

107TH CONGRESS
1ST SESSION

H. R. 3315

To improve the solvency of the Social Security Program, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 16, 2001

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

A BILL

To improve the solvency of the Social Security Program,
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 AND TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Social Security Stabilization and Enhancement Act of
6 2001”.

7 (b) TABLE OF CONTENTS.—The table of contents is
8 as follows:

Sec. 1. Short title and table of contents.

Sec. 2. Investment of the social security trust funds.

Sec. 3. Rules governing investment of Federal Old-Age and Survivors Insurance
Trust Fund in common stock.

Sec. 4. Establishment of the Independent Social Security Investment Oversight Board.

Sec. 5. Repeal of limitation on social security wage base for FICA and SECA taxes.

Sec. 6. Basic exemption from employee social security taxes.

Sec. 7. Increase in benefits at age 85.

Sec. 8. Years of low earnings while providing child care disregarded in determining benefit computation years.

Sec. 9. Phased-in increase in number of benefit computation years to 38.

1 SEC. 2. INVESTMENT OF THE SOCIAL SECURITY TRUST
2 FUNDS.

3 (a) IN GENERAL.—Section 201(d) of the Social Secu-
 4 rity Act (42 U.S.C. 401(d)) is amended to read as follows:

5 “(d)(1) It shall be the duty of the Managing Trustee
 6 to invest such portion of each of the Trust Funds as is
 7 not, in his judgment, required to meet current with-
 8 draws. Subject to paragraph (2), such investments may
 9 be made only in interest-bearing obligations of the United
 10 States or in obligations guaranteed as to both principal
 11 and interest by the United States. For such purpose such
 12 obligations may be acquired (A) on original issue at the
 13 issue price, or (B) by purchase of outstanding obligations
 14 at the market price.

15 “(2)(A) The Independent Social Security Investment
 16 Oversight Board shall establish in the Federal Old-Age
 17 and Survivors Insurance Trust Fund—

18 “(i) a Government Securities Investment Fund
 19 under which sums in the Trust Fund are invested in
 20 securities of the United States Government issued as
 21 provided in paragraph (3);

1 “(ii) a Fixed Income Investment Fund under
2 which sums in the Trust Fund are invested in—

3 “(I) insurance contracts,

4 “(II) certificates of deposit, or

5 “(III) other instruments or obligations se-
6 lected by qualified professional asset managers,
7 which return the amount invested and pay interest,
8 at a specified rate or rates, on that amount during
9 a specified period of time;

10 “(iii) a Common Stock Index Investment Fund
11 as provided in section 234(a); and

12 “(iv) such other investment fund or funds as
13 the Board may provide by regulation.

14 “(B) Upon receipt by the Federal Old-Age and Sur-
15 vivors Insurance Trust Fund of any amount appropriated
16 under subsection (a), the Managing Trustee shall deposit
17 a portion of such amount into the investment funds de-
18 scribed in subparagraph (A)—

19 “(i) in accordance with the policies and require-
20 ments set forth in section 713, and

21 “(ii) in a manner sufficient to maintain compli-
22 ance with the requirement under subparagraph (C).

23 “(C) The portion of the total amount within the Fed-
24 eral Old-Age and Survivors Insurance Trust Fund which
25 is maintained in the investment funds described in sub-

1 paragraph (A) shall, in the aggregate, remain as close as
 2 practicable at the end of each target year (specified in the
 3 following table) to the applicable percentage (specified in
 4 such table) for that target year of the total amount held
 5 in such Trust Fund at the end of such target year.

**“For each target year
 consisting of:**

**The applicable
 percentage is:**

2004	8 percent.
2007	16 percent.
2010	24 percent.
2013	32 percent.
2016 and each year thereafter	40 percent.

6 “(3)(A) The purposes for which obligations of the
 7 United States may be issued under chapter 31 of title 31,
 8 United States Code, are hereby extended to authorize the
 9 issuance at par of public-debt obligations for purchase—

10 “(i) by the Trust Funds under paragraph (1);
 11 and

12 “(ii) by the Federal Old-Age and Survivors In-
 13 surance Trust Fund for purposes of paragraph
 14 (2)(A)(i).

