of 1974 (45 U.S.C.
23 231f) is amended—

24 (A) in subsection (b)(2), by striking “Fed-
25 eral Old-Age and Survivors Insurance Trust

1 Fund and the Federal Disability Insurance
2 Trust Fund” and inserting “Social Security
3 Trust Fund”;

4 (B) in subsection (c)(2)—

5 (i) by striking “Secretary of Health,
6 Education, and Welfare” each time it ap-
7 pears and inserting “Commissioner of So-
8 cial Security”; and

9 (ii) by striking “Federal Old-Age and
10 Survivors Insurance Trust Fund, the Fed-
11 eral Disability Insurance Trust Fund,”
12 each time it appears and inserting “Social
13 Security Trust Fund”; and

14 (C) in subsection (c)(4), by striking “Fed-
15 eral Old-Age and Survivors Insurance Trust
16 Fund, the Federal Disability Insurance Trust
17 Fund,” and inserting “Social Security Trust
18 Fund”.

19 (g) RULE OF CONSTRUCTION.—Effective beginning
20 on January 1, 2022, any reference in law (other than sec-
21 tion 201(a) of the Social Security Act) to the “Federal
22 Old-Age and Survivors Insurance Trust Fund” or the
23 “Federal Disability Insurance Trust Fund” is deemed to
24 be a reference to the Social Security Trust Fund.

1 (h) EFFECTIVE DATE.—The amendments made by
 2 this section shall take effect on January 1, 2022.

3 **TITLE III—STRENGTHENING**
 4 **SERVICE DELIVERY**

5 **SEC. 301. CLARIFYING THE REQUIREMENT TO MAIL SOCIAL**
 6 **SECURITY ACCOUNT STATEMENTS.**

7 (a) IN GENERAL.—Section 1143 of the Social Secu-
 8 rity Act (42 U.S.C. 1320b–13) is amended—

9 (1) in subsection (a)(1), by adding at the end
 10 the following: “Such statement shall be provided by
 11 mail unless the requesting individual chooses elec-
 12 tronic delivery for that request.”; and

13 (2) in subsection (c)(2)—

14 (A) by striking “Beginning not later than”
 15 and inserting “(A) Beginning not later than”;

16 (B) by inserting “by mail” after “provide”;
 17 and

18 (C) by adding at the end the following:

19 “(B) In any case in which an eligible individual de-
 20 scribed in subparagraph (A) responds to an annual inquiry
 21 by the Commissioner relating to the mailing of the individ-
 22 ual’s statement by making an election that such statement
 23 for such year be provided in electronic form only, the re-
 24 quirements of this paragraph shall be deemed to be satis-
 25 fied for such year with respect to the individual.”.

1 (b) EFFECTIVE DATE.—The amendments made by
2 subsection (a) shall apply with respect to Social Security
3 account statements required to be provided on or after
4 January 1, 2022.

5 **SEC. 302. PREVENTING CLOSURE OF FIELD AND HEARING**
6 **OFFICES AND RESIDENT OR RURAL CONTACT**
7 **STATIONS.**

8 (a) MORATORIUM ON CLOSURE OR CONSOLIDATION
9 OF FIELD OR HEARING OFFICES OR NEW LIMITATIONS
10 ON ACCESS TO SUCH OFFICES.—

11 (1) IN GENERAL.—Except as provided in para-
12 graph (2), the Commissioner of Social Security shall
13 take no action on or after January 1, 2022, to close
14 or consolidate field or hearing offices of the Social
15 Security Administration or to otherwise impose any
16 new limitation on access to such offices.

17 (2) CESSATION OF MORATORIUM UPON REPORT
18 TO CONGRESS.—Paragraph (1) shall cease to be ef-
19 fective 180 days after the Commissioner submits to
20 the Committee on Ways and Means of the House of
21 Representatives and the Committee on Finance of
22 the Senate a detailed report outlining and justifying
23 the process for selecting field or hearing offices to be
24 closed or consolidated or otherwise to have limited
25 access. Such report shall include—

1 (A) an analysis of the criteria used for se-
2 lecting field or hearing offices for closure, con-
3 solidation, or limited access;

4 (B) a description of how the Commissioner
5 has analyzed and considered relevant factors,
6 including but not limited to transportation and
7 communication burdens faced by individuals
8 serviced by the offices, including elderly and
9 disabled citizens; and

10 (C) a description of any method of cost-
11 benefit analysis applied by the Commissioner in
12 connection with closures and consolidations of
13 field or hearing offices, and other limitations on
14 access to field or hearing offices, including any
15 analysis that takes into account—

16 (i) the anticipated savings resulting
17 from the closure, consolidation, or limita-
18 tion on access;

