

108TH CONGRESS  
2D SESSION

# H. R. 4234

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 \$2,500 and to provide for a graduated implementation of such provision on amounts above such \$2,500 amount.

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## IN THE HOUSE OF REPRESENTATIVES

APRIL 28, 2004

Mr. FRANK of Massachusetts (for himself and Mr. MATSUI) introduced the following bill; which was referred to the Committee on Ways and Means

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## 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 \$2,500 and to provide for a graduated implementation of such provision on amounts above such \$2,500 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 \$2,500.**

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

6 (1) in subparagraph (A), by inserting after  
7 “service’),” the following: “if the sum of the individ-  
8 ual’s primary insurance amount under paragraph  
9 (1) of this subsection and the portion of 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 \$2,500,  
14 then”;

15 (2) in the second sentence of subparagraph  
16 (B)(i), by striking “(with such attribution being  
17 based on the proportionate number of years of such  
18 noncovered service)” and inserting “(as determined  
19 under subparagraph (A))”;

20 (3) in the last sentence of subparagraph (B)(i),  
21 by striking “the larger of” and all that follows  
22 through “subsection (i))” and inserting the fol-  
23 lowing: “the primary insurance amount determined  
24 under paragraph (1), reduced (before the application  
25 of subsection (i)) by the applicable percentage deter-  
26 mined under clause (iii) of the excess of such

1 amount over the larger of the two amounts com-  
 2 puted under the preceding two sentences,”; and

3 (4) by adding at the end of subparagraph (B)  
 4 the following new clause:

5 “(iii) For purposes of clause (i), the applicable per-  
 6 centage in connection with any individual is the product  
 7 (not greater than 100 percent) derived by multiplying 2.5  
 8 percentage points by the quotient determined under this  
 9 clause. The quotient determined under this clause is the  
 10 quotient derived by dividing—

11 “(I) the excess of the sum referred to in sub-  
 12 paragraph (A) over \$2,500, by

13 “(II) \$20.85,  
 14 rounded to the next higher multiple of 1 where such  
 15 amount is a multiple of 0.5 and to the nearest multiple  
 16 of 1 in any other case.”.

17 **SEC. 2. EFFECTIVE DATE.**

18 The amendments made by section 1 shall apply with  
 19 respect to benefits for months after the date of the enact-  
 20 ment of this Act. Notwithstanding section 215(f)(1) of the  
 21 Social Security Act, the Commissioner of Social Security  
 22 shall recompute primary insurance amounts to the extent  
 23 necessary to carry out the amendments made by section  
 24 1.

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