

117TH CONGRESS
1ST SESSION

H. R. 5737

To amend title II of the Social Security Act to enhance Social Security benefits and maintain the commitment and the long-term solvency of the Social Security program.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 26, 2021

Mr. LAWSON of Florida (for himself, Mr. CÁRDENAS, Ms. WILSON of Florida, Mr. SAN NICOLAS, Mr. RUSH, Mr. GARCÍA of Illinois, Ms. PINGREE, Mr. MCGOVERN, Ms. TLAIB, Ms. ADAMS, Ms. KAPTUR, Mr. EVANS, Mr. COHEN, and Mr. GREEN of Texas) introduced the following bill; which was referred to the Committee on Ways and Means, and in addition to the Committees on Energy and Commerce, Education and Labor, and Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To amend title II of the Social Security Act to enhance Social Security benefits and maintain the commitment and the long-term solvency of the Social Security program.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Social Security for Fu-
5 ture Generations Act of 2021”.

1 **SEC. 2. PAYROLL TAX ON WAGES AND SELF-EMPLOYMENT**
2 **INCOME UP TO CONTRIBUTION AND BENEFIT**
3 **BASE AND MORE THAN \$250,000.**

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

6 (1) AMENDMENTS TO THE INTERNAL REVENUE
7 CODE.—

8 (A) IN GENERAL.—Paragraph (1) of sec-
9 tion 3121(a) of the Internal Revenue Code of
10 1986 is amended by inserting after “such cal-
11 endar year.” the following: “The preceding sen-
12 tence shall apply only to calendar years for
13 which the contribution and benefit base (as so
14 determined) is less than \$250,000, and, for
15 such calendar years, only to the extent remu-
16 nation paid to such employee by such em-
17 ployer with respect to employment does not ex-
18 ceed \$250,000.”.

19 (B) CONFORMING AMENDMENT.—Para-
20 graph (1) of section 3121(a) of the Internal
21 Revenue Code of 1986 is amended by striking
22 “Act) to” and inserting “Act), or in excess of
23 \$250,000, to”.

24 (2) AMENDMENT TO THE SOCIAL SECURITY
25 ACT.—Section 209(a)(1)(I) of the Social Security
26 Act (42 U.S.C. 409(a)(1)(I)) is amended by insert-

1 ing before the semicolon at the end the following:
 2 “except that this subparagraph shall apply only to
 3 calendar years for which the contribution and ben-
 4 efit base (as so determined) is less than \$250,000,
 5 and, for such calendar years, only to the extent re-
 6 muneration paid to such employee by such employer
 7 with respect to employment does not exceed
 8 \$250,000”.

9 (3) EFFECTIVE DATE.—The amendments made
 10 by this subsection shall apply with respect to remu-
 11 neration paid in calendar years after 2021.

12 (b) DETERMINATION OF SELF-EMPLOYMENT IN-
 13 COME ABOVE CONTRIBUTION AND BENEFIT BASE AFTER
 14 2021.—

15 (1) AMENDMENTS TO THE INTERNAL REVENUE
 16 CODE.—

17 (A) IN GENERAL.—Paragraph (1) of sec-
 18 tion 1402(b) of the Internal Revenue Code of
 19 1986 is amended to read as follows:

20 “(1) in the case of the tax imposed by section
 21 1401(a), an amount equal to—

22 “(A) \$250,000, reduced (but not below
 23 zero) by

24 “(B) the sum of—

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

4 “(I) the amount equal to the con-
5 tribution and benefit base (as deter-
6 mined under section 230 of the Social
7 Security Act) which is effective for the
8 calendar year in which such taxable
9 year begins, minus

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

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

17 (B) PHASEOUT.—Subsection (b) of section
18 1402 of the Internal Revenue Code of 1986 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 of the Social Security Act) is
24 less than \$250,000.”.

