



# NATIONAL FRATERNAL ORDER OF POLICE

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22 April 2022

The Honorable Ben Ray Luján  
United States Senate  
Washington, D.C. 20510

Dear Senator Luján,

I am writing on behalf of the membership of the Fraternal Order of Police to ask that you once again cosponsor S. 1302, the “Social Security Fairness Act,” which you cosponsored last Congress as a member of the House of Representatives.

This bipartisan legislation has the support of 39 Members of the Senate, and 269 Members of the House support the companion bill, H.R. 82. The bill would repeal the Windfall Elimination Provision (WEP) and Government Pension Offset (GPO) in current Social Security law, two provisions of the Social Security Act that unfairly reduce or eliminate the Social Security benefits for millions of Americans who have devoted much of their careers to public service. We hope that you will once again demonstrate your support for law enforcement by once again cosponsoring the “Social Security Fairness Act.”

We believe that this is an issue of fairness. 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 retirement benefits. 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 their 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 government pension 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, 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 able to afford it. Law

enforcement officers are especially affected because, like many public employees, a significant number of officers are not part of the Social Security system.

Ultimately, the "Social Security Fairness Act" is about fairness to public employees who served their communities. 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. We hope you agree and will cosponsor this legislation once again.

On behalf of the more than 364,000 members of the Fraternal Order of Police, I thank you for your consideration of our request that you cosponsor S. 1302. If I can provide any additional information on this issue, please do not hesitate to contact me or Executive Director Jim Pasco in our Washington, D.C. office.

Sincerely,

A handwritten signature in black ink, appearing to read "Patrick Yoes", with a stylized flourish extending to the right.

Patrick Yoes  
National President