today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or votes objected to under clause 6 of rule XX.

The House will resume proceedings on postponed questions at a later time.

EQUAL TREATMENT OF PUBLIC SERVANTS ACT OF 2023

Mr. ARRINGTON. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5342) to amend title II of the Social Security Act to replace the windfall elimination provision with a formula equalizing benefits for certain individuals with noncovered employment, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5342

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Equal Treatment of Public Servants Act of 2023''.

SEC. 2. REPLACEMENT OF THE WINDFALL ELIMINATION PROVISION WITH A FORMULA EQUALIZING BENEFITS FOR CERTAIN INDIVIDUALS WITH NONCOVERED EMPLOYMENT.

(a) IN GENERAL.—Section 215(a) of the Social Security Act (42 U.S.C. 415(a)) is amended by inserting after paragraph (7) the following:

''(8)(A) In the case of an individual whose primary insurance amount would be computed under paragraph (1) of this subsection—

''(i) who first becomes eligible for an old-age or disability insurance benefit after 2067,

''(ii) who subsequently becomes entitled to such benefit, and

''(iii) who has earnings derived from noncovered service performed in a year after 1977,

the primary insurance amount of such individual shall be the amount computed or recomputed under this paragraph.

''(B) The primary insurance amount of an individual described in subparagraph (A), as computed or recomputed under this paragraph, shall be the product derived by multiplying—

''(i) the individual's primary insurance amount, as determined under paragraph (1) of this subsection and subparagraph (C) of this paragraph, by

''(ii) a fraction—

''(I) the numerator of which is the individual's average indexed monthly earnings (determined without regard to subparagraph (C)), and

''(II) the denominator of which is an amount equal to the individual's average indexed monthly earnings (as determined under subparagraph (C)),

rounded, if not a multiple of $0.10, to the next lower multiple of $0.10.

''(C)(i) For purposes of determining an individual's primary insurance amount pursuant to clauses (i) and (ii)(II) of subparagraph (B), the individual's average indexed monthly earnings shall be determined by treating all recorded noncovered earnings (as defined in clause (ii)(I)) derived by the individual from noncovered service performed in each year after 1977 as 'wages' (as defined in section 209 for purposes of this title), which shall be treated as included in the individual's adjusted total covered earnings (as defined in clause (ii)(II)) for such calendar year together with amounts consisting of 'wages' (as so defined without regard to this subparagraph) paid during such calendar year and self-employment income (as defined in section 211(b)) for taxable years ending with or during such calendar year.

''(ii) For purposes of this subparagraph:

''(I) The term 'recorded noncovered earnings' means earnings derived from noncovered service (other than noncovered service as a member of a uniformed service (as defined in section 210(m)) for which satisfactory evidence is determined by the Commissioner to be available in the records of the Commissioner.

''(II) The term 'adjusted total covered earnings' means, in connection with an individual for any calendar year, the sum of the wages paid to the individual during such calendar year (as adjusted under subsection (b)(3)) plus the self-employment income derived by the individual during any taxable year ending with or during such calendar year (as adjusted under subsection (b)(3)).

''(iii) The Commissioner of Social Security shall provide by regulation or other public guidance for methods for determining whether satisfactory evidence is available in the records of the Commissioner for earnings for noncovered service (other than noncovered service as a member of a uniformed service (as defined in section 210(m))) to be treated as recorded noncovered earnings. Such methods shall provide for reliance on earnings information which is provided to the Commissioner by employers and which, as determined by the Commissioner, constitute a reasonable basis for treatment of earnings for noncovered service as recorded noncovered earnings. In making determinations under this clause, the Commissioner shall also take into account any documentary or other evidence of earnings derived from noncovered service by an individual which is provided by the individual to the Commissioner and which the Commissioner considers appropriate as a reasonable basis for treatment of such earnings as recorded noncovered earnings.

''(D) Upon the death of an individual whose primary insurance amount is computed or recomputed under this paragraph, such primary insurance amount shall be computed or recomputed under paragraph (1) of this subsection.

''(E) In the case of any individual whose primary insurance amount would be computed under this paragraph who first becomes entitled after 1985 to a monthly periodic payment made by a foreign employer or foreign country that is based in whole or in part upon noncovered service, the primary insurance amount of such individual shall be computed or recomputed under paragraph (7) or paragraph (1), as applicable, for months beginning with the first month of the individual's initial entitlement to such monthly periodic payment.''.

(b) CONFORMING AMENDMENTS.—Section 215(a)(7)(A) of such Act (42 U.S.C. 415(a)(7)(A)) is amended—

(1) in clause (i)—

(A) by striking ''after 1985'' and inserting ''after 1985 and before 2068''; and

(B) by striking ''or'' at the end;

(2) in clause (ii)—

(A) by striking ''after 1985'' each place it appears and inserting ''after 1985 and before 2068''; and

(B) by adding ''or'' at the end;

(3) by inserting after clause (ii) the following:

''(iii) is an individual described in paragraph (8)(E),''; and

(4) by striking ''hereafter in this paragraph and in subsection (d)(3)'' and inserting ''in this paragraph, paragraphs (8) and (9), and subsection (d)(3)''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to monthly insurance benefits payable on or after January 1, 2025.

