



SOCIAL SECURITY

Office of the Chief Actuary

November 3, 2021

The Honorable Kevin Brady
House of Representatives
Washington, D.C. 20515

Dear Ranking Member Brady:

I am writing in response to your request for our estimate of the financial effects on the Social Security Trust Funds of the “Equal Treatment of Public Servants Act of 2021,” which you introduced today. This Bill would generally replace the current-law windfall elimination provision (WEP) with a new formula that you have referred to as the “Public Servant Fairness Formula” (PSF) for individuals becoming eligible for OASDI benefits in 2062 or later. Individuals becoming eligible after 2022, but before 2062, would receive the higher of their benefit using the PSF and their benefit using the current-law WEP. The proposal would also provide for a rebate payment starting 270 days after enactment for individuals affected by the current-law WEP. Our analysis and estimates provided for this proposal reflect the efforts of many in the Office of the Chief Actuary, but particularly Jacqueline Walsh, Chris Chaplain, Daniel Nickerson, and Karen Glenn.

The balance of this letter provides our understanding of the intent of the sections of the Bill with direct effects on Social Security program cost, followed by estimates of the OASDI program cost effects assuming enactment of the Bill. Over the period 2022 through 2031, we estimate the program benefit cost for the OASDI program would be increased by \$27.7 billion. The net cash flow effect on OASDI would be slightly less (a reduction of \$26.3 billion), because the additional income tax on the increased benefit payments would be mostly directed to the OASI and DI Trust Funds, partially offsetting the additional benefit cost. We estimate that enactment of the Bill would have no significant effect on the OASDI actuarial balance over the 75-year projection period as a whole. All estimates reflect the intermediate assumptions of the 2021 Trustees Report.

Bill Specifications

The proposal would, ultimately, replace the current complex WEP with a more straightforward approach. The PSF provides retired-worker and disabled-worker beneficiaries (and their dependents) with a modified benefit computed reflecting all past earnings (including earnings in employment that was not covered under the OASDI program in our records starting with 1978), then multiplied by the ratio of the average indexed monthly earnings (AIME) computed without non-covered earnings to a modified average indexed

monthly earnings (AIME') that includes both covered and non-covered earnings in our records. As with OASDI covered earnings, potential beneficiaries would be asked to review the non-covered earnings we have in our records so that they would have the opportunity to make corrections.

Another way to describe the new PSF approach is that beneficiaries will receive a benefit that reflects the replacement rate applicable for a worker with the same career earnings, where all earnings had been covered. Effectively, the PSF formula would compute the worker's PIA as the ratio of PIA based on all earnings (covered and non-covered) to the AIME' computed based on all earnings, multiplied by the AIME based on covered earnings only. These two ways of describing the new approach are mathematically equivalent.

Individuals who become eligible for retired-worker and disabled-worker benefits after 2022, but before 2062, who have non-covered earnings (earnings that were not covered under the OASDI program), would have a benefit level computed under the current WEP provision, and in addition a benefit level computed under the new PSF provision. The benefit level provided would be the higher of these two computations.

Individuals who become eligible for retired-worker and disabled-worker benefits in 2062 or later, would have their benefit level computed using new PSF provision. Importantly, for such workers, the proposal would eliminate the requirement for receipt of a pension based on earnings not covered by the OASDI program in order to apply the new PSF.

However, because SSA does not have foreign earnings in workers' records, the PSF would not apply for disabled-worker and retired-worker beneficiaries who are entitled to receive periodic payments based on foreign employment not covered under a totalization agreement, regardless of when they become eligible for benefits. Instead, the current-law WEP would be utilized for such beneficiaries, with regard to any periodic payments received based on the foreign and/or any domestic non-covered earnings.

Retired or disabled workers and their auxiliary beneficiaries who become eligible before January 2023 or receive a foreign pension will receive a monthly "rebate payment" for each month they receive a Social Security benefit that is reduced by the current-law WEP, starting in October 2022. The amount of the rebate will be \$100 for each month of benefit entitlement affected by the WEP in 2022 for retired-worker and disabled-worker beneficiaries and \$50 for each month of benefit entitlement affected by the WEP in 2022 for spouse and child auxiliary beneficiaries. The level of rebate amounts for months of entitlement affected by the WEP in years after 2022 will be increased by the annual cost of living adjustments.

