

112TH CONGRESS  
1ST SESSION

# S. 2010

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

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IN THE SENATE OF THE UNITED STATES

DECEMBER 16, 2011

Mr. KERRY (for himself and Ms. COLLINS) introduced the following bill; which was read twice and referred to the Committee on Finance

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## 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 2011”.

6       **SEC. 2. REPEAL OF GOVERNMENT PENSION OFFSET PROVI-**  
7       **SION.**

8       (a) IN GENERAL.—Section 202(k) of the Social Secu-  
9       rity Act (42 U.S.C. 402(k)) is amended by striking para-  
10      graph (5).

1 (b) CONFORMING AMENDMENTS.—

2 (1) Section 202(b)(2) of the Social Security Act  
3 (42 U.S.C. 402(b)(2)) is amended by striking “sub-  
4 sections (k)(5) and (q)” and inserting “subsection  
5 (q)”.

6 (2) Section 202(c)(2) of such Act (42 U.S.C.  
7 402(c)(2)) is amended by striking “subsections  
8 (k)(5) and (q)” and inserting “subsection (q)”.

9 (3) Section 202(e)(2)(A) of such Act (42  
10 U.S.C. 402(e)(2)(A)) is amended by striking “sub-  
11 section (k)(5), subsection (q),” and inserting “sub-  
12 section (q)”.

13 (4) Section 202(f)(2)(A) of such Act (42 U.S.C.  
14 402(f)(2)(A)) is amended by striking “subsection  
15 (k)(5), subsection (q)” and inserting “subsection  
16 (q)”.

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

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

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

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

22 and

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

24 (b) CONFORMING AMENDMENTS.—Subsections (e)(2)  
25 and (f)(2) of section 202 of such Act (42 U.S.C. 402) are

1 each amended by striking “section 215(f)(5), 215(f)(6),  
2 or 215(f)(9)(B)” in subparagraphs (C) and (D)(i) and in-  
3 serting “paragraph (5) or (6) of section 215(f)”.

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

5       The amendments made by this Act shall apply with  
6 respect to monthly insurance benefits payable under title  
7 II of the Social Security Act for months after December  
8 2011. Notwithstanding section 215(f) of the Social Secu-  
9 rity Act, the Commissioner of Social Security shall adjust  
10 primary insurance amounts to the extent necessary to take  
11 into account the amendments made by section 3.

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