19 (ii) the anticipated costs associated
20 with replacing services lost by the closure,
21 consolidation, or limitation on access;

22 (iii) the anticipated effects on employ-
23 ees of the offices affected;

24 (iv) how the loss of access resulting
25 from the closure, consolidation, or limita-

1 tion on access will be replaced by the es-
2 tablishment of a new field or hearing of-
3 fice, increased access at a different office,
4 or some other means, and the factors con-
5 sidered by the Commissioner in deter-
6 mining how to replace such lost access;
7 and

8 (v) such other relevant factors as may
9 be determined by the Commissioner, in-
10 cluding but not limited to transportation
11 and communication burdens faced by indi-
12 viduals serviced by the offices, including el-
13 derly and disabled citizens.

14 (b) REQUIREMENTS FOR FUTURE CLOSURES, CON-
15 SOLIDATIONS, AND NEW LIMITATIONS ON ACCESS.—

16 (1) IN GENERAL.—Section 704 of the Social
17 Security Act (42 U.S.C. 904) is amended by adding
18 at the end the following new subsection:

19 “Field and Hearing Offices

20 “(f)(1) The Commissioner may not close a field or
21 hearing office of the Administration, consolidate two or
22 more such offices, or otherwise impose any new limitation
23 on public access to any such office, unless the Commis-
24 sioner complies with the requirements of paragraphs (2),

1 (3), (4), and (5) in connection with the closure, consolida-
2 tion, or limitation on public access.

3 “(2)(A) The requirements of this paragraph are met
4 in connection with a closure, consolidation, or new limita-
5 tion on access referred to in paragraph (1) only if—

6 “(i) not later than 120 days before the date of
7 the closure, consolidation, or limitation on access,
8 the Commissioner provides effective public notice of
9 the proposed closure, consolidation, or limitation on
10 access (including, to the extent practicable, notice by
11 direct mailing and through community outlets such
12 as newspapers and posting in heavily frequented
13 public spaces) to individuals residing in the area
14 serviced by the affected office or offices;

15 “(ii) the public notice issued pursuant to clause
16 (i) includes information on—

17 “(I) how the Commissioner will, not later
18 than 30 days after the date of the closure, con-
19 solidation, or limitation on access, replace the
20 loss in access resulting from the closure, con-
21 solidation, or limitation on access by estab-
22 lishing a new office, increasing public access to
23 a different office, or some other means; and

24 “(II) how to contact the Administration if
25 an individual experiences service delays or prob-

1 lems as a result of the closure, consolidation, or
2 limitation on access; and

3 “(iii) not earlier than 30 days after the
4 issuance of public notice pursuant to clause (i) and
5 not later than 45 days before the date of the pro-
6 posed closure, consolidation, or limitation on access,
7 the Commissioner conducts at least 2 public hear-
8 ings (scheduled so that the first and last such hear-
9 ings are separated by at least 10 days), at which the
10 Commissioner presents the justifications for the clo-
11 sure, consolidation, or limitation on access described
12 in subparagraph (B) and provides for attendees an
13 opportunity to present their views regarding the pro-
14 posed closure, consolidation, or limitation on access.

15 “(B) The justifications referred to in subparagraph
16 (A)(iii) shall consist of the following:

17 “(i) an analysis of the criteria used for selecting
18 the field or hearing office or offices for closure, con-
19 solidation, or limited access;

20 “(ii) a description of how the Commissioner has
21 analyzed and considered relevant factors, including
22 but not limited to transportation and communication
23 burdens faced by individuals serviced by the offices,
24 including elderly and disabled citizens; and

1 “(iii) a description of a method of cost-benefit
2 analysis which shall be applied by the Commissioner
3 in connection with the closure, consolidation, or limi-
4 tation on access, and which shall take into ac-
5 count—

6 “(I) the anticipated savings resulting from
7 the closure, consolidation, or limitation on ac-
8 cess;

9 “(II) the anticipated costs associated with
10 replacing services lost by the closure, consolida-
11 tion, or limitation on access;

12 “(III) the anticipated effects on employees
13 of the offices affected; and

14 “(IV) such other relevant factors as may
15 be determined by the Commissioner, including
16 but not limited to transportation and commu-
17 nication burdens faced by individuals serviced
18 by the offices, including elderly and disabled
19 citizens.

20 “(C) The notice provided pursuant to subparagraph
21 (A)(i) shall include notice of the time and place of the
22 public hearings to be conducted pursuant to clause (A)(iii)
23 and of the right of aggrieved individuals to appeal to the
24 Commissioner regarding the proposed closure, consolida-
25 tion, or limitation on access pursuant to paragraph (4).

