

2022 Regular Session

HOUSE CONCURRENT RESOLUTION NO. 11

BY REPRESENTATIVES MIKE JOHNSON, ADAMS, AMEDEE, BACALA, BAGLEY, BEAULLIEU, BISHOP, BOURRIAQUE, BOYD, BRASS, BROWN, CARRIER, ROBBY CARTER, CORMIER, COUSSAN, CREWS, DAVIS, DESHOTEL, DEVILLIER, DUPLESSIS, ECHOLS, EDMONSTON, EMERSON, FARNUM, FIRMENT, FISHER, FONTENOT, FREEMAN, FREIBERG, FRIEMAN, GADBERRY, GAINES, GAROFALO, GEYMANN, GLOVER, GOUDEAU, GREEN, HARRIS, HODGES, HORTON, HUGHES, HUVAL, ILLG, IVEY, JEFFERSON, JENKINS, TRAVIS JOHNSON, JORDAN, KERNER, LACOMBE, LAFLEUR, LANDRY, LARVADAIN, LYONS, MACK, MARINO, MCCORMICK, MCKNIGHT, MCMAHEN, MIGUEZ, DUSTIN MILLER, GREGORY MILLER, MINCEY, ORGERON, CHARLES OWEN, PHELPS, PIERRE, PRESSLY, RISER, ROMERO, SCHAMERHORN, SCHEXNAYDER, SCHLEGEL, SEABAUGH, SELDERS, ST. BLANC, STAGNI, TARVER, THOMAS, THOMPSON, TURNER, VILLIO, WHEAT, WHITE, WRIGHT, AND ZERINGUE AND SENATORS BERNARD, CARTER, FESI, HENRY, HENSGENS, HEWITT, LAMBERT, LUNEAU, MCMATH, MILLIGAN, ROBERT MILLS, MIZELL, MORRIS, PEACOCK, POPE, PRICE, REESE, SMITH, STINE, TALBOT, TARVER, AND WOMACK

A CONCURRENT RESOLUTION

To urge and request the legislatures of each state of the United States to pass similar concurrent resolutions calling upon the Congress of the United States of America to support legislation and to take such actions as a necessary to review and eliminate all provisions of federal law that reduce Social Security benefits for those receiving pension benefits from federal, state, or local government retirement or pension systems, plans, or funds.

WHEREAS, the Congress of the United States of America has enacted both the Government Pension Offset (GPO), reducing the spouse and survivor Social Security benefit and the Windfall Elimination Provision (WEP), reducing the earned Social Security benefits payable to any person who also receives a public pension benefit; and

WHEREAS, the GPO negatively affects a spouse or survivor receiving a federal, state, or local government retirement or pension benefit who would also be entitled to a Social Security benefit earned by a spouse; and

WHEREAS, the GPO formula unfairly reduces the spouse or survivor Social Security benefit by two-thirds of the amount of the federal, state, or local government

retirement or pension benefit received by the spouse or survivor, in many cases completely eliminating the Social Security benefit even though their spouse paid Social Security taxes for many years; and

WHEREAS, the GPO has a harsh effect on hundreds of thousands of citizens and undermines the original purpose of the Social Security dependent/survivor benefit; and

WHEREAS, according to recent Social Security Administration figures, more than half a million individuals nationally are affected by the GPO; and

WHEREAS, the WEP applies to those persons who have earned federal, state, or local government retirement or pension benefits, in addition to working in employment covered under Social Security and paying into the Social Security system; and

WHEREAS, the WEP unfairly reduces the earned Social Security benefit using an averaged indexed monthly earnings formula and may reduce Social Security benefits for affected persons by as much as one-half of the retirement benefit earned as a public servant in employment not covered under Social Security; and

WHEREAS, the WEP causes hardworking individuals to lose a significant portion of the Social Security benefits that they earned themselves; and

WHEREAS, according to recent Social Security Administration figures, more than one and a half million individuals nationally are affected by the WEP; and

WHEREAS, in certain circumstances, both the WEP and GPO can be applied to a qualifying survivor's benefit, each independently reducing the available benefit and in combination eliminating a large portion of the total Social Security benefit available to the survivor; and

WHEREAS, because of the calculation characteristics of the GPO and the WEP, they have a disproportionately negative effect on employees working in lower-wage government jobs, like policemen, firefighters, teachers, and state employees; and

WHEREAS, Louisiana is making every effort to improve the quality of life of its citizens and to encourage them to live here, yet the current GPO and WEP provisions compromise their quality of life; and

WHEREAS, the number of people affected by GPO and WEP is growing everyday as more and more people reach retirement age; and

WHEREAS, individuals drastically affected by the GPO or WEP may have no choice but to return to work after retirement in order to make ends meet, but the earnings accumulated during this return to work can further reduce the Social Security benefits the individual is entitled to; and

WHEREAS, the GPO and WEP are established in federal law, and repeal of the GPO and the WEP can only be enacted by congress; and

WHEREAS, the Legislature of Louisiana adopted House Concurrent Resolution No. 7 of the 2021 Regular Session memorializing congress to support H.R. 82 of the 117th Congress and any other federal legislation that would review and reduce or eliminate the GPO and the WEP.

THEREFORE, BE IT RESOLVED that the Legislature of Louisiana does hereby urge and request every state legislature in the nation to call upon their congressional Representatives and Senators to take all such actions as are necessary to review the Government Pension Offset and the Windfall Elimination Provision Social Security benefit reductions and to eliminate or reduce them.

BE IT FURTHER RESOLVED that the Legislature of Louisiana does hereby urge and request the attorney general of Louisiana to explore civil and other legal actions to restore public employees' social security benefits that they have paid for and earned, and to join with other affected states to recover rights and benefits of public employees.

BE IT FURTHER RESOLVED that a copy of this Resolution be transmitted to the attorney general of Louisiana and the presiding officers of each state legislature and to the presiding officers of the United States Senate and House of Representatives and to each member of the Louisiana congressional delegation and the president of the United States.

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

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PRESIDENT OF THE SENATE