1 (2) AMENDMENTS TO THE SOCIAL SECURITY
2 ACT.—

3 (A) IN GENERAL.—Section 211(b)(1) of
4 the Social Security Act (42 U.S.C. 411(b)) is
5 amended—

6 (i) in subparagraph (I)—

7 (I) by inserting “and before
8 2021” after “1974”; and

9 (II) by striking “or” at the end;
10 and

11 (ii) by adding at the end the fol-
12 lowing:

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

15 “(i) \$250,000, reduced (but not below
16 zero) by

17 “(ii) the sum of—

18 “(I) the part of the net earnings
19 from self-employment (if any) which is
20 not in excess of—

21 “(aa) the amount equal to
22 the contribution and benefit base
23 (as determined under section
24 230) which is effective for the

1 calendar year in which such tax-
2 able year begins, minus

3 “(bb) the amount of the
4 wages paid to such individual
5 during such taxable year, plus

6 “(II) the amount of the wages
7 paid to such individual during such
8 taxable year which is in excess of the
9 amount in subclause (I)(aa); or”.

10 (B) PHASEOUT.—Section 211(b) of the
11 Social Security Act (42 U.S.C. 411(b)) is
12 amended by adding at the end the following:
13 “Paragraph (1) shall apply only to taxable
14 years beginning in calendar years for which the
15 contribution and benefit base (as determined
16 under section 230) is less than \$250,000.”.

17 (3) EFFECTIVE DATE.—The amendments made
18 by this subsection shall apply to net earnings from
19 self-employment derived, and remuneration paid, in
20 calendar years after 2021.

21 **SEC. 3. INCLUSION OF EARNINGS OVER \$250,000 IN SOCIAL**
22 **SECURITY BENEFIT FORMULA.**

23 (a) INCLUSION OF EARNINGS OVER \$250,000 IN DE-
24 TERMINATION OF PRIMARY INSURANCE AMOUNTS.—Sec-

tion 215(a)(1)(A) of the Social Security Act (42 U.S.C. 415(a)(1)(A)) is amended—

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

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

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

“(iv) 2 percent of the individual’s excess average indexed monthly earnings (as defined in subsection (b)(5)(A)).”.

(b) DEFINITION OF EXCESS AVERAGE INDEXED MONTHLY EARNINGS.—Section 215(b) of the Social Security Act (42 U.S.C. 415(b)) is amended—

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

(2) by adding at the end the following:

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

“(B) For purposes of this subsection—

1 “(i) the term ‘basic wages’ means that portion
2 of the wages of an individual paid in a year that
3 does not exceed the contribution and benefit base for
4 the year;

5 “(ii) the term ‘basic self-employment income’
6 means that portion of the self-employment income of
7 an individual credited to a year that does not exceed
8 an amount equal to the contribution and benefit
9 base for the year minus the amount of the wages
10 paid to the individual in the year;

11 “(iii) the term ‘excess wages’ means that por-
12 tion of the wages of an individual paid in a year
13 after 2021 in excess of the higher of \$250,000 or
14 the contribution and benefit base for the year; and

15 “(iv) the term ‘excess self-employment income’
16 means that portion of the self-employment income of
17 an individual credited to a year after 2021 in excess
18 of the higher of \$250,000 or such contribution and
19 benefit base.”.

20 (c) CONFORMING AMENDMENT.—Section 215(e)(1)
21 of the Social Security Act (42 U.S.C. 415(e)(1)) is amend-
22 ed by inserting “and before 2021” after “after 1974”.

23 (d) EFFECTIVE DATE.—The amendments made by
24 this section shall apply with respect to individuals who ini-
25 tially become eligible (within the meaning of section

1 215(a)(3)(B) of the Social Security Act) for old-age or dis-
 2 ability insurance benefits under title II of the Social Secu-
 3 rity Act, or who die (before becoming eligible for such ben-
 4 efits), in any calendar year after 2021.

