Advocating Excellence in Public Service

1. Congress should pass all appropriations bills in a timely manner.
2. Congress should restore the practice of evaluating civil service pay adjustments for both General Schedule and Wage Grade employees on a yearly basis and protect federal employees' health and retirement benefits.
3. Congress should preserve due process for all federal employees.
4. Congress should allow Federal Employees Retirement System (FERS) employees to make deposits for non-deduction federal service performed, in the same manner as Civil Service Retirement System (CSRS) employees and former military personnel.
5. Congress should conduct constructive, bipartisan oversight of OMB's agency reorganization plans and ensure agencies have the resources and workforce to accomplish their missions.
6. Congress should pass legislation to establish and fund initial and ongoing mandatory training requirements for all managers and supervisors across the federal government, and provide for a dual-track system to allow technical experts to rise without taking on management roles.
7. Congress should authorize capital investments across the federal government to restore and/or modernize facilities to meet their operational needs.
8. Congress should support combat zone tax parity for federal employees.
9. Congress should pass legislation to allow federal agencies the flexibility to extend the probationary period for employees entering the civil service to two years from date of hire.
10. Congress should take affirmative steps to protect seniors from undue increases to Medicare Part B Premiums and deductibles.
11. Congress should allow federal employees who serve in the military Reserves the ability to enroll in TRICARE Reserve Select.
12. Congress should pass legislation to repeal or mitigate the Government Pension Offset (GPO) and the Windfall Elimination Provision (WEP).
13. Congress should invest in mitigating cybersecurity vulnerabilities stemming from the 2015 OPM data breach and provide for lifetime coverage for victims of those cyberattacks.

1. PROVIDE AGENCY FUNDING REFLECTIVE OF MISSION IN A TIMELY FASHION

Congress should provide adequate funding in a timely manner to allow agencies to procure the resources and staffing levels necessary to execute their missions.

- **Continuing resolutions and government shutdowns cost all American taxpayers and hamstring managers**
- **They force agencies to focus on short-term operations rather than long-term goals because they are unable to obtain the resources and staffing required that only comes through traditional appropriations.**
- **FMA implores Congress to stop using the appropriations process and government shutdowns as political tools, and fund the government in a timely, steady fashion.**

If Congress is sincere in its commitment to provide American taxpayers with federal services in an efficient and cost-effective manner, lawmakers must navigate the annual appropriations process in a timely fashion. Federal agencies are unable to provide managers and supervisors the resources necessary to achieve their missions when Congress delays passage of comprehensive spending bills.

Enormous stress is placed on federal programs when continuing resolutions, instead of traditional appropriations measures, are used to fund operations. Agencies are handcuffed from obtaining the necessary resources required to handle rising workloads. Budget uncertainty forces managers and supervisors to focus more on short-term operations and less on their core missions, impeding efficiency and ultimately costing the government and American taxpayers significantly more money in the long run. It results in egregious costs and wastes, and it takes significant time and resources for agencies to prepare for and recover from a shutdown.

The overreliance on continuing resolutions and shutdowns severely inhibit agencies' abilities to anticipate funding levels and allocate resources in an effective fashion to boost productivity and the delivery of services. Providing agencies with timely and adequate budgets is the only course of action to prevent these avoidable challenges.

And the impact is debilitating before, during and after a lapse in funding. The 16-day shutdown in 2013 cost nearly $24 billion. Preliminary numbers suggest the 35-day partial government shutdown of 2018-19 cost more than $11 billion.

We at FMA commend Congress and President Trump for taking immediate steps in the first days of the 116th Congress for respectively passing and signing the bipartisan Government Employee Fair Treatment Act of 2019 (S. 24) into law. This bill ensures federal employees are paid for work performed or missed due to the shutdown related furloughs.

2. RETURN TO ANNUAL CALCULATION OF CIVIL SERVICE PAY ADJUSTMENTS AND PROTECT BENEFITS

To attract and retain the best and brightest to public service, Congress must stabilize the pay and benefits structure of federal employees.

- **Congress must prevent the across-the-board pay freeze in 2019.**
- **Rising salaries and budgets of the public sector are not the cause of economic hardships in this country, rather, federal employees contribute more than their fair share of taxes paid despite making up less than two percent of the country's workforce.**
- **FMA is against any arbitrary cut by Congress to the federal pay and benefits structure, which greatly affects feds morale and competitiveness with the private sector.**

On Friday, December 28, 2018, President Donald Trump issued an executive order calling for a freeze of federal employees' pay in Fiscal Year 2019. Though the president called for a freeze in February, Congress had reached an agreement in October to provide feds with an across-the-board 1.9 percent pay raise that did not come to fruition.

