

By: Herrero

H.C.R. No. 43

CONCURRENT RESOLUTION

1 WHEREAS, Social Security is the foundation for retirement for
2 tens of millions of American workers and their families, with many
3 reporting that they rely on the program as their sole source of
4 income; and

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

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

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

22 WHEREAS, Although these provisions were intended to curtail
23 the payment of windfall benefits to highly paid government
24 employees, in practice they have had and continue to have

1 devastating consequences for low-income employees who worked for
2 many years as public servants; more than two million government
3 employees and retirees are affected by either the GPO or the WEP or
4 both, and the repercussions are felt most acutely in Texas and 14
5 other states where a high proportion of public employees
6 participate in state or municipal retirement systems that do not
7 include Social Security; and

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

22 WHEREAS, The GPO and WEP as applied to public employees are
23 unreasonable and unjust and will cause tens of thousands of
24 government retirees to experience a diminished quality of life or
25 be forced to return to work to make up for the effects of these
26 provisions; now, therefore, be it

27 RESOLVED, That the 87th Legislature of the State of Texas

1 hereby respectfully urge the Congress of the United States to
2 repeal the Government Pension Offset and the Windfall Elimination
3 Provision of the Social Security Act; and, be it further

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