

108TH CONGRESS
1ST SESSION

S. 363

To amend title II of the Social Security Act to provide that the reductions in social security benefits which are required in the case of spouses and surviving spouses who are also receiving certain Government pensions shall be equal to the amount by which two-thirds of the total amount of the combined monthly benefit (before reduction) and monthly pension exceeds \$1,200, adjusted for inflation.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 11, 2003

Ms. MIKULSKI (for herself, Mr. SARBANES, Ms. COLLINS, Mr. BINGAMAN, Mr. DASCHLE, Ms. SNOWE, Mr. DORGAN, Ms. LANDRIEU, Mrs. MURRAY, Mr. BREAUX, Ms. CANTWELL, Mr. KENNEDY, and Mrs. CLINTON) introduced the following bill; which was read twice and referred to the Committee on Finance

A BILL

To amend title II of the Social Security Act to provide that the reductions in social security benefits which are required in the case of spouses and surviving spouses who are also receiving certain Government pensions shall be equal to the amount by which two-thirds of the total amount of the combined monthly benefit (before reduction) and monthly pension exceeds \$1,200, adjusted for inflation.

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. SHORT TITLE.**

2 This Act may be cited as the “Government Pension
3 Offset Reform Act”.

4 **SEC. 2. LIMITATION ON REDUCTIONS IN BENEFITS FOR**
5 **SPOUSES AND SURVIVING SPOUSES RECEIV-**
6 **ING GOVERNMENT PENSIONS.**

7 (a) WIFE’S INSURANCE BENEFITS.—Section
8 202(b)(4)(A) of the Social Security Act (42 U.S.C.
9 402(b)(4)(A)) is amended—

10 (1) by inserting “the amount (if any) by which
11 the sum of such benefit (before reduction under this
12 paragraph) and” after “two-thirds of”; and

13 (2) by inserting “exceeds the amount described
14 in subsection (z) for such month,” before “if”.

15 (b) HUSBAND’S INSURANCE BENEFITS.—Section
16 202(e)(2)(A) of such Act (42 U.S.C. 402(e)(2)(A)) is
17 amended—

18 (1) by inserting “the amount (if any) by which
19 the sum of such benefit (before reduction under this
20 paragraph) and” after “two-thirds of”; and

21 (2) by inserting “exceeds the amount described
22 in subsection (z) for such month,” before “if”.

23 (c) WIDOW’S INSURANCE BENEFITS.—Section
24 202(e)(7)(A) of such Act (42 U.S.C. 402(e)(7)(A)) is
25 amended—

1 (1) by inserting “the amount (if any) by which
2 the sum of such benefit (before reduction under this
3 paragraph) and” after “two-thirds of”; and

4 (2) by inserting “exceeds the amount described
5 in subsection (z) for such month,” before “if”.

6 (d) WIDOWER’S INSURANCE BENEFITS.—Section
7 202(f)(2)(A) of such Act (42 U.S.C. 402(f)(2)(A)) is
8 amended—

9 (1) by inserting “the amount (if any) by which
10 the sum of such benefit (before reduction under this
11 paragraph) and” after “two-thirds of”; and

12 (2) by inserting “exceeds the amount described
13 in subsection (z) for such month,” before “if”.

14 (e) MOTHER’S AND FATHER’S INSURANCE BENE-
15 FITS.—Section 202(g)(4)(A) of such Act (42 U.S.C.
16 402(g)(4)(A)) is amended—

17 (1) by inserting “the amount (if any) by which
18 the sum of such benefit (before reduction under this
19 paragraph) and” after “two-thirds of”; and

20 (2) by inserting “exceeds the amount described
21 in subsection (z) for such month,” before “if”.

22 (f) AMOUNT DESCRIBED.—Section 202 of such Act
23 (42 U.S.C. 402) is amended by adding at the end the fol-
24 lowing:

1 “(z) The amount described in this subsection is, for
 2 months in each 12-month period beginning in December
 3 of 2003, and each succeeding calendar year, the greater
 4 of—

5 “(1) \$1200; or

6 “(2) the amount applicable for months in the
 7 preceding 12-month period, increased by the cost-of-
 8 living adjustment for such period determined for an
 9 annuity under section 8340 of title 5, United States
 10 Code (without regard to any other provision of
 11 law).”.

12 (g) LIMITATIONS ON REDUCTIONS IN BENEFITS.—
 13 Section 202 of such Act (42 U.S.C. 402), as amended by
 14 subsection (f), is amended by adding at the end the fol-
 15 lowing:

16 “(aa) For any month after December 2003, in no
 17 event shall an individual receive a reduction in a benefit
 18 under subsection (b)(4)(A), (c)(2)(A), (e)(7)(A), (f)(2)(A),
 19 or (g)(4)(A) for the month that is more than the reduction
 20 in such benefit that would have applied for such month
 21 under such subsections as in effect on December 1,
 22 2003.”.

23 **SEC. 3. EFFECTIVE DATE.**

24 The amendments made by section 1 shall apply with
 25 respect to monthly insurance benefits payable under title

1 II of the Social Security Act for months after December
2 2003.

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