SEC. 3. BENEFIT CALCULATION DURING TRANSITION PERIOD.

(a) IN GENERAL.—Section 215(a) of the Social Security Act (42 U.S.C. 415(a)), as amended by section 2, is further amended by inserting after paragraph (8) the following:

''(9) In the case of an individual whose primary insurance amount would be computed under paragraph (1) of this subsection—

''(A) who first becomes eligible for an old-age or disability insurance benefit after 2024 and before 2068,

''(B) who subsequently becomes entitled to such benefit, and

''(C) who has earnings derived from noncovered service performed in a year after 1977,

the primary insurance amount of such individual shall be the higher of the amount computed or recomputed under paragraph (7) without regard to this paragraph or the amount that would be computed or recomputed under paragraph (8) if the individual were an individual described in subparagraph (A) of such paragraph.''.

(b) CONFORMING AMENDMENT.—Section 215(a)(7)(A) of such Act (42 U.S.C. 415(a)(7)(A)), as amended by section 2(b), is further amended by striking ''shall be computed or recomputed'' and inserting ''shall, subject to paragraph (9), be computed or recomputed''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to monthly insurance benefits payable on or after January 1, 2025.

SEC. 4. ADDITIONAL MONTHLY PAYMENT FOR INDIVIDUALS WHOSE BENEFIT AMOUNT IS REDUCED BY THE WINDFALL ELIMINATION PROVISION.

(a) IN GENERAL.—Section 215(a) of such Act (42 U.S.C. 415(a)), as amended by sections 2 and 3, is further amended by adding at the end the following:

''(10)(A) For any month beginning at least 270 days after the date of enactment of the Equal Treatment of Public Servants Act of 2023, the Commissioner of Social Security shall, subject to subparagraphs (C) and (D), make an additional monthly payment of $100 to each individual who is an eligible individual for such month, and an additional monthly payment of $50 to each individual (other than an eligible individual) who is entitled to a benefit under section 202 for such month on the basis of the wages and self-employment income of such eligible individual.

''(B) For purposes of this paragraph, the term 'eligible individual' for a month means an individual who—

''(i)(I) first becomes eligible for an old-age or disability insurance benefit under this title before 2025, or

''(II) is an individual described in paragraph (8)(E), and

''(ii) is entitled to an old-age or disability insurance benefit under this title for such month based on a primary insurance amount that was computed or recomputed under paragraph (7) (and not subsequently recomputed under any other paragraph of this subsection).

''(C) In any case in which this title provides that no monthly benefit under section 202 or 223 shall be paid to an individual for a month, no additional monthly payment shall be paid to the individual for such month. This subparagraph shall not apply in the case of an individual whose monthly benefit under section 202 or 223 is reduced, regardless of the amount of the reduction, based on the individual's receipt of other income or benefits for such month or the application of section 203(a) or due to the adjustment or recovery of an overpayment under section 204.

''(D)(i) An individual is not entitled to receive more than one additional monthly payment for a month under this paragraph.

''(ii) An eligible individual who is entitled to a benefit under section 202 on the basis of the wages and self-employment income of another eligible individual for a month shall receive an additional monthly payment under this paragraph in the amount of $100 for such month.

''(E) Except for purposes of adjustment or recovery of an overpayment under section 204, an additional monthly payment under this paragraph shall not be subject to any reduction or deduction under this title.

''(F) Whenever benefit amounts under this title are increased by any percentage effective with any month as a result of a determination made under subsection (i), each of the dollar amounts in subparagraph (A) shall be increased by the same percentage for months beginning with such month.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to monthly insurance benefits payable for months beginning at least 270 days after the date of enactment of this Act.

SEC. 5. REPORTING OF NONCOVERED EARNINGS ON SOCIAL SECURITY ACCOUNT STATEMENTS.

(a) IN GENERAL.—Section 1143(a)(2) of the Social Security Act (42 U.S.C. 1320b–13(a)(2)) is amended—

(1) by redesignating subparagraphs (B) through (E) as subparagraphs (C) through (F); and

(2) by inserting after subparagraph (A) the following:

''(B) the amount of earnings derived by the eligible individual from service performed after 1977 which did not constitute employment (as defined in section 210), not including service as a member of a uniformed service (as defined in section 210(m)), as shown by the records of the Commissioner at the date of the request;''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to Social Security account statements issued on or after January 1, 2025.

SEC. 6. STUDY ON PARTNERING WITH STATE AND LOCAL PENSION SYSTEMS.

(a) STUDY.—

(1) IN GENERAL.—The Commissioner of Social Security shall study and test the administrative feasibility of partnering with State and local pension systems, or other governmental entities, to improve the collection and sharing of information relating to State and local noncovered pensions.

(2) COORDINATION WITH STATE AND LOCAL PENSION SYSTEMS.—In conducting the study described in paragraph (1), the Commissioner shall coordinate with State and local pension systems that reflect the diversity of systems and individual experiences to explore the development of automated data exchange agreements that facilitate reporting of information relating to noncovered pensions.

