

117TH CONGRESS  
1ST SESSION

# S. 2397

To amend title II of the Social Security Act to extend eligibility for child's benefits until age 26 for certain individuals who are at least half-time students at a post-secondary school, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

JULY 20, 2021

Mr. VAN HOLLEN (for himself and Mr. SANDERS) 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 extend eligibility for child's benefits until age 26 for certain individuals who are at least half-time students at a post-secondary school, and for other purposes.

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 “Helping Students Suc-  
5       cessfully Overcome Adversity and Rise with Social Secu-  
6       rity Act” or the “Helping Students SOAR with Social Se-  
7       curity Act”.

1 **SEC. 2. EXTENSION OF CHILD'S BENEFIT FOR CERTAIN**  
2 **STUDENTS UNDER AGE 26.**

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

6 “(B) at the time such application was filed  
7 was unmarried and—

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

9 “(ii) was a full-time elementary or  
10 secondary school student and had not at-  
11 tained the age of 19,

12 “(iii) was a qualifying post-secondary  
13 school student and had not attained the  
14 age of 26, but only in the case of the child  
15 of an individual who—

16 “(I) is entitled to disability insur-  
17 ance benefits or was entitled to such  
18 benefits until the month the individual  
19 attained retirement age,

20 “(II) died a fully or currently in-  
21 sured individual, or

22 “(III) is entitled to old-age insur-  
23 ance benefits, but only if the child is  
24 the child of the individual pursuant to  
25 clause (3) of section 216(e), or

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

4 (b) DEFINITION OF QUALIFYING POST-SECONDARY  
 5 SCHOOL STUDENT.—

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

8 (A) in subparagraph (A)—

9 (i) in the first sentence—

10 (I) by inserting “and a ‘quali-  
 11 fying post-secondary school student’ is  
 12 an individual who is in at least half-  
 13 time attendance as a student at a  
 14 post-secondary school or a comprehen-  
 15 sive transition and postsecondary pro-  
 16 gram” before “, as determined by the  
 17 Commissioner of Social Security”;

18 (II) by striking “if he is paid by  
 19 his employer” and inserting “or a  
 20 ‘qualifying post-secondary school stu-  
 21 dent’ if the individual is paid by the  
 22 individual’s employer”;

23 (III) by striking “at the request,  
 24 or pursuant to a requirement, of his  
 25 employer” and inserting “or a post-

1 secondary school at the request of, or  
 2 pursuant to a requirement of, the in-  
 3 dividual's employer"; and

4 (IV) by inserting "(unless the in-  
 5 dividual is employed by such employer  
 6 under a registered apprenticeship pro-  
 7 gram)" before the period; and

8 (ii) in the third sentence, by striking  
 9 "shall be deemed to be such a student"  
 10 and inserting ", who is determined to be a  
 11 student in at least half-time attendance at  
 12 a post-secondary school, shall be deemed to  
 13 be such a student"; and

14 (B) in subparagraph (B)—

15 (i) by inserting "or a qualifying post-  
 16 secondary school student" before "during  
 17 any period";

18 (ii) by inserting "or, in the case of a  
 19 qualifying post-secondary school student,  
 20 any period of nonattendance at a post-sec-  
 21 ondary school at which the individual has  
 22 been in at least half-time attendance" after  
 23 "full-time attendance"; and

24 (iii) by inserting "or, in the case of a  
 25 qualifying post-secondary school student,

1 in at least half-time attendance at a post-  
 2 secondary school” before “immediately fol-  
 3 lowing such period” each place it appears.

4 (2) TRANSITION FROM ELEMENTARY OR SEC-  
 5 ONDARY SCHOOL.—Section 202(d)(7)(B) of such Act  
 6 (42 U.S.C. 402(d)(7)(B)) is amended by adding at  
 7 the end the following sentence: “An individual who  
 8 has been in full-time attendance at an elementary or  
 9 secondary school shall, during a succeeding period of  
 10 nonattendance at such school, be deemed to be a  
 11 qualifying post-secondary school student if (i) such  
 12 period is 4 calendar months or less, and (ii) the indi-  
 13 vidual shows to the satisfaction of the Commissioner  
 14 that he intends to be in at least half-time attendance  
 15 at a post-secondary school or a comprehensive tran-  
 16 sition and postsecondary program immediately fol-  
 17 lowing such period.”.

18 (c) DEFINITIONS OF POST-SECONDARY SCHOOL,  
 19 REGISTERED APPRENTICESHIP PROGRAM, AND COM-  
 20 PREHENSIVE TRANSITION AND POSTSECONDARY PRO-  
 21 GRAM.—Section 202(d)(7)(C) of such Act (42 U.S.C.  
 22 402(d)(7)(C)) is amended by adding at the end the fol-  
 23 lowing:

24 “(iii) A ‘post-secondary school’ is an  
 25 institution described in section 102 of the

Higher Education Act of 1965 (20 U.S.C. 1002).

“(iv) A ‘registered apprenticeship program’ is a program registered under the Act of August 16, 1937 (commonly known as the ‘National Apprenticeship Act’).

