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Argument for H.R. 82 "The Social Security Fairness Act"

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Argument for H.R. 82 "The Social Security Fairness Act"

Abstract

This paper analyzes H.R. 82 "The Social Security Fairness Act" of 2021 by using SWOT (Strengths, Weaknesses, Opportunities, and Threats) analysis. The paper focuses on the *Windfall Elimination Provision and Government Pension Offset* provisions of the social security Act. When social security was initially passed, pension benefits were not extended to public sector employees until the reforms in 1950s. However, in the 1970s the Supreme Court declared that men were no longer required to prove that they were reliant on their spouses to be eligible for spousal or widower's benefits, thereby making thousands of male retirees eligible to receive benefits. In response, Congress passed the *Windfall Elimination Provision (WEP) and the Government Pension Offset (GPO)*. The two programs are distinct yet converge in purpose: The GPO reduces retirement benefits for individuals that have worked in state and federal governments. Conversely, the WEP lessens benefits of individuals receiving spousal or survivor's pension. This paper concludes by calling for the passage of the bill while also proscribing a few changes such as including a new revenue raising mechanisms, since H.R. 82 results to new seniors entering social security welfare rolls.

Keywords

Social Security, Tax, Windfall Elimination Provision, Government Pension Offset, Congress, Welfare

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Argument for H.R. 82 “The Social Security Fairness Act” – Troy Domini M. Ayado, Gettysburg College

I. Introduction

Social Security stands as the most politically divisive issue in the last half-century. Solutions for maintaining the solvency of the fund and the benefit mechanisms have left policymakers struggling and frustrated. Elected officials find themselves in a difficult situation: Increasing benefits or cutting overall spending; in other words, a balancing act between the beneficiary and budgetary concerns. This white paper focuses on a component of the problems with Social Security: The *Government Pension Offset and Windfall Elimination Provision*. Both provisions mentioned intend to limit supposed “double-dipping” by retirees in terms of pension funds available. Currently, the social security Administration services 54 million retirees and subsidizes some plans relating to Medicare.¹

H.R. 82, “The Social Security Fairness Act” of 2021, eliminates the *Windfall Elimination Provision and Governmental Pension Offset* of the Social Security Act of 1933.² This White Paper, while publicly accessible, is directed to the leader and members of the House Ways and Means Committee and Senate Finance Committee. This paper exhaustively analyzes the nuances of H.R. 82, “the Social security Fairness Act” of 2021. Using the “SWOT” Analysis, this paper explores the strengths, weaknesses, opportunities, and threats of H.R. 82 when passed and implemented.

The structure of the paper is as follows: The crux of this work is in the “SWOT” analysis portion. As previously mentioned, “SWOT” focuses on strengths, weaknesses, opportunities, and threats to social security and two amendments considered. The *strengths* being discussed about the bill include increases in overall benefits, decreases in participation in external government subsidy programs such as SNAP

¹ “Securing Your Today and Tomorrow,” SSA, accessed December 11, 2022, <https://www.ssa.gov/>.

² “Th St Congress Session H. R. 82,” accessed December 12, 2022, <https://www.congress.gov/117/bills/hr82/BILLS-117hr82ih.pdf>.

(Supplemental Nutrition Assistance Program), restoring full benefits to the public sector, and spousal benefits. The weaknesses of H.R. 82 consist of tackling a profoundly political issue, increasing deficit spending, and providing inequitable policy. H.R. 82 provides policymakers with an *opportunity* to promulgate new policy reforms for social security benefits. As such, this act allows representatives to suggest reforms in the financing and benefits-allocating mechanisms of the social security act. The “Social Security Act” of 2021 provides substantial benefits but poses potential *threats*. The possible dangers of the bill include increases in the federal deficit and overburdening individual states’ pension funds. In these sections, the analysis is critical yet mindful of the pitfalls and inadequacies. Thus, this paper also provides policy recommendations that amend the considered bill.

In all, this white paper lays out a thoughtful analysis of the implications of passing and enacting H.R. 82, the “Social Security Fairness Act.” It intends to provide readers with a sense of the immediate impact it has on the lives of many Americans- in that it raises benefits and decreases welfare rollcalls and the fiscal health of the federal and state pension funds.

II. “SWOT”

This section deals with the method of analysis used in this white paper. To best understand the nuances of H.R. 82, “the Social Security Fairness Act” of 2021, this paper uses “SWOT” analysis. “SWOT” refers to policy strengths, weaknesses, opportunities, and threats. This form of scrutiny is highly effective when used to analyze policies that involve cross ranges of interests and sectors. Angel Giusti, a researcher, describes “SWOT” as “an intersectoral approach.”³ “SWOT” is the appropriate means of analysis since it focuses on long-term sustainable policy. Moreover, in accounting for opportunities and threats, “SWOT” provides flexibility for policymakers and agility for leaders to make amendments or change policy outright. *Refer to Figure. 1 below for a breakdown of “SWOT” for H.R. 82.*

³ A Giusti and M Maggini, “SWOT Analysis of Policies and Programs on Prevention and Management of Diabetes across Europe,” *European Journal of Public Health* 26, no. suppl_1 (2016), <https://doi.org/10.1093/eurpub/ckw168.030>.

<p>Strengths:</p> <ol style="list-style-type: none"> 1.) Increases Pension Benefits 2.) Reduces Rolls in SNAP 3.) Spousal and Public Sector Employees Benefits Improve 	<p>Weaknesses:</p> <ol style="list-style-type: none"> 1.) Increases overall spending on social security and other pension funds
<p>Opportunities:</p> <ol style="list-style-type: none"> 1.) Provide policymakers and representatives the opportunity to re-evaluate the current state of the funding and benefits mechanisms of the social security program 	<p>Threats:</p> <ol style="list-style-type: none"> 1.) Increases the burden on state pension budgets 2.) Expanded life expectancy

Figure 1. Breakdown of Analysis⁴

III. Brief History and Development of the Social Security Act and the *WEP and GPO*

Social Security stands as the staple project of the American Welfare Society. History records that FDR and his New Deal policies advanced social programs that expanded the role of the Federal Government. Passed in 1935, Social Security endeavored to fight poverty by instituting elderly insurance. Before the passage in 1935, pension funds exclusively belonged to large-industrialized firms and non-union labor. Private pension funds proved unsound and ran deficits. Add to that the strain of the Great Depression, and the public erupted in support of an expanded welfare program. At the most basic, Social Security is a public pension fund. The benefits apply to those 65 and older. A source of substantial political disagreements, social security stands as a cornerstone welfare policy rife with turmoil. Not long ago, however, amid the

⁴ This graph was made by the author of this paper.

great depression, its architects endeavored for this policy to curtail the amount of impoverished elderly. Before its passage in 1933, insurance or other types of benefits rested on the capabilities of private firms.⁵ In enacting social security, Congress instituted the payroll tax to serve as the primary source of revenue.

In its original form, social security failed to include public sector employees. Reforms in the 50s and 60s resulted in the inclusion of public-sector retirees. Estimates provide that the first recipients received at least \$400 in yearly benefits.⁶ The number of elderly retirees who qualify for benefits exponentially increased.⁷ Hoping to improve the sustainability of Social Security, Congress instituted the GPO and WEP to prevent “double dipping” among recipients.⁸ However, the changes in the fifties brought these people into the fold. As such, Congress created a system distinguishing between covered and non-covered workers.⁹ This distinction directly affects public sector employees since, after 1950, changes to the social security bill made membership for this sector of workers participatory. Those considered “covered” enjoy the security of having their pension funds provided by federal coffers. However, 6% of public sector retirees are considered “non-covered” individuals.¹⁰

The enactment of the *GPO* and *WEP* stems from the fear of policymakers and legislators that retirees may take advantage of the pension offered under social security and state pension funds. In 1977, the Supreme Court found that requiring men to a certain standard to receive benefits is inherently discriminatory. Once the court overturned this barrier, social security offices became flooded with spouses petitioning to receive their survivor pensions. To prevent the influx of individuals from receiving full

⁵ Colin Gordon, “New Deal, Old Deck: Business and the Origins of Social Security, 1920-1935,” *Politics & Society* 19, no. 2 (1991): pp. 165-207, <https://doi.org/10.1177/003232929101900203>.

