



GOVERNMENT PENSION OFFSET and WINDFALL ELIMINATION PROVISION

BACKGROUND

The Government Pension Offset (GPO) reduces public employees' Social Security spousal or survivor benefit by two-thirds of their public pension. This often has a troubling effect on a law enforcement officer's retirement. If a spouse who paid into Social Security dies, the surviving public safety officer would normally be eligible for half of the deceased's benefit. However, if the surviving law enforcement officer had not been paying into Social Security while working, the GPO requires that this amount be offset by two-thirds of the survivor's pension, eliminating most or all of the payment. Because of their profession, many law enforcement officers do not pay into Social Security; however, if they had not served at all, they would receive the full allotment of the spouse's benefit.

In addition to the GPO, public safety employees are also adversely affected by the Windfall Elimination Provision (WEP). Although most law enforcement officers retire after a specific length of service, usually while in their early to mid fifties, many look for new opportunities to serve their community. Yet, when they retire from a non-Social Security paying job and move to one that does pay into Social Security, they are penalized by WEP. Instead of receiving their rightfully earned Social Security retirement benefit, their pension heavily offsets it, thus vastly reducing the amount they receive.

GPO and WEP were intended as a "leveling" response but only serve to hurt public safety officers. Nine out of ten public employees affected by the GPO lose their *entire* spousal benefit, even though their spouse paid Social Security for many years. The WEP causes hard-working public safety officers to lose the benefits *they earned themselves*, thus punishing those who selflessly serve and protect our communities.

RECENT LEGISLATIVE HISTORY

110th Congress (2007-2009)

- H.R. 82, the "Social Security Fairness Act of 2007." Introduced by Howard Berman (D-CA) on January 4, 2007. H.R. 82 was referred to the House Subcommittee on Social Security. As of 1/3/2008, no further action has been taken on the bill. It has the support of 336 co-sponsors.
- S. 206, Senate companion bill to H.R. 82. Introduced by Dianne Feinstein (D-CA) on January 9, 2007. S. 206 was referred to the Senate Finance Committee. On 11/6/2007, the Senate Finance Subcommittee on Social Security, Pensions and Family Policy held a hearing on "GPO and WEP: Policies Affecting Pensions from Work Not Covered by Social Security". As of 1/3/2008, the bill had the support of 34 co-sponsors.
- S.1254, the "Government Pension Offset Reform Act." Introduced by Barbara Mikulski (D-MD) on May 1, 2007. S. 1254 was referred to the Senate Finance Committee. As of 1/3/2008, no further action has been taken on the bill. It has the support of 8 cp-sponsors.
- H.R. 2988, House companion bill to S. 1254. Introduced by Albert Wynn (D-MD) on July 10, 2007. H.R. 2988 was referred to the House Ways and Means Committee. As of 1/3/2008, no further action has been taken on the bill.

109th Congress (2005-2007)

- H.R. 147, the “Social Security Fairness Act of 2005.” Introduced by Howard “Buck” McKeon (R-CA). On 1/4/2005, H.R. 147 was referred to the House Ways and Means Committee. No further action was taken on the bill. It had the support of 327 co-sponsors.
- S. 619, Senate companion bill to H.R. 147. Introduced by Dianne Feinstein (D-CA) and Susan Collins (R-ME). On 3/14/2005, S. 619 was referred to the Senate Finance Committee. No further action was taken on the bill. It had the support of 29 co-sponsors.
- H.Res. 987, a discharge petition (Discharge Petition 15) which would allow floor consideration of H.R. 147. Introduced by Representative Lloyd Doggett (D-TX) on 9/7/2006. Discharge Petition 15 fell 96 signatures short of the 218 needed to force a vote on H.R. 147 before the end of the 109th Congress.

108th Congress (2003-2005)

- S. 363, the “Government Pension Offset Reform Act of 2003.” Introduced by Barbara Mikulski (D-MD). On 2/11/2003, S. 363 was referred to the Senate Finance Committee. No further action was taken on the bill. It had the support of 29 co-sponsors.
- H.R. 887, House companion bill to S. 363. Introduced by William Jefferson (D-LA). On 3/12/2003, H.R. 887 was referred to the House Subcommittee on Social Security. No further action was taken on the bill. It had the support of 126 co-sponsors.
- H.R. 743, the “Social Security Act of 2004.” Introduced by Clay Shaw, Jr. (R-FL). On 4/2/2003, H.R. 743 passed the House by a vote of 396 – 28. On 12/9/2003, the bill passed the Senate by unanimous consent. It was signed into Public Law 108-203 by President George W. Bush on 3/2/2004.
- S. 349, the “Social Security Fairness Act of 2003.” Introduced by Dianne Feinstein (D-CA). On 2/11/2003, S. 349 was referred to the Senate Finance Committee. No further action was taken on the bill. It had the support of 30 co-sponsors.
- H.R. 594, House companion bill to S. 349. Introduced by Howard “Buck” McKeon (R-CA). On 3/14/2003, H.R. 594 was referred to the House Subcommittee on Social Security. No further action was taken on the bill. It had the support of 300 co-sponsors.

For information on the legislative history of this issue prior to the 108th Congress please contact the NAPO office at (800) 322-NAPO (6276).

NAPO POSITION

NAPO supports the efforts of Senator Feinstein and Congressmen Berman and McKeon to totally repeal the GPO and WEP from Title II of the Social Security Act and will continue to actively work to see the passage of this legislation. NAPO also stood behind the efforts of Representative Jefferson and Senator Mikulski in the 108th Congress to eliminate the GPO for combined monthly benefits of \$1,200 or less. NAPO supported indexing the \$1,200 figure for future increases in the cost of living, a provision contained in the Jefferson and Mikulski bills.