The rebate amount would not be subject to benefit adjustments, such as for the GPO, RET, early/late claiming, and dual entitlement. Further specifications relating to the rebate include: (1) individuals whose benefits are offset (to zero) due to the government pension offset (GPO), retirement earnings test (RET), workers' compensation (WC) offset, family maximum, etc. still receive a rebate; (2) if a worker's benefit is suspended, then a spouse or child in receipt of an auxiliary benefit on the worker's account would still receive the rebate; (3) individuals whose benefits are suspended due to incarceration or return to work would not receive the

rebate; and (4) individuals with an outstanding overpayment would be eligible for the rebate but would have it withheld to help repay the overpayment.

OASDI Program Cost Effects

The proposal will result in added program cost for workers newly eligible for an OASDI benefit after 2022 and before 2062, whose benefit amount would be reduced less by the PSF than by the WEP. As noted above, most of the income tax on the increased benefit payments would be directed to the OASI and DI Trust Funds, which would partially offset the additional benefit cost. The increase in OASDI program benefit cost is estimated at \$1.9 billion in total for calendar years 2022 through 2031 for those newly eligible for OASDI benefits after 2022 who are advantaged by the alternative benefit computation using the PSF. The change in OASDI cash flow due to this formula change, net of OASDI revenue from income taxation of benefits, is estimated to be a reduction of \$1.8 billion in total for calendar years 2022 through 2031.

The amount of rebate payments for months beginning at least 270 days after enactment applied for beneficiaries who are affected by the WEP is estimated to be \$25.8 billion in total for calendar years 2022 through 2031. For these estimates, we are assuming enactment of the Bill at the end of calendar year 2021. The change in OASDI cash flow due to these rebate payments, net of OASDI revenue from income taxation of benefits, is estimated to be a reduction of \$24.5 billion in total for calendar years 2022 through 2031.

Combining the effects described in the previous two paragraphs, the benefit cost for both the formula change and the rebate payments is estimated to be \$27.7 billion in total for calendar years 2022 through 2031. The change in OASDI cash flow, net of OASDI revenue from income taxation of these benefits, is estimated to be a reduction of \$26.3 billion in total for calendar years 2022 through 2031.

The PSF does not require receipt of a pension based on non-covered earnings and eliminates most exemptions from adjustments based on non-covered earnings for workers becoming newly eligible for OASDI benefits after December 2061. Therefore, our estimate reflects small benefit reductions from the PSF for a relatively large number of workers who would not be reduced by the WEP.

Over the long-range period, the net effect of enacting the proposal on the 75-year actuarial balance would be negligible (i.e., less than 0.005 percent of payroll). Table 1, attached, indicates that the net effect of the changes in the Bill would reduce (worsen) annual balances for the OASDI program through 2067. Thereafter, changes would increase (improve) annual balances due to the application of the PSF formula to all worker beneficiaries becoming eligible after 2061 who had non-covered earnings. These estimates do not reflect the implications of any change in administrative expenses necessary to implement the provisions of this Bill.

Our estimates for the proposal reflect extensive innovative analysis of data for individuals born in 1950 with experience through May of 2018, including SSA records of earnings not covered by OASDI back to 1978, with adjustments for over-recording of non-covered earnings for

years 1978 through 1981. This analysis has allowed us to model the potential effect of the proposal for 2018 as if it were fully in effect for all retired and disabled workers at that time. Based on these results, we are able to model the expected effects of the PSF.

Effects of the Proposal on Beneficiaries

In order to meaningfully illustrate the effects of the new PSF on workers who will become eligible starting in 2062 under this proposal, we provide here estimates of the effects of the PSF for all current beneficiaries in 2018, assuming the new approach were fully phased in and had applied for them since their initial benefit eligibility.

If applied to them, the PSF formula would affect the benefits of roughly 1.6 million retired-worker and disabled-worker beneficiaries in 2018 whose primary benefit is reduced under the current WEP and are not receiving a pension based on foreign employment. About 1.1 million (about 69 percent) of these beneficiaries would receive a *higher* average benefit (on average, \$74 higher) with application of the PSF. Under the PSF, this group would receive an average benefit of \$548, while under the current WEP their average benefit is \$474. The remaining 0.5 million (about 31 percent) of these beneficiaries would receive a *lower* average benefit (on average, \$55 lower) with application of the PSF. For these beneficiaries, the PSF would provide an average benefit of \$588, while under the current WEP their average benefit is \$643.

