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Social Security Childhood Disability Benefits: Proposals in the 118th Congress: In Brief

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Introduction

During the 118th Congress, Members of Congress introduced legislation that would have changed certain eligibility criteria for childhood disability benefits—a type of Social Security benefit available to adults age 18 or older with qualifying disabilities that began before they turned age 22.

This In Brief first provides an overview of Social Security and childhood disability benefits. It then explains the current eligibility criteria to receive childhood disability benefits. Finally, it discusses proposals introduced during the 118th Congress that would have changed certain eligibility criteria for childhood disability benefits.

Social Security Overview

Old-Age, Survivors, and Disability Insurance (OASDI)—commonly referred to as Social Security—is a federal social insurance program that provides monthly cash benefits to insured workers and their eligible family members in the event of the worker’s retirement, disability, or death. Eligible family members generally include insured workers’ spouses, children, parents, and widow(er)s. Social Security benefits are intended to replace a portion of the earnings lost to a family when a worker retires, dies, or experiences a work-limiting disability. Workers become *insured* for Social Security by working for a sufficient period in jobs that are covered by Social Security and subject to its payroll tax. An insured worker’s monthly Social Security benefit amount is based on the worker’s career-average earnings in covered jobs. Benefits are financed primarily by dedicated payroll taxes paid by covered workers and their employers. Social Security benefits are administered by the Social Security Administration (SSA).¹

Childhood Disability Benefits Overview

Adults age 18 or older with qualifying disabilities that began before they turned age 22 may be able to receive a type of Social Security family benefit called *childhood disability benefits* if they meet certain criteria.² An individual qualifies for childhood disability benefits—which are sometimes also called disabled adult child (DAC) benefits—based on the work record of a parent who is receiving Social Security retirement or disability benefits or who is deceased and met minimum insured status requirements under Social Security at the time of death. An individual’s childhood disability benefit amount equals a certain share of the parent’s Social Security monthly benefit (generally up to 50%-75% of the insured parent’s basic benefit), subject to a maximum amount of benefits that can be paid on one worker’s record (i.e., a *family maximum*). Unlike most other people who receive Social Security disability benefits, childhood disability beneficiaries do

¹ For more information on Social Security, see CRS Report R42035, *Social Security Primer*.

² Social Security does not provide disability benefits to children under age 18. Children with qualifying disabilities may be able to receive cash payments (and Medicaid) under a separate disability program administered by SSA, called Supplemental Security Income (SSI), if they meet the program’s income, resource, and other eligibility rules. For more information on SSI, see CRS In Focus IF10482, *Supplemental Security Income (SSI)*. Social Security child’s benefits are also available to eligible children who are under age 18 or under age 19 and full-time students (grade 12 or below) regardless of disability status. As with childhood disability benefits, children qualify for these other types of Social Security child’s benefits based on the work records of their parents who are receiving Social Security or are deceased. For more information on Social Security child’s benefits, see CRS In Focus IF12069, *Social Security: How Do Children Qualify for Benefits?*

not have to serve a five-month waiting period before receiving benefits.³ Like most other Social Security disability beneficiaries, childhood disability beneficiaries generally receive Medicare coverage after a 24-month waiting period.⁴

In December 2023, about 1.1 million people—or about 1.7% of all Social Security beneficiaries—received childhood disability benefits averaging about \$1,035 per month per beneficiary.⁵ Of those, about 30.5% were children of retired workers, 60.2% were children of deceased workers, and about 9.2% were children of disabled workers.⁶

Childhood disability benefits for children of insured workers who retire or die were enacted in the Social Security Amendments of 1956 (P.L. 84-880) and later for children of insured workers with qualifying disabilities in the Social Security Amendments of 1958 (P.L. 85-840). At that time, childhood disability benefits were available to individuals age 18 or older whose qualifying disabilities began before they turned age 18. In explaining the rationale for creating childhood disability benefits, a Senate report stated that children who experience qualifying disabilities before they turn age 18 (i.e., during childhood) are as dependent on their parents for their financial support after attaining age 18 as they were before turning age 18.⁷ Congress required individuals applying for or receiving childhood disability benefits to meet many of the same basic eligibility criteria that apply to other types of Social Security benefits for children, such as the requirement that they be unmarried.