(b) REPORT.—The Commissioner of Social Security shall conclude the study described in subsection (a) not later than 4 years after the date of enactment of this Act. As soon as possible after conclusion of the study and not later than 4½ years after the date of enactment of this Act, the Commissioner shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a report on the results of the study. Such report shall include the following:

(1) A discussion of how the automated data exchange agreements could be implemented to cover noncovered pensions nationally, including the range of implementation timelines across State and local pension systems, or with other governmental entities.

(2) An analysis of the barriers to developing automated data exchange agreements and lessons learned that can help address these barriers.

(3) A description of alternative methods for obtaining information related to noncovered pensions, and an analysis of the barriers to obtaining noncovered pension data through such methods.

(4) An explanation of how coverage information is obtained by the Social Security Administration when an individual purchases service credits to apply to a new covered or noncovered pension after moving from another covered or noncovered pension within the State or in another State.

(5) An estimate of the total amount, as of the date of the enactment of this Act, of noncovered pensions not reported to the Social Security Administration as a result of noncompliance with voluntary reporting policies.

(c) STATE AND LOCAL PENSION INFORMATION TO BE REQUESTED BY THE COMMISSIONER.—Section 202 of the Social Security Act (42 U.S.C. 402) is amended by inserting after subsection (l) the following:

''(m) STATE AND LOCAL PENSION INFORMATION TO BE REQUESTED BY THE COMMISSIONER.—

''(1) The Commissioner may partner with States to request information, including the information specified in paragraph (2), with respect to any designated distribution (as defined in section 3405(e)(1) of the Internal Revenue Code of 1986) from an employer deferred compensation plan (as defined in section 3405(e)(5) of such Code) of the State (or political subdivision thereof) to a participant of such plan in any case in which any portion of such participant's earnings for service under such plan did not constitute 'employment' as defined in section 210 for purposes of this title.

''(2) The information specified in this paragraph is the following:

''(A) The name and Social Security account number of the participant receiving the designated distribution.

''(B) The dollar amount of the designated distribution and the date paid.

''(C) The date on which the participant initially became eligible for a designated distribution under the plan and, if different, the date of payment of the initial designated distribution.

''(D) The dates of each period of service under the plan that did not constitute 'employment' as defined in section 210 for purposes of this title, and the dates of any other period of service under the plan.''.

(d) DEFINITIONS.—In this section—

(1) the term ''noncovered pension'' means a pension any part of which is based on noncovered service (within the meaning of section 215(a)(7) of the Social Security Act (42 U.S.C. 415(a)(7))); and

(2) the term ''covered pension'' means any other pension.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. ARRINGTON) and the gentleman from Connecticut (Mr. LARSON) each will control 20 minutes.

The Chair recognizes the gentleman from Texas.

GENERAL LEAVE

Mr. ARRINGTON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on this bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. ARRINGTON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, we have a great injustice that has persisted now for four decades. Some of our hardest working fellow Americans who are public servants in certain States where they have non-Social Security covered employment—or to say it this way, where they have teacher retirement systems separate from Social Security, or firefighter retirement systems separate from Social Security—have what is called a windfall elimination provision in the Social Security law, which has shortchanged roughly 2 million hardworking public servants.

Some people are still getting a windfall, but the vast majority are not getting what they earned and what they put into the Social Security system. So my colleague, Representative JOHN LARSON, who I serve with on the Committee on Ways and Means, and who I consider a dear friend and someone who I know is very passionate about fixing Social Security's insolvency, which looms large over the next 10 years, this is but one element of what is not working in Social Security for our retirees and Social Security recipients.

To solve this inequity and injustice, some of my colleagues have decided they would just repeal the windfall elimination provision altogether. That sounds good, but it is going to cost $192 billion to do that. We shouldn't be constrained by cost to do the right thing, but to repeal the windfall elimination provision would go back to pre-1983 when we had a windfall to certain Americans in the same States where they had independent retirement systems, and we were spending more money for certain retirees than they put into the Social Security system.

There was a great discrepancy and inequity between these individuals in these States and the vast majority of the tens of millions of other retirees across the country. So you had a teacher or a firefighter in certain States, like Texas, pre-1983 getting a windfall, large sums of money, over similarly situated people in other States. Firefighters and teachers are doing the same work, making roughly the same amount of money, but getting less benefits.

What we should do is fix the inadequacy of the windfall elimination provision that was oversimplified and did not use the data that we have today and make sure that people are paid what they are owed in terms of their benefits, but not revert back to pre-windfall elimination provision, where we were spending tens of billions of dollars more than we needed to according to what people put in it.

Why does that matter? Because we should have a system of fairness for every public servant in every State, every retiree who fits that definition. It is also because if we start just throwing money at this and allowing windfall payments to certain retirees, we are going to accelerate the insolvency of the Social Security trust fund.

One outside expert says that we will accelerate that if we go to H.R. 82 and just pull the plug on the windfall elimination provision, as opposed to fixing it and getting it right. We will accelerate it by 6 months.