⁶ Ibid.

⁷ A study conducted in 2004 found that women receive fewer Social Security Benefits than in years prior. Moreover, the study found that women from the baby-boomer generations can retire through their own personal retirement plans. However, the research also found that access to spousal benefits is vital to their overall financial security.

⁸ Christopher R. Tamborini, Howard M. Iams, and Kevin Whitman, “Marital History, Race, and Social Security Spouse and Widow Benefit Eligibility in the United States,” *Research on Aging* 31, no. 5 (2009): pp. 577-605, <https://doi.org/10.1177/0164027509337196>.

⁹ Ayado 2022

¹⁰ John Schneider and David Auten, “Why Social Security WEP or GPO Could Ruin Your Retirement,” *Forbes* (Forbes Magazine, June 29, 2021), <https://www.forbes.com/sites/debtfreeguys/2018/09/06/why-social-security-wep-or-gpo-could-ruin-your-retirement/?sh=58f514e3571b>.

spousal benefits and inter-governmental pensions, the U.S. Congress instituted the *Windfall Elimination Provision* and *Governmental Offset*.¹¹

IV. *Windfall Elimination Provision (WEP)*

An amendment to the Social Security Act, the *Windfall Elimination Provision (WEP)*, limits the overall benefits that a widow or disabled spouse may receive. The WEP does not, however, affect survivor benefits. Beneficiaries. The 6% of non-covered workers receive cuts through the WEP. *The percentage of reductions vary among different level of income. A 2021 study by the Congressional Research Services found that two million Americans find their benefits cut by at least 50% or an average of \$512.*¹² See the table below for the estimates for the reduction in monthly earnings for 2022.¹³

Table I. Social Security Benefit Formula for Workers Who Attain Age 62, Become Disabled, or Die in 2022

Factor	Average Indexed Monthly Earnings (AIME)
90%	of the first \$1,024 of AIME, plus
32%	of AIME over \$1,024 and through \$6,172, plus
15%	of AIME over \$6,172

Source: CRS, based on Social Security Administration, *Benefit Formula Bend Points*.

V. *Government Pension Offset*

The GPO or Government Pension Offset makes it so that spouses considered “non-covered,” who receive a pension, get their social security reduced. For example, if a non-covered Person receives \$1200 from a personal account, and their spouse or widow receives \$800 in social security benefits, the GPO equation dictates the following:

¹¹ “Social Security: The Windfall Elimination Provision (WEP ... - Congress.” Accessed December 13, 2022. <https://crsreports.congress.gov/product/pdf/IF/IF10203>.

¹² Ibid.

¹³ Published by the Congressional Research Service

$$\$1200 - \$800 = \$400$$

\$400 serves as the only benefit provided to the non-covered person. By law, the equation deducts using a dollar-per-dollar ratio. According to the Congressional Research Services, 1.4 million Americans suffer cuts because of the GPO.¹⁴ The Government Pension Offset applies to former state and local employees who have worked for less than 30 years.¹⁵

VI. Issues Related to the GOP and WEP

Both the GPO and WEP reduce benefits provided to specific people. To fully assess H.R. 82., using “SWOT” it is prudent to discuss the issues.

In his article, *The Social Security Windfall Elimination Provision: Issues and Replacement Alternatives*, Glenn Springfield charges the WEP as reducing the benefits of retired public sector workers with less than 30 years of work experience.¹⁶ The paper concludes that WEP excludes from benefit calculations all those “non-covered.”¹⁷ Springfield notes that lower lifetime earners endure most of the WEP reductions. More pressing is that the WEP cuts affect disabled workers and their life savings.¹⁸ Barbara Bovbjerg, Director of Education, Workforce, and Income Security, in her testimony to the Senate subcommittee on Social Security Pensions and Family Policy, outlined the defects of the *WEP* provision of Social Security.¹⁹ Bovbjerg asserts that the WEP proves too complicated to enact, citing the lack of complete and accurate information on non-covered and covered individuals.²⁰ Likewise, her testimony points to the inequitable side of the *WEP*. Bovbjerg testifies that the *WEP* remains challenging to apply equally between federal and state-level retirees.²¹ Refer to Table 3: The percentage of reduction based on the number of years worked the Government Pension Offset (GPO) suffers equal hindrances from the *Congressional Research Services*.²²

¹⁴ Ibid.

¹⁵ “The Distributional Effects of the Social Security Windfall Elimination ...,” accessed December 13, 2022, https://crr.bc.edu/wp-content/uploads/2008/08/7_1.pdf.

¹⁶ Springstead, Glenn. “The Social Security Windfall Elimination Provision: Issues and Replacement Alternatives.” SSRN, August 22, 2019. <https://deliverypdf.ssrn.com>.

¹⁷ Ibid.

¹⁸ Ibid.

¹⁹ “Gao-08-248T Social Security: Issues Regarding the Coverage of Public ...,” accessed December 13, 2022, <https://www.gao.gov/assets/gao-08-248t.pdf>.

²⁰ Ibid.

²¹ Ibid.

²² Ibid.

Table 3. Maximum WEP Reduction for Workers Who Become Eligible in 2022, by Years of Substantial Coverage

	Years of Social Security Coverage										
	20 or fewer	21	22	23	24	25	26	27	28	29	30+
First factor in formula:	40%	45%	50%	55%	60%	65%	70%	75%	80%	85%	90%
Maximum dollar amount of monthly WEP reduction for workers who first become eligible for Social Security in 2022 ^a (\$):	512.0	460.8	409.6	358.4	307.2	256.0	204.8	153.6	102.4	51.2	0.0

Source: CRS analysis.

Writing in *Forbes* Magazine, Schneider and Auten highlight the negative impact of *GPO* on retirees.²³ The authors posit that *GPO* instructs Social Security to cut the benefits a retiree receives if they receive concurrent payments from a state pension fund.²⁴ The article to the fundamentally unfair system promulgated by *GPO*. A study published by the *Congressional Research Services* found that *GPO* harms the retirement security of former state and federal government employees.²⁵ The study reports that “spousal benefits are reduced dollar-for-dollar.” Moreover, their research concludes that total reductions equal two-thirds of overall benefits.²⁶ Barbara Bovbjerg, in her testimony, advanced that the provisions breed concerns and uneasiness. She states that *GPO* “has been a continuing source of confusion and frustration for more than 7.3 million government workers affected.²⁷”

