

118TH CONGRESS  
2D SESSION

# H. R. 8872

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

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IN THE HOUSE OF REPRESENTATIVES

JUNE 27, 2024

Mr. THOMPSON of Pennsylvania (for himself and Mr. TRONE) introduced the following bill; which was referred to the Committee on Ways and Means

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## 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 Fairness Act”.

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

8 (a) IN GENERAL.—For purposes of subsection (b) of  
9 section 203 of the Social Security Act (42 U.S.C. 403(b)),  
10 wages paid during the period beginning on January 31,

1 2020, and ending on May 11, 2023, to an individual who  
2 attests to and provides evidence of being employed as a  
3 health care professional or first responder during such pe-  
4 riod shall not be included in the determination of the indi-  
5 vidual's excess earnings under subsection (f)(3) of such  
6 section for any taxable year.

7 (b) GUIDANCE.—Not later than 30 days after the  
8 date of the enactment of this Act, the Commissioner of  
9 Social Security shall issue guidance providing for appro-  
10 priate procedures for the implementation of subsection  
11 (a).

12 **SEC. 3. FUTURE PANDEMIC PREPAREDNESS.**

13 (a) IN GENERAL.—For purposes of subsection (b) of  
14 section 203 of the Social Security Act (42 U.S.C. 403(b)),  
15 wages paid to an eligible individual during any public  
16 health emergency declared by the Secretary of Health and  
17 Human Services under section 319(a) of the Public Health  
18 Service Act (42 U.S.C. 247d(a)) shall not be included in  
19 the determination of the individual's excess earnings  
20 under subsection (f)(3) of such section for any taxable  
21 year.

22 (b) ISSUANCE OF WAIVERS.—During a public health  
23 emergency declared by the Secretary under section 319(a)  
24 of the Public Health Service Act (42 U.S.C. 247d(a)) in  
25 which the Secretary has determined that, wholly or par-

1 tially as a result of the public health emergency, there is  
2 a shortage of healthcare workers, the Commissioner of So-  
3 cial Security may issue a waiver to an individual who at-  
4 tests to and provides evidence of being employed as a  
5 health care professional or first responder during such  
6 public health emergency.

7 (c) REPORT.—The Commissioner shall annually sub-  
8 mit a report to Congress describing each waiver that has  
9 been issued under this section during the previous year.

10 (d) ELIGIBLE INDIVIDUAL DEFINED.—For purposes  
11 of this section, the term “eligible individual” means an  
12 individual to whom the Commissioner has issued a waiver  
13 in accordance with subsection (b).

14 **SEC. 4. DEFINITIONS.**

15 In this Act:

16 (1) COMMISSIONER.—The term “Commis-  
17 sioner” means the Commissioner of Social Security.

18 (2) HEALTH CARE PROFESSIONAL.—The term  
19 “health care professional” has the meaning given  
20 such term in section 225(d)(1) of the Public Health  
21 Service Act (42 U.S.C. 234(d)(1)).

22 (3) FIRST RESPONDER.—The term “first re-  
23 sponder” has the meaning given such term in sec-  
24 tion 3025(1) of the Omnibus Crime Control and  
25 Safe Streets Act of 1968 (34 U.S.C. 10705(1)).

1           (4) SECRETARY.—The term “Secretary” means  
2           the Secretary of Health and Human Services.

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