

103<sup>D</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. R. 37

To amend title II of the Social Security Act to eliminate the earnings test for individuals who have attained retirement age, and to provide for an increase in the exempt amount under the earnings test for beneficiaries who have not attained retirement age.

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## IN THE HOUSE OF REPRESENTATIVES

JANUARY 5, 1993

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

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## A BILL

To amend title II of the Social Security Act to eliminate the earnings test for individuals who have attained retirement age, and to provide for an increase in the exempt amount under the earnings test for beneficiaries who have not 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,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Social Security Earn-  
5 ings Test Amendments of 1993”.

1 **SEC. 2. ELIMINATION OF EARNINGS TEST FOR INDIVID-**  
2 **UALS WHO HAVE ATTAINED RETIREMENT**  
3 **AGE.**

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

6 (1) in paragraph (1) of subsection (c) and para-  
7 graphs (1)(A) and (2) of subsection (d), by striking  
8 “the age of seventy” and inserting “retirement age  
9 (as defined in section 216(1))”;

10 (2) in subsection (f)(1)(B), by striking “was  
11 age seventy or over” and inserting “was at or above  
12 retirement age (as defined in section 216(1))”;

13 (3) in subsection (f)(3), by striking “33<sup>1</sup>/<sub>3</sub> per-  
14 cent” and all that follows through “any other indi-  
15 vidual,” and inserting “50 percent of such individ-  
16 ual’s earnings for such year in excess of the product  
17 of the exempt amount as determined under para-  
18 graph (8),” and by striking “age 70” and inserting  
19 “(retirement age (as defined in section 216(1)))”;

20 (4) in subsection (h)(1)(A), by striking “age  
21 70” each place it appears and inserting “(retirement  
22 age (as defined in section 216(1)))”; and

23 (5) in subsection (j), by striking “Age Seventy”  
24 in the heading and inserting “Retirement Age”, and  
25 by striking “seventy years of age” and inserting

1 “having attained retirement age (as defined in sec-  
2 tion 216(1))”.

3 (b) CONFORMING AMENDMENTS.—

4 (1) ELIMINATION OF REDUNDANT REFERENCES  
5 TO RETIREMENT AGE.—Section 203 of the Social  
6 Security Act (42 U.S.C. 403) is amended—

7 (A) in the last sentence of subsection (c),  
8 by striking “nor shall any deduction” and all  
9 that follows and inserting “nor shall any deduc-  
10 tion be made under this subsection from any  
11 widow’s or widower’s insurance benefit if the  
12 widow, surviving divorced wife, widower, or sur-  
13 viving divorced husband involved became enti-  
14 tled to such benefit prior to attaining age 60.”;  
15 and

16 (B) in subsection (f)(1), by striking clause  
17 (D) and inserting the following: “(D) for which  
18 such individual is entitled to widow’s or widow-  
19 er’s insurance benefits if such individual be-  
20 came so entitled prior to attaining age 60,”.

21 (2) CONFORMING AMENDMENT TO PROVISIONS  
22 FOR DETERMINING AMOUNT OF INCREASE ON AC-  
23 COUNT OF DELAYED RETIREMENT.—Section  
24 202(w)(2)(B)(ii) of such Act (42 U.S.C.  
25 402(w)(2)(B)(ii)) is amended—

1 (A) by striking “either”; and

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

5 **SEC. 3. INCREASE IN EXEMPT AMOUNT UNDER EARNINGS**  
6 **TEST FOR BENEFICIARIES UNDER RETIRE-**  
7 **MENT AGE.**

8 (a) IN GENERAL.—Section 203(f)(8)(D) of the Social  
9 Security Act (42 U.S.C. 403(f)(8)(D)) is amended to read  
10 as follows:

11 “(D)(i) Notwithstanding any other provision of this  
12 subsection, the exempt amount which is applicable to an  
13 individual shall be \$829.16 for each month of the individ-  
14 ual’s taxable year ending after 1993 and before 1995.

15 “(ii) For purposes of subparagraph (B)(ii)(II), the  
16 increase in the exempt amount provided under clause (i)  
17 shall be deemed to have resulted from a determination  
18 which shall be deemed to have been made under subpara-  
19 graph (A) in 1993.”.

20 (b) CONFORMING AMENDMENTS.—

21 (1) Section 203(f) of such Act (42 U.S.C.  
22 403(f)) is further amended—

23 (A) in paragraphs (1), (3), and (4)(B), by  
24 striking “the applicable exempt amount” and  
25 inserting “the exempt amount”;

1 (B) in paragraph (8)(A), by striking “the  
2 new exempt amounts (separately stated for in-  
3 dividuals described in subparagraph (D) and for  
4 other individuals) which are to be applicable”  
5 and inserting “a new exempt amount which  
6 shall be effective”; and

7 (C) in paragraph (8)(B)—

8 (i) by striking “the exempt amount”  
9 and all that follows through “whichever” in  
10 the matter preceding clause (i) and insert-  
11 ing “the exempt amount for each month of  
12 a particular taxable year shall be which-  
13 ever”;

14 (ii) by striking “corresponding” in  
15 clause (i); and

16 (iii) by striking “an exempt amount”  
17 in the last sentence and inserting “the ex-  
18 empt amount”.

19 (2) Section 203(h)(1)(A) of such Act (42  
20 U.S.C. 403(h)(1)(A)) is amended by striking “the  
21 applicable exempt amount” and inserting “the ex-  
22 empt amount”.

23 (3) Section 223(d)(4) of such Act (42 U.S.C.  
24 423(d)(4)) is amended by striking “which is applica-  
25 ble to individuals described in subparagraph (D)

1       thereof” and inserting “which would be applicable to  
2       individuals described in subparagraph (D) thereof as  
3       in effect on December 31, 1993, but for the amend-  
4       ments made by the Social Security Earnings Test  
5       Amendments of 1993”.

6       **SEC. 4. EFFECTIVE DATE.**

7       The amendments made by this Act shall apply with  
8       respect to taxable years beginning after December 31,  
9       1993.

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