Congress later raised the age before which an individual’s qualifying disability must have started to age 22 in the Social Security Amendments of 1972 (P.L. 92-603). In explaining the rationale for raising the disability onset age limit, a Senate report stated that children who experience qualifying disabilities before they turn age 22 (including from ages 18 through 21) are generally dependent on their parents for their financial support in adulthood.⁸

Qualifying for Childhood Disability Benefits

To qualify for childhood disability benefits, individuals need to meet both disability-related and non-disability-related requirements in law. Under Section 202(d) of the Social Security Act, the unmarried children of insured workers can qualify for childhood disability benefits if they are age 18 or older and have been continuously under disabilities—as defined in Section 223(d) of the

³ SSA, *Program Operations Manual System* (POMS), “DI 10115.001 Requirements for Entitlement to Childhood Disability Benefits (CDB),” September 4, 2014, <https://secure.ssa.gov/poms.nsf/lnx/0410115001>. Individuals approved for Social Security disability benefits after July 23, 2020, on the basis of amyotrophic lateral sclerosis (ALS, or Lou Gehrig’s disease) are also exempt from the five-month waiting period. For more information on exceptions to the five-month waiting period, see SSA, Office of the Inspector General, *Disability Waiting Period Exclusions*, September 2024, <https://oig.ssa.gov/assets/uploads/072304.pdf>.

⁴ Individuals who are age 18 or older and qualify for childhood disability benefits on the basis of ALS receive Medicare coverage without any waiting period. Individuals who qualify for childhood disability benefits on the basis of end-stage renal disease (ESRD) usually receive Medicare coverage on the first day of the fourth month of dialysis treatments. For more information on Medicare, see CRS In Focus IF10885, *Medicare Overview*. For more information on ESRD, see CRS Report R45290, *Medicare Coverage of End-Stage Renal Disease (ESRD)*.

⁵ SSA, *Annual Statistical Supplement, 2024*, Tables 5.A1 and 5.A1.4, December 2024, <https://www.ssa.gov/policy/docs/statcomps/supplement/2024/>.

⁶ SSA, *Annual Statistical Report on the Social Security Disability Insurance Program, 2023*, October 2024, Table 1, https://www.ssa.gov/policy/docs/statcomps/di_asr/2023/.

⁷ U.S. Congress, Senate Committee on Finance, *Social Security Amendments of 1956*, 84th Cong., 2nd sess., June 5, 1956, S.Rept. 84-2133, p. 2, <https://www.finance.senate.gov/imo/media/doc/Rpt84-2133.pdf>.

⁸ U.S. Congress, Senate Committee on Finance, *Social Security Amendments of 1972*, 92nd Cong., 2nd sess., September 26, 1972, S.Rept. 92-1230, p. 138, <https://www.finance.senate.gov/imo/media/doc/Rpt92-1230.pdf>.

Social Security Act—that started before they turned age 22.⁹ The following two subsections detail the disability and other requirements needed to qualify for childhood disability benefits.

Disability Requirements to Qualify for Childhood Disability Benefits

In order for an individual age 18 or older to meet the disability requirements to qualify for childhood disability benefits, SSA would need to determine that the individual has a qualifying disability that began before he or she turned age 22.

The definition of *disability* under Social Security generally requires an individual to have a severe impairment that has lasted for a sufficient period and that prevents the individual from doing certain work. Specifically, Section 223(d) of the Social Security Act defines *disability* as the inability to engage in any *substantial gainful activity* (SGA) due to any medically determinable physical or mental impairment that has lasted or can be expected to last for a continuous period of at least 12 months or is expected to result in death. In general, individuals must have severe impairments that prevent them from doing any substantial work that exists in significant numbers in the national economy, taking into consideration their age, education, and work experience. The work need not exist in the immediate area in which the individual lives, nor must a specific job vacancy exist for the individual.¹⁰ SSA uses a monthly earnings limit to determine if a person's work activity represents SGA, which for most individuals is \$1,620 per month in 2025.¹¹ An individual who works and earns above the monthly limit is generally considered able to engage in SGA and so found not to have a qualifying disability for the purposes of Social Security.¹²

For an individual to initially qualify for childhood disability benefits under current law, SSA specifies that he or she must be *continuously* under a disability that began before age 22.¹³ SSA determines that an individual has *not* been continuously under a disability that began before age 22 if he or she has worked above the SGA level after age 22 and has never previously been a childhood disability beneficiary—for example, because the individual's parents have not yet reached the minimum age to claim Social Security retirement benefits.¹⁴ These individuals are unable to initially qualify for childhood disability benefits, even if their insured parents later begin receiving Social Security benefits (or die).

