

104TH CONGRESS
1ST SESSION

S. 31

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

IN THE SENATE OF THE UNITED STATES

JANUARY 4, 1995

Mr. MCCAIN (for himself, Mr. BRYAN, Mr. COATS, Mr. GORTON, Mr. HEFLIN, Mr. HELMS, Mr. KYL, Mr. LOTT, Mr. MACK, Mr. REID, Mr. SHELBY, Mr. SMITH, Mr. STEVENS, Mr. WARNER, and Mr. GRAMS) introduced the following bill; which was read twice and referred to the Committee on Finance

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,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Older Americans’
5 Freedom to Work Act of 1993”.

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

4 Section 203 of the Social Security Act is amended—

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

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

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

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

22 (5) in subsection (j), by striking “Age Seventy”
23 in the heading and inserting “Retirement Age”, and
24 by striking “seventy years of age” and inserting
25 “having attained retirement age (as defined in sec-
26 tion 216(l))”.

1 **SEC. 3. CONFORMING AMENDMENTS ELIMINATING THE**
2 **SPECIAL EXEMPT AMOUNT FOR INDIVIDUALS**
3 **WHO HAVE ATTAINED RETIREMENT AGE.**

4 (a) **UNIFORM EXEMPT AMOUNT.**—Section
5 203(f)(8)(A) of the Social Security Act is amended by
6 striking “the new exempt amounts (separately stated for
7 individuals described in subparagraph (D) and for other
8 individuals) which are to be applicable” and inserting “a
9 new exempt amount which shall be applicable”.

10 (b) **CONFORMING AMENDMENTS.**—Section
11 203(f)(8)(B) of such Act is amended—

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

17 (2) in clause (i), by striking “corresponding”;
18 and

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

21 (c) **REPEAL OF BASIS FOR COMPUTATION OF SPE-**
22 **CIAL EXEMPT AMOUNT.**—Section 203(f)(8)(D) of such
23 Act is repealed.

1 **SEC. 4. ADDITIONAL CONFORMING AMENDMENTS.**

2 (a) ELIMINATION OF REDUNDANT REFERENCES TO
3 RETIREMENT AGE.—Section 203 of the Social Security
4 Act is amended—

5 (1) in the last sentence of subsection (c), by
6 striking “nor shall any deduction” and all that fol-
7 lows and inserting “nor shall any deduction be made
8 under this subsection from any widow’s or widower’s
9 insurance benefit if the widow, surviving divorced
10 wife, widower, or surviving divorced husband in-
11 volved became entitled to such benefit prior to at-
12 taining age 60.”; and

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

18 (b) CONFORMING AMENDMENT TO PROVISIONS FOR
19 DETERMINING AMOUNT OF INCREASE ON ACCOUNT OF
20 DELAYED RETIREMENT.—Section 202(w)(2)(B)(ii) of
21 such Act is amended—

22 (1) by striking “either”; and

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

1 (c) CONTINUED APPLICATION OF RULE GOVERNING
2 ENTITLEMENT OF BLIND BENEFICIARIES.—The second
3 sentence of section 223(d)(4) of such Act is amended by
4 inserting after “subparagraph (D) thereof” where it first
5 appears the following: “(or would be applicable to such
6 individuals but for the amendments made by the Older
7 Americans’ Freedom to Work Act of 1990)”.

8 **SEC. 5. EFFECTIVE DATE.**

9 The amendments made by this Act shall apply only
10 with respect to taxable years beginning after December
11 31, 1993.

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