15 “(B) Such obligations issued for purchase by the
 16 Trust Funds shall have maturities fixed with due regard
 17 for the needs of the Trust Funds and shall bear interest
 18 at a rate equal to the average market yield (computed by
 19 the Managing Trustee on the basis of market quotations
 20 as of the end of the calendar month next preceding the
 21 date of such issue) on all marketable interest-bearing obli-
 22 gations of the United States then forming a part of the

1 public debt which are not due or callable until after the
2 expiration of four years from the end of such calendar
3 month; except that where such average market yield is not
4 a multiple of one-eighth of 1 per centum, the rate of inter-
5 est of such obligations shall be the multiple of one-eighth
6 of 1 per centum nearest such market yield.

7 “(C) Each obligation issued for purchase by the
8 Trust Funds under subparagraph (A) shall be evidenced
9 by a paper instrument in the form of a bond, note, or
10 certificate of indebtedness issued by the Secretary of the
11 Treasury setting forth the principal amount, date of matu-
12 rity, and interest rate of the obligation, and stating on
13 its face that the obligation shall be incontestable in the
14 hands of the Trust Funds, that the obligation is supported
15 by the full faith and credit of the United States, and that
16 the United States is pledged to the payment of the obliga-
17 tion with respect to both principal and interest.

18 “(D) The Managing Trustee may purchase interest-
19 bearing obligations of the United States or obligations
20 guaranteed as to both principal and interest by the United
21 States, other than obligations issued for purchase by the
22 Trust Funds, on original issue or at the market price, for
23 purposes of investment of the amounts held in the Trust
24 Funds only where he determines that the purchase of such
25 other obligations is in the public interest.”.

1 (c) EFFECTIVE DATE.—The amendment made by
 2 subsection (a) shall apply with respect to fiscal years be-
 3 ginning on or after October 1, 2001.

4 **SEC. 3. RULES GOVERNING INVESTMENT OF FEDERAL OLD-**
 5 **AGE AND SURVIVORS INSURANCE TRUST**
 6 **FUND IN COMMON STOCK.**

7 (a) IN GENERAL.—Title II of the Social Security Act
 8 is amended by adding at the end the following new section:

9 “INVESTMENT OF FEDERAL OLD-AGE AND SURVIVORS
 10 INSURANCE TRUST FUND IN COMMON STOCK
 11 “SEC. 234. (a) COMMON STOCK INDEX INVESTMENT
 12 FUND.—

13 “(1) SELECTION OF INDEX.—The Independent
 14 Social Security Investment Oversight Board shall se-
 15 lect, for purposes of investment of amounts held in
 16 the Common Stock Investment Fund of the Federal
 17 Old-Age and Survivors Insurance Trust Fund, an
 18 index which is a commonly recognized index com-
 19 prised of common stock the aggregate market value
 20 of which is a reasonably complete representation of
 21 the United States equity markets.

22 “(2) PORTFOLIO DESIGN.—Amounts held in the
 23 Common Stock Investment Fund of the Federal Old-
 24 Age and Survivors Insurance Trust Fund shall be
 25 invested in a portfolio designed to replicate the per-
 26 formance of the index selected under paragraph (1).

1 The portfolio shall be designed such that, to the ex-
2 tent practicable, the percentage of the balance in
3 such Account that is invested in each stock is the
4 same as the percentage determined by dividing the
5 aggregate market value of all shares of that stock by
6 the aggregate market value of all shares of all stocks
7 included in such index.

8 “(b) NO VOTING RIGHTS IN SECURITIES.—The Inde-
9 pendent Social Security Investment Oversight Board and
10 the Managing Trustee of the Federal Old-Age and Sur-
11 vivors Insurance Trust Fund may not exercise voting
12 rights associated with the ownership of securities by the
13 Trust Fund.

14 “(c) ENGAGEMENT OF QUALIFIED PUBLIC AC-
15 COUNTANT.—

16 “(1) IN GENERAL.—The Independent Social Se-
17 curity Investment Oversight Board shall annually
18 engage, on behalf of the Federal Old-Age and Sur-
19 vivors Insurance Trust Fund, an independent quali-
20 fied public accountant, who shall conduct an exam-
21 ination of all accounts and other books and records
22 maintained in the administration of this section as
23 the public accountant considers necessary to enable
24 the public accountant to make the determination re-
25 quired by paragraph (2). The examination shall be

1 conducted in accordance with generally accepted au-
2 diting standards and shall involve such tests of the
3 accounts, books, and records as the public account-
4 ant considers necessary.

