

87TH CONGRESS
1ST SESSION

H. R. 9424

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 23 (legislative day, SEPTEMBER 22), 1961

Mr. FOGARTY introduced the following bill; which was referred to the Committee on Ways and Means

A BILL

To amend title II of the Social Security Act to provide that the child of an insured individual may receive child's insurance benefits even though he has attained age 18 if he is under 21 and is a full-time student attending a college or university.

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

3 That (a) section 202 (d) (1) (B) of the Social Security Act
4 is amended by striking out "or (ii)" and inserting in lieu
5 thereof "(ii) was a full-time student (as defined in para-
6 graph (7)) under the age of twenty-one, or (iii)".

7 (b) (1) The first sentence of section 202 (d) (1) of
8 such Act is further amended by striking out "or attains the

1 age of eighteen and is not under a disability (as defined in
2 section 223 (c)) which began before he attained such age”
3 and inserting in lieu thereof the following: “attains the
4 age of eighteen and is neither under a disability (as defined
5 in section 223 (c)) which began before he attained such
6 age nor a full-time student (as defined in paragraph (7)),
7 or attains the age of twenty-one (having theretofore been
8 a full-time student (as so defined)) and is not under a dis-
9 ability (as defined in section 223 (c)) which began before
10 he attained the age of eighteen”.

11 (2) The second sentence of section 202 (d) (1) of such
12 Act is amended by inserting before the period at the end
13 thereof the following: “, unless in such third month he is
14 a full-time student under the age of twenty-one”.

15 (3) Section 202 (d) (1) of such Act is further amended
16 by adding at the end thereof the following new sentence:
17 “If an individual who was entitled to child’s insurance bene-
18 fits loses such entitlement upon his attainment of the age
19 of eighteen, and subsequently (before attaining the age of
20 twenty-one) he becomes a full-time student (as defined in
21 paragraph (7)), nothing in this section shall be construed
22 as preventing such individual from again filing application
23 for child’s insurance benefits, and his entitlement to such
24 benefits pursuant to such application shall be effective (sub-

1 ject to subsection (j) (1) with the first month in which
2 he was a full-time student (as so defined).”

3 (c) Section 202 (d) (6) of such Act is amended by
4 inserting after “the age of eighteen” each place it appears
5 the following: “and is under a disability (as defined in sec-
6 tion 223 (c)) which began before he attained such age,”.

7 (d) Section 202 (d) of such Act is further amended by
8 adding at the end thereof the following new paragraph:

9 “(7) For purposes of this subsection, an individual is
10 a ‘full-time student’ during any calendar year if during each
11 of five calendar months in such year he is a student in full-
12 time attendance at a level above the twelfth grade at a duly
13 accredited educational institution which normally main-
14 tains a regular faculty and curriculum and normally has
15 a regularly organized body of students in attendance at the
16 place where its educational activities are carried on. For
17 purposes of determining whether an individual is a full-time
18 student under the preceding sentence during the calendar
19 year in which he attains the age of eighteen, where such
20 individual is a student in full-time attendance at a level
21 above the twelfth grade at an educational institution de-
22 scribed in such sentence during one or more but less than
23 five calendar months in such year, such individual shall be
24 deemed to have been a student in full-time attendance at

1 a level above the twelfth grade at such an institution during
2 each of the months in such year in any part of which he
3 was under the age of eighteen.”

4 SEC. 2. (a) Section 202 (c) (2) (B) of such Act is
5 amended by striking out “and was entitled” and inserting
6 in lieu thereof “and (by reason of being under a disability
7 (as defined in section 223 (c)) which began before he
8 attained such age) was entitled”.

9 (b) Section 202 (e) (4) (B) of such Act is amended
10 by inserting before the comma at the end thereof the follow-
11 ing: “by reason of being under a disability (as defined in
12 section 223 (c)) which began before he attained such age”.

13 (c) (1) Section 202 (f) (2) (B) of such Act is amended
14 by striking out “and was entitled” and inserting in lieu
15 thereof “and (by reason of being under a disability (as
16 defined in section 223 (c)) which began before he attained
17 such age) was entitled”.

18 (2) Section 202 (f) (4) (B) of such Act is amended
19 by inserting before the comma at the end thereof the follow-
20 ing: “by reason of being under a disability (as defined in
21 section 223 (c)) which began before she attained such age”.

22 (d) Section 202 (g) (4) (B) of such Act is amended
23 by inserting before the comma at the end thereof the follow-
24 ing: “by reason of being under a disability (as defined in
25 section 223 (c)) which began before he attained such age”.