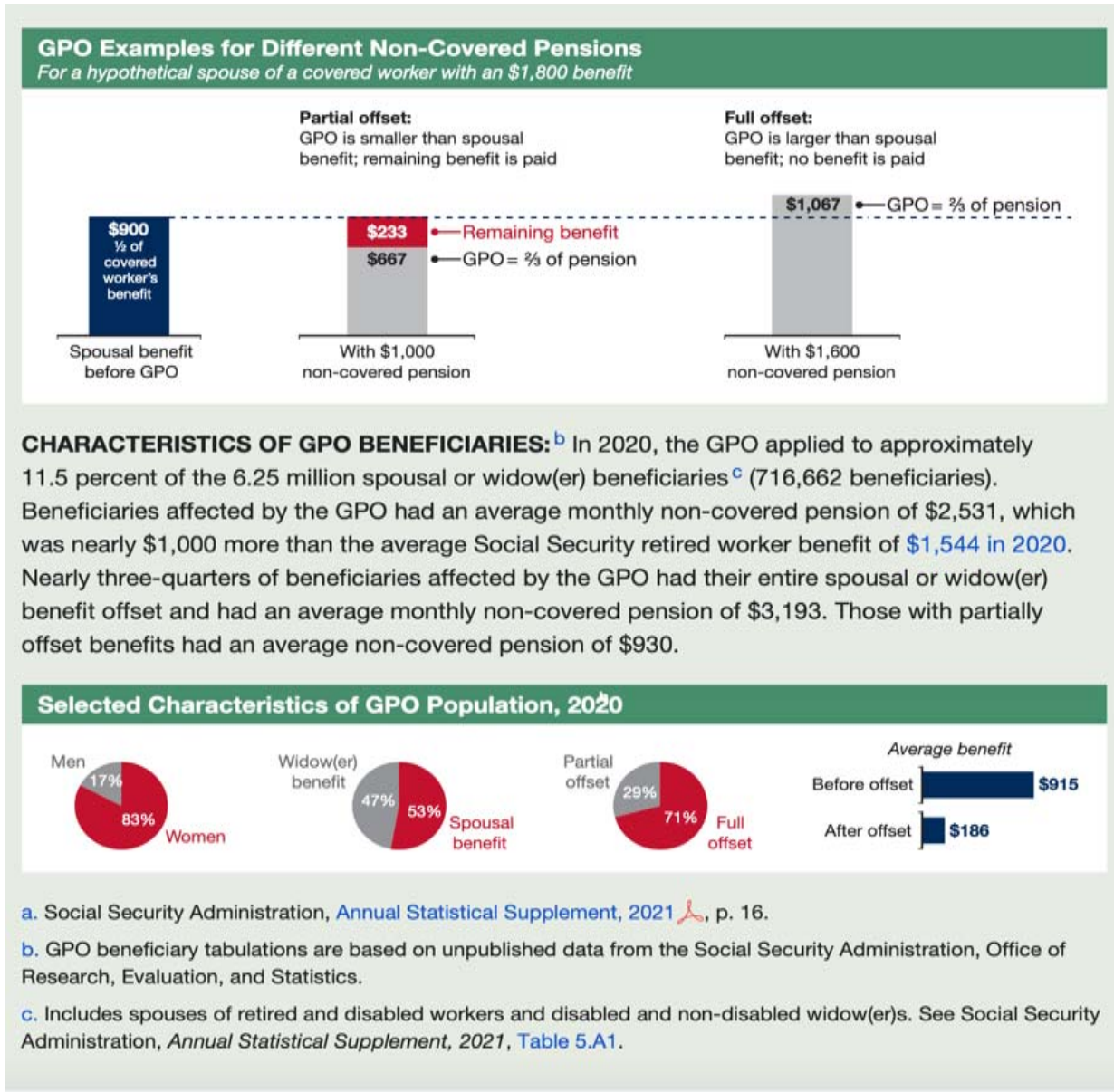
²³ “John Schneider and David Auten, “Why Social Security WEP Or GPO Could Ruin Your Retirement,” *Forbes*, September 6, 2018, <https://www.forbes.com/sites/debtfreeguys/2018/09/06/why-social-security-wep-or-gpo-could-ruin-your-retirement/>.

²⁴ *Ibid.*

²⁵ “Social Security: The Windfall Elimination Provision (WEP ... - Congress,” accessed December 13, 2022, <https://crsreports.congress.gov/product/pdf/IF/IF10203>.

²⁶ *Ibid.*

²⁷ “Social Security: Issues Regarding the Coverage of Public Employees.” Policy File. U.S. Government Accountability Office, 2007.



This chart is from the Social Security Administration which breaks down the number of people and their demographics affected by the cuts imposed by the WEP and GPO.²⁸

²⁸ “Program Explainer: Government Pension Offset.” Accessed May 9, 2023. <https://www.ssa.gov/policy/docs/program-explainers/government-pension-offset.html>.

VII. “SWOT”- Strengths

1. Increases Overall Benefits

The previous section emphasizes that the *WEP and GPO* limit social security retirement benefits. For the *WEP* and depending on which income index a person falls under, the cuts range from \$1,024 to \$5,000. The only limitation of the *WEP* is the guarantee that reduction accounts for only one-half of a retiree’s income.²⁹ The *GPO*, a more arbitrary way of cost-saving solutions, reduces the benefits of a person who has worked in various sectors by a quarter of the total amount they deserve.³⁰

H.R. 82., the “Social Security Fairness Act,” repeals the *WEP and GPO* and ensures that retirees receive appropriate compensation for their years of work. The fundamental strength of this act is that it adds to the overall financial security of a retiree. In the Stakeholders analysis brief, the paper asserted that public sector retirees and deceased spouses’ beneficiaries have the most to gain for H.R. 82 passing.³¹

For retirees, a repeal of the *GPO* and *WEP* results in their standard of living going up an estimated 30%.³² The increase in monthly benefits affords them much leeway in spending. The United States, a country that prides itself on a meritocracy, encourages talent and emphasizes its necessity in the workforce. There is no law prohibiting public sector workers from crisscrossing career paths and switching from state to federal employment. As such, passing H.R. 82. Continues this tradition of talented employees moving forward in their career paths. The passage of H.R. 82 sends a message: their work is valued, and their retirement is secure.

The cap on benefits affects primarily former government employees, considered “low-income” retirees. In their retirement, these individuals suffer considerable financial constrictions.³³ In phasing out the two amendments, recruitment of talented individuals continues and prospers since their finances and pensions remain secure. If not for economic and financial reasons, repealing the *WEP and GPO* serves a societal purpose. As Vice President Hubert Humphrey states, “The measure of a civilization is how it treats its

²⁹ “Social Security: The Windfall Elimination Provision (WEP ... - Congress,” accessed December 13, 2022, <https://crsreports.congress.gov/product/pdf/IF/IF10203>.

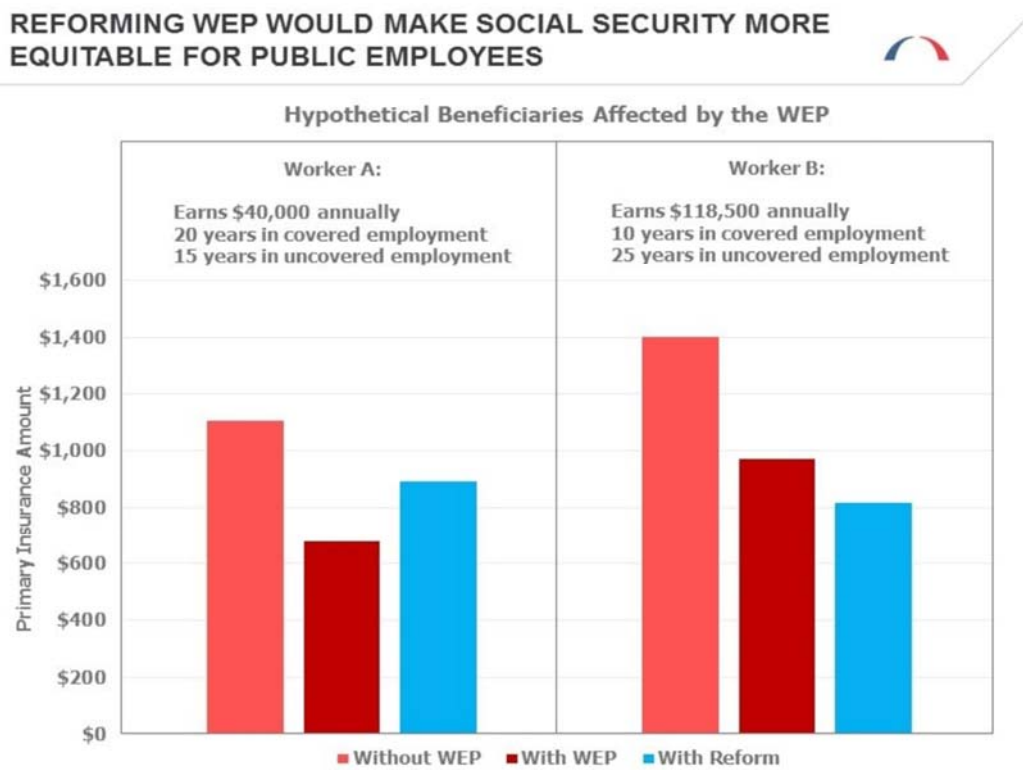
³⁰ *Ibid.*

³¹ Ayado 2022 (Stakeholder Analysis: [Stakeholder Analysis.docx](#))