5 “(2) EXAMINATION AND REPORT.—The public
6 accountant conducting an examination under para-
7 graph (1) shall determine whether the accounts,
8 books, and records referred to in paragraph (1) have
9 been maintained in conformity with generally accept-
10 ed accounting principles applied on a basis con-
11 sistent with the manner in which such principles
12 were applied during the examination conducted
13 under paragraph (1) during each preceding year
14 after 2002. The public accountant shall transmit to
15 the Board, the Comptroller General of the United
16 States, and each House of the Congress a report on
17 his examination, including his determination under
18 this paragraph. The Board shall make publicly avail-
19 able, by posting on the Internet and such other
20 means as the Board may determine, each report re-
21 ceived under the preceding sentence.

22 “(3) DEFINITION.—For the purposes of this
23 subsection, the term ‘qualified public accountant’
24 shall have the same meaning as is provided in sec-
25 tion 103(a)(3)(D) of the Employee Retirement In-

1 come Security Act of 1974 (29 U.S.C.
2 1023(a)(3)(D)).

3 “(d) FIDUCIARY RESPONSIBILITIES.—

4 “(1) IN GENERAL.—Under regulations of the
5 Secretary of Labor, the provisions of sections 8477
6 and 8478 of title 5, United States Code, shall apply
7 in connection with the amounts maintained in the
8 Common Stock Investment Fund of the Federal Old-
9 Age and Survivors Insurance Trust Fund in the
10 same manner and to the same extent as such provi-
11 sions apply in connection with the Thrift Savings
12 Fund.

13 “(2) INVESTIGATIVE AUTHORITY.—Any author-
14 ity available to the Secretary of Labor under section
15 504 of the Employee Retirement Income Security
16 Act of 1974 (29 U.S.C. 1134) is hereby made avail-
17 able to the Secretary of Labor, and any officer des-
18 ignated by the Secretary of Labor, to determine
19 whether any person has violated, or is about to vio-
20 late, any provision applicable under paragraph (1).

21 “(3) EXCULPATORY PROVISIONS; INSURANCE.—

22 “(A) IN GENERAL.—Any provision in an
23 agreement or instrument which purports to re-
24 lieve a fiduciary from responsibility or liability

1 for any responsibility, obligation, or duty under
 2 this section shall be void.

3 “(B) INSURANCE.—Amounts held in the
 4 Federal Old-Age and Survivors Insurance Trust
 5 Fund available for administrative expenses shall
 6 be available and may be used at the discretion
 7 of the Independent Social Security Investment
 8 Oversight Board to purchase insurance to cover
 9 potential liability of persons who serve in a fi-
 10 duciary capacity with respect to amounts main-
 11 tained in the Common Stock Investment Fund
 12 of such Trust Fund, without regard to whether
 13 a policy of insurance permits recourse by the
 14 insurer against the fiduciary in the case of a
 15 breach of a fiduciary obligation.”.

16 (b) CLERICAL AMENDMENT.—The analysis for title
 17 II of the Social Security Act is amended by adding at the
 18 end the following new item:

“Sec. 234. Investment of Federal Old-Age and Survivors Insurance Trust Fund
 in common stock.”.

19 **SEC. 4. ESTABLISHMENT OF THE INDEPENDENT SOCIAL SE-**
 20 **CURITY INVESTMENT OVERSIGHT BOARD.**

21 (a) IN GENERAL.—Title VII of the Social Security
 22 Act is amended by adding after section 712 (42 U.S.C.
 23 913) the following new section:

3 “SEC. 713. (a) There is established in the Social Se-
4 curity Administration an Independent Social Security In-
5 vestment Oversight Board.

6 “(b) The Board shall be composed of a Chairman and
7 four additional members. The Chairman and each addi-
8 tional member shall be appointed by the President, by and
9 with the advice and consent of the Senate.

10 “(c) Members of the Board shall have substantial ex-
11 perience, training, and expertise in the management of fi-
12 nancial investments and service in a fiduciary capacity.