For 2018, we estimate that there are roughly 18 million retired-worker and disabled-worker beneficiaries with some non-covered earnings who are not reduced under the current WEP (assuming adjustments for erroneous recording of non-covered earnings for some workers in years 1978 through 1981). Again, we illustrate how this group would be affected if the new PSF had been in effect for them since their initial benefit eligibility. We estimate that for about 4.5 million (about 25 percent) of these beneficiaries in 2018, the new PSF would not change their primary benefit. For the other 13.5 million beneficiaries, the average benefit under the PSF would be \$1,453 per month (about \$29 less than would be payable under current law). For the half of this 18 million that would be least affected by the PSF, the average primary benefit under the PSF would be \$1,487, less than \$1 per month below the level payable under current law. For the half that would be most affected by the PSF, the average benefit under the PSF would be \$1,402 (about \$43 lower than their average benefit payable under current law). About 52 percent of the 18 million, or roughly 9 million beneficiaries, qualify now for exemption from the current WEP because they have 30 or more years of substantial OASDI covered earnings. Because these 9 million retired worker or disabled worker beneficiaries have relatively few years of non-covered earnings, their reduction under the new approach would be relatively small if the PSF were applicable for them. In addition, more than 75 percent of these 18 million workers have fewer than 5 years with any non-covered earnings.

Workers who become eligible between 2023 and 2061 would receive the higher of the current-law WEP and the PSF. In 2018, were this approach fully phased in, 1.1 million beneficiaries whose primary benefit is reduced under the current WEP would receive a higher benefit.

Additionally, we estimate monthly rebate payments would have been provided to roughly 1.8 million retired worker and disabled worker beneficiaries and 175 thousand auxiliary

beneficiaries whose benefit was reduced under the WEP in 2018, assuming the rebate payments had started in 2018 and that the other provisions of the proposal applied for beneficiaries becoming newly eligible after 2018.

We hope these estimates will be helpful. Please let us know if we may provide further assistance.

Sincerely,

A handwritten signature in black ink that reads "Stephen C. Goss". The signature is written in a cursive style with a large initial 'S' and a distinct 'G'.

Stephen C. Goss, ASA, MAAA
Chief Actuary

Enclosure

Table 1 - OASDI Cost Rate, Income Rate, Annual Balance, and Trust Fund Ratio
The "Equal Treatment of Public Servants Act of 2021," introduced by Ranking Member Brady

