

## Calendar No. 439

106TH CONGRESS  
2D SESSION

# H. R. 5

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IN THE SENATE OF THE UNITED STATES

MARCH 2, 2000

Received; read twice and ordered placed on the calendar

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## AN ACT

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 2000”.

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 EX-**  
 13 **EMPT AMOUNT FOR INDIVIDUALS WHO HAVE**  
 14 **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 clause (i), by striking “corresponding”;

7           (3) in clause (ii), in the matter preceding sub-  
8       clause (I), by striking “corresponding” and all that  
9       follows through “individuals)” and inserting “ex-  
10      empt amount which is in effect with respect to  
11      months in the taxable year ending after 1993 and  
12      before 1995 with respect to individuals who have not  
13      attained retirement age (as defined in section  
14      216(l))”;

15          (4) in subclause (II) of clause (ii), by striking  
16      “2000” and all that follows and inserting “1992,”;  
17      and

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

20      (c) REPEAL OF BASIS FOR COMPUTATION OF EX-  
21      EMPT AMOUNT AFFECTING INDIVIDUALS WHO HAVE AT-  
22      TAINED RETIREMENT AGE.—Section 203(f)(8)(D) of the  
23      Social Security Act (42 U.S.C. 403(f)(8)(D)) 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 (42 U.S.C. 403) is amended—

5 (1) in subsection (c), in the last sentence, 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,”.

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 the  
21 Social Security Act (42 U.S.C. 402(w)(2)(B)(ii)) is  
22 amended—

23 (1) by striking “either”; and

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

1       (c) PROVISIONS RELATING TO EARNINGS TAKEN  
2 INTO ACCOUNT IN DETERMINING SUBSTANTIAL GAINFUL  
3 ACTIVITY OF BLIND INDIVIDUALS.—The second sentence  
4 of section 223(d)(4) of such Act (42 U.S.C. 423(d)(4))  
5 is amended by striking “if section 102 of the Senior Citi-  
6 zens’ Right to Work Act of 1996 had not been enacted”  
7 and inserting the following: “if the amendments to section  
8 203 made by section 102 of the Senior Citizens’ Right  
9 to Work Act of 1996 and by the Senior Citizens’ Freedom  
10 to Work Act of 2000 had not been enacted”.

11 **SEC. 5. EFFECTIVE DATE.**

12       (a) IN GENERAL.—The amendments and repeals  
13 made by this Act shall apply with respect to taxable years  
14 ending after December 31, 1999.

15       (b) SPECIAL RULE APPLICABLE TO INDIVIDUALS  
16 WHO ATTAIN NORMAL RETIREMENT AGE DURING THE  
17 FIRST TAXABLE YEAR ENDING AFTER DECEMBER 31,  
18 1999.—Sections 202 and 203 of the Social Security Act,  
19 as in effect immediately prior to the amendments and re-  
20 peals made by this Act, shall apply to any individual who  
21 attains retirement age (as defined in section 216(l) of such  
22 Act) during the first taxable year ending after December  
23 31, 1999 (and to any person receiving benefits under title  
24 II of the Social Security Act on the basis of the wages  
25 and self-employment income of such individual), but only

- 1 with respect to earnings for so much of such taxable year
- 2 as precedes the month in which such individual attains
- 3 retirement age (as so defined).

Passed the House of Representatives March 1,  
2000.

Attest:

JEFF TRANDAHL,  
*Clerk.*

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