

119TH CONGRESS
2D SESSION

S. _____

To amend title II of the Social Security Act to repeal the retirement earnings test, and for other purposes.

IN THE SENATE OF THE UNITED STATES

Mr. SCOTT of Florida introduced the following bill; which was read twice and referred to the Committee on _____

A BILL

To amend title II of the Social Security Act to repeal 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 “Senior Citizens’ Free-
5 dom to Work Act of 2026”.

6 **SEC. 2. REPEAL OF THE RETIREMENT EARNINGS TEST.**

7 (a) IN GENERAL.—Subsections (b), (c)(1), (d), (f),
8 (h), (j), and (k) of section 203 of the Social Security Act
9 (42 U.S.C. 403) are repealed.

1 (b) CONFORMING AMENDMENTS.—Section 203 of
2 such Act (as amended by subsection (a)) is further amend-
3 ed—

4 (1) by redesignating subsections (c), (e), (g),
5 and (l) as subsections (b), (c), (d), and (e), respec-
6 tively;

7 (2) in subsection (b) (as so redesignated)—

8 (A) in the heading, by striking “NON-
9 COVERED WORK OUTSIDE THE UNITED
10 STATES OR”;

11 (B) by redesignating paragraphs (2), (3),
12 and (4) as paragraphs (1), (2), and (3), respec-
13 tively;

14 (C) in the flush text following paragraph
15 (3) (as so redesignated)—

16 (i) by striking “paragraphs (2), (3),
17 and (4) of”; and

18 (ii) by striking the last sentence;

19 (3) in subsection (c) (as so redesignated), by
20 striking “subsections (c) and (d)” and inserting
21 “subsection (b)”;

22 (4) in subsection (d) (as so redesignated), by
23 striking “subsection (c)” each place it appears and
24 inserting “subsection (b)”;

1 (5) in subsection (e) (as so redesignated), by
2 striking “subsection (g) or (h)(1)(A)” and inserting
3 “subsection (d)”.

4 (c) ADDITIONAL CONFORMING AMENDMENTS.—

5 (1) PROVISIONS RELATING TO BENEFITS TER-
6 MINATED UPON DEPORTATION.—Section 202(n)(1)
7 of the Social Security Act (42 U.S.C. 402(n)(1)) is
8 amended, in the flush text following subparagraph
9 (C), by striking “Section 203(b), (c), and (d)” and
10 inserting “Section 203(b)”.

11 (2) PROVISIONS RELATING TO EXEMPTIONS
12 FROM REDUCTIONS BASED ON EARLY RETIRE-
13 MENT.—Section 202(q) of such Act (42 U.S.C.
14 402(q)) is amended—

15 (A) in paragraph (5)(B), by striking “sec-
16 tion 203(c)(2)” and inserting “section
17 203(b)(1)”; and

18 (B) in paragraph (7)(A), by striking “de-
19 ductions under section 203(b), 203(c)(1),
20 203(d)(1), or 222(b)” and inserting “deduc-
21 tions on account of work under section 203 (as
22 in effect on the day before the date of the en-
23 actment of the Senior Citizens’ Freedom to
24 Work Act of 2026) or deductions under section
25 222(b)”.

1 (3) PROVISIONS RELATING TO EXEMPTIONS
2 FROM REDUCTIONS BASED ON DISREGARD OF CER-
3 TAIN ENTITLEMENTS TO CHILD'S INSURANCE BENE-
4 FITS.—Section 202(s) of such Act (42 U.S.C.
5 402(s)) is amended—

6 (A) in paragraph (1), by striking “para-
7 graphs (2), (3), and (4) of section 203(c)” and
8 inserting “paragraphs (1), (2), and (3) of sec-
9 tion 203(b)”; and

10 (B) in paragraph (3), by striking “The last
11 sentence of subsection (c) of section 203, sub-
12 section (f)(1)(C) of section 203, and sub-
13 sections” and inserting “Subsections”.

14 (4) PROVISIONS RELATING TO SUSPENSION OF
15 ALIENS' BENEFITS.—Section 202(t)(7) of such Act
16 (42 U.S.C. 402(t)(7)) is amended by striking “Sub-
17 sections (b), (c), and (d)” and inserting “Subsection
18 (b)”.

19 (5) PROVISIONS RELATING TO REDUCTIONS IN
20 BENEFITS BASED ON MAXIMUM BENEFITS.—Section
21 203(a)(3)(B)(iii) of such Act (42 U.S.C.
22 403(a)(3)(B)(iii)) is amended by striking “and sub-
23 sections (b), (c), and (d)” and inserting “and sub-
24 section (b)”.

