

By: Noriega

H.C.R. No. 51

CONCURRENT RESOLUTION

1 WHEREAS, Social security is the foundation for retirement  
2 income for millions of American workers and their families;  
3 two-thirds of those older or disabled Americans who receive program  
4 benefits rely on social security for 50 percent or more of their  
5 total income, one-third rely on it for 90 percent or more, and for  
6 21 percent it is their only source of income; and

7 WHEREAS, The Government Pension Offset (GPO) and the Windfall  
8 Elimination Provision (WEP), social security provisions enacted in  
9 1977 and 1983, respectively, severely and unfairly penalize  
10 recipients of public pensions; and

11 WHEREAS, The GPO effectively eliminates or reduces the social  
12 security benefit for spouses, widows, or widowers who also receive  
13 a pension based on their own work for federal, state, or local  
14 government entities not covered by social security; an estimated 9  
15 out of 10 public employees affected by the GPO lose their entire  
16 spousal benefit, even though their deceased spouses paid social  
17 security taxes for many years; and

18 WHEREAS, The WEP reduces the social security benefit for  
19 public employees who held positions not covered by social security  
20 but who at some time in their careers were also employed in jobs  
21 where they paid social security taxes for the period required to  
22 qualify for retirement benefits; in some cases, those years in  
23 public sector jobs amount to more than half of the worker's career;  
24 the WEP can deprive a retiree of more than \$300 a month in social

1 security benefits duly earned by that individual; and

2 WHEREAS, The GPO and WEP currently affect more than 900,000  
3 government employees and retirees residing in virtually every  
4 state, but their effect is more acute in Texas and 14 other states  
5 where most public employees participate in state or municipal  
6 retirement systems that do not include social security; the  
7 harshest impact falls on low-income women, causing many to live  
8 near, or even below, the poverty level; the cumulative loss of  
9 benefits as a result of these penalties over the next ten years has  
10 been projected by the Congressional Budget Office to exceed \$60  
11 billion; and

12 WHEREAS, These punitive and discriminatory provisions target  
13 hundreds of thousands of teachers, police officers, firefighters,  
14 and other public servants because they apply only to recipients of  
15 public pensions; recipients of private-sector pension benefits are  
16 not subject to the same penalty; and

17 WHEREAS, Although these provisions were intended to curtail  
18 the payment of windfall benefits to highly paid government  
19 employees, in practice they have had and continue to have  
20 devastating consequences for low-income employees who worked for  
21 many years as public servants; the GPO and WEP as applied to this  
22 group is unreasonable and unjust and will cause tens of thousands of  
23 retired government employees to live out their retirement years in  
24 poverty or be forced to return to work to make up for the effects of  
25 these provisions; and

26 WHEREAS, Public school employees are especially affected by  
27 these provisions; although the vast majority of Texas school

1 employees participate in the state's teacher retirement system and  
2 therefore are not required to and do not participate in the social  
3 security system, many Texas teachers and other public school  
4 employees nonetheless have earned social security benefits on their  
5 own behalf through other employment, the WEP notwithstanding, or  
6 would be entitled to spousal social security benefits based on  
7 their spouses' lifetime earnings were it not for the GPO penalty;  
8 and

9 WHEREAS, Because of their adverse effect on the pensions of  
10 teachers, these provisions cause veteran teachers to retire  
11 prematurely and discourage qualified individuals from entering the  
12 teaching profession at precisely the time that Texas and the nation  
13 face a severe shortage of highly qualified educators; now,  
14 therefore, be it

15 RESOLVED, That the 80th Legislature of the State of Texas  
16 hereby respectfully urge the Congress of the United States to  
17 repeal the Government Pension Offset provision and the Windfall  
18 Elimination Provision of the Social Security Act; and, be it  
19 further

20 RESOLVED, That the Texas secretary of state forward official  
21 copies of this resolution to the president of the United States, to  
22 the speaker of the house of representatives and the president of the  
23 senate of the United States Congress, and to all the members of the  
24 Texas delegation to the congress with the request that this  
25 resolution be officially entered in the Congressional Record as a  
26 memorial to the Congress of the United States of America.