5 **SEC. 4. COMPUTATION OF COST-OF-LIVING INCREASES.**

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

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

13 (b) APPLICATION TO PRE-1979 LAW.—

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

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

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

1 amended by inserting “and by section 4 of the Social
2 Security for Future Generations Act of 2021” after
3 “1986”.

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

8 “(6) Any provision of law (other than in this title,
9 title VIII, or title XVI) which provides for adjustment of
10 an amount based on a change in benefit amounts resulting
11 from a determination made under this subsection shall be
12 applied and administered without regard to the amend-
13 ments made by section 4 of the Social Security for Future
14 Generations Act of 2021.”.

15 (d) PUBLICATION OF CONSUMER PRICE INDEX FOR
16 ELDERLY CONSUMERS.—The Bureau of Labor Statistics
17 of the Department of Labor shall prepare and publish the
18 index authorized by section 191 of the Older Americans
19 Amendments Act of 1987 (29 U.S.C. 2 note) for each cal-
20 endar month, beginning with July of the calendar year fol-
21 lowing the calendar year in which this Act is enacted, and
22 such index shall be known as the “Consumer Price Index
23 for Elderly Consumers”.

24 (e) EFFECTIVE DATE.—The amendments made by
25 subsection (a) shall apply to determinations made with re-

1 spect to cost-of-living computation quarters (as defined in
 2 section 215(i)(1)(B) of the Social Security Act (42 U.S.C.
 3 415(i)(1)(B))) ending on or after September 30 of the sec-
 4 ond calendar year following the calendar year in which this
 5 Act is enacted.

6 **SEC. 5. EXTENDED BENEFIT ELIGIBILITY FOR CHILDREN**
 7 **WHO ARE FULL-TIME STUDENTS.**

8 (a) IN GENERAL.—Section 202(d) of the Social Secu-
 9 rity Act (42 U.S.C. 402(d)) is amended—

10 (1) in paragraphs (1)(B), (1)(E), (1)(F)(i),
 11 (1)(G)(ii), (6)(A), (6)(D), (6)(E)(i), (7)(A), (7)(B),
 12 and (7)(D), by striking “full-time elementary or sec-
 13 ondary school student” each place it appears and in-
 14 serting “full-time student”;

15 (2) in paragraphs (1)(B), (1)(F)(ii), (1)(G)(iii),
 16 (6)(A), (6)(D), (6)(E)(ii), and (7)(D), by striking
 17 “19” each place it appears and inserting “23”;

18 (3) in subparagraphs (A), (B), and (D) of para-
 19 graph (7), by striking “elementary or secondary
 20 school” each place it appears and inserting “edu-
 21 cational institution”;

22 (4) in paragraph (7)(A), by striking “schools
 23 involved” and inserting “institutions involved”;

24 (5) in paragraph (7), by amending subpara-
 25 graph (C) to read as follows:

1 “(C) For purposes of this subsection, the
2 term ‘educational institution’ means—

3 “(i) a school which provides elemen-
4 tary or secondary education as determined
5 under the law of the State or other juris-
6 diction in which it is located; and

7 “(ii) an institution described in sec-
8 tion 102 of the Higher Education Act of
9 1965 (20 U.S.C. 1002).”; and

10 (6) in paragraph (7)(D), by striking “diploma
11 or equivalent certificate from a secondary school (as
12 defined in subparagraph (C)(i))” and inserting “di-
13 ploma, degree, or equivalent certificate from an in-
14 stitution described in subparagraph (C)(ii)”.