We should be responsible in how we do this. We should consider retirees in every State, and we should also consider future retirees because what we do and how we solve problems doesn't just impact the people who have been shortchanged, and we need to deal with that, but we will impact future retirees, as well.

I am simply asking my colleagues to do the right thing, address this inequity with WEP and our public servants, but do it the right way so that we don't compromise the integrity and the fiscal responsibility of managing the trust fund and put these public servants now once again at odds with the vast majority of public servants who are retired.

Mr. Speaker, that is a mouthful, by the way. This is a complex issue, but what is not complicated is people who have been shortchanged need to get the money that they rightfully are owed by their government. I can start there and say that Democratic and Republican colleagues alike agree on that, but my bill will do it in a fiscally responsible way.

I think this H.R. 82 is well-intended, but it is going to accelerate the bankruptcy of Social Security. That is not good for anybody, current or future retirees.

Mr. Speaker, I reserve the balance of my time.

Mr. LARSON of Connecticut. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I start by acknowledging my good friend and colleague, and I thank him. I think his heart is in the right place.

Let me say, having worked on this issue for a number of years, to have a Social Security, and in this case a portion of it, come to the floor, albeit under suspension and not through regular order, Mr. Speaker, is a step in the right direction, but the American people have to be outraged by the fact that it has been over 50 years since Congress has adjusted Social Security. By that, I mean enhanced Social Security for its recipients. Imagine that.

Do you think a few things have happened since Richard Nixon was President of the United States? Do you think a few things have happened, especially as we live in this post-COVID and now inflationary period?

It impacts over 70 million of our fellow Americans. This provision that my colleague and good friend is talking about, WEP, is minuscule in terms of comparing that to individuals. As well intended as I believe he is, this doesn't straighten out the problem. In our bill, the Social Security 2100 Act, we repeal WEP and GPO, and we pay for it. That is the responsible thing that Congress has to do on behalf of the American people.

Here are the facts: 70 million Americans rely on Social Security, and it is the Nation's number one antipoverty program for the elderly and the number one antipoverty program for children. More veterans rely on Social Security for disability than they do the VA.

Congress has done nothing to help these individuals out. Add to that, Mr. Speaker, the fact that 10,000 baby boomers a day become eligible for Social Security.

What we need to do today, and in both of these bills that are coming before us, are steps forward, but we need to come together as a Congress and vote to fix Social Security in a manner that doesn't hurt or cut benefits for individuals who haven't seen a benefit enhancement in more than 50 years. We come here today and say here is a crumb, but even in the form of this crumb, this proposal will cut benefits for hardworking, everyday Americans.

I respect my colleague, and I do believe that his heart is in the right place, but Congress—both sides—have responsibility here, but perhaps now there is an opportunity for us to act—perhaps the fact that even under suspension, not regular order with public hearings where viewers get to see and actually hear from expert witnesses and get to hear both the fiscal side of what needs to be paid for but also the benefits side in terms of what has not been done.

Imagine, my dear friend knows this, 5 million of our fellow Americans—and they are in Texas and Connecticut—get below poverty-level checks from their government. So it is great that you have a proposal for WEP, but 5 million people currently on Social Security get below poverty-level checks from the wealthiest Nation in the world and from a country that has had a program in place, but Congress hasn't acted in over 50 years. Most of the 5 million are women, and most of them are women of color.

There are more than 33 million who the only benefit that they have, the only thing that keeps them out of poverty, is Social Security, and Congress hasn't acted since 1971. These people will be hurt by this proposal.

Benefit cuts in a time of inflation? Ask your constituents back home, Mr. Speaker, whether or not they can afford this cut.

□ 1615

Now, here is the other irony. Here we have one of the great economic development plans ever instituted by the United States Congress; That is right, an economic development plan, Social Security. How so?

Every district, on average, has about 143,000 Social Security recipients. Every district, monthly, receives on average $200 million in cash coming into their district.

In fact, for my dear friend and colleague here, $222 million comes into his district on a monthly basis. He has more than 95,000 retirees, 9,000 children who get money from Social Security, 10,000 widows, 4,800 spouses, and 14,000 disabled.

Congress has done nothing. These cuts will take place because Congress hasn't stepped up and said we need to fund this program, not cut it. Some say back in 1983 they did do something. Yeah, what they did is they raised the age, another great proposal on the other side. For every year you raise the age, that is a 7 percent cut in benefits. Let's raise the age to age 70, the Republican Study Committee says, and what does that do? It cuts benefits by 21 percent.

Aren't you glad you worked hard and invested and put your money aside so that you could find out that, yeah, what we are going to do is raise the age so you work longer, and as you are living longer, we expect that you will get less in retirement, not more. It makes no sense whatsoever.

We need to come together as a Congress and vote to enhance the Nation's number one antipoverty program for the elderly and for our children.

I respect the good intentions that people have, but as they say, the road to hell oftentimes is paved with good intentions. In this case, though, let's not talk about the parties. There is a lot of blame to go around here. How about we focus on the people, the American people, who we take an oath of office and swear to serve.

