



NATIONAL FRATERNAL ORDER OF POLICE®

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PATRICK YOES
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3 December 2019

The Honorable Douglas L. LaMalfa
U.S. House of Representatives
Washington, D.C. 20515

The Honorable Thomas M. McClintock II
U.S. House of Representatives
Washington, D.C. 20515

The Honorable Devin G. Nunes
U.S. House of Representatives
Washington, D.C. 20515

The Honorable Katherine M. Porter
U.S. House of Representatives
Washington, D.C. 20515

The Honorable J. Luis Correa
U.S. House of Representatives
Washington, D.C. 20515

Dear Representatives LaMalfa, McClintock, Nunes, Porter and Correa,

I am writing on behalf of the membership of the Fraternal Order of Police to respectfully request that you join the other 46 Members of the California Congressional delegation and cosponsor H.R. 141, the "Social Security Fairness Act." This legislation, which would repeal the Windfall Elimination Provision (WEP) and Government Pension Offset (GPO), is incredibly important to the law enforcement officers and other public employees in California.

This is an issue of fairness to public employees. When the WEP was enacted in 1983, its stated purpose was to remove a "windfall" for persons who spent some time in jobs not covered by Social Security and who also worked other jobs where they paid Social Security taxes long enough to qualify for a Social Security benefit. This provision has created a very real inequity for many public employees, particularly law enforcement officers, who retire earlier than other government employees and often begin second careers which require them to pay into the Social Security system. Law enforcement officers who had second careers face as much as a 60% cut to the Social Security benefits. This is a reduction of a benefit to which they are entitled because they paid into the system—not an adjustment for a "windfall."

Similarly, the GPO offsets the Social Security benefit to which a surviving spouse is entitled by two-thirds of the monthly amount of any government pension that they might receive. For example, the widow of a retired law enforcement officer who collected a survivor's government pension benefit of \$1,200 would be *ineligible* to collect the Social Security survivor's benefit of \$600. Two-thirds of \$1,200 is \$800, which is greater than the spouse's benefit of \$600 and thus making her unable to collect it. If the spouse's benefit was \$900, she would collect only \$100, because \$800 would be "offset" by the government pension. Again, the FOP believes this is a matter of fairness and that the offset scheme currently in place penalizes those employees least

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able to afford it. Law enforcement officers are especially affected because, like most public employees in California, are not part of the Social Security system.

Ultimately, the "Social Security Fairness Act" is about fairness to California public employees who served their communities—local governments which chose decades ago to construct a retirement system separate from Social Security Act. However, when these public employees earn a Social Security benefit through other work, they should receive that benefit in full without being penalized because of their public service.

On behalf of the more than 349,000 members of the Fraternal Order of Police, I thank you all for considering our views on this important issue. If I can be of any help, please do not hesitate to contact me or my Executive Director Jim Pasco in my Washington office.

Sincerely,

A handwritten signature in black ink, appearing to read "H. O'Rourke". The signature is stylized with a large, sweeping initial "H" and a long, horizontal flourish extending to the right.

National President