13 “(d)(1) A member of the Board shall be appointed
14 for a term of 10 years, except that of the members first
15 appointed—

16 “(A) the member appointed as Chairman shall
17 be appointed for a term of 10 years;

18 “(B) one member shall be appointed for a term
19 of 8 years;

20 “(C) one member shall be appointed for a term
21 of 6 years;

22 “(D) one member shall be appointed for a term
23 of 4 years; and

24 “(E) one member shall be appointed for a term
25 of 2 years,

1 as designated by the President at the time of appointment.

2 “(2)(A) A vacancy on the Board shall be filled in the
3 manner in which the original appointment was made and
4 shall be subject to any conditions which applied with re-
5 spect to the original appointment.

6 “(B) An individual chosen to fill a vacancy shall be
7 appointed for the unexpired term of the member replaced.

8 “(C) The term of any member shall not expire before
9 the date on which the member’s successor takes office.

10 “(3) An individual appointed as a member of the
11 Board may be removed from office only pursuant to a
12 finding by the President of neglect of duty or malfeasance
13 in office.

14 “(e) The member of the Board designated by the
15 President as Chairman shall serve as Chairman for a term
16 of 4 years (or until the expiration of his term as member
17 of the Board, if earlier). A member serving as Chairman
18 may be reappointed as Chairman.

19 “(f) The Board shall—

20 “(1) establish policies for the investment and
21 management of the funds described in section
22 201(d)(2), including policies to provide for—

23 “(A) prudent investments suitable for ac-
24 cumulating funds for payment of retirement in-
25 come, and

1 “(B) low administrative costs;

2 “(2) review bids from, and managers for, the
3 funds described in section 201(d)(2);

4 “(3) annually review the performance of each
5 fund described in section 201(d)(2) and provide for
6 reallocation of investments among them by the Man-
7 aging Trustee of the Federal Old-Age and Survivors
8 Insurance Trust Fund as appropriate;

9 “(4)(A) report annually to each House of the
10 Congress and to the President regarding the earn-
11 ings on such investments; and

12 “(B) make each such report publicly available
13 by publication in the Federal Register, posting on
14 the Internet, and such other means as the Board
15 may determine; and

16 “(5) review and approve the budget of the
17 Board.

18 “(g)(1) The Board may—

19 “(A) adopt, alter, and use a seal;

20 “(B) establish policies with which the Managing
21 Trustee of the Federal Old-Age and Survivors Insur-
22 ance Trust Fund is required to comply under section
23 201(d)(2); and

24 “(C) take such other actions as may be nec-
25 essary to carry out the functions of the Board.

1 “(2) The policies of the Board may not require the
2 Managing Trustee of the Federal Old-Age and Survivors
3 Insurance Trust Fund to invest or to cause to be invested
4 any sums in such Trust Fund in a specific asset or to
5 dispose of or cause to be disposed of any specific asset
6 of such Trust Fund.

7 “(h)(1) The Board shall meet—

8 “(A) not less than once during each month; and

9 “(B) at additional times at the call of the
10 Chairman.

11 “(2)(A) The Board shall perform the functions and
12 exercise the powers of the Board on a majority vote of
13 a quorum of the Board.

14 “(B) A vacancy on the Board shall not impair the
15 authority of a quorum of the Board to perform the func-
16 tions and exercise the powers of the Board.

17 “(3) Three members of the Board shall constitute a
18 quorum for the transaction of business.

19 “(4)(A) Each member of the Board who is not an
20 officer or employee of the Federal Government shall be
21 compensated at the daily rate of basic pay payable for level
22 IV of the Executive Schedule for each day during which
23 such member is engaged in performing a function of the
24 Board.

1 “(B) A member of the Board shall be paid travel,
2 per diem, and other necessary expenses under subchapter
3 I of chapter 57 of title 5, United States Code, while trav-
4 eling away from such member’s home or regular place of
5 business in the performance of the duties of the Board.

6 “(5) The accrued annual leave of any officer or em-
7 ployee of the Federal Government who is a member of the
8 Board shall not be charged for any time used in per-
9 forming services for the Board.

10 “(i) The members of the Board shall discharge their
11 responsibilities solely in the interest of the Federal Old-
12 Age and Survivors Insurance Trust Fund in connection
13 with investments of amounts in funds under section
14 201(d)(2).

