

Regular Session, 2013

HOUSE CONCURRENT RESOLUTION NO. 40

BY REPRESENTATIVE HARRISON AND SENATOR PEACOCK

A CONCURRENT RESOLUTION

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

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PRESIDENT OF THE SENATE