Staring this Congress in the face is over 50 years of inaction and 70 million people who are impacted by this in what is the Nation's number one antipoverty program for the elderly and for our children.

Mr. Speaker, I reserve the balance of my time.

Mr. ARRINGTON. Mr. Speaker, I yield myself such time as I may consume.

My friend mentioned my seniors in west Texas. Let me tell you what they sent me here to do. They sent me here to be an advocate for them, to ensure that we have fair and just laws, to fix what is broken about Social Security but do it in a way that we don't accelerate what will be an automatic cut in less than 10 years.

By repealing the windfall that existed before 1983, you are saying you are okay with taxpayers just spending more money than they should, more money than what has been earned and owed to the seniors, and in a way that creates a vast and tremendous discrepancy and inequity between 2 million people in several States as opposed to almost 60 million across the country.

How unfair and how nearsighted and narrow-minded can we be not to consider the fact that we will have a bankrupt system and that we have future seniors who can't bank on their retirement because we want to go back to prewindfall? It doesn't make sense, Mr. Speaker.

The Democrats had control of this place from top to bottom from 2020 to

2022, and they didn't fix it. Republicans had control when I was a freshman in 2017. Let me tell the world: They didn't fix it. The only way we are going to fix it is if we come together. I agree with Mr. LARSON that there are broader provisions to look at and the system as a whole to address going forward.

You mentioned benefits. That is a great place to do it, but to suggest that we are going to go back prewindfall elimination provision and have a $2,500 additional cut in 2033 because we are not doing it the right way and responsible way and equitable way because we now have the data, I just think is egregiously irresponsible for all parties involved, including our children, who don't have much of a say in this, even though they own the deferred tax on all of these programs that are bankrupt, including Medicare.

Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. ROY).

Mr. ROY. Mr. Speaker, I rise in support of H.R. 5342, the Equal Treatment of Public Servants Act, which my friend from Texas introduced, which was modeled or introduced similarly to a bill that our fellow Texan, Kevin Brady, introduced, because it is a responsible piece of legislation designed to address a problem head-on.

Here is the problem. Everybody at home watching this needs to understand the joke. We are playing with house money yet again. We are playing with funny money. We are pretending and lying to the American people that the Social Security funds that are extracted from their checks are sitting in a lockbox, sitting in an account for them. It is not. That is a lie.

The money is taken out of your check now, and that money is then given to those people who are retiring now, those who have retired. That is the truth. It is a tax.

What happened here was we messed up because we are government. We mess up almost every single second. Government messed up, and now we are trying to fix the mess up.

In this case, my friend from Texas has introduced a bill that responsibly fixes the mess up. It actually tries to go in and say if you are a firefighter, if you are a cop, if you are a teacher and you have got the situation where you have got another job and that Social Security was taken out of your check but you are not getting the benefit of that because you have a pension, this proportional model, which is $25 billion, according to the Social Security Administration, would responsibly address it.

Now, I wish it was paid for. We don't pay for anything in this town. $25 billion at least addresses it responsibly.

What has happened, this legislation that we are voting on—the gentleman is correct—under suspension of the rules, without going to the Rules Committee, I disagree with that. It should not be being done under suspension. The reason it is being done under suspension is because a majority of people in this body discharged another bill, H.R. 82, which would spend $200 billion over 10 years to reinstate the windfall, to basically take money away from Social Security and make it be bankrupt 6 months earlier. That is what this town does.

My friend from Texas is trying to prevent that. We had to engage in political rulemaking warfare on the floor of the House, which we addressed today to try to fix it and put the genie back in the bottle, to guarantee that we would at least get a vote on this good bill instead of the disaster that is a $200 billion hole in the deficit that will bankrupt Social Security at least 6 months earlier, according to the Social Security Administration.

I thank my friend from Texas. I rise in support of it. We should not have to do this. This should have gone through the Rules Committee. We should have amended the bill. We should have a debate about it. We should pay for it. Instead, we are doing the same crap we always do. I support this bill.

Mr. ARRINGTON. Mr. Speaker, this will be budget neutral over 75 years for the trust fund, according to the actuaries, and I thank Mr. ROY for his comments.

I reserve the balance of my time.

Mr. LARSON of Connecticut. Mr. Speaker, I yield myself such time as I may consume. I have to say I do agree with Mr. ROY's last statement that what we needed to do was go through regular order and what we need is to pay for it. That is the responsible thing to do, is to pay for it.

We have a plan to not only repeal WEP and GPO but pay for it. Yes, I heard people refer to the Brady-Neal proposal, but Ranking Member NEAL has a plan also to deal with WEP that is fair and makes sense and is something that we should be embracing and including and is paid for. That is the big issue today. It is not that people's hearts aren't in the right place, and I think the gentleman from Texas understands this.

All of us are Americans. The President of the United States, Mr. Biden, has made a proposal. The incoming President, Mr. Trump, has made a proposal also. He has made a proposal to cut taxes for people on Social Security. We have that proposal in our bill, except we pay for it. That is the responsible thing to do.

