

106TH CONGRESS
1ST SESSION

H. R. 5

To amend title II of the Social Security Act to eliminate the earnings test for individuals who have attained retirement age.

IN THE HOUSE OF REPRESENTATIVES

MARCH 1, 1999

Mr. SAM JOHNSON of Texas (for himself, Mr. PETERSON of Minnesota, Mr. SESSIONS, Mr. ROHRBACHER, Mr. GOSS, Mr. MCCOLLUM, Mr. CUNNINGHAM, Mr. ENGLISH, Mr. PAUL, Mr. UNDERWOOD, Mrs. MORELLA, Mr. BURTON of Indiana, Mr. HORN, Mr. HOSTETTLER, Mr. MCCREERY, Mr. HEFLEY, Mr. NEY, Mr. RAMSTAD, Mr. BOUCHER, Mr. LOBIONDO, Ms. RIVERS, Mr. GREEN of Texas, Mr. KING, Mr. MCINTOSH, Mrs. MYRICK, Mr. TAYLOR of North Carolina, Mr. KUYKENDALL, Mr. WELLER, Mr. ROGERS, Mr. BARTON of Texas, Mr. KNOLLENBERG, Mr. TERRY, Mr. PETERSON of Pennsylvania, Mr. SOUDER, Ms. DUNN, Mr. BRADY of Texas, Mr. TIAHRT, Mr. STUMP, Mr. SENSENBRENNER, Mrs. BONO, Mr. DOOLITTLE, Mr. THORNBERRY, Mr. PACKARD, Ms. ROS-LEHTINEN, Mr. METCALF, Mr. FALEOMAVAEGA, Mr. BLILEY, Mr. CHAMBLISS, Mr. WATTS of Oklahoma, Mr. SWEENEY, Mr. DREIER, and Mr. HASTINGS of Washington) 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 eliminate the earnings test for individuals who have attained retirement age.

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

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Senior Citizens’ Free-
3 dom to Work Act of 1999”.

4 **SEC. 2. ELIMINATION OF EARNINGS TEST FOR INDIVID-**
5 **UALS WHO HAVE ATTAINED RETIREMENT**
6 **AGE.**

7 Section 203 of the Social Security Act (42 U.S.C.
8 403) is amended—

9 (1) in subsection (c)(1), by striking “the age of
10 seventy” and inserting “retirement age (as defined
11 in section 216(l))”;

12 (2) in paragraphs (1)(A) and (2) of subsection
13 (d), by striking “the age of seventy” each place it
14 appears and inserting “retirement age (as defined in
15 section 216(l))”;

16 (3) in subsection (f)(1)(B), by striking “was
17 age seventy or over” and inserting “was at or above
18 retirement age (as defined in section 216(l))”;

19 (4) in subsection (f)(3)—

20 (A) by striking “33 $\frac{1}{3}$ percent” and all
21 that follows through “any other individual,”
22 and inserting “50 percent of such individual’s
23 earnings for such year in excess of the product
24 of the exempt amount as determined under
25 paragraph (8),”; and

1 (B) by striking “age 70” and inserting
2 “retirement age (as defined in section 216(l))”;
3 (5) in subsection (h)(1)(A), by striking “age
4 70” each place it appears and inserting “retirement
5 age (as defined in section 216(l))”; and

6 (6) in subsection (j)—

7 (A) in the heading, by striking “Age Sev-
8 enty” and inserting “Retirement Age”; and

9 (B) by striking “seventy years of age” and
10 inserting “having attained retirement age (as
11 defined in section 216(l))”.

12 **SEC. 3. CONFORMING AMENDMENTS ELIMINATING THE**
13 **SPECIAL EXEMPT AMOUNT FOR INDIVIDUALS**
14 **WHO HAVE ATTAINED RETIREMENT AGE.**

15 (a) **UNIFORM EXEMPT AMOUNT.**—Section
16 203(f)(8)(A) of the Social Security Act (42 U.S.C.
17 403(f)(8)(A)) is amended by striking “the new exempt
18 amounts (separately stated for individuals described in
19 subparagraph (D) and for other individuals) which are to
20 be applicable” and inserting “a new exempt amount which
21 shall be applicable”.

22 (b) **CONFORMING AMENDMENTS.**—Section
23 203(f)(8)(B) of the Social Security Act (42 U.S.C.
24 403(f)(8)(B)) is amended—

1 (1) in the matter preceding clause (i), by strik-
2 ing “Except” and all that follows through “which-
3 ever” and inserting “The exempt amount which is
4 applicable for each month of a particular taxable
5 year shall be whichever”;

6 (2) in clauses (i) and (ii), by striking “cor-
7 responding” each place it appears; and

8 (3) in the last sentence, by striking “an exempt
9 amount” and inserting “the exempt amount”.

10 (c) REPEAL OF BASIS FOR COMPUTATION OF SPE-
11 CIAL EXEMPT AMOUNT.—Section 203(f)(8)(D) of the So-
12 cial Security Act (42 U.S.C. 403(f)(8)(D)) is repealed.

13 **SEC. 4. ADDITIONAL CONFORMING AMENDMENTS.**

14 (a) ELIMINATION OF REDUNDANT REFERENCES TO
15 RETIREMENT AGE.—Section 203 of the Social Security
16 Act (42 U.S.C. 403) is amended—

17 (1) in subsection (c), in the last sentence, by
18 striking “nor shall any deduction” and all that fol-
19 lows and inserting “nor shall any deduction be made
20 under this subsection from any widow’s or widower’s
21 insurance benefit if the widow, surviving divorced
22 wife, widower, or surviving divorced husband in-
23 volved became entitled to such benefit prior to at-
24 taining age 60.”; and

1 (2) in subsection (f)(1), by striking clause (D)
2 and inserting the following: “(D) for which such in-
3 dividual is entitled to widow’s or widower’s insurance
4 benefits if such individual became so entitled prior
5 to attaining age 60,”.

6 (b) CONFORMING AMENDMENT TO PROVISIONS FOR
7 DETERMINING AMOUNT OF INCREASE ON ACCOUNT OF
8 DELAYED RETIREMENT.—Section 202(w)(2)(B)(ii) of the
9 Social Security Act (42 U.S.C. 402(w)(2)(B)(ii)) is
10 amended—

11 (1) by striking “either”; and

12 (2) by striking “or suffered deductions under
13 section 203(b) or 203(c) in amounts equal to the
14 amount of such benefit”.

15 (c) PROVISIONS RELATING TO EARNINGS TAKEN
16 INTO ACCOUNT IN DETERMINING SUBSTANTIAL GAINFUL
17 ACTIVITY OF BLIND INDIVIDUALS.—The second sentence
18 of section 223(d)(4) of such Act (42 U.S.C. 423(d)(4))
19 is amended by striking “if section 102 of the Senior Citi-
20 zens’ Right to Work Act of 1996 had not been enacted”
21 and inserting the following: “if the amendments to section
22 203 made by section 102 of the Senior Citizens’ Right
23 to Work Act of 1996 and by the Senior Citizens’ Freedom
24 to Work Act of 1999 had not been enacted”.

1 **SEC. 5. EFFECTIVE DATE.**

2 The amendments and repeals made by this Act shall
3 apply with respect to taxable years ending after December
4 31, 1998.

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