³² *Ibid.*

³³ “Social Security: The Windfall Elimination Provision (WEP ... - Congress,” accessed December 13, 2022, <https://crsreports.congress.gov/product/pdf/IF/IF10203>.

weakest members.” Meaning that there exists a social understanding that the elderly requires and deserve security- be it physical or financial.³⁴ Furthermore, Humphrey states, “The moral test of government is how that government treats...those who are in the twilight of life, the elderly; those who are in the shadows of life, the sick, the needy and the handicapped.³⁵” In repealing the *WEP and GPO*, it sustains the original notion behind Social Security in that while it may not guarantee full retirement insurance, it serves as an extra safety net for all retiring. Moreover, passing the bill provides the American public to help their neighbors and contribute to the common good.³⁶ See the graph from the *Bipartisan Budget Center*.³⁷



2. H.R. 82: A work of Bipartisanship

³⁴ The Columbian, “Letter: Quote from Humphrey, Not Gandhi,” The Columbian (The Columbian, November 10, 2016), <https://www.columbian.com/news/2016/nov/11/letter-quote-from-humphrey-not-gandhi/>.

³⁵ Ibid.

³⁶ “Repeal Wep,” US congressman Kelvin Brady-Proudly Serving Texas' 8th District, accessed December 13, 2022, <https://kevinbrady.house.gov/legislation/repeal-wep.htm>.

³⁷ Ritz Akabas, “One Social Security Reform That Democrats and Republicans Agree On | Bipartisan Policy Center,” 2016, <https://bipartisanpolicy.org/blog/one-social-security-reform-that-democrats-and-republicans-agree-on/>.

A strength of the H.R. 82 is that it is bi-partisan work, supported by both Democrats and Republicans. The anecdote that best encapsulates the politics behind social security is that it is the “third rail of politics-you touch it, you die.” Since its passage in 1933, Social Security has become a lightning rod for partisans from both sides. Democrats and Republicans equally employ social security to bash each other’s heads come election day. Democrats charge Republicans as unfeeling that they would risk seniors by raising the retirement age and cutting benefits; Republicans attack Democrats for being inclined to spend money risking the overall soundness of the U.S. economy.

Leadership and members of both parties support the passage of H.R. 82. In fact, the person who introduced Congressman Rodney Davis, a Republican from Illinois. H.R. is co-sponsored by prominent Democrats and Republicans such as Richard Neal (D-Mass), and Kevin Brady (R- Tex).³⁸ The total co-sponsors result in 305 members of the House of Representatives, Democrats and Republicans.³⁹ Having a mix of co-sponsors and supporters from both parties eases some political pressure from Social Security.

In passing H.R. 82., Congress resumes its role as an effective and functioning legislator. R. Douglas Arnold notes in *The Politics of Reforming Social Security* that social security is ripe for partisans, thus making it difficult to legislate meaningful reforms.⁴⁰ In his research, Arnold found that social security makes for better political theater than actual government work.⁴¹

Concededly social security stands out as a problem in a myriad of other impactful problems. As such, a strength of H.R. 82 is that it endeavors to start with a particularly small but fundamental issue: costs and benefits. If politics remain a component in the effort to ensure the continuity of the program, and the security of the elderly, then social security remains a political football. In passing H.R. 82, it clarifies that Congress is willing to work.

³⁸ “H.R.82 - Social Security Fairness Act of 2021 - Congress.gov,” accessed December 13, 2022, <https://www.congress.gov/bill/117th-congress/house-bill/82>.

³⁹ Ibid.

⁴⁰ “The Politics of Reforming Social Security - Princeton University,” accessed December 13, 2022, <https://scholar.princeton.edu/sites/default/files/arnold/files/psq98.pdf>.

⁴¹ Ibid.

More importantly, H.R. 82 caters to the desires of both sides of the political spectrum. In raising overall benefits, Democrats can flaunt that their party remains a fierce advocate for unions and the elderly. Similarly, Republicans can boast that they managed to increase benefits without increasing taxes.

3. Removes Seniors from SNAP Rolls

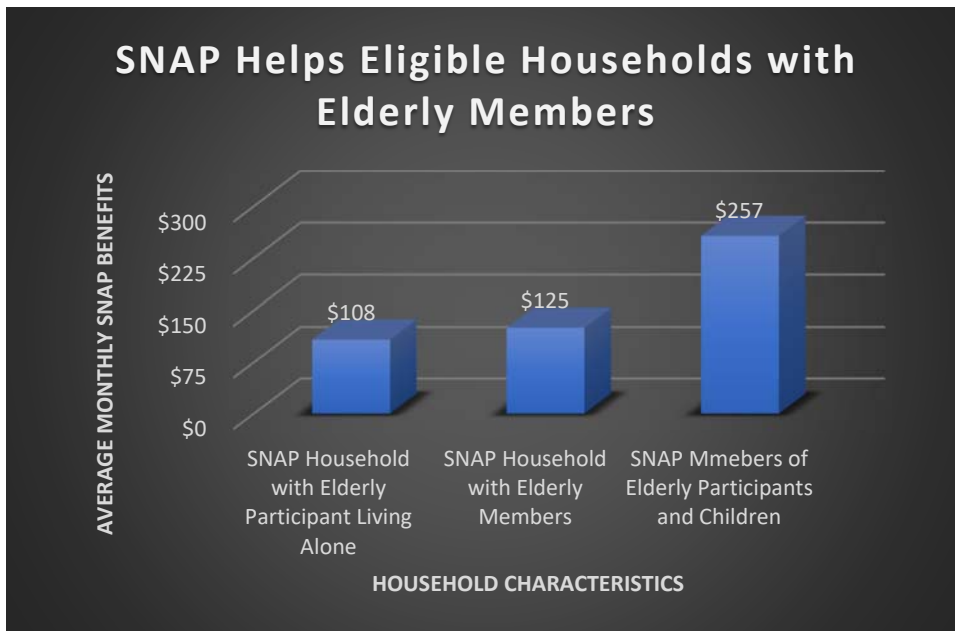
A strength of H.R. 82 is that it lessens dependency on seniors in other welfare programs such as SNAP. SNAP is the Supplemental Nutrition Assisted Program, a federally funded food voucher initiative. The funding for SNAP rests on the total amount of individuals on the roll sheet. Currently, 24% of retirees receive SNAP benefits nationally.⁴² As clarified in previous sections, there will be a noticeable increase in monthly pensions for seniors in repealing the *WEP and GPO*. The Congressional Budget Office estimates that the increase in monthly allowances allows retirees to move away from welfare dependency.⁴³ H.R. 82 allows for less money for the SNAP program. The Congressional Budget Office believes that passing H.R. 82 \$2 billion (about \$6 per person in the US) saved since the decrease in the people involved results in savings in spending.⁴⁴ *See Diagram.*⁴⁵

⁴² Ayado 2022.

⁴³ “Congressional Budget Office September 20, 2022 Cost Estimate,” accessed December 13, 2022, https://www.cbo.gov/system/files/2022-09/hr82_0.pdf.

⁴⁴ *Ibid.*

⁴⁵ “Snap Helps Seniors in Pennsylvania,” Coalition Against Hunger, accessed December 13, 2022, <https://www.hungercoalition.org/protectsnap/forseniors>.



