

115TH CONGRESS  
2D SESSION

# S. 3433

To exempt firefighters and police officers from the Government Pension Offset and Windfall Elimination Provisions under the Social Security Act.

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IN THE SENATE OF THE UNITED STATES

SEPTEMBER 12, 2018

Mr. TOOMEY introduced the following bill; which was read twice and referred to the Committee on Finance

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## A BILL

To exempt firefighters and police officers from the Government Pension Offset and Windfall Elimination Provisions under the Social Security Act.

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 for Firefighters and Police Officers Act”.

6 **SEC. 2. EXCEPTION FROM GOVERNMENT PENSION OFFSET**

7 **PROVISION FOR FIREFIGHTERS AND POLICE**  
8 **OFFICERS.**

9 Clause (i) of section 202(k)(5)(B) of the Social Secu-  
10 rity Act (42 U.S.C. 402(k)(5)(B)) is amended by striking

1 “monthly periodic benefits” and all that follows through  
 2 the period and inserting the following: “monthly periodic  
 3 benefits—

4 “(I) based wholly on service as a member of a uni-  
 5 formed service (as defined in section 210(m)), or

6 “(II) with respect to which the period of service taken  
 7 into account in determining the amount of the benefit in-  
 8 cludes at least 5 years of service of the individual as a  
 9 firefighter (as defined in paragraph (4) of section 1204  
 10 of the Omnibus Crime Control and Safe Streets Act of  
 11 1968 (34 U.S.C. 10284)) or a law enforcement officer (as  
 12 defined in paragraph (6) of such section).”.

13 **SEC. 3. EXCEPTION FROM WINDFALL ELIMINATION PROVI-**  
 14 **SIONS FOR FIREFIGHTERS AND POLICE OFFI-**  
 15 **CERS.**

16 Subsections (a)(7)(A) and (d)(3) of section 215 of the  
 17 Social Security Act (42 U.S.C. 415) are amended by strik-  
 18 ing “section 233, and (III)” each place it appears and in-  
 19 serting “section 233, (III) a payment based on service de-  
 20 scribed in section 202(k)(5)(B)(i)(II), and (IV)”.

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

22 The amendments made by this Act shall apply with  
 23 respect to monthly insurance benefits payable under title  
 24 II of the Social Security Act for months after December  
 25 2018. Notwithstanding section 215(f) of the Social Secu-

1 rity Act, the Commissioner of Social Security shall adjust  
2 primary insurance amounts to the extent necessary to take  
3 into account the amendments made by section 3.

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