

Social Security Fairness Act of 2023

[Public Law 118–273]

[This law has not been amended]

【Currency: This publication is a compilation of the text of Public Law 118–273. It was last amended by the public law listed in the As Amended Through note above and below at the bottom of each page of the pdf version and reflects current law through the date of the enactment of the public law listed at <https://www.govinfo.gov/app/collection/comps/>】

【Note: While this publication does not represent an official version of any Federal statute, substantial efforts have been made to ensure the accuracy of its contents. The official version of Federal law is found in the United States Statutes at Large and in the United States Code. The legal effect to be given to the Statutes at Large and the United States Code is established by statute (1 U.S.C. 112, 204).】

AN ACT To amend title II of the Social Security Act to repeal the Government pension offset and windfall elimination provisions.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. [42 U.S.C. 1305 note] SHORT TITLE.

This Act may be cited as the “Social Security Fairness Act of 2023”.

SEC. 2. REPEAL OF GOVERNMENT PENSION OFFSET PROVISION.

(a) IN GENERAL.—Section 202(k) of the Social Security Act (42 U.S.C. 402(k)) is amended by striking paragraph (5).

(b) CONFORMING AMENDMENTS.—

(1) Section 202(b)(2) of the Social Security Act (42 U.S.C. 402(b)(2)) is amended by striking “subsections (k)(5) and (q)” and inserting “subsection (q)”.

(2) Section 202(c)(2) of such Act (42 U.S.C. 402(c)(2)) is amended by striking “subsections (k)(5) and (q)” and inserting “subsection (q)”.

(3) Section 202(e)(2)(A) of such Act (42 U.S.C. 402(e)(2)(A)) is amended by striking “subsection (k)(5), subsection (q),” and inserting “subsection (q)”.

(4) Section 202(f)(2)(A) of such Act (42 U.S.C. 402(f)(2)(A)) is amended by striking “subsection (k)(5), subsection (q)” and inserting “subsection (q)”.

SEC. 3. REPEAL OF WINDFALL ELIMINATION PROVISIONS.

(a) IN GENERAL.—Section 215 of the Social Security Act (42 U.S.C. 415) is amended—

- (1) in subsection (a), by striking paragraph (7);
- (2) in subsection (d), by striking paragraph (3); and
- (3) in subsection (f), by striking paragraph (9).

(b) CONFORMING AMENDMENTS.—Subsections (e)(2) and (f)(2) of section 202 of such Act (42 U.S.C. 402) are each amended by striking “section 215(f)(5), 215(f)(6), or 215(f)(9)(B)” in subparagraphs (C) and (D)(i) and inserting “paragraph (5) or (6) of section 215(f)”.

SEC. 4. [42 U.S.C. 402 note] EFFECTIVE DATE.

The amendments made by this Act shall apply with respect to monthly insurance benefits payable under title II of the Social Security Act for months after December 2023. Notwithstanding section 215(f) of the Social Security Act, the Commissioner of Social Security shall adjust primary insurance amounts to the extent necessary to take into account the amendments made by section 3.