Federal managers, and indeed all feds, deserve to be treated with respect for their efforts and the work they have performed over many years. Every job they hold and perform daily is because of a congressional mandate. It is not too much to ask that, in return, feds be given the ability to maintain a living wage that keeps up with inflation and that provides for them and their families. On January 4, 2019, President Trump said wage growth in the United States is up 3.4 percent. In November, the BBC reported U.S. wage growth is at a nine-year high. It is difficult to understand why federal employees should be singled out for a pay freeze.

Early in the 116th Congress, the House of Representatives passed legislation including a 1.9 percent pay raise for all federal employees. Legislation was also introduced to provide a 2.6 percent raise (H.R. 790 / S. 262). In February 2019, Congress agreed to the 1.9 percent pay raise for 2019. As work on appropriations for 2020, FMA urges Congress to compensate federal employees fairly, show our country that they are valued, and ensure our institutions are able to execute their respective missions.

Since 2011, federal employees contributed more than $200 billion to deficit reduction, despite making up less than one percent of the nation's population. In recent years, Congress targeted the pensions of new hires as a means to rein in spending, increasing employees' contributions without improving upon pension benefits or increasing the government's contribution. More troubling are proposals to change retirement benefits for existing employees and retirees, as included in President Trump's FY 2019 budget request. This would amount to nothing more than a broken promise, and a tax on federal employees and annuitants and must not be considered.

Decreases to take-home pay negatively impacts recruitment and retention of dedicated men and women in public service and further deteriorates morale. FMA members will continue to do their part to help our country restore its financial standing, but steps to reduce spending should not be unduly carried by civil servants.

3. PROTECT DUE PROCESS FOR ALL FEDERAL EMPLOYEES

To prevent a return to the spoils system, Congress must not eliminate or erode due process for federal employees.

- **Any infringement, limitation or elimination of due process puts employees in the unjust position of possibly losing their job without proper cause, creates a strained relationship between labor and management, and makes federal positions less competitive.**
- **FMA opposes legislation that would eliminate or erode the right to due process.**

A federal employee's right to due process is fundamental and constitutional, and Congress must not take steps to eliminate or erode this right. In *Cleveland Board of Education v. Loudermill*, 470 U.S. 532 (1985), the Supreme Court held that the Constitution guarantees that if there must be a cause to remove a public employee from his or her job, then there is automatically a due process requirement to establish that the cause has been met.

Regrettably, the Department of Veterans Affairs Accountability and Whistleblower Protection Act of 2017 (P.L. 115-41), signed into law in June 2017, has significantly eroded due process and appeals rights for all federal employees in that department. The legislation dramatically reduces an employee's ability to appeal a decision that would deprive that employee of their job and salary. Preventing an employee from understanding charges against them or preparing a meaningful defense undermines an employee's due process and is wrong. At the same time, limiting the number of days to process an action may result in findings of legal insufficiency and no action being taken, rather than taking the necessary time to resolve any documentary issues. Many in Congress are working to extend the same attacks on due process across the federal government, and President Trump called for it in his State of the Union address on January 30, 2018.

This does not mean every employee should be retained. As with any population, there may be good and bad employees, and employees who are not suited for the position they occupy. Managers have an obligation to ensure that employees are terminated for the right reasons: unacceptable conduct or performance that cannot be corrected in another way.

The current system, as written in statute, is not broken. However, it is not always being used as it was intended. Current statute only requires a minimum 30-day notice period from the date the proposal to remove or demote is issued to the employee until the effective date of action. This is not an unreasonable period of time to decide whether or not to terminate an individual's employment. According to the Merit Systems Protection Board, more than 77,000 full-time, permanent, federal employees were terminated as a result of performance or conduct issues between Fiscal Year 2000 and FY 2014. FMA opposes legislative efforts to arbitrarily reduce or eliminate due process for federal employees across the government.

4. ALLOW ALL FEDS TO MAKE DEPOSITS FOR NON-DEDUCTION SERVICE

Congress should allow Federal Employees Retirement System (FERS) employees to make deposits for non-deduction service performed, in the same manner as Civil Service Retirement System (CSRS) employees and former military personnel.