VIII. “SWOT”- Weakness

1.) Increases Overall Spending

A weakness of H.R. 82., is that increases in total benefits go with an increase in overall social security spending. The United States spends 19% of the National GPD on entitlements such as Medicare, Medicaid, and social security. The Congressional Budget Office estimates that larger benefits force Congress to fix and provide more mandatory spending.⁴⁶ See *CBO estimate Charts in Appendix 3.*⁴⁷

The Congressional Budget Office estimates that repealing the *WEP* and the new retirees qualified for benefits increases spending by \$880 billion (about \$2,700 per person in the US).⁴⁸ The Research also found that repealing the *GPO* increases budget spending by \$107 Billion.⁴⁹ See *the 10-year cost breakdown on the effect of Repealing GPO and WEP prepared by the Congressional Research Services in Appendix 2.*⁵⁰

⁴⁶ “Social Security: The Windfall Elimination Provision (WEP) and the Government Pension Offset (GPO).” Library of Congress. Congressional Research Service, 2015.

⁴⁷ “Congressional Budget Office September 20, 2022 Cost Estimate,” accessed December 13, 2022, https://www.cbo.gov/system/files/2022-09/hr82_0.pdf.

⁴⁸ Ibid.

⁴⁹ Ibid.

⁵⁰ Ibid.

These increases in benefits and overall spending require new taxes to catch up with the ten-year projection. In increasing the taxes to match the financial outlay, this bill opens the initiatives of H.R. 82 to political attacks since no one favors taxes. Another weakness is that the increases in benefits result in increases in deficit spending placing the social security fund in concerning financial insolvency.⁵¹ See the Graph below prepared by the Congressional Budget Office for deficit outlays.⁵²

Table 2.
CBO's Estimate of the Statutory Pay-As-You-Go Effects of H.R. 82, the Social Security Fairness Act of 2021, as ordered reported by the House Committee on Ways and Means on September 20, 2022

	By Fiscal Year, Millions of Dollars											2022-2027	2022-2032
	2022	2023	2024	2025	2026	2027	2028	2029	2030	2031	2032		
	Net Decrease in the On-Budget Deficit												
Pay-As-You-Go Effect	0	-80	-225	-225	-220	-215	-215	-210	-205	-205	-200	-965	-2,000

2.) Inequitable Benefits

Another weakness is that the distribution of the expected benefit increases may be inequitable. Equity dictates that a law or policy affects all equally without any preferred favor. As discussed, this policy opens the possibility of inequity since the benefits might go to individuals who possess private individualized retirement funds. Conversely, as mentioned in the previous briefs, the *WEP and GPO* disproportionately affect low-income retirees. Thus, repealing both provisions might benefit those struggling by allowing them to receive more Social Security money. Kathleen Romig, in her article, *Repealing Social Security's WEP and GPO Rules Would be Misguided*, writes that

⁵¹ Ayado 2022

⁵² "Congressional Budget Office September 20, 2022, Cost Estimate," accessed December 13, 2022, https://www.cbo.gov/system/files/2022-09/hr82_0.pdf.

this bill only benefits well-off individuals.⁵³ This paper elucidates that the bill crystalizes the free effect that permeates social security benefits. As stated, the point of social security is to assist those within or below struggling.⁵⁴ Ample evidence, however, maintains that this repeal benefits those who do need not the extra money. This inequity opens the policy to political attacks and public backlash. *See the graph for the projected disparity in distribution.*⁵⁵

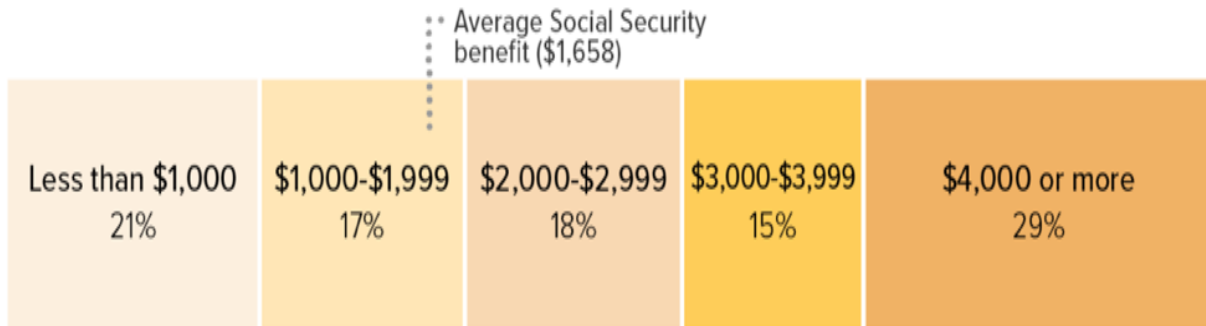
IX. Opportunities

1.) Provides the Chance for Further Improvements and Reforms

H.R. 82 presents a chance for a major reform of the social security act. More specifically, H.R.

Most WEP-Affected Beneficiaries Have Pensions Higher Than Average Social Security Benefits

Monthly noncovered pension amount for workers affected by Social Security's Windfall Elimination Provision (WEP)



Note: Social Security's Windfall Elimination Provision (WEP) is designed to treat workers with work not covered by Social Security comparably to workers whose whole careers are covered. Average Social Security benefit reflects retired worker benefits. All figures are from December 2021.

Source: Zhe Li, "Social Security: The Windfall Elimination Provision (WEP)," Congressional Research Service, March 7, 2022. Social Security Administration, Monthly Statistical Snapshot, December 2021, Table 2.

⁵³ "Social Security Hearing Materials: Chairmen Brady, Johnson Opening Statements, Witness Testimony on Repealing/Replacing WEP/GPO." Congressional Documents and Publications. Washington: Federal Information & News Dispatch, LLC, 2016.

⁵⁴ Ayado 2022

⁵⁵ "Social Security Hearing Materials: Chairmen Brady, Johnson Opening Statements, Witness Testimony on Repealing/Replacing WEP/GPO." Congressional Documents and Publications. Washington: Federal Information & News Dispatch, LLC, 2016.

82 enables policymakers to restructure the financing and benefit outlay of social security. When it was passed in 1933, social security funds were raised through an "advanced funded system," in which long-term solvency became the priority. For example, social security was passed in 1933, but the benefits were not distributed till 1942.⁵⁶ Through forceful advocacy of various interest groups, financing, and benefits of social security switched over to a "pay-as-you-go" system.⁵⁷ Under this system, benefits are provided to individuals quickly but forego any consideration of future solvency. Switching to the pay-as-you-go system and further changes in social security have resulted in the inability of the trust fund to raise revenue. CBO expects insolvency of the trust fund by 2035.⁵⁸ Moreover, they estimate that \$9 trillion (about \$28,000 per person in the US) of pension benefits will not be provided.⁵⁹

This grim reality of insolvency provides a basis for policymakers for reforms to the operations of social security. To keep pace with the new spending that H.R. 82 brings, it seems prudent for leaders to provide new ways to raise revenue for the fund. H.R. 82 creates a precedent for lawmakers to work in a bipartisan manner on such a heated topic as social security.

In a hearing before the Senate Subcommittee on Social Security, Pensions, and Family Policy, Barbara Bovbjerg emphasized the red tape that goes with the execution of the *WEP and GPO*.⁶⁰ In conjunction with the testimony by Bovbjerg, the Government Accountability Office (GAO) advocated for the repeal of the *WEP and GPO*. *The GAO reasons that "eliminat[ing] the GPO and WEP provisions...simplif[ies] administration."*⁶¹ Perhaps H.R. 82 will provides policymakers with an *opportunity* to re-assess the overall efficiency of social security. Feasibly, "the Social Security Fairness Act" inspires members of Congress to

⁵⁶ "The Politics of Reforming Social Security - Princeton University," accessed December 13, 2022, <https://scholar.princeton.edu/sites/default/files/arnold/files/psq98.pdf>.

⁵⁷ *Ibid.*

⁵⁸ "Congressional Budget Office September 20, 2022, Cost Estimate," accessed December 13, 2022, https://www.cbo.gov/system/files/2022-09/hr82_0.pdf.