What has been irresponsible is Congress not debating this in regular order and bringing it to the floor. How about doing something incredible here, actually have a vote on the Nation's number one antipoverty program for the elderly and number one antipoverty program for our children until the child tax credit is fully adopted, and is the program that more veterans rely on for disability than the VA.

This program is so admired and respected by the American people that overwhelmingly Independents, Republicans, and Democrats, all believe that it should be supported, expanded, because it hasn't been in over 50 years, and paid for.

We have a plan. We are anxiously waiting for the debate and for the discussion and the dialogue to take place here in regular order and have a vote on a plan that is comprehensive and paid for and lifts the 5 million Americans who get below-poverty-level checks from the government above the poverty level and provides people with the opportunity in every single one of our communities to get the benefits they richly deserve.

Mr. Speaker, I reserve the balance of my time.

Mr. ARRINGTON. Mr. Speaker, I yield such time as he may consume to the gentleman from Missouri (Mr. SMITH), my colleague and friend.

Mr. SMITH of Missouri. Mr. Speaker, the windfall elimination provision, or WEP as it is more commonly known, was put in place more than four decades ago to prevent workers with earnings that were exempt from Social Security payroll taxes from getting more generous treatment from Social Security than workers who spent their whole careers contributing to Social Security.

Unfortunately, WEP still results in overly generous payments for some while unfairly penalizing others.

H.R. 5342, the Equal Treatment of Public Servants Act, provides current beneficiaries affected by the WEP with an additional $100 per month and replaces the current-law WEP for future beneficiaries with a new formula that bases benefits on a worker's total career earnings.

This past year, the Ways and Means Committee has held more hearings on WEP than in any other Congress in the past 20 years and identified that the WEP formula could be replaced with a formula that provides all beneficiaries with a fair benefit based on their actual earnings using data that wasn't available when the WEP was put in place 40 years ago.

□ 1630

The bill before us today, the Equal Treatment of Public Servants Act, replaces the WEP with a new formula based on this now-available earnings data to more accurately adjust benefits.

While I have concerns with this bill's short-term costs, I commend my colleagues and the chairman of the Budget Committee, Congressman JODEY ARRINGTON, for his dedication to finding a pragmatic solution that ultimately improves the financial health of the Social Security programs over the long term.

It is vital that any solution to WEP protects the Social Security trust funds that all beneficiaries rely on. I know a very similar proposal to permanently replace the WEP used to share bipartisan support of members of the Ways and Means Committee, but, unfortunately, my Democrat colleagues abandoned this approach several years back.

I share the goals of this legislation and encourage my colleagues to work with myself and Chairman ARRINGTON to develop a permanent, bipartisan solution that permanently fixes the Windfall Elimination Provision, and the related government pension offset, while also protecting the Social Security benefits of all retirees, which could actually pass the United States Senate and become law.

Mr. ARRINGTON. Mr. Speaker, I yield myself such time as I may consume. I thank the gentleman from Missouri for his comments. I don't know that I could add anything more to what he said. We are trying to fix this inequity that exists with this subset of the retirement or Social Security beneficiary population.

I agree with Mr. LARSON that we need a broader debate on Social Security, and we had better hurry up because it will be insolvent in less than 10 years, so we need to talk about the solvency and sustainability, the entirety of the program, the pay-fors, programmatic reforms, and the benefits. All of it should be on the table.

That is why as budget chair, I passed a bipartisan fiscal commission that would look at that and also at Medicare, which is another important safety net for seniors. However, we are talking about one specific subset.

I love the gentleman's passion, and I hope that we can get thoughtful Members on both sides of the aisle, like my friend, to sit at the table and do the right, the responsible, and the mature thing and actually work on a compromise solution like Ronald Reagan and Tip O'Neill did, and I will bet the gentleman agrees with that.

However, we are not talking about the entirety of Social Security. We are talking about this subset, this subset of people affected by WEP. It is about 2 million people. I want to fix that for them. I want them to get the money they have earned, because the windfall elimination provision wasn't adequate. It didn't use good information. We still have people who are shortchanged.

We still have people getting a windfall, albeit less, when we have the ability, the wherewithal, the tools, and the data to actually fix it without just eliminating WEP and going back to where the inequity is greater than what it is today.

That is because if the public servants of my State and the gentleman's State would get more than they put into Social Security, then we accelerate the insolvency. Then we add to the cuts that will be automatic on seniors that would be $2,500 in 2033, and we give almost no peace of mind and hope for future seniors and our children and grandchildren that this important antipoverty safety net program for seniors will still be there when they need it.

Mr. Speaker, it is too easy just to throw money at every problem up here when you are borrowing from China, and you have a $2 trillion deficit that will double in 10 years. We have higher levels of indebtedness than we had when we were fighting Imperial Japan and Nazi Germany.

This country is going to go into the fiscal ditch never to come out, never to prosper, never to be offered the American promise, and never to lead the free world because we are going to bankrupt it because we don't know how to address these problems like every American does in their own household, in their businesses, and at the State and local level, and that is conducting their business within their means and not like there is a money tree at the Treasury Department where they can borrow ad infinitum. That is not reality. That is not reality.

