

117TH CONGRESS  
1ST SESSION

# S. 2108

To amend title II of the Social Security Act to eliminate work disincentives for childhood disability beneficiaries.

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IN THE SENATE OF THE UNITED STATES

JUNE 17, 2021

Mr. WYDEN (for himself, Mr. CASSIDY, Mr. BROWN, Ms. KLOBUCHAR, Mr. SANDERS, Mr. LEAHY, Mr. MERKLEY, and Mr. CASEY) introduced the following bill; which was read twice and referred to the Committee on Finance

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## A BILL

To amend title II of the Social Security Act to eliminate work disincentives for childhood disability beneficiaries.

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 “Work Without Worry  
5 Act”.

6 **SEC. 2. ELIMINATION OF WORK DISINCENTIVE FOR CHILD-**  
7 **HOOD DISABILITY BENEFICIARIES.**

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

1           (1) in paragraph (1)(B)(ii), by striking “is  
2 under a disability (as defined in section 223(d))  
3 which began before he attained the age of 22, and”  
4 and inserting the following: “is under a disability (as  
5 defined in section 223(d)), and—

6                   “(I) the physical or mental im-  
7 pairment (or combination of impair-  
8 ments) that is the basis for the find-  
9 ing of disability began before the child  
10 attained the age of 22 (or is of such  
11 a type that can reasonably be pre-  
12 sumed to have begun before the child  
13 attained the age of 22, as determined  
14 by the Commissioner), and

15                   “(II) the impairment or combina-  
16 tion of impairments could have been  
17 the basis for a finding of disability  
18 (without regard to whether the child  
19 was actually engaged in substantial  
20 gainful activity) before the child at-  
21 tained age 22, and”; and

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

24                   “(11)(A) In the case of a child described in  
25 subparagraph (B)(ii) of paragraph (1) who—

1           “(i) has not attained early retirement age  
2           (as defined in section 216(l)(2));

3           “(ii) has filed an application for child’s in-  
4           surance benefits; and

5           “(iii) is insured for disability benefits (as  
6           determined under section 223(c)(1)) at the time  
7           of such filing;

8           such application shall be deemed to be an applica-  
9           tion for both child’s insurance benefits under this  
10          subsection and disability insurance benefits under  
11          section 223.

12          “(B) In the case of a child described in sub-  
13          paragraph (B)(ii) of paragraph (1) who—

14               “(i) has attained early retirement age (as  
15               defined in section 216(l)(2));

16               “(ii) has filed an application for child’s in-  
17               surance benefits; and

18               “(iii) is a fully insured individual (as de-  
19               fined in section 214(a)) at the time of such fil-  
20               ing;

21          such application shall be deemed to be an applica-  
22          tion for both child’s insurance benefits under this  
23          subsection and old-age insurance benefits under sec-  
24          tion 202(a).

1           “(C) Notwithstanding paragraph (1), in the  
2 case of a child described in subparagraph (A) or  
3 (B), if, at the time of filing an application for child’s  
4 insurance benefits, the amount of the monthly old-  
5 age or disability insurance benefit to which the child  
6 would be entitled is greater than the amount of the  
7 monthly child’s insurance benefit to which the child  
8 would be entitled, the child shall not be entitled to  
9 a child’s insurance benefit based on such application.

10           “(D) For purposes of subparagraph (C), the  
11 amount of the monthly old-age or disability benefit  
12 to which the child would be entitled shall be deter-  
13 mined—

14           “(i) without regard to the primary insur-  
15 ance amount calculation described section  
16 215(a)(7); and

17           “(ii) before application of section 224.

18           “(12) For purposes of paragraph (1)(B)(ii), a  
19 child shall not be required to be continuously under  
20 a disability during the period between the date that  
21 the disability began and the date that the applica-  
22 tion for child’s insurance benefits is filed.”.

23           (b) EFFECTIVE DATE.—The amendments made by  
24 this section shall apply to applications filed on or after

- 1 the date that is 24 months after the date of the enactment
- 2 of this section.

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