15 “(j) The Board shall prepare and submit to the Presi-
16 dent, and, at the same time, to the appropriate committees
17 of Congress, an annual budget of the expenses and other
18 items relating to the Board which shall be included as a
19 separate item in the budget required to be transmitted to
20 the Congress under section 1105 of title 31, United States
21 Code.

22 “(k) The Board may submit to the President, and,
23 at the same time, shall submit to each House of Congress,
24 any legislative recommendations of the Board relating to
25 any of its functions under this section.

1 “(l) There are hereby made available from Federal
 2 Old-Age and Survivors Insurance Trust Fund such sums
 3 as are necessary to carry out the provisions of this section
 4 and to administer the provisions of section 234, in accord-
 5 ance with certifications which shall be made from time to
 6 time by the Board to the Secretary of the Treasury.”.

7 (b) CLERICAL AMENDMENT.—The analysis for title
 8 VII of the Social Security Act is amended by adding at
 9 the end the following new item:

“Sec. 713. Independent Social Security Investment Oversight Board.”.

10 **SEC. 5. REPEAL OF LIMITATION ON SOCIAL SECURITY**
 11 **WAGE BASE FOR FICA AND SECA TAXES.**

12 (a) FICA TAX.—Paragraph (1) of section 3121(a)
 13 of the Internal Revenue Code of 1986 (defining wages)
 14 is hereby repealed.

15 (b) SECA TAX.—Subsection (b) of section 1402 of
 16 such Code (relating to definitions) is amended to read as
 17 follows:

18 “(b) SELF-EMPLOYMENT INCOME.—

19 “(1) IN GENERAL.—The term ‘self-employment
 20 income’ means the net earnings from self-employ-
 21 ment derived by an individual (other than a non-
 22 resident alien individual, except as provided by an
 23 agreement under section 233 of the Social Security
 24 Act) during any taxable year.

1 “(2) EXCEPTION FOR MINIMUM NET EARN-
2 INGS.—

3 “(A) IN GENERAL.—The term ‘self-employ-
4 ment income’ shall not include the net earnings
5 from self-employment, if such net earnings for
6 the taxable year are less than \$400.

7 “(B) APPLICATION OF SPECIAL RULES.—
8 In the case of church employee income, the spe-
9 cial rules of subsection (j)(2) shall apply for
10 purposes of subparagraph (A).

11 “(3) DETERMINATION OF NONRESIDENT ALIEN
12 STATUS.—An individual who is not a citizen of the
13 United States but who is a resident of the Common-
14 wealth of Puerto Rico, the Virgin Islands, Guam, or
15 American Samoa shall not, for purposes of this
16 chapter, be considered to be a nonresident alien indi-
17 vidual.”.

18 (c) CONFORMING AMENDMENTS.—

19 (1) Subsection (b) of section 31 of the Internal
20 Revenue Code of 1986 is hereby repealed.

21 (2) Subparagraph (A) of section 51(h)(1) of
22 such Code is amended by striking “so much” and all
23 the follows through the period and inserting “the
24 lesser of—

1 “(i) so much of such remuneration as
2 constitutes ‘wages’ within the meaning of
3 section 3121(a), or

4 “(ii) \$6,000.”.

5 (3) Subsection (s) of section 3121 of such Code
6 is amended by striking “sections 3102, 3111, and
7 3121(a)(1)” and inserting “sections 3102 and
8 3111”.

9 (4) Section 3122 of such Code is amended by
10 striking the fourth sentence.

11 (5) Subsections (a), (b), (c), and (d) of section
12 3125 of such Code are each amended by striking the
13 last sentence.

14 (6) Subsection (c) of section 6413 of such Code
15 is hereby repealed.

16 (7) Subsection (c) of section 230 of the Social
17 Security Act is amended by striking “and sections
18 1402, 3121, 3122, 3125, 6413, and 6654 of the In-
19 ternal Revenue Code of 1986”.

20 (d) EFFECTIVE DATE.—The amendments made by
21 this section shall take effect on January 1, 2002.