Let's fix it. Let's do it the right way. Let's not add to the debt. Let's not add to the inequity. Let's not accelerate the trust fund insolvency.

Then let's do what the gentleman said. I agree with the gentleman. Let's be men and women who love this country and are more concerned with solving these big problems than staying up here and being called Congressman and chairman. Let's do the people's business. I am ready. I am ready.

This is a very finite subset, and we have the solution. It is not perfect, but it balances the things that need to be balanced like these folks up there would at their homes and like my parents have to do back home in Plainview, Texas.

Taxpayers deserve a voice as much as seniors, and my children deserve a voice as much as taxpayers. That is what we are trying to do here.

I hope we can get my friend's support. I feel like that is about as compelling a pitch I can make. I think JOHN LARSON ought to come over and fix this the right way with me, then let's get that fiscal commission going, get our President to lean into this and do the Reagan-Tip O'Neill grand bargain so we can actually solve the bigger and broader issues that plague Social Security.

Mr. Speaker, I reserve the balance of my time.

Mr. LARSON of Connecticut. Mr. Speaker, I have no further speakers, and I yield myself the balance of my time to close.

I think you gave a very impassioned plea, but I think we have to dispense with we are throwing money at the problem. This is money that people have paid weekly, biweekly, and monthly out of their paychecks.

We are not talking about just 2 million people with regard to WEP. We are talking about 70 million Americans. They understand this program.

Frankly, it doesn't need to be studied. It needs to be voted on.

Where is the plan on your side?

We have a plan, and God only knows that plan should be subject to debate and discussion, but the plan is to enhance Social Security, not to cut it, so that people who are currently struggling, people now, today, not waiting for a study, but as we speak are getting below poverty-level checks.

You stand there and tell me we are throwing money at them?

They didn't think it was throwing money when we were paying the money out of their paycheck and they put their trust and confidence in the United States of America to return to them a benefit that has been the number one antipoverty program for the country.

I don't care what party you are in or who you are, you understand what Social Security has meant to you. Social Security is the safety net for capitalism. It is what allows entrepreneurialism to succeed, for people to take risks, and if they fail unintentionally or otherwise, people are disadvantaged or out of work, they are protected. We learned that lesson after the Great Depression.

If you think it can't happen again, it can. In 2008 and 2009, people saw their 401(k) become a 101(k), and during that time, that trust fund never missed a payment, not a pension payment, not a disability payment, and not a spousal or child payment.

What it needs is Congress to act and Congress to vote. Congress is going to go one of two ways. They are either going to enhance the benefit and say: Hey, do you know what? This hasn't been adjusted in over 53 years, and we recognize we have the responsibility to do that, but we haven't acted, and we haven't voted.

Both sides haven't acted.

However, now is the time for us to act and to vote and put a plan in front of people so that they get the opportunity to choose.

Have you got a better plan?

We have got one. We have got one that expands benefits and is paid for. We actually have the temerity to ask people who pay nothing to actually contribute to Social Security just like they do to this great military that we have in this Nation. People don't go out and buy their own tanks and their own F–35s. It is long overdue that people in this country all contribute their fair share to the process. This is the safety net for capitalism and entrepreneurialism in order for us to survive. Every single district—every district—is benefited by it. It is an economic development plan.

How do you explain it to people?

How can you look them in the eye and say: I am sorry we couldn't do anything for you, even though your districts all receive over $200 million, and yet we haven't done anything to enhance that?

These were suggestions that they take less while they are living longer?

Where do they spend that money?

They spend that money right back in your district at the local pharmacy, at the grocery store, paying their rent and mortgages, and at the dry cleaners. It all goes back to the American people and allows our economy to flourish.

The brilliance of Franklin Delano Roosevelt is still with us today. It is obstinate of Congress to not vote to enhance people's benefits in more than 50 years.

Ask anyone in your district: Have things changed for them since 1971? Could they use a little help from their Congress?

How many do you think even understand there is a cap on Social Security?

Are we proposing that we lift the cap on people making over $400,000 and that they actually would have to pay the same thing as someone who is making $30, $50, and $100,000?

They all pay.

Isn't that the fair thing to do in the country so that all of your constituents and mine and all 435 Members of this body can make sure that we are taking care of the people whom we are sworn to serve, especially those who are already retired, those who are there now?

While I respect the intention of the gentleman, 14 million people's benefits get cut under your proposal—14 million. That is not acceptable.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. Members are reminded to direct their comments to the Chair.

Mr. ARRINGTON. Mr. Speaker, only in Washington, D.C., and, unfortunately—I respect my Democrat colleague and many of my Democrat colleagues—only from the Democrat side of the aisle could I hear that paying above and beyond what we defined as an earned benefit and has now become a windfall for 2 million people at the expense of 60 million people who don't receive the same benefit so that we can give people equal treatment and not accelerate the insolvency, only in this town could I hear that as a solution. That is not a solution. It is a bad plan. Let's have the broader debate about Social Security, which is what the gentleman is suggesting, but let's fix this.

