Senate Joint Resolution No. 1

Introduced by Senator Cortese

December 5, 2022

Senate Joint Resolution No. 1—Relative to Social Security Act benefits.

LEGISLATIVE COUNSEL'S DIGEST

SJR 1, as introduced, Cortese. Social Security Act: repeal of benefit reductions.

This measure would request the Congress of the United States to enact, and the President to sign, legislation that would repeal the Government Pension Offset and the Windfall Elimination Provision from the Social Security Act.

Fiscal committee: no.

WHEREAS, Two federal Social Security Administration laws, the Windfall Elimination Provision and the Government Pension Offset, passed by Congress more than 30 years ago without statistical analysis, diminish or eliminate the fully earned Social Security benefits of large numbers of public service employees in California; and

WHEREAS, These provisions affect workers who have been employed in a government position that is not coordinated with the Social Security program, such as California public school teachers who have not been able to receive Social Security credits since 1965; and

WHEREAS, Most peace officers, including the California Highway Patrol, firefighters, and many other public servants working for cities and special districts are not covered by Social Security, making them subject to these provisions; and

WHEREAS, In California, more than 375,000 retirees have had their Social Security benefits diminished or completely eliminated by these laws; and

WHEREAS, Effective government requires highly qualified and motivated personnel, and California governmental agencies need to compete to recruit and retain outstanding employees, including hiring more than 1,000 new public school teachers each year; and

WHEREAS, The recruitment and retention of qualified individuals reentering the workforce is impeded by these two provisions, which reduce or eliminate the Social Security retirement benefits either earned by workers, themselves, or received through dependent status; and

WHEREAS, The Government Pension Offset severely cuts, and usually eliminates, all spousal and survivor benefits that were earned from what is deemed by the State of California to be community property income; and

WHEREAS, The Government Pension Offset requires that a recipient of benefits report any yearly cost-of-living increase in the recipient's public pension, so that the recipient's Social Security benefits may be reduced by two-thirds of that amount; and

WHEREAS, The Windfall Elimination Provision cuts earned Social Security benefits from work that is separate from the work for which the individual earned a pension from a governmental entity; and

WHEREAS, The Windfall Elimination Provision subverts the purpose of Social Security retirement benefits by eliminating the formula that reimburses low-income workers at a higher rate than high-income workers, causing severe hardships for those who have not had high-paying public service; and

WHEREAS, New public sector workers were not notified they would be subject to these unjust penalties until 2005, which means that thousands of workers had no notification of them until they applied for Social Security benefits; now, therefore, be it

Resolved by the Senate and the Assembly of the State of California, jointly, That the Legislature requests that the Congress of the United States enact legislation to repeal the Government Pension Offset and the Windfall Elimination Provision from the Social Security Act, and further requests that President Joseph Biden sign that legislation; and be it further

Resolved, That the Secretary of the Senate transmit copies of this resolution to the President and the Vice President of the United States, to the Speaker of the House of Representatives, to the Majority Leader of the Senate, to each Senator and Representative from California in the Congress of the United States, and to the author for appropriate distribution.

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