

111TH CONGRESS  
1ST SESSION

# H. R. 235

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 HOUSE OF REPRESENTATIVES

JANUARY 7, 2009

Mr. BERMAN (for himself, Mr. McKEON, Mr. GRIJALVA, Mr. CHANDLER, Mr. SIRES, Mrs. CAPPS, Mr. ENGEL, Ms. DEGETTE, Mr. VAN HOLLEN, Mr. JOHNSON of Georgia, Mr. KLEIN of Florida, Mr. WAXMAN, Mr. SHERMAN, Mr. PALLONE, Mr. RODRIGUEZ, Ms. LINDA T. SANCHEZ of California, Mr. KENNEDY, Mr. FILNER, Mr. TIERNEY, Ms. WOOLSEY, Mr. REYES, Mr. MELANCON, Mr. RUPPERSBERGER, Mr. LEWIS of Georgia, Mr. FARR, Mr. BURTON of Indiana, Ms. HIRONO, Mr. ROTHMAN of New Jersey, Mr. SPACE, Ms. MCCOLLUM, Mrs. BIGGERT, Mr. PETRI, Ms. BORDALLO, Ms. SCHWARTZ, Mr. LARSON of Connecticut, Mr. CARNAHAN, Mr. McCAUL, Mr. HOLT, Mr. CAPUANO, Mr. MICHAUD, Mr. MOORE of Kansas, Mr. HINCHEY, Mr. BROWN of South Carolina, Ms. SUTTON, Mr. KAGEN, Mr. McCOTTER, Ms. SCHAKOWSKY, Mr. WILSON of South Carolina, Mr. ORTIZ, Mr. STARK, Mr. GEORGE MILLER of California, Mr. BACHUS, Mr. GALLEGLY, Mr. HELLER, Mr. DOGGETT, Mr. SCHIFF, Mr. HONDA, Mrs. TAUSCHER, Mr. BACA, Mr. YOUNG of Florida, Mr. GENE GREEN of Texas, Ms. CORRINE BROWN of Florida, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. PAUL, Mr. WELCH, Mr. CARNEY, Mr. BILBRAY, Mr. BOUSTANY, Mr. WU, Mr. CUELLAR, Mr. MATHESON, Ms. ZOE LOFGREN of California, Ms. BERKLEY, Ms. DELAURO, Mr. PATRICK J. MURPHY of Pennsylvania, Ms. HARMAN, Mr. VISCLOSKY, Mr. ACKERMAN, Mr. KUCINICH, Mr. FORBES, Mr. LANGEVIN, and Mr. MURPHY of Connecticut) 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 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 2009”.

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).

11       (b) CONFORMING AMENDMENTS.—

12           (1) Section 202(b)(2) of the Social Security Act  
13 (42 U.S.C. 402(b)(2)) is amended by striking “sub-  
14 sections (k)(5) and (q)” and inserting “subsection  
15 (q)”.

16           (2) Section 202(c)(2) of such Act (42 U.S.C.  
17 402(c)(2)) is amended by striking “subsections  
18 (k)(5) and (q)” and inserting “subsection (q)”.

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

23           (4) Section 202(f)(2)(A) of such Act (42 U.S.C.  
24 402(f)(2)(A)) is amended by striking “subsection

1 (k)(5), subsection (q)” and inserting “subsection  
2 (q)”.

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

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

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

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

8 and

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

10 (b) CONFORMING AMENDMENTS.—Subsections (e)(2)  
11 and (f)(2) of section 202 of such Act (42 U.S.C. 402) are  
12 each amended by striking “section 215(f)(5), 215(f)(6),  
13 or 215(f)(9)(B)” in subparagraphs (C) and (D)(i) and in-  
14 serting “paragraph (5) or (6) of section 215(f)”.

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

16 The amendments made by this Act shall apply with  
17 respect to monthly insurance benefits payable under title  
18 II of the Social Security Act for months after December  
19 2009. Notwithstanding section 215(f) of the Social Secu-  
20 rity Act, the Commissioner of Social Security shall adjust  
21 primary insurance amounts to the extent necessary to take  
22 into account the amendments made by section 3.

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