

By: Herrero, Neave, Capriglione, Blanco,  
Clardy, et al.

H.C.R. No. 19

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, and one-third rely on it for 90 percent or more; among  
6 beneficiaries aged 80 and older, 42 percent rely on Social Security  
7 for nearly all of their income; and

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

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

18           WHEREAS, The WEP reduces the Social Security benefit for  
19 public employees who did not participate in Social Security while  
20 working for the government, but who at some time in their careers  
21 were in jobs where they paid Social Security taxes for the period  
22 required to qualify for retirement benefits; the WEP can deprive a  
23 retiree of nearly \$450 a month in Social Security benefits duly  
24 earned by that individual; and

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

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

25           WHEREAS, The GPO and WEP as applied to public employees are  
26 unreasonable and unjust and will cause tens of thousands of  
27 government retirees to experience a diminished quality of life or

1 be forced to return to work to make up for the effects of these  
2 provisions; now, therefore, be it

3       RESOLVED, That the 86th Legislature of the State of Texas  
4 hereby respectfully urge the Congress of the United States to  
5 repeal the Government Pension Offset and the Windfall Elimination  
6 Provision of the Social Security Act; and, be it further

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