Different rules about work apply to individuals already receiving childhood disability benefits. The Social Security Act allows individuals who are already receiving childhood disability benefits to do some time-limited work above the SGA earnings limit without losing their eligibility for benefits. These special work rules for disability beneficiaries are often referred to as

⁹ Social Security Act, §§202(d) and 223(d) (42 U.S.C. §§402(d) and 423(d)).

¹⁰ Social Security Act, §223(d) (42 U.S.C. §423(d)).

¹¹ SSA, "Substantial Gainful Activity," <https://www.ssa.gov/oact/cola/sga.html>. The SGA earnings limit for blind individuals under Social Security is \$2,700 per month in 2025.

¹² This is the same definition of *disability* used for adults in the SSI program. See Social Security Act, §1614(a)(3) (42 U.S.C. §1382c(a)(3)).

¹³ SSA, "SSR 80-4c: Section 202(d)(1)(B)(ii) (42 U.S.C. 402(d)(1)(B)(ii)) Childhood Disability Benefits—Requirements for Entitlement—Onset of Disability Prior to Age 22," https://www.ssa.gov/OP_Home/rulings/oasi/09/SSR80-04-oasi-09.html.

¹⁴ SSA, POMS, "DI 10115.022 Work Activity and Childhood Disability Benefit (CDB) Entitlement," June 11, 2008, <https://secure.ssa.gov/poms.nsf/lnx/0410115022>; and SSA, POMS, "DI 11020.050 Field Office (FO) Technical Denials of Childhood Disability Benefits (CDB) Including Substantial Gainful Activity (SGA) and Other Technical Denials," November 7, 2013, <https://secure.ssa.gov/poms.nsf/lnx/0411020050>.

“work incentives.”¹⁵ After using available work incentives, an individual whose eligibility for childhood disability benefits ends because of work activity can later qualify for childhood disability benefits again on the same parent’s work record if SSA finds that the individual has a qualifying disability again and meets all other eligibility rules. These former childhood disability beneficiaries can reestablish their eligibility for childhood disability benefits again regardless of how much time has passed since their benefits last ended (i.e., there is no time limit to reestablish eligibility).¹⁶

Other Requirements to Qualify for Childhood Disability Benefits

In addition to meeting the disability requirements, individuals must also meet non-disability requirements specified in law to qualify for childhood disability benefits.¹⁷ Specifically, adults age 18 or older with qualifying disabilities that began before they turned age 22 must also:

- be the children of workers who are receiving Social Security retirement or disability benefits or workers who are deceased and met minimum insured status requirements under Social Security at the time of their deaths,¹⁸ and
- be unmarried (with some exceptions).¹⁹

Each of these requirements is discussed in more detail in the following subsections.

Individual’s Parent Must Be Receiving Social Security or Deceased

To qualify for childhood disability benefits, individuals must be the children of workers who are receiving Social Security retirement or disability benefits on their own work records or workers who are deceased and met minimum insured status requirements under Social Security at the time of their deaths.²⁰ As such, an individual’s eligibility for childhood disability benefits depends, in part, on one parent meeting Social Security eligibility rules.²¹

¹⁵ For more information on work incentives, see SSA, *The Red Book*, <https://www.ssa.gov/redbook/>.

¹⁶ Social Security Act, §202(d)(6)(B) (42 U.S.C. §402(d)(6)(B)). An individual whose eligibility for childhood disability benefits ends because SSA finds that the disability has medically improved can become eligible for childhood disability benefits again on the same parent’s work record if SSA finds that the individual is under a qualifying disability again within seven years (i.e., 84 months) of when previous benefit entitlement ended and meets all other eligibility criteria.

¹⁷ SSA, POMS, “DI 10115.001 Requirements for Entitlement to Childhood Disability Benefits (CDB),” September 4, 2014, <https://secure.ssa.gov/poms.nsf/lnx/0410115001>.