- **Currently, a Federal Employee Retirement System (FERS) employee can make a deposit for non-deduction service performed before January 1, 1989, and receive credit toward his or her annuity computation, yet non-deduction service performed on or after January 1, 1989, generally is not creditable under FERS for any purpose.**
- **FMA encourages legislation to correct this inequality and allow FERS, FERS-Revised Annuity Employee (RAE), and FERS-Further Reduced Annuity Employee (FRAE) employees to make deposits for non-deduction service performed in the same manner as CSRS employees.**

Under the Civil Service Retirement System (CSRS), non-deduction civilian service performed after September 30, 1982, is creditable for retirement annuity computation purposes, other than average salary, only if the employee pays a deposit for that service. Service on or before September 30, 1982, is creditable for annuity computation without a deposit; however, 10 percent of the deposit owed will be permanently deducted from the annual annuity.

Currently, a Federal Employee Retirement System (FERS) employee may make a deposit for non-deduction service performed before January 1, 1989, and receive credit toward his or her annuity computation; however, non-deduction service performed on or after January 1, 1989, generally is not creditable under FERS for any purpose.

In the 115th Congress, Representatives Derek Kilmer (D-WA) and Walter B. Jones (R-NC) introduced bipartisan legislation (H.R. 5389) that would have allowed current employees to buy back years served as temporary employees to credit toward their retirement. The legislation, which gained 16 additional cosponsors, would require the employee to cover the employee contribution of 1.3 percent of base pay for each year, plus interest, and the government's contribution (over 15% of base pay). The bill would also require OPM to notify HR professionals to promulgate regulations and to notify eligible employees.

FMA urges Congress to introduce and pass similar legislation in the 116th Congress.

5. AGENCY REORGANIZATION OVERSIGHT

Congress should conduct constructive, bipartisan oversight of OMB's agency reorganization plans and ensure agencies have the resources and workforce to accomplish their missions.

- **FMA urges Congress to exercise bipartisan oversight of agency reorganization plans.**
- **FMA supports policies that promote good and efficient government practices, but must ensure that agencies and stakeholders have a seat at the table, with clear communication about making government more effective.**

On April 12, 2017, Office of Management and Budget (OMB) Director Mick Mulvaney released a memo, M-17-22, titled "Comprehensive Plan for Reforming the Federal Government and Reducing the Federal Civilian Workforce." The memo required all agencies to submit reorganization plans, culminating in the release of a document, "Delivering Government Solutions in the 21st Century: Reform Plan and Reorganization Recommendations,"[1] in June 2018.

With a motto of *advocating excellence in public service*, FMA fully supports the notion of making the federal government as efficient and effective as possible. Change can be necessary and good, including when it comes to civil service reform. There are certainly areas ripe for reform, including reducing redundancies, consolidating data centers and expanding shared services. The General Schedule is 70 years old and the Civil Service Reform Act is 40 years old. At the same time, any book on leadership stresses organizations must be open, honest and transparent to help promote a healthy workplace culture, build trust, and improve employee engagement. Some agencies were more up front than others. For example, the Department of Veterans Affairs announced in September 2017 its plans to reduce its human resources function by half in the coming years, moving employees to other positions around the department.

In order for any reorganization to be successful, especially on such a broad magnitude as the federal workforce, OMB and the administration must cooperate and work together with legislators toward a mutual goal. Congress, particularly the House Committee on Oversight and Reform and the Senate Homeland Security and Governmental Affairs Committee, has jurisdiction over the federal workforce and the proposed agency reorganization plans offered by the administration. FMA urges Congress to continue to exercise bipartisan oversight of all reorganization plans, particularly as they impact current employees, recruitment and retention, and how reorganization may impact agency missions and services Americans rely on.

[1] https://www.whitehouse.gov/wp-content/uploads/2018/06/Government-Reform-and-Reorg-Plan.pdf

6. MANDATE AND FUND FEDERAL SUPERVISORY TRAINING PROGRAMS

Congress should pass legislation establishing initial and ongoing mandatory training requirements for all managers and supervisors across the federal government.

