

111TH CONGRESS  
1ST SESSION

# H. R. 2145

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

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## IN THE HOUSE OF REPRESENTATIVES

APRIL 28, 2009

Mr. FRANK of Massachusetts 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 a minimum COLA-adjusted amount of \$2,500 and to provide for a graduated implementation of such provision on amounts above such minimum 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. SHORT TITLE.**

2 This Act may be cited as the “Windfall Elimination  
3 Provision Relief Act of 2009”.

4 **SEC. 2. WINDFALL ELIMINATION PROVISION RESTRICTED**  
5 **TO TOTAL MONTHLY AMOUNTS IN EXCESS OF**  
6 **COLA-ADJUSTED AMOUNT OF \$2,500.**

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

9 (1) in subparagraph (A), by inserting after  
10 “service’),” the following: “if the sum of the individ-  
11 ual’s primary insurance amount under paragraph  
12 (1) of this subsection and the portion of the monthly  
13 periodic payment which is attributable to noncovered  
14 service performed after 1956 (with such attribution  
15 being based on the proportionate number of years of  
16 such noncovered service) is greater than  $\frac{1}{12}$  of the  
17 amount established for purposes of subparagraph  
18 (B)(iii)(I) under subparagraph (B)(iv), then”;

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

24 (3) in the last sentence of subparagraph (B)(i),  
25 by striking “the larger of” and all that follows  
26 through “subsection (i))” and inserting the fol-

1       lowing: “the primary insurance amount determined  
2       under paragraph (1), reduced (before the application  
3       of subsection (i)) by the applicable percentage deter-  
4       mined under clause (iii) of the excess of such  
5       amount over the larger of the two amounts com-  
6       puted under the preceding two sentences,”; and

7               (4) by adding at the end of subparagraph (B)  
8       the following new clauses:

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

15               “(I) the excess of the sum referred to in sub-  
16      paragraph (A) over  $\frac{1}{12}$  of the amount established  
17      for purposes of this subclause under clause (iv), by

18               “(II)  $\frac{1}{480}$  of the excess of the dollar amount es-  
19      tablished for purposes of this subclause under clause  
20      (iv) over the dollar amount established for purposes  
21      of subclause (I) under clause (iv),

22      rounded to the next higher multiple of 1 where such  
23      amount is a multiple of 0.5 and to the nearest multiple  
24      of 1 in any other case.

1       “(iv) For individuals whose concurrent entitlement  
 2 described in subparagraph (A) commences in calendar  
 3 year 2009, the dollar amounts established for purposes of  
 4 subclauses (I) and (II) of clause (iii) shall be \$30,000 and  
 5 \$40,000, respectively. For individuals whose concurrent  
 6 entitlement described in subparagraph (A) commences in  
 7 any calendar year after 2009, each of the amounts so es-  
 8 tablished shall equal the product derived by multiplying  
 9 the corresponding amount established with respect to cal-  
 10 endar year 2009 by the quotient obtained by dividing—

11               “(I) the national average wage index (as de-  
 12 fined in section 209(k)(1)) for the first of the 2 cal-  
 13 endar years preceding the calendar year for which  
 14 the determination is made, by

15               “(II) the national average wage index (as so de-  
 16 fined) for 2007.

17 Each amount established by this clause for any calendar  
 18 year shall be rounded to the nearest multiple of \$1, except  
 19 that any amount so established which is a multiple of  
 20 \$0.50 but not of \$1 shall be rounded to the next higher  
 21 multiple of \$1.”.

### 22 **SEC. 3. EFFECTIVE DATE.**

23       The amendments made by section 2 shall apply with  
 24 respect to benefits for months after the date of the enact-  
 25 ment of this Act. Notwithstanding section 215(f)(1) of the

1 Social Security Act, the Commissioner of Social Security  
2 shall recompute primary insurance amounts to the extent  
3 necessary to carry out the amendments made by section  
4 2.

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