

105TH CONGRESS  
1ST SESSION

# H. R. 2549

To amend title II of the Social Security Act to restrict the application of the windfall elimination provision to individuals whose combined monthly income from benefits under such title and other monthly periodic payments exceeds \$2,000 and to provide for a graduated implementation of such provision on amounts above such \$2,000 amount.

---

## IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 25, 1997

Mr. FRANK of Massachusetts introduced the following bill; which was referred to the Committee on Ways and Means

---

## A BILL

To amend title II of the Social Security Act to restrict the application of the windfall elimination provision to individuals whose combined monthly income from benefits under such title and other monthly periodic payments exceeds \$2,000 and to provide for a graduated implementation of such provision on amounts above such \$2,000 amount.

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. WINDFALL ELIMINATION PROVISION RE-**  
2 **STRICTED TO TOTAL MONTHLY AMOUNTS IN**  
3 **EXCESS OF \$2,000.**

4 Section 215(a)(7)(B) of the Social Security Act (42  
5 U.S.C. 415(a)(7)(B)) is amended—

6 (i) in the first sentence of clause (i), by insert-  
7 ing after “paragraph)” the following: “and the sum  
8 of the individual’s primary insurance amount under  
9 paragraph (1) of this subsection and the monthly  
10 periodic payment which is attributable to noncovered  
11 service performed after 1956 (with such attribution  
12 being based on the proportionate number of years of  
13 such noncovered service) is greater than \$2,000”;

14 (ii) in the second sentence of clause (i), by  
15 striking “the monthly periodic payment” and all  
16 that follows through “service)” and inserting “such  
17 monthly periodic payment”;

18 (iii) in the last sentence of clause (i), by strik-  
19 ing “the larger of” and all that follows through  
20 “subsection (i))” and inserting the following: “the  
21 primary insurance amount determined under para-  
22 graph (1), reduced (before the application of sub-  
23 section (i)) by the applicable percentage of the ex-  
24 cess of such amount over the larger of the two  
25 amounts computed under the preceding two sen-  
26 tences,”; and

1 (iv) by adding at the end the following new  
 2 clause:

3 “(iii) For purposes of clause (i), the applicable per-  
 4 centage in connection with any individual shall be the per-  
 5 centage specified in connection with such individual in the  
 6 following table:

<b>“If the sum referred to in clause (i) with respect to an individual is:</b>	<b>The applicable percentage in connection with such indi- vidual is:</b>
Over \$2,000 but not over \$2,250 ..	20%.
Over \$2,250 but not over \$2,500 ..	40%.
Over \$2,500 but not over \$2,750 ..	60%.
Over \$2,750 but not over \$3,000 ..	80%.
Over \$3,000 .....	100%.”.

7 **SEC. 2. EFFECTIVE DATE.**

8 The amendments made by section 1 shall apply with  
 9 respect to benefits for months after the date of the enact-  
 10 ment of this Act. Notwithstanding section 215(f)(1) of the  
 11 Social Security Act, the Commissioner of Social Security  
 12 shall recompute primary insurance amounts to the extent  
 13 necessary to carry out the amendments made by section  
 14 1.

○