HLS 22RS-449 ORIGINAL

2022 Regular Session

1

HOUSE CONCURRENT RESOLUTION NO. 11

BY REPRESENTATIVE MIKE JOHNSON

CONGRESS: Provides relative to the Government Pension Offset and Windfall Elimination Provision

A CONCURRENT RESOLUTION

2	To urge and request the legislatures of each state of the United States to pass similar
3	concurrent resolutions calling upon the Congress of the United States of America to
4	support legislation and to take such actions as a necessary to review and eliminate
5	all provisions of federal law that reduce Social Security benefits for those receiving
6	pension benefits from federal, state, or local government retirement or pension
7	systems, plans, or funds.
8	WHEREAS, the Congress of the United States of America has enacted both the
9	Government Pension Offset (GPO), reducing the spouse and survivor Social Security benefit
10	and the Windfall Elimination Provision (WEP), reducing the earned Social Security benefits
11	payable to any person who also receives a public pension benefit; and
12	WHEREAS, the GPO negatively affects a spouse or survivor receiving a federal,
13	state, or local government retirement or pension benefit who would also be entitled to a
14	Social Security benefit earned by a spouse; and
15	WHEREAS, the GPO formula unfairly reduces the spouse or survivor Social
16	Security benefit by two-thirds of the amount of the federal, state, or local government
17	retirement or pension benefit received by the spouse or survivor, in many cases completely
18	eliminating the Social Security benefit event though their spouse paid Social Security taxes
19	for many years; and
20	WHEREAS, the GPO has a harsh effect on hundreds of thousands of citizens and
21	undermines the original purpose of the Social Security dependent/survivor benefit; and

1	WHEREAS, according to recent Social Security Administration figures, more than
2	half a million individuals nationally are affected by the GPO; and
3	WHEREAS, the WEP applies to those persons who have earned federal, state, or
4	local government retirement or pension benefits, in addition to working in employment
5	covered under Social Security and paying into the Social Security system; and
6	WHEREAS, the WEP unfairly reduces the earned Social Security benefit using an
7	averaged indexed monthly earnings formula and may reduce Social Security benefits for
8	affected persons by as much as one-half of the retirement benefit earned as a public servant
9	in employment not covered under Social Security; and
10	WHEREAS, the WEP causes hardworking individuals to lose a significant portion
11	of the Social Security benefits that they earned themselves; and
12	WHEREAS, according to recent Social Security Administration figures, more than
13	one and a half million individuals nationally are affected by the WEP; and
14	WHEREAS, in certain circumstances, both the WEP and GPO can be applied to a
15	qualifying survivor's benefit, each independently reducing the available benefit and in
16	combination eliminating a large portion of the total Social Security benefit available to the
17	survivor; and
18	WHEREAS, because of the calculation characteristics of the GPO and the WEP, they
19	have a disproportionately negative effect on employees working in lower-wage government
20	jobs, like policemen, firefighters, teachers, and state employees; and
21	WHEREAS, Louisiana is making every effort to improve the quality of life of its
22	citizens and to encourage them to live here, yet the current GPO and WEP provisions
23	compromise their quality of life; and
24	WHEREAS, the number of people affected by GPO and WEP is growing everyday
25	as more and more people reach retirement age; and
26	WHEREAS, individuals drastically affected by the GPO or WEP may have no choice
27	but to return to work after retirement in order to make ends meet, but the earnings
28	accumulated during this return to work can further reduce the Social Security benefits the
29	individual is entitled to; and

1 WHEREAS, the GPO and WEP are established in federal law, and repeal of the GPO 2 and the WEP can only be enacted by congress; and 3 THEREFORE, BE IT RESOLVED that the Legislature of Louisiana does hereby 4 urge and request every state legislature in the nation to call upon their congressional 5 Representatives and Senators to take all such actions as are necessary to review the 6 Government Pension Offset and the Windfall Elimination Provision Social Security benefit 7 reductions and to eliminate or reduce them. 8 BE IT FURTHER RESOLVED that the Legislature of Louisiana does hereby urge 9 and request the attorney general of Louisiana to explore civil and other legal actions to 10 restore public employees' social security benefits that they have paid for and earned, and to 11 join with other affected states to recover rights and benefits of public employees. 12 BE IT FURTHER RESOLVED that a copy of this Resolution be transmitted to the 13 attorney general of Louisiana and the presiding officers of each state legislature and to the 14 officers of the United States Senate and House of Representatives and to each member of 15 the Louisiana congressional delegation and the president of the United States.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HCR 11 Original

2022 Regular Session

Mike Johnson

Requests congress and state legislatures to request that congress review and eliminate the provisions of federal law which reduce Social Security benefits for persons receiving pension from federal, state, or local government retirement systems.

Requests the attorney general of La. to seek legal actions to restore benefits lost to the Government Pension Offset (GPO) and the Windfall Elimination Provision(WEP).