

107TH CONGRESS  
1ST SESSION

# S. 1523

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

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IN THE SENATE OF THE UNITED STATES

OCTOBER 10, 2001

Mrs. FEINSTEIN introduced the following bill; which was read twice and referred to the Committee on Finance

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## A BILL

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

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 “Social Security Fair-  
5 ness Act of 2001”.

6 **SEC. 2. REPEAL OF GOVERNMENT PENSION OFFSET PROVI-  
7 SIONS.**

8       (a) WIFE’S INSURANCE BENEFITS.—Section 202(b)  
9 of the Social Security Act (42 U.S.C. 402(b)) is  
10 amended—

3 (2) by striking paragraph (4) and redesignating  
4 paragraph (5) as paragraph (4).

5 (b) HUSBAND'S INSURANCE BENEFITS.—Section  
6 202(c) of such Act (42 U.S.C. 402(c)) is amended—

7 (1) by striking paragraph (2) and redesignating  
8 paragraphs (3) through (5) as paragraphs (2)  
9 through (4), respectively; and

10 (2) by striking “and paragraph (2) of this sub-  
11 section” in paragraph (2) as so redesignated.

12 (c) WIDOW'S INSURANCE BENEFITS.—Section  
13 202(e) of such Act (42 U.S.C. 402(e)) is amended—

14 (1) by striking “, paragraph (7) of this sub-  
15 section,” in paragraph (2)(A); and

16 (2) by striking paragraph (7) and redesignating  
17 paragraphs (8) and (9) as paragraphs (7) and (8),  
18 respectively.

19 (d) WIDOWER'S INSURANCE BENEFITS.—

20 (1) IN GENERAL.—Section 202(f) of such Act  
21 (42 U.S.C. 402(f)) is amended—

22 (A) by striking paragraph (2) and redesigning  
23 paragraphs (3) through (9) as para-  
24 graphs (2) through (8), respectively; and

1 (B) by striking “, paragraph (2) of this  
2 subsection,” in paragraph (2) as so redesign-  
3 nated.

4 (2) CONFORMING AMENDMENTS.—

14 (C) Section 202(f)(5)(A)(ii) of such Act  
15 (as redesignated by paragraph (1)(A) of this  
16 subsection) is amended by striking “paragraph  
17 (5)” and inserting “paragraph (4)”.

18 (D) Section 202(k)(2)(B) of such Act (42  
19 U.S.C. 402(k)(2)(B)) is amended by striking  
20 “or (f)(4)” each place it appears and inserting  
21 “or (f)(3)”.

22 (E) Section 202(k)(3)(A) of such Act (42  
23 U.S.C. 402(k)(3)(A)) is amended by striking  
24 “or (f)(3)” and inserting “or (f)(2)”.

1 (F) Section 202(k)(3)(B) of such Act (42  
2 U.S.C. 402(k)(3)(B)) is amended by striking  
3 “or (f)(4)” and inserting “or (f)(3)”.

4 (G) Section 226(e)(1)(A)(i) of such Act  
5 (42 U.S.C. 426(e)(1)(A)(i)) is amended by  
6 striking “and 202(f)(5)” and inserting “and  
7 202(f)(4)”.

11 (1) by striking “Except as provided in para-  
12 graph (4) of this subsection, such” in paragraph (2)  
13 and inserting “Such”; and  
14 (2) by striking paragraph (4).

## 15 SEC. 3. REPEAL OF WINDFALL ELIMINATION PROVISIONS.

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

18 (1) in subsection (a), by striking paragraph (7);  
19 (2) in subsection (d), by striking paragraph (3);  
20 and

21 (3) in subsection (f), by striking paragraph (9).

22 (b) CONFORMING AMENDMENTS.—Subparagraphs  
23 (C) and (D) of section 202(e)(2) of such Act (42 U.S.C.  
24 402(e)(2)(C), (D)) are each amended by striking “section

1 215(f)(5), 215(f)(6), or 215(f)(9)(B)” and inserting  
2 “paragraph (5) or (6) of section 215(f)”.

3 **SEC. 4. EFFECTIVE DATE.**

4 The amendments made by this Act shall apply with  
5 respect to monthly insurance benefits payable under title  
6 II of the Social Security Act for months after December  
7 2001. Notwithstanding section 215(f) of the Social Secu-  
8 rity Act, the Commissioner of Social Security shall adjust  
9 primary insurance amounts to the extent necessary to take  
10 into account the amendments made by this Act.

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