- **Current law allows managerial training throughout the federal workforce to be among the first to be eliminated when facing a lean budget.**
- **Studies show that many federal employees are promoted to managerial positions based on their technical performance and lack the soft, managerial skills needed for their expanded positions.**
- **FMA calls for legislation establishing mandatory training programs across the federal workforce focusing on certain aspects such as management topics, including mentorship, career development, prohibited personnel practices, and collective bargaining rights.**

Current law requires agencies to establish training programs for managers and supervisors focusing on how to address poor performing employees, enhance mentoring skills and conduct accurate performance appraisals. However, there is no requirement for managers to participate in these training programs, and when budgets are tight these discretionary programs are often the first to see their funding cut.

Studies have shown that agencies often promote individuals to managerial status based on technical prowess, but then fail to develop their supervisory and leadership skills. In doing so, agencies severely jeopardize their capability to achieve their missions. The development of managerial skills is one of the greatest investments an agency can make, both in terms of productivity gains and the retention of valuable employees. Following the scandal within the Department of Veterans Affairs (VA) that brought to light falsified patient wait times and improper care, it was noted that if managers better knew how to address poor performers and encourage efficiency and effectiveness throughout the VA, many of those problems could have been avoided.

An agency's ability to meet its mission directly correlates to the quality of workforce management. There is a clear need for training if a manager is to be fully successful. Too often, if an agency promotes an individual to managerial status based on technical prowess, but then fails to develop the individual's supervisory skills, that agency then severely jeopardizes its capability to deliver the level of service the American public expects and does a disservice to both the manager and to the employees supervised by that inadequately developed manager.

FMA endorsed legislation introduced in the 112th Congress, H.R. 1492/S. 790, requiring agencies to provide supervisors with training on various management topics, including mentorship, career development, prohibited personnel practices, and collective bargaining rights. More recently, FMA endorsed the Federal Supervisor Training Act of 2016 (S. 3528), offered by Sen. Heidi Heitkamp in the 114th Congress, which included a dual-track system to allow technical experts to advance in their careers without taking on managerial or supervisory roles. FMA urges Congress to introduce and approve similar legislation in the 116th Congress.

7. PROVIDE CAPITAL INVESTMENTS TO RESTORE AND MODERNIZE FACILITIES

Congress should authorize capital investments across the federal government to restore and modernize facilities to meet operational needs.

- **Facilities and infrastructure across the government are in dire need of significant restoration and modernization, and many are not meeting operational needs.**
- **FMA urges Congress to appropriate the necessary resources and funds to facilities and infrastructure across the country.**

The four public shipyards perform prodigious work to maintain the fleet that helps keep our country safe. Unfortunately, all four of them are in "poor condition," and are not meeting the Navy's operational needs. GAO Report GAO-17-548[2], released in September 2017, details many of the infrastructure issues, and it is certainly not only the shipyards that face challenges. For example, Fleet Readiness Center (FRC) East in Cherry Point, North Carolina, had a burst water main under a hangar which caused a floor bulge preventing aircraft from being maintained there.

The costs of upgrading, restoring and modernizing facilities and infrastructure run in the billions. The Navy currently estimates $21 billion over twenty years for dry dock investment, facilities layout and optimization investment, and capital equipment investment at the shipyards. Repairing aging and damaged facilities within the Air Force command and Marine Corps may be costly, as well. However, the costs of not making these investments will undoubtedly be much greater, including higher labor and materials costs for re-work. We applaud the work of the House Armed Services Committee for directing a comprehensive report on shipyard shortfalls and how they impact military readiness.

It is important to note that restoration and modernization, including information technology, are issues that apply to agencies across the federal government, including the Social Security Administration, the Internal Revenue Service, and others.

As the frontline managers who work in these aging facilities and strive every day to complete our agencies' missions, FMA urges Congress to make necessary investments in facilities and infrastructure at the four public shipyards and across the government.

[2] https://www.gao.gov/products/GAO-17-548

8. SUPPORT TAX PARITY FOR CIVILIANS WORKING IN COMBAT ZONES

Congress should pass legislation that provides the same tax benefits to federal civilian employees serving in combat zones as those given to military personnel and contractors.

- **Federal employees should receive similar tax breaks to the military personnel and federal contractors who feds work alongside in combat zones.**
- **With up to 5,000 feds working in combat zones at any one time, FMA urges members of Congress to reintroduce the Federal Employee Combat Zone Tax Parity Act, a bipartisan measure granting civilian federal employees similar tax benefits as their uniformed and contracted counterparts.**

Currently, military personnel and federal contractors serving in combat zones such as Afghanistan receive tax exemptions on their base pay. The moment service members step into a combat zone, they no longer pay federal taxes. Federal contractors also receive substantial tax breaks through the foreign earned income tax exclusion.

