

106TH CONGRESS
1ST SESSION

H. R. 860

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 \$2,000 and to provide for a graduated implementation of such provision on amounts above such \$2,000 amount.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 25, 1999

Mr. FRANK of Massachusetts (for himself, Mr. NEY, Mr. ACKERMAN, Mr. OLVER, Mr. SMITH of Washington, Mr. SHERMAN, Mr. PETERSON of Minnesota, Mr. STRICKLAND, Mr. PALLONE, Mr. ROMERO-BARCELÓ, Mr. EVANS, Mr. WEXLER, Mr. MORAN of Virginia, Mr. GEJDENSON, Mr. DAVIS of Virginia, Mrs. MORELLA, Mr. FROST, Ms. NORTON, Mr. KUCINICH, Mr. GILMAN, Mr. SHOWS, Mr. DEFazio, Mr. RAHALL, Mr. CROWLEY, Mr. DIXON, Mr. TRAFICANT, Mr. WAXMAN, Mr. WYNN, and Mr. MCGOVERN) 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 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 \$2,000 and to provide for a graduated implementation of such provision on amounts above such \$2,000 amount.

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. WINDFALL ELIMINATION PROVISION RE-**
4 **STRICTED TO TOTAL MONTHLY AMOUNTS IN**
5 **EXCESS OF \$2,000.**

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

8 (1) in subparagraph (A), by inserting after
9 “service’),” the following: “if the sum of the individ-
10 ual’s primary insurance amount under paragraph
11 (1) of this subsection and the portion of the monthly
12 periodic payment which is attributable to noncovered
13 service performed after 1956 (with such attribution
14 being based on the proportionate number of years of
15 such noncovered service) is greater than \$2,000,
16 then”;

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

22 (3) in the last sentence of subparagraph (B)(i),
23 by striking “the larger of” and all that follows
24 through “subsection (i))” and inserting the follow-
25 ing: “the primary insurance amount determined

1 under paragraph (1), reduced (before the application
 2 of subsection (i)) by the applicable percentage speci-
 3 fied in clause (iii) of the excess of such amount over
 4 the larger of the two amounts computed under the
 5 preceding two sentences,”; and

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

8 “(iii) For purposes of clause (i), the applicable per-
 9 centage in connection with any individual shall be the per-
 10 centage specified in connection with such individual in the
 11 following table:

“If the sum referred to in clause (i) with respect to an individual is:	The applicable percentage in connection with such indi- vidual is:
Over \$2,000 but not over \$2,250 ..	20%.
Over \$2,250 but not over \$2,500 ..	40%.
Over \$2,500 but not over \$2,750 ..	60%.
Over \$2,750 but not over \$3,000 ..	80%.
Over \$3,000	100%.”.

12 **SEC. 2. EFFECTIVE DATE.**

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

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