¹⁸ The Social Security Act also requires an individual to be *dependent* on the parent (or other individual) on whose record he or she qualifies. The dependency requirements vary based on the type of parent-child relationship and other circumstances. SSA deems (i.e., presumes) certain individuals to be dependent on their parents. Otherwise, an individual must prove to SSA that a dependency relationship exists. Depending on the type of worker-child relationship, additional requirements may also apply. For more information, see SSA, POMS, “GN 00306.002 Parent-Child Relationship Categories for Title II Benefits—Overview,” September 13, 2019, <https://secure.ssa.gov/apps10/poms.nsf/lnx/0200306002>.

¹⁹ An individual must have also filed an application for benefits.

²⁰ Under the Social Security Act, *children* also include non-biological children of insured workers, such as certain stepchildren and adopted children. In determining a child’s relationship to an insured worker, SSA generally looks to the laws of the state (as interpreted by the courts of that state) in which the worker is domiciled at the time of application or death. A child may qualify as an insured worker’s child for purposes of childhood disability benefits if the child would inherit the worker’s personal property under state intestacy law or meets certain other criteria. See Social Security Act, §216(e) and (h) (42 U.S.C. §416(e) and (h)).

²¹ In limited circumstances, a child may qualify on the work record of a grandparent who has not legally adopted the child. See SSA, “Parents and Guardians,” <https://www.ssa.gov/people/parents/>.

Workers generally become *insured* for Social Security by working for a sufficient period in jobs covered by Social Security and subject to its payroll tax. To be insured for certain Social Security benefits, a worker must have also performed this work recently enough for it to be counted. Depending on the type of Social Security benefit, additional requirements also apply for insured workers to receive benefits. For example, to receive Social Security retirement benefits, insured workers must have reached a minimum claiming age (age 62), among other requirements. To receive Social Security Disability Insurance benefits, insured workers must meet the definition of *disability* in law, as well as other eligibility criteria.²²

Individuals who are otherwise eligible for childhood disability benefits but whose parents are not receiving Social Security benefits—for example, because their parents have not yet reached the minimum age to claim Social Security retirement benefits—cannot qualify for childhood disability benefits until one of their parents begins receiving Social Security or dies meeting the minimum Social Security insured status requirements (and the individual meets all other eligibility requirements). This means that two otherwise eligible individuals who are the same age and have the same disabilities, disability onset dates, and past work activity may become first eligible to receive childhood disability benefits at different times, depending on when their insured parents begin receiving Social Security benefits or die.

Individual Must Be Unmarried Unless an Exception Applies

Current law also generally requires individuals to be unmarried to receive childhood disability benefits. Specifically, child applicants must be unmarried to initially qualify for childhood disability benefits,²³ and those already receiving childhood disability benefits generally have their benefits terminated if they marry.²⁴ As noted earlier, Social Security provides benefits to the eligible children of insured workers because such children are generally presumed to be dependent on their parents for their financial support. The program considers this presumption no longer valid when a child marries based on the idea that married individuals are less likely to be financially dependent on their parents.²⁵ In 2023, more than 1,800 individuals had their childhood disability benefits terminated due to marriage.²⁶

The Social Security Act provides an exception to the “unmarried requirement” that allows current childhood disability beneficiaries to marry most other adult Social Security beneficiaries and remain eligible for childhood disability benefits.²⁷ The types of adult Social Security beneficiaries covered by this exception include workers receiving retirement or disability benefits and

²² For more information on insured status and the requirements needed to qualify for different Social Security benefits, see CRS Report R42035, *Social Security Primer*; CRS Report RS22294, *Social Security Survivors Benefits*; and CRS Report R44948, *Social Security Disability Insurance (SSDI) and Supplemental Security Income (SSI): Eligibility, Benefits, and Financing*.

²³ Social Security Act, §202(d)(1)(B) (42 U.S.C. §402(d)(1)(B)).

²⁴ Social Security Act, §202(d)(1)(D) (42 U.S.C. §402(d)(1)(D)).

