

Assembly Joint Resolution No. 3—Assemblymen Buckley, Giunchigliani, Parks, Goldwater, Conklin, Anderson, Andonov, Angle, Arberry, Atkinson, Beers, Brown, Chowning, Christensen, Claborn, Collins, Geddes, Gibbons, Goicoechea, Grady, Griffin, Gustavson, Hardy, Hettrick, Horne, Knecht, Koivisto, Leslie, Mabey, Manendo, Marvel, McClain, McCleary, Mortenson, Ocegüera, Perkins, Pierce, Sherer, Weber and Williams

FILE NUMBER.....

ASSEMBLY JOINT RESOLUTION—Urging the Congress of the United States to amend the Social Security Act by repealing certain provisions that require reductions in the amount of social security benefits paid to persons who also receive certain federal, state or local government pensions.

WHEREAS, In 1977, Congress amended the Social Security Act to provide that pensions earned in federal, state or local government employment not covered by social security be treated as if they were social security benefits, specifically requiring that if a person receives such a government pension, the social security benefits payable to that person as a spouse or surviving spouse be reduced by the amount of the government pension, which provision is commonly known as the Government Pension Offset; and

WHEREAS, Congress further amended the Social Security Act in 1983, reducing the amount of the Government Pension Offset to an amount equal to two-thirds of the amount of the government pension, but simultaneously enacting what is commonly known as the Windfall Elimination Provision, which requires reductions in the primary social security benefit earned by a person in employment covered by social security if the person also receives a pension from a federal, state or local government not covered by social security; and

WHEREAS, Government employees in 15 states, including Nevada, earn pension benefits that are not covered by social security; and

WHEREAS, The reductions in benefits effected by these provisions can be significant, the Windfall Elimination Provision reducing the earned benefits of a person subject to it by up to 60 percent and the Government Pension Offset eliminating spousal benefits in their entirety for 9 out of every 10 retired government workers to whom it applies; and

WHEREAS, The retirement security and economic well-being of over 300,000 government retirees is degraded by the Government Pension Offset, some of whose benefits are also subject to reduction pursuant to the Windfall Elimination Provision; and

WHEREAS, Each provision has had unintentional consequences, the Windfall Elimination Provision causing a relatively larger reduction in benefits paid to workers with low incomes, while the Government Pension Offset applies disproportionately to women, often dropping their income in retirement below the poverty line, with the ironic effect of making them eligible for more costly welfare benefits, such as food stamps; and

WHEREAS, Growing awareness of the inequities imposed by the Windfall Elimination Provision and the Government Pension Offset threatens efforts to attract and retain persons into public service in the affected states, particularly into teaching, a field which is notoriously underpaid, whose ranks are disproportionately filled with women and for which there is a critical shortage; and

WHEREAS, There is pending before the 108th Session of Congress the Social Security Fairness Act of 2003, H.R. 594 and S. 349, which would repeal both the Government Pension Offset and the Windfall Elimination Provision; and

WHEREAS, The repeal of these provisions would restore fairness and equity to the most vulnerable federal, state and local government retirees and eliminate disincentives for public service in the affected states; now, therefore, be it

RESOLVED BY THE ASSEMBLY AND SENATE OF THE STATE OF NEVADA, JOINTLY, That the members of the Nevada Legislature hereby urge Congress to amend the Social Security Act by repealing the provisions, commonly known as the Government Pension Offset and the Windfall Elimination Provision, that require reductions in the amount of social security benefits paid to persons who also receive pensions earned in federal, state or local government employment not covered by social security; and be it further

RESOLVED, That the Chief Clerk of the Assembly prepare and transmit a copy of this resolution to the Vice President of the United States as the presiding officer of the Senate, the Speaker of the House of Representatives and each member of the Nevada Congressional Delegation; and be it further

RESOLVED, That this resolution becomes effective upon passage.