While FMA applauds and agrees with the policy for military personnel, it is important to create parity for federal civilian employees so they are eligible for these tax exemptions when voluntarily serving in a danger zone. Reports have stated that approximately 5,000 civilians are working in combat zones around the world at any given time. Thousands of them are serving alongside members of the Armed Forces as firefighters, depot maintenance and repair workers, and in other support positions on the ground abroad.

Civilian employees do not receive any kind of tax benefit while serving in combat zones. Rather, they are sometimes provided "post differential" and "danger" pay, but this is not guaranteed. In the 115th Congress, Congressman Rob Wittman (R-VA) introduced the Federal Employee Combat Zone Tax Parity Act (H.R. 2929), bipartisan legislation to afford civilians the same tax benefits as their military and contracted counterparts. We at FMA urge Congress to reintroduce and pass this legislation in the current session.

9. ALLOW AGENCIES TO EXTEND THE PROBATIONARY PERIOD

Congress should pass legislation to allow federal agencies the flexibility to extend the probationary period for employees entering the civil service to two years from date of hire.

- **Many of the jobs that exist within the federal workforce require specialized, technical training that continues past the current one-year probationary period.**
- **This puts federal managers in a tenuous position of assessing employees' abilities often when they have only been in the position for a few weeks or have not started in the position at all.**
- **FMA urges Congress to extend the probationary period to two years from date of hire to empower managers to make a decision on their employees with more information at their disposal.**

Many federal agencies employ labor forces requiring specialized, technical skills to carry out their duties. New employees must often master broad and complex procedures and policies to meet their agencies' missions, necessitating several months of formal training followed by long periods of on-the-job instruction. To ensure each manager and supervisor oversees a workforce that exhibits the abilities required to execute its objectives, lawmakers must afford federal agencies the latitude to extend the probationary period beyond the current length of only one year.

In occupations where training takes substantial time, supervisors may only have a few months of work to judge employees' performance. A longer probationary period allows supervisors to fully assess employees' abilities. The current economic environment requires agencies to take on greater responsibility while receiving fewer resources, and it is critical that members of the federal workforce prove they are up to the challenge of serving the interests of the American public.

FMA applauded Congress' action to extend the probationary period to two years from date of hire for Department of Defense (DOD) employees as part of the 2016 National Defense Authorization Act. In the 115th Congress, the House of Representatives approved the EQUALS Act (H.R. 4182), which would have extended the probationary period to two years following completion of training. FMA supported H.R. 4182 and welcomed its passage in the House, but prefers extending the DOD model across the rest of the federal government. Some in the U.S. Senate have signaled support for that effort, as well. FMA urges Congress to bring other agencies in line with the Department of Defense, the largest employer in the country, and develop a probationary period that recognizes the complexities of federal agencies' training periods.

10. PROTECT MEDICARE PART B PREMIUMS AND DEDUCTIBLES

Congress should take steps to protect seniors, people with disabilities and their families from increases to Medicare Part B premiums and deductibles.

- **In November 2016, Medicare Part B premiums rose by more than $12 per month for 30 percent of beneficiaries due to a 0.3 percent cost-of-living adjustment for 2017 that triggers the hold harmless provision in the Social Security Act.**
- **FMA calls on lawmakers to protect beneficiaries and extend the protections of the SSA "hold harmless" provision to all beneficiaries.**

The Centers for Medicare and Medicaid Services (CMS) announced in November 2016 that Medicare Part B premiums would rise by more than $12 per month for 30 percent of beneficiaries. FMA joined AARP and more than 75 other organizations in calling for Congress to mitigate these projected increases and take steps to prevent this from being an ongoing issue in future years.

Congress worked together to craft a solution to significant increases as part of the Bipartisan Budget Act of 2015 (2015 BBA). Had there been no cost-of-living adjustment (COLA) for 2017, that solution would have prevented the issue. However, a low COLA, or no COLA triggers the "hold harmless" provision in the Social Security Act, resulting in significant increases for an enormous population of Medicare Part B beneficiaries. No beneficiary should be required to pay more because other beneficiaries are held harmless. In years of low or no COLAs, projected increases can be stifling for an older population that can least afford them.

