

117TH CONGRESS
2D SESSION

H. R. 6776

To provide for the exemption of certain earnings from the retirement earnings test, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 18, 2022

Mr. KATKO (for himself, Mr. TRONE, Mr. DELGADO, and Mr. JOHNSON of South Dakota) introduced the following bill; which was referred to the Committee on Ways and Means

A BILL

To provide for the exemption of certain earnings from the retirement earnings test, 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.**

4 This Act may be cited as the “Health Care Worker
5 and First Responder Social Security Beneficiary Choice
6 Act of 2022”.

7 **SEC. 2. EXEMPTION OF CERTAIN EARNINGS FROM RETIRE-**
8 **MENT EARNINGS TEST.**

9 (a) IN GENERAL.—For purposes of subsection (b) of
10 section 203 of the Social Security Act (42 U.S.C. 403(b)),

1 wages paid to an individual who attests to being employed
2 in the healthcare workforce or as a first responder (as de-
3 termined by the Commissioner of Social Security) during
4 the COVID–19 public health emergency, shall not be in-
5 cluded in the determination of the individual’s excess earn-
6 ings under subsection (f)(3) of such section for any tax-
7 able year.

8 (b) COVID–19 PUBLIC HEALTH EMERGENCY.—In
9 this section, the term “COVID–19 public health emer-
10 gency” means the period during which there exists—

11 (1) the public health emergency declared by the
12 Secretary pursuant to section 319 of the Public
13 Health Service Act on January 31, 2020, entitled
14 “Determination that a Public Health Emergency
15 Exists Nationwide as the Result of the 2019 Novel
16 Coronavirus”; and

17 (2) any renewal of such declaration pursuant to
18 such section 319.

19 (c) GUIDANCE.—Not later than 30 days after the
20 date of the enactment of this Act, the Commissioner of
21 Social Security shall issue guidance providing for appro-
22 priate procedures for the implementation of subsection
23 (a).

1 **SEC. 3. FUTURE PANDEMIC PREPAREDNESS.**

2 (a) IN GENERAL.—For purposes of subsection (b) of
3 section 203 of the Social Security Act (42 U.S.C. 403(b)),
4 wages paid to an eligible individual (as defined in sub-
5 section (b) of this section) during any public health emer-
6 gency declared by the Secretary of Health and Human
7 Services under section 319(a) of the Public Health Service
8 Act (42 U.S.C. 247d(a)) shall not be included in the deter-
9 mination of the individual's excess earnings under sub-
10 section (f)(3) of such section for any taxable year.

11 (b) ELIGIBLE INDIVIDUAL.—For purposes of this
12 section, an eligible individual is any individual who has
13 in effect, as determined by the Commissioner of Social Se-
14 curity, a waiver issued to the individual by the Secretary
15 of Health and Human Services in accordance with sub-
16 section (c).

17 (c) ISSUANCE OF WAIVERS.—During a public health
18 emergency declared by the Secretary of Health and
19 Human Services under section 319(a) of the Public Health
20 Service Act (42 U.S.C. 247d(a)) in which the Secretary
21 has determined that, wholly or partially as a result of the
22 public health emergency, there is a shortage of healthcare
23 workers, the Secretary may issue a waiver to any eligible
24 individual who attests to being employed in the healthcare
25 workforce or as a first responder during such public health
26 emergency.

1 (d) REPORT.—The Secretary of Health and Human
2 Services shall annually submit a report to Congress de-
3 scribing each waiver that has been issued under this sec-
4 tion during the previous year.

