

111TH CONGRESS  
2D SESSION

# S. 2962

To amend title II of the Social Security Act to apply an earnings test in determining the amount of monthly insurance benefits for individuals entitled to disability insurance benefits based on blindness.

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## IN THE SENATE OF THE UNITED STATES

JANUARY 28, 2010

Mr. DODD (for himself and Mr. MCCAIN) 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 apply an earnings test in determining the amount of monthly insurance benefits for individuals entitled to disability insurance benefits based on blindness.

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 “Blind Persons Return  
5       to Work Act of 2010”.

1 **SEC. 2. APPLICATION OF EARNINGS TEST IN DETERMINING**  
 2 **THE AMOUNT OF MONTHLY INSURANCE BEN-**  
 3 **EFITS FOR BLIND BENEFICIARIES.**

4 (a) IN GENERAL.—Section 203 of the Social Security  
 5 Act (42 U.S.C. 403) is amended—

6 (1) in subsection (b)(1)(A), by striking “bene-  
 7 fits under section 202 for any month” and inserting  
 8 the following: “benefits for any month under section  
 9 202 or, in the case of an individual who is entitled  
 10 to disability insurance benefits and whose disability  
 11 consists of blindness (as defined in section  
 12 216(i)(1)), under section 223”;

13 (2) in subsection (f)(1)—

14 (A) by striking “entitled for such month  
 15 under section 202” and inserting “entitled for  
 16 such month under section 202 or, in the case  
 17 of an individual who is entitled to disability in-  
 18 surance benefits and whose disability consists of  
 19 blindness (as defined in section 216(i)(1)),  
 20 under section 223,”;

21 (B) by inserting “is entitled under section  
 22 202 or 223” after “payments to which such in-  
 23 dividual”; and

24 (C) by striking “subsection (a), (b), (c),  
 25 (d), (e), (f), (g), or (h) of section 202 (without  
 26 having been entitled for the preceding month to

1 a benefit under any other of such subsections)”  
 2 and inserting “the provisions of subsection (a),  
 3 (b), (c), (d), (e), (f), (g), or (h) of section 202  
 4 or the provisions of section 223 (without having  
 5 been entitled for the preceding month to a ben-  
 6 efit under any other of such provisions)”;  
 7 (3) in subsection (f)(3)—

8 (A) by inserting “(A)” after “(3)”;

9 (B) in the first sentence, by inserting  
 10 “subject to subparagraphs (B) and (D),” after  
 11 “subsection (h),”, by striking “months in such  
 12 year,” and inserting “months in such year.”,  
 13 and by striking “except that, in determining”  
 14 and inserting the following:

15 “(B) For purposes of subparagraph (A), notwith-  
 16 standing section 211(e), the number of months in the tax-  
 17 able year in which an individual dies shall be 12.

18 “(C) In determining”;

19 (C) by striking the sentence beginning with  
 20 “For purposes of the preceding sentence,”;

21 (D) by redesignating the last sentence as  
 22 subparagraph (E) and, in such subparagraph  
 23 (E), by striking “the first sentence of”; and

24 (E) by inserting before subparagraph (E)  
 25 (as so designated under subparagraph (D) of

1           this paragraph) the following new subpara-  
2           graph:

3           “(D) In the case of an individual who is entitled to  
4   disability insurance benefits and whose disability consists  
5   of blindness (as defined in section 216(i)(1)), the individ-  
6   ual’s excess earnings for a taxable year shall be  $33\frac{1}{3}$  per-  
7   cent of his earnings for such year in excess of the exempt  
8   amount which would be applicable under paragraph (8),  
9   to individuals described in subparagraph (D) thereof, if  
10   section 102 of the Senior Citizens’ Right to Work Act of  
11   1996 had not been enacted.”;

12           (4) in subsection (f)(7), by inserting “or 223”  
13   after “section 202”;

14           (5) in subsection (h)(1)(A)—

15           (A) by inserting “or 223” after “section  
16   202”; and

17           (B) by inserting “(or, as applicable, the ex-  
18   empt amount determined under subsection  
19   (f)(3)(D))” after “subsection (f)(8)”;

20           (6) in subsection (h)(2), by inserting “or 223”  
21   after “section 202” each place it appears; and

22           (7) in subsection (h)(3), by inserting “or 223”  
23   after “section 202” each place it appears.

24           (b) DETERMINATION OF DISABILITY OF BLIND INDIV-  
25   VIDUALS WITHOUT REGARD TO ENGAGEMENT IN SUB-

1 STANTIAL GAINFUL ACTIVITY.—Section 223(d) of such  
2 Act (42 U.S.C. 423(d)) is amended—

3 (1) by striking subparagraph (B) and inserting  
4 the following:

5 “(B) in the case of an individual who has at-  
6 tained the age of 55, blindness (as defined in section  
7 216(i)(1).”; and

8 (2) in paragraph (4)(A), by striking the second  
9 sentence.

10 **SEC. 3. ANNUAL DETERMINATIONS OF DISABILITY BASED**  
11 **ON BLINDNESS.**

12 Section 221 of the Social Security Act (42 U.S.C.  
13 421) is amended by adding at the end the following new  
14 subsection:

15 “(n) A determination of the disability of an individual  
16 based on blindness may not be reviewed more frequently  
17 than annually.”.

18 **SEC. 4. REDUCTION IN EXCESS EARNINGS OF BLIND BENE-**  
19 **FICIARIES BY THE AMOUNT OF IMPAIRMENT**  
20 **RELATED WORK EXPENSES.**

21 Section 203(f)(3)(D) of the Social Security Act (as  
22 amended by section 2 of this Act) is amended—

23 (1) by inserting “(i)” after “(D)”;

24 (2) by striking “enacted.” and inserting the fol-  
25 lowing: “enacted, reduced (to not less than zero) by

1 the allowable amount for impairment related work  
 2 expenses for the taxable year.”; and

3 (3) by adding at the end the following new  
 4 clause:

5 “(ii) For purposes of this subparagraph, the term ‘al-  
 6 lowable amount for impairment related work expenses’  
 7 means, in connection with the excess earnings of an indi-  
 8 vidual for any taxable year, an amount equal to the great-  
 9 er of—

10 “(I) 16.3 percent of such excess earnings, or

11 “(II) the average amount of impairment related  
 12 work expenses incurred by individuals entitled to dis-  
 13 ability insurance benefits during the preceding tax-  
 14 able year, as determined under regulations of the  
 15 Commissioner of Social Security.”.

16 **SEC. 5. ADJUSTMENTS TO EXTENT OF BENEFIT REDUCTION**  
 17 **DURING THE YEAR BASED ON SIGNIFICANT**  
 18 **CHANGES IN WORK STATUS.**

19 Section 203(h) of the Social Security Act (42 U.S.C.  
 20 403(h)) is amended by adding at the end the following  
 21 new paragraph:

22 “(5) The Commissioner of Social Security shall de-  
 23 velop and implement procedures in accordance with this  
 24 subsection to avoid paying less than the correct amount  
 25 of benefits to any individual under this title as a result

1 of the occurrence during the taxable year of a termination  
2 of employment or a significant reduction in hours of  
3 work.”.

4 **SEC. 6. EFFECTIVE DATE.**

5       The amendments made by this Act shall apply with  
6 respect to disability insurance benefits for months in tax-  
7 able years beginning after 180 days after the date of the  
8 enactment of this Act.