1 **SEC. 6. BASIC EXEMPTION FROM EMPLOYEE SOCIAL SECUR-**
2 **RITY TAXES.**

3 (a) **WAGES.**—Subsection (a) of section 3121 of the
4 Internal Revenue Code of 1986 is amended by inserting
5 before paragraph (2) the following new paragraph:

6 “(1) in the case of tax imposed by section
7 3101(a), so much of the wages (determined without
8 regard to this paragraph) paid to an individual dur-
9 ing the calendar year as does not exceed the basic
10 exemption (as defined in subsection (k)) unless such
11 individual designates a lower amount with respect to
12 the employer;”.

13 (b) **BASIC EXEMPTION.**—Section 3121 of such Code
14 is amended further by inserting after subsection (j) the
15 following new subsection:

16 “(k) **BASIC EXEMPTION.**—

17 “(1) **IN GENERAL.**—For purposes of subsection
18 (a)(1) and this subsection, the term ‘basic exemp-
19 tion’ for a taxable year means \$4,000 for the taxable
20 year ending with or during calendar year 2002 and
21 the amount determined under paragraph (2) for tax-
22 able years ending with or during calendar years
23 after 2002.

24 “(2) **ANNUAL ADJUSTMENT.**—The Secretary
25 shall, on or before November 1 of 2002 and of every
26 year thereafter, determine and publish in the Fed-

1 eral Register the basic exemption for taxable years
2 ending with or during the succeeding calendar year.
3 The amount of the basic exemption determined
4 under this paragraph shall be the larger of—

5 “(A) the amount of the basic exemption in
6 effect for taxable years ending with or during
7 the calendar year in which the determination
8 under this subsection is made, or

9 “(B) the product of the amount prescribed
10 in paragraph (1) in effect for the taxable year
11 ending with or during calendar year 2002 and
12 the ratio of the national average wage index (as
13 defined in section 209(k)(1) of the Social Secu-
14 rity Act) for taxable years ending with or dur-
15 ing the calendar year before the calendar year
16 in which the determination under this para-
17 graph is made to the national average wage
18 index (as so defined) for 2000,

19 with such product, if not a multiple of \$10, being
20 rounded to the next higher multiple of \$10 where
21 such amount is a multiple of \$5 but not of \$10 and
22 to the nearest multiple of \$10 in any other case.”.

23 (c) SELF-EMPLOYMENT INCOME.—Section 1401 of
24 such Code is amended by redesignating subsection (c) as

1 subsection (d) and by inserting after subsection (b) the
2 following new subsection:

3 “(c) COORDINATION WITH BASIC EXEMPTION FROM
4 EMPLOYEE FICA TAX.—

5 “(1) IN GENERAL.—Notwithstanding subsection
6 (a), the rate of tax imposed by subsection (a) shall
7 be $\frac{1}{2}$ the otherwise applicable rate but only with re-
8 spect to so much of the self-employment income for
9 the calendar year beginning with or during the tax-
10 able year as does not exceed an amount equal to—

11 “(A) the basic exemption (as defined in
12 section 3121(k)) for the calendar year begin-
13 ning with or during such taxable year, reduced
14 (but not below zero) by

15 “(B) the amount of remuneration received
16 during such year which would (but for section
17 3121(a)(1)) be treated as wages (as defined in
18 section 3121(a)).

19 “(2) RECONCILIATION OF BASIC EXEMPTION
20 WITH AMOUNT EXEMPTED DURING YEAR.—

21 “(A) APPLICABLE TAX RATE.—The tax
22 imposed by this section on the amount deter-
23 mined under subparagraph (B) shall be at a
24 rate equal to $\frac{1}{2}$ of the otherwise applicable rate
25 of tax under subsection (a).

1 “(B) DETERMINATION OF EXCESS AMOUNT
 2 EXEMPTED FROM EMPLOYMENT TAXES.—The
 3 amount determined under this subparagraph is
 4 the excess (if any) of the amount referred to in
 5 paragraph (1)(B) over the basic exemption (as
 6 defined in section 3121(k)) for the calendar
 7 year beginning with or during such taxable
 8 year.”.

9 (d) EFFECTIVE DATE.—The amendments made by
 10 this section shall apply to taxable years beginning after
 11 December 31, 2001.”.

