



NATIONAL FRATERNAL ORDER OF POLICE®

328 MASSACHUSETTS AVE., N.E.
WASHINGTON, DC 20002

PATRICK YOES
NATIONAL PRESIDENT

JIM PASCO
EXECUTIVE DIRECTOR

4 June 2023

The Honorable Joseph Manchin III
United States Senate
Washington, D.C. 20510

The Honorable Shelley Moore Capito
United States Senate
Washington, D.C. 20510

Dear Senators Manchin and Capito,

I am writing on behalf of the members of the Fraternal Order of Police in West Virginia and in every region of the country to ask that you both cosponsor S. 597, the “Social Security Fairness Act.” This legislation is a top priority of the FOP.

This bipartisan legislation has the support of more than 320 Members of the House and 56 Members of the Senate, making it one of the most widely supported bills in the 118th Congress. The legislation 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 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 that require them to pay into the Social Security system. Law enforcement officers who have 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.” We estimate that approximately 6,300 public employees in West Virginia are impacted by the WEP.

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. Of the 1,618 West Virginians impacted by the GPO, 1,024 will receive no benefit at all because it is completely offset by other survivor benefits.

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. A majority of the Senate shares this view.

On behalf of the more than 373,000 members of the Fraternal Order of Police, I hope that you will cosponsor this bill. If I can be of any help or provide additional information about this legislation, 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 at the end.

Patrick Yoes
National President

cc: Darren McNell, President, West Virginia State Lodge
Stephen Walker, National Trustee, West Virginia State Lodge