



NATIONAL ASSOCIATION OF POLICE ORGANIZATIONS, INC.

Representing America's Finest

U. S. HOUSE OF REPRESENTATIVES COMMITTEE ON WAYS AND MEANS *Subcommittee on Social Security*

**Statement of Michael McHale on behalf of the
National Association of Police Organizations**
317 S. Patrick Street, Alexandria, Virginia 22314

"Social Security's Disservice to Public Servants: How the Windfall Elimination Provision and Government Pension Offset Mistreat Government Workers."

November 20, 2023

Chairman Ferguson, Ranking Member Larson, and distinguished members of the Subcommittee, my name is Michael McHale, and I am proud to serve as President of the National Association of Police Organizations (NAPO). I am submitting this statement today on behalf of NAPO, representing over 241,000 active and retired law enforcement officers throughout the United States. NAPO is a coalition of over 1,000 police unions and associations from across the nation, which was organized for the purpose of advancing the interests of America's law enforcement officers through legislative advocacy, political action, and education.

I want to thank the Chairman for holding this important hearing and recognizing the adverse effect the Government Pension Offset (GPO) and the Windfall Elimination Provision (WEP) have on public employees.

Since 1935, state and local government employees have been deliberately excluded by Congress from mandatory participation in Social Security for two reasons: a Constitutional concern over whether the federal government could impose a tax on state governments; and because many state and local employees were already protected by public pension plans. Today, there are about 6.5 million such employees in the state and local workforce – including 76 percent of public safety officers.

As public safety officers often retire under job related disability, many state and local governments have opted to keep their employees in adequate pre-existing pension systems. While intended to be a "leveling" response, the GPO and WEP disproportionately harm our nation's public safety officers, who due to their profession, are not covered by Social Security. But it is not just public safety officers impacted by these provisions: nearly 3 million public servants are impacted by the GPO and/or WEP.

The GPO reduces public employees' Social Security spousal or survivor benefit by two-thirds of their public pension. This has a detrimental effect on a law enforcement officer's retirement. If a spouse who paid into Social Security dies, the surviving public safety officer would normally be eligible for half of the deceased's benefit. However, if the surviving law enforcement officer had not been paying into Social Security while working, the GPO requires that this amount be offset by two-thirds of the survivor's pension, eliminating most or all the payment. If these officers had not chosen to serve their communities, they would receive the full allotment of the spouse's benefit.

In addition to the GPO, public safety employees are also adversely affected by the WEP. Although most law enforcement officers retire after a specific length of service, usually while in their early to mid-fifties, many look for new opportunities. Many take jobs in Social Security covered positions in the private sector that allow them to put their skills and experience to good use. Yet, when they retire from a non-Social Security paying job and move to one that does pay into Social Security, they are penalized by WEP. Instead of receiving their rightfully earned Social Security retirement benefit, their pension heavily offsets it, thus vastly reducing the amount they receive.

The WEP causes hard-working public safety officers to lose the benefits they earned themselves, thus punishing those who selflessly serve and protect our communities. The GPO and WEP unfairly penalize officers for choosing a public service profession that mandates early retirement by taking away hard-earned, and much needed benefits.

This issue is more than a retirement issue; it is a public safety issue. Not only do the GPO and WEP impact individual public safety officers and their families, but they also impact the public safety profession. The GPO and WEP discourage talented people from entering or staying in the public safety profession. Individuals who worked in other careers are less likely to want to become police officers or firefighters if doing so will mean a loss of earned Social Security benefits. Additionally, non-Social Security states are finding it difficult to attract quality law enforcement officers as more people learn about the GPO and WEP.

The loss of income caused by the GPO and WEP is a financial strain on law enforcement officers and their families; a strain that those who spent their careers on the front lines protecting our nation's communities do not need. By significantly scaling back and reducing retirement pensions for law enforcement officers – as the GPO and WEP do – officers and their families are provided much less protection against financial difficulties. This is no way to honor those who chose to serve our nation and its communities

The Social Security Fairness Act, H.R. 82, which would fully repeal both the GPO and WEP, currently has 300 bipartisan cosponsors and that number will continue to grow. Now is the time for Congress to act to preserve the retirement security of those who selflessly serve and protect our communities and pass H.R. 82.

We look forward to working with the Committee to remedy the arbitrary and unwarranted penalties faced by retired law enforcement officers and their families. Thank you for your time and consideration of this important issue.