Mr. Speaker, I yield back the balance of my time.

□ 1645

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. ARRINGTON) that the House suspend the rules and pass the bill, H.R. 5342.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. ARRINGTON. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this motion will be postponed.

SOCIAL SECURITY FAIRNESS ACT OF 2023

Mr. SMITH of Missouri. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 82) to amend title II of the Social Security Act to repeal the Government pension offset and windfall elimination provisions.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 82

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Social Security Fairness Act of 2023''.

SEC. 2. REPEAL OF GOVERNMENT PENSION OFFSET PROVISION.

(a) IN GENERAL.—Section 202(k) of the Social Security Act (42 U.S.C. 402(k)) is amended by striking paragraph (5).

(b) CONFORMING AMENDMENTS.—

(1) Section 202(b)(2) of the Social Security Act (42 U.S.C. 402(b)(2)) is amended by striking ''subsections (k)(5) and (q)'' and inserting ''subsection (q)''.

(2) Section 202(c)(2) of such Act (42 U.S.C. 402(c)(2)) is amended by striking ''subsections (k)(5) and (q)'' and inserting ''subsection (q)''.

(3) Section 202(e)(2)(A) of such Act (42 U.S.C. 402(e)(2)(A)) is amended by striking ''subsection (k)(5), subsection (q),'' and inserting ''subsection (q)''.

(4) Section 202(f)(2)(A) of such Act (42 U.S.C. 402(f)(2)(A)) is amended by striking ''subsection (k)(5), subsection (q)'' and inserting ''subsection (q)''.

SEC. 3. REPEAL OF WINDFALL ELIMINATION PROVISIONS.

(a) IN GENERAL.—Section 215 of the Social Security Act (42 U.S.C. 415) is amended—

(1) in subsection (a), by striking paragraph (7);

(2) in subsection (d), by striking paragraph (3); and

(3) in subsection (f), by striking paragraph (9).

(b) CONFORMING AMENDMENTS.—Subsections (e)(2) and (f)(2) of section 202 of such Act (42 U.S.C. 402) are each amended by striking ''section 215(f)(5), 215(f)(6), or 215(f)(9)(B)'' in subparagraphs (C) and (D)(i) and inserting ''paragraph (5) or (6) of section 215(f)''.

SEC. 4. EFFECTIVE DATE.

The amendments made by this Act shall apply with respect to monthly insurance benefits payable under title II of the Social Security Act for months after December 2023. Notwithstanding section 215(f) of the Social Security Act, the Commissioner of Social Security shall adjust primary insurance amounts to the extent necessary to take into account the amendments made by section 3.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Missouri (Mr. SMITH) and the gentleman from Connecticut (Mr. LARSON) each will control 20 minutes.

The Chair recognizes the gentleman from Missouri.

GENERAL LEAVE

Mr. SMITH of Missouri. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. SMITH of Missouri. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise to speak on H.R. 82, the Social Security Fairness Act of 2023, which fully repeals Social Security's windfall elimination provision and government pension offset.

The WEP and GPO are two Social Security policies that adjust benefits for workers who receive a pension from jobs that were exempt from Social Security payroll taxes, frequently police officers, firefighters, teachers, and other public servants. These two provisions affect around 4 percent of all Social Security beneficiaries, more than 60 percent of whom are concentrated in 10 States.

These two policies were put in place more than four decades ago to prevent workers with earnings that were exempt from Social Security payroll taxes from getting more generous treatment from Social Security than workers who spent their whole careers contributing to Social Security. Unfortunately, these policies still result in overly generous benefits for some while unfairly penalizing others.

This Congress, the Ways and Means Committee has held more hearings on WEP and GPO than any other Congress over the past 20 years.

At our first hearing, held at a fire station in Baton Rouge, Louisiana, we heard directly from American retirees who have been affected by these flawed provisions, which took most of them completely by surprise.

At our second hearing, we identified that there are alternatives to the current WEP and GPO formulas, using data which wasn't available when those two provisions were put in place 40 years ago, which would provide all beneficiaries with a fair benefit based on their actual earnings.

Mr. Speaker, while the Social Security Fairness Act repeals the flawed WEP and GPO, it is far from being a perfect solution and does nothing to replace them with a fair formula.

Unfortunately, without a replacement, this bill is projected to cost Social Security almost $200 billion over the next 10 years and expedite Social Security's insolvency by about 6 months. When that happens, it is projected that all beneficiaries, not just those affected by the WEP and GPO, will receive a 20 to 25 percent benefit cut.

The WEP and GPO are flawed, but they were put in place for a reason: to try to fairly account for workers holding jobs both outside and inside the Social Security system.

I think everyone agrees they have done an imperfect job in treating all workers fairly, and that is certainly something we need to fix. However, to get rid of them without a replacement potentially trades unfair treatment for preferential treatment.

Like many of the Members who support this legislation, I share the goal of providing real relief to those who are harmed by these unfair Washington rules, which is why it is unfortunate that this legislation had to come to the floor this way. I would have much rather had a bipartisan solution that came