

BY REPRESENTATIVE GARY SMITH

1 A CONCURRENT RESOLUTION

2 To memorialize the Congress of the United States to review and consider eliminating

3 provisions of federal law which reduce Social Security benefits for those receiving

4 pension benefits from federal, state, or local government retirement or pension

5 systems, plans, or funds.

6 WHEREAS, the Congress of the United States has enacted both the Government

7 Pension Offset (GPO), reducing the spousal and survivor Social Security benefit, and the

8 Windfall Elimination Provision (WEP), reducing the earned Social Security benefit for any

9 person who also receives a public pension benefit; and

10 WHEREAS, the intent of congress in enacting the GPO and the WEP provisions was

11 to address concerns that a public employee who had worked primarily in federal, state, or

12 local government employment might receive a public pension in addition to the same Social

13 Security benefit as a person who had worked only in employment covered by Social Security

14 throughout his career; and

15 WHEREAS, the purpose of congress in enacting these reduction provisions was to

16 provide a disincentive for public employees to receive two pensions; and

17 WHEREAS, the GPO negatively affects a spouse or survivor receiving a federal,

18 state, or local government retirement or pension benefit who would also be entitled to a

19 Social Security benefit earned by a spouse; and

20 WHEREAS, the GPO formula reduces the spousal or survivor Social Security benefit

21 by two-thirds of the amount of the federal, state, or local government retirement or pension

1 benefit received by the spouse or survivor, in many cases completely eliminating the Social
2 Security benefit; and

3 WHEREAS, nine out of ten public employees affected by the GPO lose their entire
4 spousal benefits, even though their spouses paid Social Security taxes for many years; and

5 WHEREAS, the GPO often reduces spousal benefits so significantly it can make the
6 difference between self-sufficiency and poverty; and

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

9 WHEREAS, the GPO negatively impacts approximately twenty-seven thousand one
10 hundred forty-four Louisianians; and

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

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

18 WHEREAS, the WEP causes hard-working individuals to lose a significant portion
19 of the social security benefits that they earn themselves; and

20 WHEREAS, the WEP negatively impacts approximately twenty-five thousand three
21 hundred twenty-two Louisianians; and

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

25 WHEREAS, many workers rely on Social Security Administration Annual
26 Statements that fail to take into account the GPO and WEP when projecting benefits; and

27 WHEREAS, because the Social Security benefit statements do not calculate the GPO
28 and the WEP, many public employees in Louisiana are unaware that their expected Social
29 Security benefits shown on such statements will be significantly lower or nonexistent due
30 to the service in public employment; and

1 WHEREAS, these provisions also have a greater adverse effect on women than on
2 men because of the gender differences in salary that continue to plague our nation and
3 because of the longer life expectancy of women; and

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

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

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

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

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

15 WHEREAS, the GPO and WEP are established in federal law, and repeal of the GPO
16 and the WEP can only be enacted by the United States Congress.

17 THEREFORE, BE IT RESOLVED that the Legislature of Louisiana does hereby
18 memorialize the Congress of the United States to review the Government Pension Offset and
19 the Windfall Elimination Provision Social Security benefit reductions and to consider
20 eliminating or reducing them by enacting the Social Security Fairness Act of 2011 (H.R.
21 1332), the Public Servant Retirement Protection Act of 2011 (S. 113), or a similar
22 instrument.

23 BE IT FURTHER RESOLVED that a copy of this Resolution shall be transmitted
24 to the secretary of the United States Senate and the clerk of the United States House of
25 Representatives and to each member of the Louisiana delegation to the United States
26 Congress.

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)]

Gary Smith

HCR No. 94

Memorializes congress to review the provisions of federal law which reduce Social Security benefits for persons receiving pensions from federal, state, or local governmental retirement systems.