

Regular Session, 2011

HOUSE CONCURRENT RESOLUTION NO. 94

BY REPRESENTATIVE GARY SMITH AND SENATORS GAUTREAUX, GUILLORY,  
MILLS, PERRY, AND THOMPSON

A CONCURRENT RESOLUTION

To memorialize the Congress of the United States 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.

WHEREAS, the Congress of the United States 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, the intent of congress in enacting the GPO and the WEP provisions was to address concerns that a public employee who had worked primarily in federal, state, or local government employment might receive a public pension in addition to the same Social Security benefit as a person who had worked only in employment covered by Social Security throughout his career; and

WHEREAS, the purpose of congress in enacting these reduction provisions was 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; and

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

WHEREAS, the GPO often reduces spousal benefits so significantly it can make 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 GPO negatively impacts approximately twenty-seven thousand one hundred forty-four Louisianians; 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 hard-working individuals to lose a significant portion of the social security benefits that they earn themselves; and

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

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

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

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

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

WHEREAS, retired individuals negatively affected by 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 the United States Congress.

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

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

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

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PRESIDENT OF THE SENATE