

By: Herrero

H.C.R. No. 82

CONCURRENT RESOLUTION

1           WHEREAS, Social security is the foundation for retirement  
2 income for tens of millions of American workers and their families;  
3 nearly two-thirds of the older Americans who receive program  
4 benefits rely on social security for 50 percent or more of their  
5 total income, over one-third rely on it for 90 percent or more, and  
6 for 24 percent it is their only source of income; and

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

11           WHEREAS, The GPO effectively prohibits some government  
12 retirees from collecting both their own pension and full social  
13 security benefits as a surviving spouse; an estimated 9 out of 10  
14 public employees affected by the GPO lose their entire spousal  
15 benefit, even though their spouses paid social security taxes for  
16 many years; and

17           WHEREAS, The WEP reduces the social security benefit for  
18 public employees who did not participate in social security while  
19 working for the government, but who at some time in their careers  
20 were in jobs where they paid social security taxes for the period  
21 required to qualify for retirement benefits; the WEP can deprive a  
22 retiree of more than \$400 a month in social security benefits duly  
23 earned by that individual; and

24           WHEREAS, Although these provisions were intended to curtail

1 the payment of windfall benefits to highly paid government  
2 employees, in practice they have had and continue to have  
3 devastating consequences for low-income employees who worked for  
4 many years as public servants; almost two million government  
5 employees and retirees are affected by either the GPO or the WEP or  
6 both, and the repercussions are felt most acutely in Texas and 14  
7 other states where a high proportion of public employees  
8 participate in state or municipal retirement systems that do not  
9 include social security; and

10 WHEREAS, These punitive and discriminatory provisions target  
11 hundreds of thousands of teachers, police officers, firefighters,  
12 and other public servants; although the vast majority of Texas  
13 school employees participate in the state's teacher retirement  
14 system and therefore are not required to and do not participate in  
15 the social security system, many Texas teachers and other public  
16 school employees nonetheless have earned social security benefits  
17 on their own behalf through other employment, the WEP  
18 notwithstanding, or would be entitled to spousal social security  
19 benefits based on their spouses' lifetime earnings were it not for  
20 the GPO penalty; these provisions cause veteran teachers to retire  
21 prematurely and discourage qualified individuals from entering the  
22 teaching profession at precisely the time that Texas and the nation  
23 face a severe shortage of highly qualified educators; and

24 WHEREAS, The GPO and WEP as applied to public employees is  
25 unreasonable and unjust and will cause tens of thousands of  
26 government retirees to experience a diminished quality of life or  
27 be forced to return to work to make up for the effects of these

1 provisions; now, therefore, be it

2           RESOLVED, That the 84th Legislature of the State of Texas  
3 hereby respectfully urge the Congress of the United States to  
4 repeal the Government Pension Offset and the Windfall Elimination  
5 Provision of the Social Security Act; and, be it further

6           RESOLVED, That the Texas secretary of state forward official  
7 copies of this resolution to the president of the United States, to  
8 the president of the Senate and the speaker of the House of  
9 Representatives of the United States Congress, and to all the  
10 members of the Texas delegation to Congress with the request that  
11 this resolution be officially entered in the Congressional Record  
12 as a memorial to the Congress of the United States of America.