1 (6) PROVISIONS RELATING TO PENALTIES FOR
2 MISREPRESENTATIONS CONCERNING EARNINGS FOR
3 PERIODS SUBJECT TO DEDUCTIONS ON ACCOUNT OF
4 WORK.—Section 208(a)(1)(C) of such Act (42
5 U.S.C. 408(a)(1)(C)) is amended by striking “under
6 section 203(f) of this title for purposes of deductions
7 from benefits” and inserting “under section 203 (as
8 in effect on the day before the date of the enactment
9 of the Senior Citizens’ Freedom to Work Act of
10 2026) for purposes of deductions from benefits on
11 account of work”.

12 (7) PROVISIONS TAKING INTO ACCOUNT EARN-
13 INGS IN DETERMINING BENEFIT COMPUTATION
14 YEARS.—Clause (I) in the next to last sentence of
15 section 215(b)(2)(A) of such Act (42 U.S.C.
16 415(b)(2)(A)) is amended by striking “no earnings
17 as described in section 203(f)(5) in such year” and
18 inserting “no wages, and no net earnings from self-
19 employment (in excess of net loss from self-employ-
20 ment), in such year”.

21 (8) PROVISIONS RELATING TO ROUNDING OF
22 BENEFITS.—Section 215(g) of such Act (42 U.S.C.
23 415(g)) is amended by striking “and any deduction
24 under section 203(b)”.

1 (9) PROVISIONS DEFINING INCOME FOR PUR-
2 POSES OF SSI.—Section 1612(a) of such Act (42
3 U.S.C. 1382a(a)) is amended—

4 (A) in paragraph (1)(A), by striking “as
5 determined under section 203(f)(5)(C)” and in-
6 serting “as defined in the last two sentences of
7 this subsection”; and

8 (B) by adding at the end (after and below
9 paragraph (2)(H)) the following:

10 “For purposes of paragraph (1)(A), the term ‘wages’
11 means wages as defined in section 209, but computed
12 without regard to the limitations as to amounts of remu-
13 neration specified in paragraphs (1), (6)(B), (6)(C),
14 (7)(B), and (8) of section 209(a). In making the computa-
15 tion under the preceding sentence, (A) services which do
16 not constitute employment as defined in section 210, per-
17 formed within the United States by an individual as an
18 employee or performed outside the United States in the
19 active military or naval services of the United States, shall
20 be deemed to be employment as so defined if the remu-
21 neration for such services is not includible in computing
22 the individual’s net earnings or net loss from self-employ-
23 ment for purposes of title II, and (B) the term ‘wages’
24 shall be deemed not to include (i) the amount of any pay-
25 ment made to, or on behalf of, an employee or any of his

1 or her dependents (including any amount paid by an em-
2 ployer for insurance or annuities, or into a fund, to pro-
3 vide for any such payment) on account of retirement, or
4 (ii) any payment or series of payments by an employer
5 to an employee or any of his or her dependents upon or
6 after the termination of the employee's employment rela-
7 tionship because of retirement after attaining an age spec-
8 ified in a plan referred to in section 209(a)(11)(B) or in
9 a pension plan of the employer.”.

10 (d) REPEAL OF DEDUCTIONS ON ACCOUNT OF WORK
11 UNDER THE RAILROAD RETIREMENT PROGRAM.—

12 (1) IN GENERAL.—Section 2 of the Railroad
13 Retirement Act of 1974 (45 U.S.C. 231a) is amend-
14 ed—

15 (A) by striking subsection (f); and

16 (B) by striking subsection (g)(2) and by
17 redesignating subsection (g)(1) as subsection
18 (g).

19 (2) CONFORMING AMENDMENTS.—

20 (A) Section 3(f)(1) of such Act (45 U.S.C.
21 231b(f)(1)) is amended in the first sentence by
22 striking “before any reductions under the provi-
23 sions of section 2(f) of this Act,”.

24 (B) Section 4(g)(2) of such Act (45 U.S.C.
25 231c(g)(2)) is amended—

1 (i) in clause (i), by striking “shall, be-
2 fore any deductions under section 2(g) of
3 this Act,” and inserting “shall”; and

4 (ii) in clause (ii), by striking “any de-
5 ductions under section 2(g) of this Act and
6 before”.

7 (e) EFFECTIVE DATE.—The amendments made by
8 this section shall apply with respect to taxable years begin-
9 ning after the date of enactment of this Act.