²⁵ SSA, “SSR 78-10c: Sections 202(d)(1)(D) and 202(d)(5) (42 U.S.C. 402(d)(1)(D) and 402(d)(5)) Child’s Insurance Benefits—Termination—Marriage of Disabled Child to a Non-Beneficiary—Constitutionality,” https://www.ssa.gov/OP_Home/rulings/oasi/09/SSR78-10-oasi-09.html. When a child marries, the spouse is assumed to have an obligation to financially support the child. This new dependency relationship created by the marriage is presumed to reduce or terminate the dependency relationship between the child and the parent. See U.S. Congress, House Committee on Ways and Means, Subcommittee on Oversight, *Review of Social Security Student Benefit Program*, 96th Cong., 1st sess., February 8, 1979, H.Hrg. 96-3 (Washington: GPO, 1979), p. 77, <https://books.google.com/books?id=AqH6gwJSn2oC&pg=PA77>.

²⁶ SSA, *Annual Statistical Supplement, 2024*, Table 6.F3. See also SSA, *Annual Statistical Report on the Social Security Disability Insurance Program, 2023*, Table 50.

²⁷ Social Security Act, §202(d)(5) and (s)(2).

individuals receiving Social Security family benefits, such as other childhood disability beneficiaries. This exception does not apply to marriages to child or student Social Security beneficiaries or to Supplemental Security Income (SSI) recipients who are not concurrently receiving an excepted type of Social Security benefit.²⁸ Individuals receiving childhood disability benefits lose eligibility for such benefits if they marry and an exception does not apply.

An applicant's previous marriage may also affect the ability to qualify for childhood disability benefits. To *initially* qualify on a parent's work record, an applicant who had been married is considered unmarried—and thus potentially eligible for childhood disability benefits—if the previous marriage was terminated by annulment, divorce, or death or if it was found to be void under state law.²⁹ However, to *subsequently* qualify on the same parent's work record after having been previously terminated from childhood disability benefits, an applicant who had been married is considered unmarried only if the previous marriage was void or annulled.³⁰ As such, a marriage that ended by death or divorce precludes a previously married applicant from reestablishing eligibility for childhood disability benefits on the *same* parent's work record.³¹ A previously married applicant who is unable to reestablish eligibility for childhood disability benefits on the same parent's work record may be able to qualify for such benefits on the *other* parent's work record if the applicant meets all other eligibility criteria.

Selected Proposals in the 118th Congress

Three bills were introduced during the 118th Congress that proposed to change some of the statutory provisions governing Social Security childhood disability benefits.³² All of these bills would have allowed more individuals to establish or maintain their eligibility for childhood disability benefits but differed in terms of the specific eligibility criteria that would have been changed. For example, the Marriage Equality for Disabled Adults Act (H.R. 6640) would have changed how marriage is considered when determining eligibility for childhood disability benefits, the Work Without Worry Act (S. 2196) would have changed how certain work is considered when determining the onset of disability, and the Fairness for Disabled Young Adults Act (S. 4555) would have changed the age before which an individual would need to be under a disability to qualify for childhood disability benefits from age 22 to age 26. The remainder of this section discusses these three bills in more detail.

²⁸ SSA, POMS, “RS 00203.035 Child’s Benefits Termination of Entitlement,” January 3, 2024, <https://secure.ssa.gov/poms.nsf/lnx/0300203035>; and SSA, POMS, “DI 10115.050 Termination of Childhood Disability Benefit (CDB) Entitlement,” January 14, 2010, <https://secure.ssa.gov/poms.nsf/lnx/0410115050>.

²⁹ SSA, POMS, “RS 00203.020 When a Child Who Has Been Married May Be Considered ‘Unmarried,’” September 9, 2011, <https://secure.ssa.gov/poms.nsf/lnx/0300203020>.

³⁰ Social Security Act, §202(d)(6) (42 U.S.C. §402(d)(6)) and SSA, “SSR 79-29c: Section 202(d)(6) (42 U.S.C. 402(d)(6)) Child’s Insurance Benefits—Reentitlement—Marriage as a Bar to Reentitlement—Constitutionality,” https://www.ssa.gov/OP_Home/rulings/oasi/09/SSR79-29-oasi-09.html.

³¹ SSA, POMS, “RS 00203.015 Requirements for Re-entitlement to Child’s Benefits,” September 7, 2023, <https://secure.ssa.gov/poms.nsf/lnx/0300203015>.