12 **SEC. 7. INCREASE IN BENEFITS AT AGE 85.**

13 Section 202 of the Social Security Act (42 U.S.C.
 14 402) is amended by adding at the end the following new
 15 subsection:

16 “(z)(1) Notwithstanding the preceding provisions of
 17 this section, the amount of an individual’s monthly insur-
 18 ance benefit under this section for any month ending after
 19 December 2002 and after such individual has attained age
 20 85 shall be the sum of—

21 “(A) the amount of such benefit (determined
 22 before the application of this subsection), plus

23 “(B) the applicable increase for monthly bene-
 24 fits for months in the calendar year in which such
 25 month occurs.

1 “(2)(A) For purposes of paragraph (1), the applica-
 2 ble increase for monthly benefits for months in any cal-
 3 endar year in connection with the monthly insurance ben-
 4 efit of any individual under this section is the product de-
 5 rived by multiplying—

6 “(i) the amount of such benefit (determined be-
 7 fore the application of this subsection), by

8 “(ii) the applicable percentage for such indi-
 9 vidual for such year.

10 “(B) For purposes of subparagraph (A), the applica-
 11 ble percentage for an individual for a calendar year is the
 12 product derived by multiplying—

13 “(i) 0.25 percent, by

14 “(ii) 1 plus the number of calendar years end-
 15 ing before such year and after such individual at-
 16 tained age 85,

17 except that such percentage shall not exceed 5.00 per-
 18 cent.”.

19 **SEC. 8. YEARS OF LOW EARNINGS WHILE PROVIDING**
 20 **CHILD CARE DISREGARDED IN DETERMINING**
 21 **BENEFIT COMPUTATION YEARS.**

22 (a) IN GENERAL.—Section 215(b)(2) of the Social
 23 Security Act (42 U.S.C. 415(b)(2)) is amended—

24 (1) by striking the period at the end of clause

25 (ii) of subparagraph (A) and inserting a comma;

1 (2) by striking “Clause (ii), once” after and
2 below clause (ii) of subparagraph (A) and inserting
3 the following:

4 “and reduced further to the extent provided in sub-
5 paragraph (B). Clause (ii), once”;

6 (3) by striking “If an individual” in the matter
7 following clause (ii) of subparagraph (A) and all that
8 follows through the end of the next to last sentence
9 of subparagraph (A);

10 (4) by redesignating subparagraph (B) as sub-
11 paragraph (F); and

12 (5) by inserting after subparagraph (A) the fol-
13 lowing new subparagraphs:

14 “(B) Subject to subparagraph (D), in any case in
15 which—

16 “(i) in any calendar year which is included in
17 an individual’s computation base years, such indi-
18 vidual is living with a child (of such individual or his
19 or her spouse) under the age of 12,

20 “(ii) such calendar year is not disregarded pur-
21 suant to subparagraphs (A) and (F) (in determining
22 such individual’s benefit computation years) by rea-
23 son of any reduction in the number of such individ-
24 ual’s elapsed years under subparagraph (A),

1 “(iii) the total of such individual’s earnings as
2 described in section 203(f)(5) in such calendar year
3 does not exceed the allowable maximum amount for
4 such year determined under subparagraph (E), and

5 “(iv) at any time during or after such calendar
6 year and on or before the date of the application by
7 such individual for benefits based on such individ-
8 ual’s wages and self-employment income, such indi-
9 vidual submits to the Commissioner of Social Secu-
10 rity, in such form as the Commissioner shall pre-
11 scribe by regulations, a written statement that the
12 requirements of clause (i) are met with respect to
13 such calendar year,

14 then the number by which such elapsed years are reduced
15 under this paragraph pursuant to subparagraph (A) shall
16 be increased by one (up to the maximum number applica-
17 ble under subparagraph (C)) for each such calendar year.

18 “(C) For purposes of subparagraph (B), the max-
19 imum number by which elapsed years may be reduced pur-
20 suant to such subparagraph is the number of years speci-
21 fied in connection with the calendar year in which such
22 individual first meets all requirements for entitlement to
23 old-age insurance benefits or disability insurance benefits
24 (other than filing application therefor), or dies (before

1 first meeting such requirements), as set forth in the fol-
 2 lowing table:

“If such calendar year is:	The applicable maximum num- ber of years is:
After 2006 and before 2009	1.
After 2008 and before 2011	2.
After 2010	3.

