

108TH CONGRESS
1ST SESSION

H. R. 594

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

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 5, 2003

Mr. MCKEON (for himself, Mr. LYNCH, Mr. FILNER, Mr. BOEHLERT, Mr. BERMAN, Mr. RODRIGUEZ, Mr. SIMMONS, Mr. BAIRD, Mr. MCGOVERN, Mr. HOLDEN, Mr. STRICKLAND, Ms. WOOLSEY, Mr. FROST, Mr. HALL, Mr. SOUDER, Mr. LOBIONDO, Mr. STARK, Mr. GREEN of Texas, Mr. STUPAK, Mr. GEORGE MILLER of California, Mr. LIPINSKI, Mr. TURNER of Texas, Mr. COSTELLO, Mr. HINCHEY, Ms. SOLIS, Mr. GILLMOR, Ms. JACKSON-LEE of Texas, Mr. WELDON of Pennsylvania, Mr. WAXMAN, Mr. CUNNINGHAM, Mr. JENKINS, Mr. MCHUGH, Mrs. CAPPS, Mr. MARKEY, Mr. LANTOS, Mr. HINOJOSA, Mr. SCHIFF, Mr. WHITFIELD, Mr. LINCOLN DIAZ-BALART of Florida, Mr. SHERMAN, Mr. BAKER, Mr. ISAKSON, Mr. LAHOOD, Mr. WELLER, Mr. SHIMKUS, Mr. PAUL, Mr. DOOLITTLE, Mr. CALVERT, Mr. WILSON of South Carolina, Mr. LATOURETTE, Mr. ABERCROMBIE, Ms. BALDWIN, Ms. MCCOLLUM, Mr. GIBBONS, Mr. PLATTS, Mr. ISRAEL, Mr. MICHAUD, Mr. COMBEST, Mr. BEREUTER, Mr. DOYLE, Mr. FRANK of Massachusetts, Ms. MCCARTHY of Missouri, Ms. WATSON, Mr. OLVER, Mr. CARSON of Oklahoma, Ms. SCHAKOWSKY, Mr. NEAL of Massachusetts, Mr. LAMPSON, Ms. HOOLEY of Oregon, Mr. STENHOLM, Ms. MILLENDER-MCDONALD, Mr. PALLONE, Ms. HARMAN, Mr. KENNEDY of Rhode Island, Ms. ROYBAL-ALLARD, Mr. WU, Mr. GORDON, Mr. EDWARDS, Mr. BROWN of Ohio, Mr. HONDA, Ms. LEE, Mr. SANDLIN, Mr. LEWIS of California, Mr. ALLEN, Mr. LUCAS of Kentucky, Mrs. NAPOLITANO, Mr. BONILLA, Mr. BLUMENAUER, Ms. LINDA T. SÁNCHEZ of California, Mr. PAYNE, Ms. LORETTA SANCHEZ of California, and Mrs. DAVIS of California) 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 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 2003”.

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 amend-
10 ed—

11 (1) by striking “and paragraph (4) of this sub-
12 section” in paragraph (2); and

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

15 (b) HUSBAND’S INSURANCE BENEFITS.—Section
16 202(c) of such Act (42 U.S.C. 402(c)) is amended—

17 (1) by striking paragraph (2) and redesignating
18 paragraphs (3) through (5) as paragraphs (2)
19 through (4), respectively; and

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

22 (c) WIDOW’S INSURANCE BENEFITS.—Section
23 202(e) of such Act (42 U.S.C. 402(e)) is amended—

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

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

6 (d) WIDOWER’S INSURANCE BENEFITS.—

7 (1) IN GENERAL.—Section 202(f) of such Act
8 (42 U.S.C. 402(f)) is amended—

9 (A) by striking paragraph (2) and redesignating
10 paragraphs (3) through (9) as paragraphs (2) through (8), respectively; and

11 (B) by striking “, paragraph (2) of this
12 subsection,” in paragraph (2) as so redesignated.
13

14 (2) CONFORMING AMENDMENTS.—

15 (A) Section 202(f)(1)(B) of such Act (42
16 U.S.C. 402(f)(1)(B)) is amended by striking
17 “paragraph (5)” and inserting “paragraph
18 (4)”.

19 (B) Section 202(f)(1)(F) of such Act (42
20 U.S.C. 402(f)(1)(F)) is amended by striking
21 “paragraph (6)” and “paragraph (5)” (in
22 clauses (i) and (ii)) and inserting “paragraph
23 (5)” and “paragraph (4)”, respectively.
24

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

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

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

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

15 (G) Section 226(e)(1)(A)(i) of such Act
16 (42 U.S.C. 426(e)(1)(A)(i)) is amended by
17 striking “and 202(f)(5)” and inserting “and
18 202(f)(4)”.

19 (e) MOTHER’S AND FATHER’S INSURANCE BENE-
20 FITS.—Section 202(g) of such Act (42 U.S.C. 402(g)) is
21 amended—

22 (1) by striking “Except as provided in para-
23 graph (4) of this subsection, such” in paragraph (2)
24 and inserting “Such”; and

25 (2) by striking paragraph (4).

1 **SEC. 3. REPEAL OF WINDFALL ELIMINATION PROVISIONS.**

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

4 (1) in subsection (a), by striking paragraph (7);

5 (2) in subsection (d), by striking paragraph (3);

6 and

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

8 (b) CONFORMING AMENDMENTS.—Subparagraphs
9 (C) and (D) of section 202(e)(2) of such Act (42 U.S.C.
10 402(e)(2)(C), (D)) are each amended by striking “section
11 215(f)(5), 215(f)(6), or 215(f)(9)(B)” and inserting
12 “paragraph (5) or (6) of section 215(f)”.

13 **SEC. 4. EFFECTIVE DATE.**

14 The amendments made by this Act shall apply with
15 respect to monthly insurance benefits payable under title
16 II of the Social Security Act for months after December
17 2003. Notwithstanding section 215(f) of the Social Secu-
18 rity Act, the Commissioner of Social Security shall adjust
19 primary insurance amounts to the extent necessary to take
20 into account the amendments made by section 3.

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