15 (b) RAILROAD RETIREMENT ACT.—

16 (1) IN GENERAL.—Section 2(d) of the Railroad
17 Retirement Act of 1974 (45 U.S.C. 232(2)(d)) is
18 amended—

19 (A) in clause (iii) of paragraph (1), by
20 striking “will be less than nineteen years of age
21 and a full-time elementary or secondary school
22 student” and inserting “will be less than 23
23 years of age and a full-time student at an edu-
24 cational institution (as defined in section
25 202(d)(7) of the Social Security Act)”; and

1 (B) in paragraph (4)—

2 (i) by striking “elementary or sec-
3 ondary school” each place it appears and
4 inserting “educational institution”;

5 (ii) by striking “nineteen” and insert-
6 ing “23”; and

7 (iii) by striking “a diploma or equiva-
8 lent certificate from a secondary school (as
9 defined in section 202(d)(7)(c)(i) of the
10 Social Security Act)” and inserting “a di-
11 ploma, degree, or equivalent certificate
12 from an institution described in section
13 202(d)(7)(C)(ii) of the Social Security
14 Act”.

15 (2) CONFORMING AMENDMENT.—Section
16 5(c)(7) of the Railroad Retirement Act of 1974 (45
17 U.S.C. 235(c)(7)) is amended—

18 (A) by striking “elementary or secondary
19 school” and inserting “educational institution”;
20 and

21 (B) by striking “19” and inserting “23”.

22 (c) EFFECTIVE DATE.—The amendments made by
23 this section shall apply to child’s insurance benefits that
24 are payable for months beginning after December 31,
25 2021.

1 **SEC. 6. INCREASE IN MINIMUM BENEFIT FOR LIFETIME**
2 **LOW EARNERS BASED ON YEARS IN THE**
3 **WORKFORCE.**

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

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

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

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

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

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

22 “(ii)(I) The alternative minimum amount determined
23 under this clause is the applicable percentage of $\frac{1}{12}$ of
24 the annual dollar amount determined under clause (iii) for
25 the year in which the amount is determined.

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

5 “(iii) The annual dollar amount determined under
 6 this clause is—

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

9 “(II) for any calendar year after 2022, the an-
 10 nual dollar amount for 2021 multiplied by the ratio
 11 of—

12 “(aa) the national average wage index (as
 13 defined in section 209(k)(1)) for the second cal-
 14 endar year preceding the calendar year for
 15 which the determination is made, to

1 “(bb) the national average wage index (as
2 so defined) for 2020.

3 “(iv) For purposes of this subparagraph—

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

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

15 (b) RECOMPUTATION.—Notwithstanding section
16 215(f)(1) of the Social Security Act, the Commissioner of
17 Social Security shall recompute primary insurance
18 amounts originally computed for months prior to Novem-
19 ber 2021 to the extent necessary to carry out the amend-
20 ments made by this section.

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

1 **SEC. 7. ALTERNATE BENEFIT AMOUNT FOR WIDOW'S AND**
2 **WIDOWER'S INSURANCE BENEFITS.**

3 (a) WIDOWS.—Section 202(e) of the Social Security
4 Act (42 U.S.C. 402(e)) is amended—

5 (1) in paragraph (1)—

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

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

10 (C) by striking subparagraph (D);

11 (D) by redesignating subparagraphs (E)
12 and (F) as subparagraphs (D) and (E), respec-
13 tively; and

14 (E) in the flush matter following subpara-
15 graph (E)(ii), as so redesignated, by striking
16 “becomes entitled to an old-age insurance ben-
17 efit” and all that follows through “such de-
18 ceased individual,”;

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

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

25 “(i) the primary insurance amount (as de-
26 termined for purposes of this subsection after

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

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

12 (3) in paragraph (5)—

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

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

19 (4) by adding at the end the following new
20 paragraph:

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

“(A) who became entitled to old-age insurance benefits upon attaining early retirement age during the month in which the deceased individual referred to in paragraph (1) became entitled to old-age or disability insurance benefits, or died (before becoming entitled to such benefits); and

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

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

(1) in paragraph (1)—

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

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

(C) by striking subparagraph (D);

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

1 (E) in the flush matter following subpara-
2 graph (E)(ii), as so redesignated, by striking
3 “becomes entitled to an old-age insurance ben-
4 efit” and all that follows through “such de-
5 ceased individual,”;