1 “(3) The requirements of this paragraph are met in
2 connection with a closure, consolidation, or limitation on
3 access referred to in paragraph (1) only if, not later than
4 30 days before the date of the proposed closure, consolida-
5 tion, or limitation on access, the Commissioner submits
6 to the Committee on Ways and Means of the House of
7 Representatives, the Committee on Finance of the Senate,
8 and each Member of the Congress representing a State
9 or congressional district in which the affected office or of-
10 fices are located a detailed final report in support of the
11 closure, consolidation, or limitation on access. Such report
12 shall include—

13 “(A) the justifications described in paragraph
14 (2)(B), (including any amendments made to such
15 justifications after the public hearings conducted
16 pursuant to paragraph (2)(A));

17 “(B) any findings made by the Commissioner
18 pursuant to the public hearings;

19 “(C) the status of any appeals regarding the
20 closure, consolidation, or new limitation on access
21 which were commenced pursuant to paragraph (4)
22 before the date of the report;

23 “(D) the final decision of the Commissioner re-
24 garding the closure, consolidation, or new limitation
25 on access; and

1 “(E) such other information as the Commis-
2 sioner considers relevant.

3 “(4)(A) Upon timely request by any individual who
4 makes a showing in writing described in subparagraph (B)
5 in connection with a proposed closure, consolidation, or
6 limitation on access referred to in subparagraph (A), the
7 Commissioner shall give such individual an opportunity for
8 a hearing with respect to the closure, consolidation, or lim-
9 itation on access. The request for the hearing shall be con-
10 sidered timely only if it is made not later than 30 days
11 before the proposed date of the closure, consolidation, or
12 limitation on access. The Commissioner shall submit to
13 the Committee on Ways and Means of the House of Rep-
14 resentatives, the Committee on Finance of the Senate, and
15 each Member of the Congress representing a State or con-
16 gressional district in which the affected office or offices
17 are located the Commissioner’s findings based on the
18 hearing and a description of any action taken or to be
19 taken by the Commissioner on the basis of such findings.

20 “(B) A showing described in subparagraph (A) shall
21 consist of a showing that—

22 “(i) the determination of the Commissioner to
23 close a field or hearing office, consolidate field or
24 hearing offices, or impose a new limitation on access
25 to a field or hearing office is arbitrary, capricious,

1 an abuse of discretion, not in accordance with law,
2 or not based on substantial evidence; or

3 “(ii) the Commissioner has failed to observe
4 procedures required by law in connection with the
5 closure, consolidation, or new limitation on access.

6 “(5) The requirement of this paragraph is met in
7 connection with a closure, consolidation, or limitation on
8 access referred to in paragraph (1) only if such closure,
9 consolidation, or limitation on access will not result in the
10 total number of field or hearing offices of the Administra-
11 tion falling below the total number of such offices that
12 were in operation on September 30, 2021.”.

13 (2) EFFECTIVE DATE.—The amendment made
14 by paragraph (1) of this subsection shall apply with
15 respect to closures and consolidations of field or
16 hearing offices and impositions of new limitations on
17 access to such offices occurring after the cessation
18 of the moratorium under subsection (a) of this sec-
19 tion.

20 **SEC. 303. ENSURING ACCESS TO PROFESSIONAL REP-**
21 **RESENTATION.**

22 (a) IN GENERAL.—Section 206(a)(2)(A) of the Social
23 Security Act (42 U.S.C. 406(a)(2)(A)) is amended by
24 striking “The Commissioner of Social Security may” and
25 all that follows through the end and inserting the fol-

1 lowing: “In the case of an agreement described in this sub-
2 paragraph entered into in a calendar year after 2021, the
3 dollar amount specified in clause (ii)(II) for such calendar
4 year shall be equal to the amount determined for the cal-
5 endar year preceding such calendar year, or if larger, the
6 product (rounded to the nearest dollar) of the amount so
7 specified and the ratio of the national average wage index
8 (as defined in section 209(k)(1)) for the second calendar
9 year preceding such calendar year to the national average
10 wage index (as so defined) for 1989. Not later than No-
11 vember 1 of each calendar year after 2020, the Commis-
12 sioner of Social Security shall publish in the Federal Reg-
13 ister the dollar amount applicable to agreements entered
14 into in the succeeding calendar year.”.

15 (b) CONFORMING AMENDMENT.—Section 209(k)(1)
16 of such Act (42 U.S.C. 409(k)(1)), as amended by sections
17 103(c) and 106(b), is further amended by inserting
18 “206(a)(2)(A),” after “203(f)(8)(B)(ii),”.

19 (c) EFFECTIVE DATE.—The amendments made by
20 this section shall apply with respect to agreements entered
21 into on or after January 1, 2022.

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