3 “(D)(i) No calendar year shall be disregarded by rea-
 4 son of subparagraph (B) (in determining such individual’s
 5 benefit computation years) in connection with a child un-
 6 less the individual was living with the child substantially
 7 throughout the period in such year in which the child was
 8 alive and under the age of 12 in such year and the indi-
 9 vidual had no earnings as described in section 203(f)(5)
 10 in such year in excess of the maximum amount for such
 11 year determined under subparagraph (E).

12 “(ii) The particular calendar years to be disregarded
 13 under subparagraph (B) (in determining such benefit
 14 computation years) shall be those years (not otherwise dis-
 15 regarded under subparagraph (A)) which, before the appli-
 16 cation of subsection (f), meet the conditions of clause (i).

17 “(iii) Subparagraph (B) shall apply only to the extent
 18 that its application would not result in a lower primary
 19 insurance amount.

20 “(E)(i) The maximum amount allowable under sub-
 21 paragraph (B)(iii) for calendar year 2007 is \$3,000.

22 “(ii) The Commissioner of Social Security shall, on
 23 or before November 1 of 2006, determine and publish in

1 the Federal Register the maximum amount allowable
2 under subparagraph (B)(iii) for each calendar year after
3 1967 and before 2007. The maximum amount allowable
4 for each such calendar year shall be the amount which
5 bears the same ratio to \$3,000 as the national average
6 wage index (as defined in section 209(k)(1)) for the first
7 of the 2 calendar years preceding such calendar year to
8 the national average wage index (as so defined) for 2005.

9 “(iii) The Commissioner of Social Security shall, on
10 or before November 1 of 2007 and of every year there-
11 after, determine and publish in the Federal Register the
12 maximum amount allowable under subparagraph (B)(iii)
13 for the succeeding calendar year. The maximum amount
14 allowable for each such calendar year shall be the amount
15 which bears the same ratio to \$3,000 as the national aver-
16 age wage index (as defined in section 209(k)(1)) for the
17 calendar year before the year in which the determination
18 under this clause is made to the national average wage
19 index (as so defined) for 2005.

20 “(iv) Each amount determined under clause (ii) or
21 (iii), if not a multiple of \$10, shall be rounded to the next
22 higher multiple of \$10 where such amount is a multiple
23 of \$5 but not of \$10 and to the nearest multiple of \$10
24 in any other case.”.

1 (b) CONFORMING AMENDMENT.—Section 209(k)(1)
 2 of such Act (42 U.S.C. 409(k)(1)) is amended by inserting
 3 “215(b)(2)(E),” after “215(a)(1)(D),”.

4 (c) EFFECTIVE DATE.—The amendments made by
 5 this section shall apply only with respect to individuals
 6 first meeting all requirements for entitlement to old-age
 7 insurance benefits or disability insurance benefits (other
 8 than filing application therefor), or dying (before first
 9 meeting such requirements), after December 31, 2006.

10 **SEC. 9. PHASED-IN INCREASE IN NUMBER OF BENEFIT**
 11 **COMPUTATION YEARS TO 38.**

12 (a) IN GENERAL.—Section 215(b)(2) of the Social
 13 Security Act (42 U.S.C. 415(b)(2)) (as amended by sec-
 14 tion 8) is amended further—

15 (1) in subparagraph (A)(i), by striking “by 5
 16 years” and inserting “to the extent provided in sub-
 17 paragraph (F)”;

18 (2) by adding at the end of paragraph (2) the
 19 following new subparagraph:

20 “(F) For purposes of clause (i) of subparagraph (A),
 21 the number of elapsed years shall be reduced pursuant to
 22 such clause by the number of years specified in connection
 23 with the calendar year in which such individual becomes
 24 eligible for old-age insurance benefits, or dies (before be-

1 coming eligible for such benefits), as set forth in the fol-
 2 lowing table:

“If such calendar year is:	The applicable number of years is:
After 2006 and before 2009	4.
After 2008 and before 2011	3.
After 2010	2.”.

3 (b) EFFECTIVE DATE.—The amendments made by
 4 this section shall apply with respect to individuals attain-
 5 ing early retirement age (as defined in section 216(l)(2)
 6 of the Social Security Act), or dying (before attaining such
 7 age), after December 31, 2006.

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