⁵⁹ *Ibid.*

⁶⁰ U.S. Government Accountability Office, "Social Security: Issues Regarding the Coverage of Public Employees," *Social Security: Issues Regarding the Coverage of Public Employees* | U.S. GAO, accessed December 13, 2022, <https://www.gao.gov/products/gao-08-248t>.

⁶¹ *Ibid.*

re-evaluate if benefits are distributed expeditiously and not bogged down by bureaucratic red tape. *See the diagram depicting the various aspects of the WEP and GPO processes.*⁶²

X. Threats

1.) New State and Local Workers Provided Full Social Security Benefits

The focus of much of this paper is the implication of H.R. 82 on the federal budget regarding social security. This section, however, briefly overviews the impacts on state and local employees. A report written by the Congressional Research Service titled *Social Security: Mandatory Coverage of New State and Local Government Employees* found that 27.5% of state and local government officials are considered non-covered; therefore, they receive cuts to their social security benefits.⁶³ The social security coverage rates vary depending on the individual states.⁶⁴ 70% of the total non-covered state workers reside in the following states: California, Colorado, Illinois, Louisiana, Massachusetts, Ohio, and Texas.⁶⁵ This rapid increase of qualified people overburdens the social security system past its tolerable capacity.⁶⁶ *See the graph that shows the amount of non-covered people per state.*⁶⁷

2.) Continuing Extending of Life Expectancy

A major development that jeopardized the solvency of the social security fund is that people are growing older, thus requiring continued benefits. Life expectancy, while it decreased from last year's 76.1 years old, purports to be 77 years old.⁶⁸ H.R. 82 results in an increase in spending for

⁶² L&H CPAs, "Will You Avoid the Social Security Windfall Elimination Provision?," L&H CPA, accessed December 13, 2022, <https://www.lhcpafirm.com/flowcharts/will-you-avoid-the-social-security-windfall-elimination-provision>.

⁶³ "CRS Reports - Congress," accessed December 14, 2022, <https://crsreports.congress.gov/>.

⁶⁴ *Ibid.*

⁶⁵ *Ibid.*

⁶⁶ Falling under the consideration of non-covered forces state and local employees to refuse half the full benefits with which they deserve.

⁶⁷ "Congress," accessed December 14, 2022, <https://crsreports.congress.gov/product/pdf/R/R46961/2>.

⁶⁸ "Life Expectancy in the U.S. Dropped for the Second Year in a Row in 2021," Centers for Disease Control and Prevention (Centers for Disease Control and Prevention, August 31, 2022), https://www.cdc.gov/nchs/pressroom/nchs_press_releases/2022/20220831.htm.

social safety net programs. As such, amendments to the social security programs, like H.R. 82, are effective in other aspects; a reality for policymakers is that regardless of how thoughtful a certain policy reform is, so long as more people keep adding to the fold while at the same time sustaining the people already serviced add more burden to an already precarious program. In effect, H.R. 82 benefits the current retirees. However, the mixture of the newly eligible retirees, the incoming retirees, and the current one poses a threat to the long-term benefits of H.R. 82. *See CDC estimates on the longevity of Americans in the Appendix.*⁶⁹

XI. Policy Proposal

In using the "Strengths, Weaknesses, Opportunities, and Threats (SWOT)" analysis, this paper provides an exhaustive caricature of the components of the "Social Security Fairness Act of 2021."

This paper endorses the passage of H.R. 82, the "Social Security Fairness Act of 2021." The support provided by this paper is due to three reasons: it avails more funds, expedites pension distribution, and ensures equitable dispersion. As discussed in previous sections, H.R. 82 grants much-needed relief to retirees considered middle class or those living within or below the poverty line. In voting for H.R. 82, leaders ensure that budgeted retirees receive leeway in their spending. A vote for H.R. 82 means lesser government maze-like agencies. In voting to repeal the *WEP and GPO* provisions, seniors are no longer forced to make difficult calculations and wait to see if their hard-earned money will suffer reductions. Finally, in supporting H.R. 82., policymakers achieve equitable means of distributing pension and spousal benefits. As mentioned previously, spousal benefits proceeds go to women. As such, these provisions disproportionately affect the financial security of women retirees. This bill supposes that by eliminating *the WEP and GPO*, retirees of all sexuality no longer receive arbitrary cuts to their pension benefits.

⁶⁹ "Vital Statistics Rapid Release - Cdc.gov," accessed December 14, 2022, <https://www.cdc.gov/nchs/data/vsrr/vsrr024.pdf>.

It is prudent, however, to point out changes that could be made that could positively affect H.R. 82 overall. The biggest concern that should be addressed is the lack of a concrete revenue-raising mechanism. The social security fund must avoid continuing to run a deficit. As such, the proceeding legislation ought to provide re-structured means to raise revenue.

Appendix 1: Life Expectancy breakdown for Different Ethnic Groups

Vital Statistics Surveillance Report

Table. Provisional life expectancy, by age, race and Hispanic origin, and sex: United States, 2021

Age (years)	All races and origins			Hispanic			Non-Hispanic American Indian or Alaska Native			Non-Hispanic Asian			Non-Hispanic Black			Non-Hispanic White		
	Total	Male	Female	Total	Male	Female	Total	Male	Female	Total	Male	Female	Total	Male	Female	Total	Male	Female
0.....	76.1	73.2	79.1	77.7	74.4	81.0	65.2	61.5	69.2	83.5	81.2	85.6	70.8	66.7	74.8	76.4	73.7	79.2
1.....	75.6	72.6	78.5	77.1	73.8	80.4	64.7	61.0	68.7	82.7	80.4	84.8	70.6	66.5	74.5	75.7	73.0	78.5
5.....	71.6	68.7	74.6	73.1	69.8	76.4	60.9	57.1	64.8	78.8	76.5	80.8	66.7	62.6	70.7	71.8	69.1	74.6
10.....	66.7	63.8	69.7	68.2	64.9	71.5	55.9	52.2	59.9	73.8	71.5	75.9	61.8	57.7	65.7	66.8	64.1	69.6
15.....	61.7	58.8	64.7	63.2	59.9	66.5	51.0	47.3	55.0	68.8	66.6	70.9	56.9	52.8	60.8	61.9	59.2	64.7
20.....	56.9	54.1	59.8	58.4	55.1	61.6	46.4	42.7	50.3	63.9	61.7	65.9	52.2	48.3	56.0	57.0	54.4	59.8
25.....	52.2	49.5	55.0	53.7	50.6	56.8	42.1	38.6	45.8	59.1	56.9	61.0	47.8	44.2	51.3	52.3	49.8	54.9
30.....	47.6	45.1	50.2	49.1	46.1	52.0	38.0	34.7	41.5	54.3	52.1	56.1	43.5	40.0	46.7	47.7	45.3	50.2
35.....	43.1	40.7	45.5	44.5	41.7	47.2	34.3	31.2	37.4	49.4	47.3	51.2	39.1	35.9	42.1	43.1	40.9	45.5
40.....	38.6	36.4	40.9	39.9	37.3	42.5	30.8	28.0	33.8	44.6	42.5	46.3	35.0	32.0	37.7	38.7	36.5	40.8
45.....	34.2	32.1	36.4	35.5	33.0	37.8	27.4	24.8	30.0	39.9	37.9	41.5	30.9	28.1	33.4	34.3	32.3	36.3
50.....	30.0	28.0	31.9	31.1	28.8	33.3	24.4	22.1	26.7	35.2	33.3	36.7	26.9	24.4	29.2	30.0	28.1	31.9
55.....	25.9	24.0	27.6	26.9	24.8	28.8	21.5	19.5	23.5	30.6	28.9	32.0	23.2	20.9	25.2	25.9	24.1	27.6
60.....	22.0	20.4	23.5	23.0	21.1	24.6	18.9	17.2	20.4	26.1	24.6	27.4	19.7	17.6	21.5	21.9	20.4	23.4
65.....	18.3	16.9	19.6	19.3	17.6	20.6	16.3	15.1	17.4	21.9	20.5	22.9	16.5	14.8	18.0	18.3	16.9	19.5
70.....	14.8	13.7	15.8	15.7	14.4	16.7	13.7	12.7	14.5	17.8	16.7	18.6	13.6	12.2	14.7	14.7	13.6	15.7
75.....	11.5	10.6	12.3	12.4	11.3	13.1	11.2	10.5	11.8	14.0	13.1	14.5	10.9	9.7	11.7	11.4	10.5	12.1
80.....	8.6	7.9	9.1	9.3	8.5	9.7	9.1	8.6	9.3	10.4	9.8	10.7	8.4	7.5	8.9	8.4	7.8	8.9
85.....	6.1	5.6	6.4	6.7	6.1	6.9	7.2	6.9	7.2	7.3	6.9	7.4	6.2	5.6	6.5	5.9	5.5	6.2
90.....	4.1	3.9	4.3	4.6	4.3	4.6	5.6	5.5	5.4	4.8	4.7	4.8	4.5	4.1	4.6	4.0	3.7	4.1
95.....	2.8	2.7	2.9	3.2	3.0	3.1	4.4	4.4	4.1	3.1	3.1	3.0	3.2	3.0	3.3	2.7	2.6	2.7
100.....	2.0	2.0	2.0	2.3	2.2	2.1	3.5	3.6	3.3	2.1	2.2	2.0	2.4	2.3	2.3	1.9	1.8	1.9