Year	Proposal			Trust Fund Ratio 1-1-year	Change from Current Law		
	Expressed as a percentage of current-law taxable payroll				Expressed as a percentage of current-law taxable payroll		
	Cost Rate	Income Rate	Annual Balance		Cost Rate	Income Rate	Annual Balance
2021	14.11	12.31	-1.81	253	0.00	0.00	0.00
2022	14.31	12.93	-1.38	231	0.00	0.00	0.00
2023	14.46	12.91	-1.55	213	0.03	0.00	-0.03
2024	14.67	12.94	-1.72	195	0.03	0.00	-0.03
2025	14.88	12.96	-1.92	177	0.03	0.00	-0.03
2026	15.13	13.08	-2.05	158	0.03	0.00	-0.03
2027	15.39	13.10	-2.29	140	0.03	0.00	-0.03
2028	15.65	13.14	-2.51	121	0.03	0.00	-0.03
2029	15.90	13.17	-2.73	103	0.03	0.00	-0.03
2030	16.14	13.19	-2.94	83	0.03	0.00	-0.03
2031	16.31	13.21	-3.10	64	0.03	0.00	-0.03
2032	16.46	13.22	-3.24	45	0.03	0.00	-0.03
2033	16.58	13.23	-3.35	25	0.03	0.00	-0.03
2034	16.68	13.24	-3.45	6	0.03	0.00	-0.02
2035	16.76	13.25	-3.52	----	0.03	0.00	-0.02
2036	16.83	13.25	-3.57	----	0.02	0.00	-0.02
2037	16.89	13.26	-3.63	----	0.02	0.00	-0.02
2038	16.94	13.26	-3.67	----	0.02	0.00	-0.02
2039	16.97	13.27	-3.71	----	0.02	0.00	-0.02
2040	17.00	13.27	-3.73	----	0.02	0.00	-0.02
2041	17.04	13.27	-3.76	----	0.02	0.00	-0.02
2042	17.06	13.28	-3.78	----	0.02	0.00	-0.02
2043	17.06	13.28	-3.78	----	0.02	0.00	-0.02
2044	17.06	13.28	-3.78	----	0.02	0.00	-0.02
2045	17.07	13.28	-3.79	----	0.02	0.00	-0.02
2046	17.07	13.28	-3.79	----	0.02	0.00	-0.02
2047	17.09	13.28	-3.81	----	0.02	0.00	-0.02
2048	17.11	13.29	-3.83	----	0.02	0.00	-0.01
2049	17.13	13.29	-3.84	----	0.02	0.00	-0.01
2050	17.15	13.29	-3.86	----	0.01	0.00	-0.01
2051	17.18	13.29	-3.88	----	0.01	0.00	-0.01
2052	17.20	13.30	-3.91	----	0.01	0.00	-0.01
2053	17.23	13.30	-3.93	----	0.01	0.00	-0.01
2054	17.27	13.30	-3.96	----	0.01	0.00	-0.01
2055	17.31	13.31	-4.00	----	0.01	0.00	-0.01
2056	17.35	13.31	-4.04	----	0.01	0.00	-0.01
2057	17.40	13.31	-4.08	----	0.01	0.00	-0.01
2058	17.45	13.32	-4.13	----	0.01	0.00	-0.01
2059	17.51	13.32	-4.18	----	0.01	0.00	-0.01
2060	17.56	13.33	-4.23	----	0.01	0.00	-0.01
2061	17.62	13.33	-4.28	----	0.01	0.00	-0.01
2062	17.67	13.34	-4.33	----	0.01	0.00	-0.01
2063	17.72	13.34	-4.37	----	0.01	0.00	-0.01
2064	17.76	13.35	-4.42	----	0.01	0.00	-0.01
2065	17.81	13.35	-4.46	----	0.01	0.00	-0.01
2066	17.86	13.35	-4.51	----	0.01	0.00	-0.01
2067	17.91	13.36	-4.55	----	0.00	0.00	0.00
2068	17.95	13.36	-4.59	----	0.00	0.00	0.00
2069	18.00	13.36	-4.64	----	-0.01	0.00	0.01
2070	18.05	13.37	-4.69	----	-0.01	0.00	0.01
2071	18.10	13.37	-4.73	----	-0.02	0.00	0.02
2072	18.15	13.38	-4.78	----	-0.02	0.00	0.02
2073	18.20	13.38	-4.82	----	-0.03	0.00	0.03
2074	18.24	13.38	-4.86	----	-0.03	0.00	0.03
2075	18.28	13.39	-4.89	----	-0.04	0.00	0.03
2076	18.31	13.39	-4.92	----	-0.04	0.00	0.04
2077	18.33	13.39	-4.93	----	-0.04	0.00	0.04
2078	18.33	13.39	-4.94	----	-0.05	0.00	0.04
2079	18.32	13.39	-4.93	----	-0.05	0.00	0.05
2080	18.30	13.39	-4.91	----	-0.05	0.00	0.05
2081	18.27	13.39	-4.88	----	-0.06	0.00	0.05
2082	18.23	13.39	-4.84	----	-0.06	0.00	0.06
2083	18.19	13.39	-4.80	----	-0.06	0.00	0.06
2084	18.13	13.38	-4.75	----	-0.07	0.00	0.06
2085	18.07	13.38	-4.69	----	-0.07	0.00	0.06
2086	18.01	13.38	-4.63	----	-0.07	0.00	0.07
2087	17.94	13.37	-4.56	----	-0.07	0.00	0.07
2088	17.86	13.37	-4.50	----	-0.07	0.00	0.07
2089	17.80	13.36	-4.43	----	-0.07	0.00	0.07
2090	17.74	13.36	-4.38	----	-0.08	0.00	0.07
2091	17.69	13.36	-4.33	----	-0.08	0.00	0.07
2092	17.65	13.36	-4.30	----	-0.08	0.00	0.07
2093	17.63	13.35	-4.28	----	-0.08	0.00	0.08
2094	17.62	13.35	-4.27	----	-0.08	0.00	0.08
2095	17.62	13.35	-4.27	----	-0.08	0.00	0.08
2096	17.62	13.35	-4.27	----	-0.08	0.00	0.08

Summarized Rates: OASDI				
	Cost Rate	Income Rate	Actuarial Balance	Year of reserve depletion ¹
2021 - 2095	17.31%	13.78%	-3.53%	2034

Summarized Rates: OASDI		
Change in Cost rate	Change in Income Rate	Change in Actuarial Balance
0.00%	0.00%	0.00%

Note: Based on Intermediate Assumptions of the 2021 Trustees Report.
¹ Under current law the year of combined Trust Fund reserve depletion is 2034.