“(v) A ‘comprehensive transition and postsecondary program’ is a program defined under paragraph (1) of section 760 of the Higher Education Opportunity Act of 2008 (20 U.S.C. 1140).”.

(d) CONFORMING AMENDMENTS.—

(1) Section 202(d)(1)(E) of such Act (42 U.S.C. 402(d)(1)(E)) is amended by inserting “or (in the case of the child of an individual described in subparagraph (B)(iii)) a qualifying post-secondary school student” after “student”.

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

“(i) the first month during no part of which the child is a full-time elementary or secondary school student or (in the case of the child of an individual described in sub-

paragraph (B)(iii)) a qualifying post-secondary school student,

“(ii) the month in which the child attains the age of 19, but (in the case of the child of an individual described in subparagraph (B)(iii)) only if the child is not a qualifying post-secondary school student during any part of such month, or

“(iii) the month in which the child attains the age of 26,”.

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

“(ii) the first month during no part of which the child is a full-time elementary or secondary school student or (in the case of the child of an individual who is described in subparagraph (B)(iii)) a qualifying post-secondary school student,

“(iii) the month in which the child attains the age of 19, but (in the case of the child of an individual who is described in subparagraph (B)(iii)) only if the child is

1 not a qualifying post-secondary school stu-  
 2 dent during any part of such month, or

3 “(iv) 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 19,

10 “(ii) in the case of the child of an indi-  
 11 vidual who is described in paragraph (1)(B)(iii),  
 12 is a qualifying post-secondary school student  
 13 and has not attained the age of 26, or

14 “(iii) is under a disability (as defined in  
 15 section 223(d)) and has not attained the age of  
 16 22, or”.

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

19 “(D) the earlier of—

20 “(i) the first month during no part of  
 21 which the child is—

22 “(I) under a disability (as so de-  
 23 fined),

24 “(II) a full-time elementary or  
 25 secondary school student, or

1 “(III) in the case of the child of  
 2 an individual who is described in  
 3 paragraph (1)(B)(iii), a qualifying  
 4 post-secondary school student,

5 “(ii) the month in which the child at-  
 6 tains the age of 19, but only if—

7 “(I) the child is not under a dis-  
 8 ability (as so defined) in such month,

9 “(II) in the case of the child of  
 10 an individual who is described in  
 11 paragraph (1)(B)(iii), the child is not  
 12 a qualifying post-secondary school stu-  
 13 dent during any part of such month,  
 14 or

15 “(iii) the month in which the child at-  
 16 tains the age of 26, but only if the child  
 17 is not under a disability (as so defined) in  
 18 such month; or”.

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

23 “(i) the first month during no part of  
 24 which the child is a full-time elementary or  
 25 secondary school student or (in the case of

1 the child of an individual who is described  
2 in paragraph (1)(B)(iii)) a qualifying post-  
3 secondary school student,

4 “(ii) the month in which the child at-  
5 tains the age of 19, but (in the case of the  
6 child of an individual who is described in  
7 paragraph (1)(B)(iii)) only if the child is  
8 not a qualifying post-secondary school stu-  
9 dent during any part of such month, or

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

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

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

16 (B) by striking “clause (i) of paragraph  
17 (1)(B)” and inserting “clause (ii) of paragraph  
18 (1)(B)”;

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

20 “(ii) If the child of an individual who is de-  
21 scribed in paragraph (1)(B)(iii) attains age 26  
22 at a time when the child is a qualifying post-  
23 secondary school student (as defined in sub-  
24 paragraph (A) of this paragraph and without  
25 application of subparagraph (B) of this para-

1 graph) on the basis of the child's attendance at  
2 a post-secondary school or a comprehensive  
3 transition and postsecondary program (as such  
4 terms are defined in subparagraph (C)) but has  
5 not (at such time) completed the requirements  
6 for, or received, a diploma or equivalent certifi-  
7 cate from such school or program shall be  
8 deemed (for purposes of determining whether  
9 the child's entitlement to benefits under this  
10 subsection has terminated under paragraph  
11 (1)(F) and for purposes of determining the  
12 child's initial entitlement to such benefits under  
13 clause (iii) of paragraph (1)(B)) not to have at-  
14 tained such age until the first day of the first  
15 month following the end of the quarter or se-  
16 mester in which the child is enrolled at such  
17 time (or, if the post-secondary school or com-  
18 prehensive transition and postsecondary pro-  
19 gram (as so defined) in which the child is en-  
20 rolled is not operated on a quarter or semester  
21 system, until the first day of the first month  
22 following the completion of the courses in which  
23 the child is so enrolled on the date the child at-  
24 tains age 26 or until the first day of the third

1           month beginning after such time, whichever  
2           first occurs).”.

3       (e) EFFECTIVE DATE.—The amendments made by  
4 this section shall take effect on the date of enactment of  
5 this Act, and shall apply to applications for child’s insur-  
6 ance benefits under title II of the Social Security Act (42  
7 U.S.C. 401 et seq.) filed on or after such date.

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