NOTES: Life tables by race and Hispanic origin have been adjusted for race and ethnicity misclassification on death certificates; see Technical Notes in this report. Estimates are based on provisional data for 2021. Provisional data are subject to change as additional data are received.

SOURCE: National Center for Health Statistics, National Vital Statistics System, Mortality.

Citation:

“NVSS - National Vital Statistics System Homepage,” 2023. <https://www.cdc.gov/nchs/nvss/index.htm>.

Appendix 2: Budget Predictions if H.R. 82 Passes

Table 1.
Estimated Budgetary Effects of H.R. 82


	By Fiscal Year, Millions of Dollars											2022-2027	2022-2032
	2022	2023	2024	2025	2026	2027	2028	2029	2030	2031	2032		
Increases or Decreases (-) in Direct Spending													
Eliminate the Windfall Elimination Provision (Off-budget)													
Estimated Budget Authority	0	11,840	9,270	8,130	8,250	8,350	8,420	8,470	8,490	8,440	8,380	45,840	88,040
Estimated Outlays	0	11,840	9,270	8,130	8,250	8,350	8,420	8,470	8,490	8,440	8,380	45,840	88,040
Eliminate the Government Pension Offset (Off-budget)													
Estimated Budget Authority	0	11,680	9,690	9,110	9,700	10,140	10,540	10,930	11,310	11,680	12,010	50,320	106,790
Estimated Outlays	0	11,680	9,690	9,110	9,700	10,140	10,540	10,930	11,310	11,680	12,010	50,320	106,790
Interaction Among Social Security Provisions (Off-budget)													
Estimated Budget Authority	0	-1,350	-1,060	-920	-940	-950	-960	-960	-960	-960	-950	-5,220	-10,010
Estimated Outlays	0	-1,350	-1,060	-920	-940	-950	-960	-960	-960	-960	-950	-5,220	-10,010
Total Off-Budget Direct Spending													
Estimated Budget Authority	0	22,170	17,900	16,310	17,010	17,540	18,010	18,440	18,840	19,160	19,440	90,930	184,820
Estimated Outlays	0	22,170	17,900	16,310	17,010	17,540	18,010	18,440	18,840	19,160	19,440	90,930	184,820
Supplemental Nutrition Assistance Program (On-budget)													
Estimated Budget Authority	0	-80	-225	-225	-220	-215	-215	-210	-205	-205	-200	-965	-2,000
Estimated Outlays	0	-80	-225	-225	-220	-215	-215	-210	-205	-205	-200	-965	-2,000
Total Changes in Direct Spending													
Estimated Budget Authority	0	22,090	17,675	16,085	16,790	17,325	17,795	18,230	18,635	18,955	19,240	89,965	182,820
Estimated Outlays	0	22,090	17,675	16,085	16,790	17,325	17,795	18,230	18,635	18,955	19,240	89,965	182,820

Components may not sum to totals because of rounding; SNAP = Supplemental Nutrition Assistance Program.
The outlays of the Social Security trust funds are classified as off-budget. SNAP outlays are classified as on-budget.

Citation:

“Congressional Budget Office September 20, 2022, Cost Estimate.” Accessed December 13, 2022.
https://www.cbo.gov/system/files/2022-09/hr82_0.pdf

Appendix 3: Congressional Budget Office Predictions though F.Y. 2022


September 20, 2022

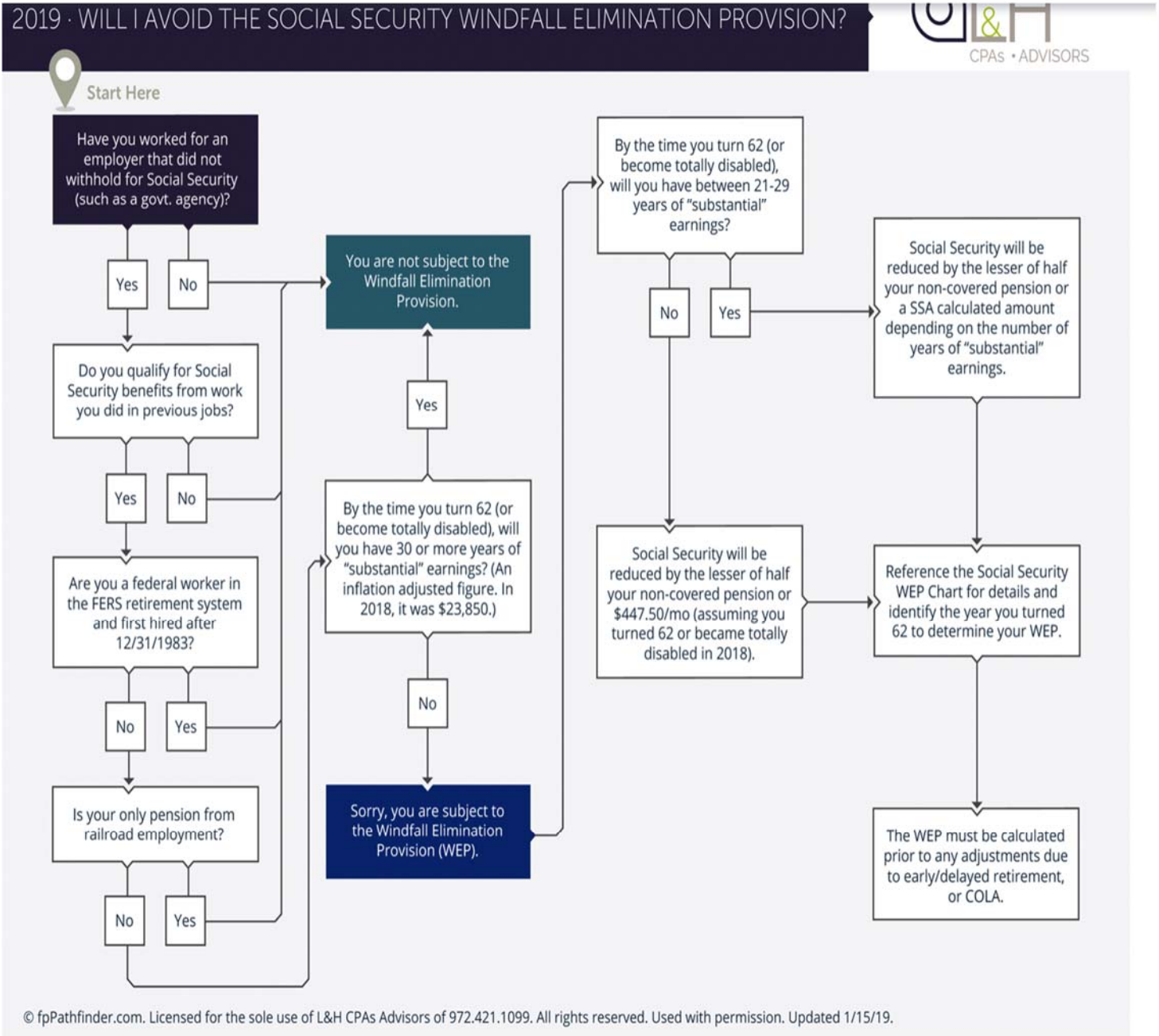
At a Glance			
H.R. 82, Social Security Fairness Act of 2021			
As ordered reported by the House Committee on Ways and Means on September 20, 2022			
By Fiscal Year, Millions of Dollars	2022	2022-2027	2022-2032
Direct Spending (Outlays)	0	89,965	182,820
Revenues	0	0	0
Increase or Decrease (-) in the Deficit	0	89,965	182,820
Spending Subject to Appropriation (Outlays)	0	0	0
Statutory pay-as-you-go procedures apply?	Yes	Mandate Effects	
Increases on-budget deficits in any of the four consecutive 10-year periods beginning in 2033?	No	Contains intergovernmental mandate?	Excluded from UMRA
		Contains private-sector mandate?	Excluded from UMRA
<p>The bill would</p> <ul style="list-style-type: none"> Eliminate the Windfall Elimination Provision (WEP), which reduces Social Security benefits for certain retired and disabled workers who receive pensions for work that is not covered by the Social Security system Eliminate the Government Pension Offset (GPO), which reduces Social Security benefits for certain spouses and surviving spouses who receive pensions for work that is not covered by the Social Security system <p>Estimated budgetary effects would stem from</p> <ul style="list-style-type: none"> Paying larger Social Security benefits to people who are subject to the WEP and the GPO under current law Reducing benefits paid through the Supplemental Nutrition Assistance Program in response to the larger Social Security benefits paid to some people who receive benefits through both programs <p>Areas of significant uncertainty include</p> <ul style="list-style-type: none"> Predicting how many people will be subject to the WEP and the GPO under current law Projecting the size of benefit reductions attributable to the WEP and the GPO under current law 			
Detailed estimate begins on the next page.			