1 (e) Section 202 (h) (4) (B) of such Act is amended by
2 inserting before the comma at the end thereof the following:
3 “by reason of being under a disability (as defined in section,
4 223 (c)) which began before he attained such age”.

5 (f) The third sentence of section 203 (b) of such Act is
6 amended by inserting after “child’s insurance benefits” the
7 following: “by reason of being under a disability (as defined
8 in section 223 (c)) which began before he attained such
9 age”.

10 (g) Section 203 (c) of such Act is amended by strik-
11 ing out the period at the end of the first sentence and insert-
12 ing in lieu thereof “; or”, and by striking out the last two
13 sentences and inserting in lieu thereof the following:

14 “(5) in which such individual, if a child eighteen
15 years of age or over entitled to child’s insurance bene-
16 fits solely by reason of being a full-time student at an
17 educational institution, is not in actual full-time attend-
18 ance at such institution.

19 For purposes of paragraphs (2), (3), and (4), a child
20 shall not be considered to be entitled to a child’s insurance
21 benefit for any month in which an event specified in section
22 222 (b) occurs with respect to such child; and for purposes
23 of paragraph (5) the term ‘full-time student’ has the mean-
24 ing assigned to it by section 202 (d) (7). No deduction

1 shall be made under this subsection from any child's insur-
2 ance benefit for the month in which the child entitled to
3 such benefit attained the age of eighteen or any subsequent
4 month, if such child is entitled to such benefit by reason
5 of being under a disability (as defined in section 223 (c))
6 which began before he attained such age."

7 (h) Section 203 (d) (2) of such Act is amended by
8 inserting after "the age of eighteen is entitled" the following:
9 "by reason of being under a disability (as defined in section
10 223 (c)) which began before he attained such age".

11 (i) Clause (C) in the last sentence of section 203 (f)
12 (1) of such Act is amended by inserting after "the age of
13 18" the following: "and is under a disability (as defined in
14 section 223 (c)) which began before he attained such age".

15 (j) Section 216 (b) of such Act is amended by inserting
16 before the period at the end thereof the following: "by reason
17 of being under a disability (as defined in section 223 (c))
18 which began before she attained such age".

19 (k) Section 216 (c) of such Act is amended by inserting
20 before the period at the end thereof the following: "by reason
21 of being under a disability (as defined in section 223 (c))
22 which began before she attained such age".

23 (l) Section 216 (f) of such Act is amended by inserting
24 before the period at the end thereof the following: "by reason

1 of being under a disability (as defined in section 223 (c))
2 which began before he attained such age”.

3 (m) Section 216 (g) of such Act is amended by insert-
4 ing before the period at the end thereof the following: “by
5 reason of being under a disability (as defined in section
6 233 (c)) which began before he attained such age”.

7 (n) Section 222 (b) (1) of such Act is amended by
8 inserting after “and is entitled to child’s insurance benefits”
9 the following: “by reason of being under a disability (as de-
10 fined in section 223 (c)) which began before he attained such
11 age”.

12 (o) Section 222 (b) (2) of such Act is amended by
13 inserting after “child who has attained the age of eighteen
14 is entitled” the following: “by reason of being under a dis-
15 ability (as defined in section 223 (c)) which began before
16 he attained such age,”.

17 (p) Section 222 (c) (3) of such Act is amended by
18 striking out “an individual entitled to benefits under section
19 202 (d) who has attained the age of eighteen” and inserting
20 in lieu thereof “an individual who has attained the age of
21 eighteen and (by reason of being under a disability (as
22 defined in section 223 (c)) which began before he attained
23 such age) is entitled to benefits under section 202 (d)”.

24 (q) Section 225 of such Act is amended by inserting

1 after "entitled to benefits under section 202 (d)" the fol-
2 lowing: "by reason of being under a disability (as defined
3 in section 223 (c)) which began before he attained such
4 age".

5 SEC. 3. The amendments made by this Act shall apply
6 only with respect to monthly benefits under section 202 of
7 the Social Security Act for months after the month in which
8 this Act is enacted, and, in the case of a child who attained
9 age eighteen in or before the month in which this Act is
10 enacted, only if an application for such benefits is filed after
11 the month in which this Act is enacted.

87TH CONGRESS
1ST SESSION

H. R. 9424

A BILL

To amend title II of the Social Security Act to provide that the child of an insured individual may receive child's insurance benefits even though he has attained age 18 if he is under 21 and is a full-time student attending a college or university.

By Mr. FOGARTY

SEPTEMBER 23 (legislative day, SEPTEMBER 22), 1961
Referred to the Committee on Ways and Means