

117TH CONGRESS  
1ST SESSION

# S. 1302

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

APRIL 22, 2021

Mr. BROWN (for himself, Ms. COLLINS, Ms. MURKOWSKI, Mr. CASSIDY, Ms. SMITH, Ms. WARREN, Mr. BENNET, Mr. REED, Mr. LEAHY, Mr. CASEY, Mr. MURPHY, Mrs. MURRAY, Mr. MENENDEZ, Mr. WHITEHOUSE, Ms. STABENOW, Ms. CORTEZ MASTO, Mr. BLUMENTHAL, Ms. HASSAN, Mr. MERKLEY, Ms. BALDWIN, Ms. KLOBUCHAR, Mr. VAN HOLLEN, Mr. BOOKER, and Mr. SANDERS) 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”.

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

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

6 (b) CONFORMING AMENDMENTS.—

7 (1) Section 202(b)(2) of the Social Security Act  
8 (42 U.S.C. 402(b)(2)) is amended by striking “sub-  
9 sections (k)(5) and (q)” and inserting “subsection  
10 (q)”.

11 (2) Section 202(c)(2) of such Act (42 U.S.C.  
12 402(c)(2)) is amended by striking “subsections  
13 (k)(5) and (q)” and inserting “subsection (q)”.

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

18 (4) Section 202(f)(2)(A) of such Act (42 U.S.C.  
19 402(f)(2)(A)) is amended by striking “subsection  
20 (k)(5), subsection (q)” and inserting “subsection  
21 (q)”.

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

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

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

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

2           and

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

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

9   **SEC. 4. EFFECTIVE DATE.**

10          The amendments made by this Act shall apply with  
11 respect to monthly insurance benefits payable under title  
12 II of the Social Security Act for months after December  
13 2021. Notwithstanding section 215(f) of the Social Secu-  
14 rity Act, the Commissioner of Social Security shall adjust  
15 primary insurance amounts to the extent necessary to take  
16 into account the amendments made by section 3.

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