See also CBO's *Cost Estimates Explained*, www.cbo.gov/publication/54437;
How CBO Prepares Cost Estimates, www.cbo.gov/publication/53519; and *Glossary*, www.cbo.gov/publication/42904.

Citation:

“Congressional Budget Office September 20, 2022, Cost Estimate.” Accessed December 13, 2022.
https://www.cbo.gov/system/files/2022-09/hr82_0.pdf

Appendix 4: Requirements that Exempts an Individual from WEP cuts



Citation:

Tom Gartner, “Will I Avoid The Social Security Windfall Elimination Provision?,” ISC Financial Advisors, March 21, 2019, <https://www.iscfinancialadvisors.com/blog/will-i-avoid-the-social-security-windfall-elimination-provision>

Appendix 5: Breakdown of the Number of People without Social Security Coverage per state

Part I

Table I. Social Security Coverage of State and Local Government Employees, by State, in 2018

State	State and Local Government Employees	Covered Workers: State and Local Government Employees With Social Security Coverage		Noncovered Workers: State and Local Government Employees Without Social Security Coverage	
	Number	Number	Percentage	Number	Percentage
Alabama	360,900	331,700	91.9%	29,200	8.0%
Alaska	83,300	39,900	47.8%	43,400	52.1%
Arizona	344,600	327,000	94.8%	17,600	5.1%
Arkansas	194,900	176,100	90.3%	18,800	9.6%
California	2,442,300	1,090,000	44.6%	1,352,300	55.3%
Colorado	465,200	134,200	28.8%	331,000	71.1%
Connecticut	268,200	191,200	71.2%	77,000	28.7%
Delaware	67,800	64,100	94.5%	3,700	5.4%
District of Columbia	78,300	65,000	83.0%	13,300	16.9%
Florida	1,107,900	967,700	87.3%	140,200	12.6%
Georgia	671,100	474,500	70.7%	196,600	29.2%
Hawaii	114,700	83,500	72.7%	31,200	27.2%
Idaho	142,700	134,200	94.0%	8,500	5.9%
Illinois	927,200	523,600	56.4%	403,600	43.5%
Indiana	480,300	424,500	88.3%	55,800	11.6%
Iowa	300,100	270,300	90.0%	29,800	9.9%
Kansas	298,200	271,500	91.0%	26,700	8.9%
Kentucky	343,900	256,500	74.5%	87,400	25.4%
Louisiana	304,900	80,000	26.2%	224,900	73.7%
Maine	103,900	55,700	53.6%	48,200	46.3%
Maryland	468,900	426,000	90.8%	42,900	9.1%
Massachusetts	497,600	13,700	2.7%	483,900	97.2%
Michigan	775,200	632,500	81.5%	142,700	18.4%
Minnesota	474,200	438,100	92.3%	36,100	7.6%
Mississippi	258,800	239,500	92.5%	19,300	7.4%
Missouri	459,400	344,300	74.9%	115,100	25.0%
Montana	97,700	89,300	91.4%	8,400	8.5%
Nebraska	152,200	145,300	95.4%	6,900	4.5%
Nevada	158,000	23,200	14.6%	134,800	85.3%
New Hampshire	105,600	93,800	88.8%	11,800	11.1%
New Jersey	650,200	597,300	91.8%	52,900	8.1%
New Mexico	194,300	175,600	90.3%	18,700	9.6%

Part 2

State	State and Local Government Employees	Covered Workers: State and Local Government Employees With Social Security Coverage		Noncovered Workers: State and Local Government Employees Without Social Security Coverage	
	Number	Number	Percentage	Number	Percentage
New York	1,746,900	1,658,100	94.9%	88,800	5.0%
North Carolina	660,600	607,700	91.9%	52,900	8.0%
North Dakota	83,300	74,400	89.3%	8,900	10.6%
Ohio	808,900	22,200	2.7%	786,700	97.2%
Oklahoma	240,300	227,300	94.5%	13,000	5.4%
Oregon	281,100	271,200	96.4%	9,900	3.5%
Pennsylvania	749,900	689,200	91.9%	60,700	8.0%
Puerto Rico	187,300	157,600	84.1%	29,700	15.8%
Rhode Island	52,800	44,000	83.3%	8,800	16.6%
South Carolina	314,800	290,200	92.1%	24,600	7.8%
South Dakota	80,800	75,100	92.9%	5,700	7.0%
Tennessee	485,000	440,900	90.9%	44,100	9.0%
Texas	1,978,800	912,800	46.1%	1,066,000	53.8%
Utah	256,700	233,000	90.7%	23,700	9.2%
Vermont	54,400	52,900	97.2%	1,500	2.7%
Virginia	688,800	639,600	92.8%	49,200	7.1%
Washington	548,800	494,500	90.1%	54,300	9.8%
West Virginia	114,800	106,400	92.6%	8,400	7.3%
Wisconsin	438,700	377,800	86.1%	60,900	13.8%
Wyoming	74,500	70,900	95.1%	3,600	4.8%
Other ^a	7,400	500	6.7%	6,900	93.2%
Total	23,247,100	16,626,100	71.5%	6,621,000	28.4%

Source: Data from the Social Security Administration obtained by CRS in January 2021.

Notes: Percentages may not sum to 100% due to rounding.

a. Includes people employed by American Samoa, Guam, Northern Mariana Islands, and U.S. Virgin Islands.

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