

Regular Session, 2013

HOUSE CONCURRENT RESOLUTION NO. 40

BY REPRESENTATIVE HARRISON

SOCIAL SECURITY SYS: Memorializes congress to repeal the Windfall Elimination Provision (WEP) and the Government Pension Offset (GPO) or in the alternative to apply the WEP in lieu of the GPO in calculating Social Security benefits for widows and widowers

1 A CONCURRENT RESOLUTION

2 To memorialize the Congress of the United States of America to review and consider
3 eliminating provisions of federal law which reduce Social Security benefits for those
4 receiving pension benefits from federal, state, or local government retirement or
5 pension systems, plans, or funds or, in the alternative, to consider repealing certain
6 such provisions and applying less stringent provisions to benefits received by
7 widows and widowers.

8 WHEREAS, the Congress of the United States of America has enacted both the
9 Government Pension Offset (GPO), reducing the spousal and survivor Social Security
10 benefit, and the Windfall Elimination Provision (WEP), reducing the earned Social Security
11 benefit for any person who also receives a public pension benefit; and

12 WHEREAS, congress enacted these reduction provisions to provide a disincentive
13 for public employees to receive two pensions; and

14 WHEREAS, the GPO negatively affects a spouse or survivor receiving a federal,
15 state, or local government retirement or pension benefit who would also be entitled to a
16 Social Security benefit earned by a spouse; and

17 WHEREAS, the GPO formula reduces the spousal or survivor Social Security benefit
18 by two-thirds of the amount of the federal, state, or local government retirement or pension
19 benefit received by the spouse or survivor, in many cases completely eliminating the Social
20 Security benefit even though their spouses paid Social Security taxes for many years; and

1 WHEREAS, the GPO often reduces spousal benefits so significantly it makes the
2 difference between self-sufficiency and poverty; and

3 WHEREAS, the GPO has a harsh effect on thousands of citizens and undermines the
4 original purpose of the Social Security dependent/survivor benefit; and

5 WHEREAS, the WEP applies to those persons who have earned federal, state, or
6 local government retirement or pension benefits, in addition to working in employment
7 covered under Social Security and paying into the Social Security system; and

8 WHEREAS, the WEP reduces the earned Social Security benefit using an averaged
9 indexed monthly earnings formula and may reduce Social Security benefits for affected
10 persons by as much as one-half of the retirement benefit earned as a public servant in
11 employment not covered under Social Security; and

12 WHEREAS, the WEP causes hardworking individuals to lose a significant portion
13 of the Social Security benefits that they earn themselves; and

14 WHEREAS, in certain circumstances both the WEP and GPO can be applied to a
15 qualifying survivor's benefit, each independently reducing the available benefit and in
16 combination eliminating a large portion of the total Social Security benefit available to the
17 survivor; and

18 WHEREAS, because of the calculation characteristics of the GPO and the WEP, they
19 have a disproportionately negative effect on employees working in lower-wage government
20 jobs, like policemen, firefighters, teachers, and state employees; and

21 WHEREAS, Louisiana is making every effort to improve the quality of life of its
22 citizens and to encourage them to live here lifelong, yet the current GPO and WEP
23 provisions compromise their quality of life; and

24 WHEREAS, individuals drastically affected by the GPO or WEP may have no choice
25 but to return to work after retirement in order to make ends meet, but the earnings
26 accumulated during this return to work can further reduce the Social Security benefits the
27 individual is entitled to; and

28 WHEREAS, retired individuals affected by both GPO and WEP have significantly
29 less money to support their basic needs and sometimes have to turn to government assistance
30 programs; and

1 WHEREAS, the GPO and the WEP penalize individuals who have dedicated their
2 lives to public service by taking away benefits they have earned; and

3 WHEREAS, our nation should respect, not penalize, public servants; and

4 WHEREAS, the number of people affected by GPO and WEP is growing every day
5 as more and more people reach retirement age; and

6 WHEREAS, the GPO and WEP are established in federal law, and repeal of the GPO
7 and the WEP can only be enacted by congress.

8 THEREFORE, BE IT RESOLVED that the Legislature of Louisiana does hereby
9 memorialize the Congress of the United States of America to review the Government
10 Pension Offset and the Windfall Elimination Provision Social Security benefit reductions
11 and to consider eliminating or reducing them.

12 BE IT FURTHER RESOLVED that the Legislature of Louisiana does hereby
13 memorialize congress, in the alternative, to repeal the Government Pension Offset and to
14 consider applying the less stringent Windfall Elimination Provision to spousal and survivor
15 benefits.

16 BE IT FURTHER RESOLVED that a copy of this Resolution be transmitted to the
17 presiding officers of the Senate and the House of Representatives of the Congress of the
18 United States of America and to each member of the Louisiana congressional delegation.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

Harrison

HCR No. 40

Memorializes congress to review and eliminate the provisions of federal law which reduce Social Security benefits for persons receiving pensions from federal, state, or local governmental retirement systems. In the alternative, requests congress to consider eliminating the Government Pension Offset and applying the Windfall Elimination Provision to spousal and survivor benefits instead.