

**Assembly Joint Resolution**

**No. 9**

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**Introduced by Assembly Member Cooper**

March 1, 2021

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Assembly Joint Resolution No. 9—Relative to Social Security.

LEGISLATIVE COUNSEL’S DIGEST

AJR 9, as introduced, Cooper. Social Security.

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.

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

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

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

1 WHEREAS, In California, more than 300,000 retirees have had  
2 their Social Security benefits diminished or completely eliminated  
3 by these laws; and

4 WHEREAS, Effective government requires highly qualified  
5 and motivated personnel, and California government agencies need  
6 to compete to recruit and retain outstanding employees, including  
7 hiring 16,000 new public school teachers each year; and

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

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

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

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

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

30 WHEREAS, Until 2005, there were no requirements that a public  
31 employer advise new workers that they would be subject to these  
32 penalties; now, therefore, be it

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

39 *Resolved*, That the Chief Clerk of the Assembly transmit copies  
40 of this resolution to the President and the Vice President of the

- 1 United States, to the Speaker of the House of Representatives, to
- 2 the Majority Leader of the Senate, to each Senator and
- 3 Representative from California in the Congress of the United
- 4 States, and to the author for appropriate distribution.

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