

108TH CONGRESS
1ST SESSION

H. R. 2011

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

MAY 7, 2003

Mr. FRANK of Massachusetts (for himself, Mr. RANGEL, Mr. WOLF, Mr. MATSUI, Mr. GOODE, Mr. SANDLIN, Mr. SAXTON, Mr. LYNCH, Mr. JONES of North Carolina, Mr. BOSWELL, Mrs. JO ANN DAVIS of Virginia, Mr. KLECZKA, Mr. TIBERI, Mr. JOHNSON of Illinois, Mr. FILNER, Mr. FROST, Mr. WYNN, Mr. PAUL, Mr. BROWN of Ohio, Mr. VAN HOLLEN, Mr. COSTELLO, Mr. HINCHEY, Mr. ROSS, Mr. DOGGETT, Mr. ABERCROMBIE, Ms. BALDWIN, Mr. FARR, Mr. HOEFFEL, Mr. TURNER of Texas, Mr. WEINER, Mr. HASTINGS of Florida, Mr. DELAHUNT, Mr. GORDON, Mr. HOLDEN, Mr. HOLT, Mr. HONDA, Mr. INSLEE, Mr. KANJORSKI, Mr. KENNEDY of Rhode Island, Mr. KILDEE, Ms. KILPATRICK, Mr. LAMPSON, Mr. MEEHAN, Mr. NEAL of Massachusetts, Mr. OBERSTAR, Mr. OLVER, Mr. RODRIGUEZ, Mr. PASCRELL, Ms. KAPTUR, Mr. SERRANO, Mr. STRICKLAND, Mr. WU, Ms. LORETTA SANCHEZ of California, Mr. WEXLER, Mr. GUTIERREZ, Mr. DOYLE, Mr. ISRAEL, Mr. SCHIFF, Mr. MCGOVERN, Mrs. MCCARTHY of New York, Mr. ALLEN, Mr. GONZALEZ, Mr. GRIJALVA, Mr. MICHAUD, Mrs. LOWEY, Mr. BISHOP of New York, Mr. ALEXANDER, Mr. CAPUANO, Ms. LINDA T. SÁNCHEZ of California, and Mr. EMANUEL) 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 bene-

fits 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))”;

1 (3) in the last sentence of subparagraph (B)(i),
 2 by striking “the larger of” and all that follows
 3 through “subsection (i))” and inserting the fol-
 4 lowing: “the primary insurance amount determined
 5 under paragraph (1), reduced (before the application
 6 of subsection (i)) by the applicable percentage speci-
 7 fied in clause (iii) of the excess of such amount over
 8 the larger of the two amounts computed under the
 9 preceding two sentences,”; and

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

12 “(iii) For purposes of clause (i), the applicable per-
 13 centage in connection with any individual shall be the per-
 14 centage specified in connection with such individual in the
 15 following table:

“If the sum referred to in subparagraph (A) with respect to an individual is:	The applicable percentage in connection with such individual 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%.”.

16 **SEC. 2. EFFECTIVE DATE.**

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

1 necessary to carry out the amendments made by section
2 1.