³² This report does not examine bills or amendments introduced during the 118th Congress that would have changed Social Security provisions affecting multiple types of Social Security beneficiaries, one of which is childhood disability beneficiaries (e.g., bills to change the method for calculating cost-of-living adjustments for all Social Security beneficiaries).

Among other changes to current law, H.R. 6640, the Marriage Equality for Disabled Adults Act, would have removed the requirement that individuals be unmarried to initially qualify for childhood disability benefits. The proposal would have also removed marriage as a benefit-terminating event for individuals already receiving childhood disability benefits. In 2022, SSA's Office of the Chief Actuary (OCACT) estimated the cost of similar provisions in a previous version of the bill introduced during the 117th Congress. OCACT estimated that, if enacted, those provisions would have slightly worsened the long-range financial position of the OASDI program, though they would not have changed the projected reserve depletion year of the combined OASDI trust funds.³³ OCACT also estimated that these provisions would have decreased federal SSI payments by \$7 billion over the 10-year period from 2022 through 2031.³⁴

S. 2196, the Work Without Worry Act, would have allowed individuals to initially qualify for childhood disability benefits based on disabilities that began before age 22 even if they have worked above the SGA level after turning 22. Under the proposal, individuals would still have been required to have *impairments* that began before age 22, but *work* performed after age 22 and before they filed for childhood disability benefits would not be considered when determining eligibility for childhood disability benefits. In other words, the proposal would have removed the requirement that an individual be *continuously* under a disability that began before age 22 until the time he or she applies for childhood disability benefits. When individuals apply for childhood disability benefits, they would have still needed to be unable to work above the SGA earnings level to establish that they are *currently* disabled, as is required under current law. The proposal would have allowed individuals who have never been previously eligible for childhood disability benefits to work above the SGA earnings limit after turning age 22 without that work preventing them from becoming eligible for childhood disability benefits in the future if, for example, one of their insured parents later claims Social Security benefits (retirement or disability) or dies. OCACT estimated that enacting the bill would have increased the number of individuals entitled to childhood disability benefits by about 7,000 and OASDI program costs by \$390 million over the 10-year period from 2023 through 2032, but it would have had “no significant effect” on the program’s long-range financial status.³⁵

S. 4555, the Fairness for Disabled Young Adults Act, would have changed the disability onset age criteria for qualifying for childhood disability benefits. Specifically, the bill would have raised the age before which individuals must have become disabled to qualify for childhood disability benefits from age 22 to age 26. This change would have allowed individuals whose qualifying

³³ Stephen C. Goss, chief actuary, SSA, letter to the Hon. Jimmy Panetta, U.S. House of Representatives, March 9, 2022, https://www.ssa.gov/oact/solvency/JPanetta_20220309.pdf. OCACT estimated that the provisions were projected to increase (i.e., worsen) the program’s long-term funding shortfall by less than 1%. OCACT’s estimate was based on the intermediate assumptions of the 2021 trustees’ report. For the previous version of the bill introduced during the 117th Congress, see H.R. 6405. For more information on the Social Security trust funds, see CRS Report RL33028, *Social Security: The Trust Funds*.

³⁴ Goss, letter to Panetta. OCACT’s estimate was based on the assumptions of the 2021 SSI annual report. The SSI cost estimates presented here reflect only the provisions of the proposed bill concerning the requirements governing childhood disability beneficiaries (i.e., Section 2 of H.R. 6405). They do not reflect other provisions of the bill that would change SSI program requirements and Medicaid requirements. OCACT estimated that on the whole, the bill “would reduce Federal SSI payments from the General Fund of the Treasury by an estimated \$6 billion for the period 2022 through 2031.”

³⁵ Stephen C. Goss, chief actuary, SSA, letter to the Hon. Ron Wyden, Committee on Finance, U.S. Senate, and the Hon. Bill Cassidy, Committee on Finance, U.S. Senate, June 21, 2023, https://www.ssa.gov/OACT/solvency/WydenCassidy_20230622.pdf. These estimates reflect the updated baseline of the 2023 trustees’ report’s intermediate projections.

disabilities began from ages 22 through 25 to potentially establish eligibility for childhood disability benefits.³⁶

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³⁶ As of the date of this report, OCACT had not scored this bill.