

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.

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

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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