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

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

12 “(i) the primary insurance amount (as de-
13 termined for purposes of this subsection after
14 application of subparagraphs (B) and (C)) of
15 such deceased individual; or

16 “(ii) subject to paragraph (9), in the case
17 of a fully insured widower or surviving divorced
18 husband, 75 percent of the sum of any old-age
19 or disability insurance benefit for which the
20 widower or the surviving divorced husband is
21 entitled for such month and the primary insur-
22 ance amount (as determined for purposes of
23 this subsection after application of subpara-
24 graphs (B) and (C)) of such deceased indi-
25 vidual.”;

1 (3) in paragraph (5)—

2 (A) in subparagraph (A), by striking
3 “paragraph (1)(F)” and inserting “paragraph
4 (1)(E)”; and

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

8 (4) by adding at the end the following new
9 paragraphs:

10 “(9) For purposes of clauses (i) and (ii) of
11 paragraph (2)(A), in the case of a surviving divorced
12 husband, the amount determined under either such
13 clause (and, for purposes of clause (ii) of paragraph
14 (2)(A), as determined after application of paragraph
15 (10)) shall be equal to the applicable percentage (as
16 determined under section 202(c)(2)(B)) of such
17 amount (as determined before application of this
18 paragraph but after application of subsection
19 (k)(3)).

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

24 “(A) who became entitled to old-age insur-
25 ance benefits upon attaining early retirement

1 age during the month in which the deceased in-
 2 dividual referred to in paragraph (1) became
 3 entitled to old-age or disability insurance bene-
 4 fits, or died (before becoming entitled to such
 5 benefits); and

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

13 (c) REDUCTION OF BENEFIT FOR INDIVIDUALS EN-
 14 TITLED TO SIMULTANEOUS BENEFITS.—Section
 15 202(k)(3) of the Social Security Act (42 U.S.C.
 16 402(k)(3)) is amended—

17 (1) in subparagraph (A), by striking “If an in-
 18 dividual” and inserting “Except as provided in sub-
 19 paragraph (C), if an individual”; and

20 (2) by adding at the end the following new sub-
 21 paragraph:

22 “(C) If an individual is entitled for any month to a
 23 widow’s or widower’s insurance benefit and is also entitled
 24 to an old-age or disability insurance benefit for such
 25 month that is greater than such widow’s or widower’s in-

1 surance benefit, the reduction described in subparagraph
 2 (A), with respect to such widow's or widower's insurance
 3 benefit, shall be carried out by substituting an amount
 4 equal to the primary insurance amount of the deceased
 5 individual referred to in subsection (e)(1) or (f)(1) (as de-
 6 termined for purposes of subsection (e)(2)(A)(i) or
 7 (f)(2)(A)(i)) for the amount equal to the old-age or dis-
 8 ability insurance benefit of the individual entitled to the
 9 widow's or widower's insurance benefit.''.

10 (d) EFFECTIVE DATE.—The amendments made by
 11 this section shall apply with respect to widow's insurance
 12 benefits and widower's insurance benefits that are payable
 13 for months beginning after December 31, 2021.

14 **SEC. 8. HOLDING SSI, MEDICAID, AND CHIP BENEFICIARIES**
 15 **HARMLESS.**

16 For purposes of determining the income of an indi-
 17 vidual to establish eligibility for, and the amount of, bene-
 18 fits payable under title XVI of the Social Security Act,
 19 eligibility for medical assistance under the State plan
 20 under title XIX (or a waiver of such plan), or eligibility
 21 for child health assistance under the State child health
 22 plan under title XXI (or a waiver of the plan), the amount
 23 of any benefit to which the individual is entitled under
 24 title II of such Act shall be deemed not to exceed the
 25 amount of the benefit that would be determined for such

- 1 individual under such title as in effect on the day before
- 2 the date of the enactment of this Act.