FMA urges Congress to work together – as it did with the 2015 BBA – to provide a permanent fix to protect the beneficiaries who are impacted when there is a low or zero COLA, as well as extend the protections of the SSA hold harmless provision to all beneficiaries.

11. HEALTH PREMIUMS FOR FEDERAL EMPLOYEES SERVING IN THE RESERVES

Congress should allow federal employees who serve in the Reserves the ability to enroll in Tricare.

- **At the moment, federal employees who serve in the reserves must enroll in the Federal Employee Health Benefits Program (FEHBP) and are not eligible to enroll in TRICARE Reserve Select (TRS) which offers lower premiums.**
- **FMA urges Congress to enact legislation which gives federal employees the option of enrolling in TRS select if they serve in the reserves, the Army National Guard or Air National Guard.**

Currently, if a member of the U.S. military reserves is working in a non-federal employee job, they can opt to enroll in TRICARE Reserve Select (TRS) at a low rate of premiums. However, a federal employee who serves in the reserves is not eligible to enroll in Tricare Select and is required to enroll in the Federal Employee Health Benefits Program (FEHBP).

Reserve service members are essentially penalized for serving their country if they work as both a federal employee and a reservist, and many feel they should have the ability to enroll in TRS if they choose. Table 1 illustrates the difference in the 2019 monthly premium costs for the most popular FEHB plan, Blue Cross/Blue Shield Standard, versus TRS.

To correct this inequity, FMA urges Congress to allow federal employees who are also members of the reserves the option to elect TRS for their health benefits. FMA endorses and supports the TRICARE Reserve Improvement Act (H.R. 613 / S. 164) to address this issue. The Congressional Budget Office estimated legislation would increase direct spending by $173 million over 10 years, but would reduce discretionary spending by approximately $1.2 billion over that same period.

Table 1

Program	2019 Monthly Premium		Source
	Self	Self + Family	
Tricare Reserve Select	**$42.83**	**$218.01**	**www.tricare.mil**[3]
Blue Cross / Blue Shield (National)	**$243.17**	**$581.13**	**www.opm.gov**[4]

[3] https://tricare.mil/Costs/HealthPlanCosts/TRS

[4] https://www.opm.gov/healthcare-insurance/healthcare/plan-information/premiums/2019/non-postal-rates-ffs.pdf

12. REMOVE INEQUITIES IMPOSED BY GPO AND WEP

Congress should pass legislation to repeal the Government Pension Offset (GPO) and the Windfall Elimination Provision (WEP).

- **The Government Pension Offset (GPO) reduces the dependent/survivor benefit.**
- **The Windfall Elimination Provision (WEP) penalizes those who have two jobs; one that earned a Social Security retirement benefit, and one that entitled them to a separate pension.**
- **Congress should repeal both of these unfair and harmful laws.**
- **FMA realizes a full repeal of GPO and WEP is cost-prohibitive and would also support partial repeals or means tests to assist those who are most affected.**

The Social Security Government Pension Offset (GPO) law prevents government retirees who receive a government pension but did not pay into Social Security from collecting both a government annuity based on their own work and Social Security benefits based on their spouse's work record. This is unfair to many spouses, especially widows, who often lose the Social Security protection their spouse provided for them. Under current law, a Social Security widow's benefit is reduced by $2 for every $3 earned if the widow is eligible for a pension based on a public sector job that was not covered by Social Security. A total of 465,000 Social Security beneficiaries are affected by the GPO, seventy-five percent of whom are women and over forty percent are widowed. No offset affects spouses receiving pensions from private sector employers.

The Windfall Elimination Provision (WEP) is another inequity that disadvantages many federal retirees receiving Social Security benefits and a federal pension which did not require payment into Social Security. It reduces the Social Security benefits federal retirees receive based on the number of years they served in a federal position that did not require their payment of Social Security taxes. Nearly one million Social Security beneficiaries are affected, and roughly twenty percent paid into Social Security for more than twenty years.

FMA supports the Social Security Fairness Act of 2019 (H.R. 141), legislation introduced early in the 116th Congress by Representative Rodney Davis (R-IL), which would repeal GPO and WEP. Contemporaneously, we recognize that full repeal of both GPO and WEP would be costly and, with deficit concerns a priority, full repeal is unlikely. FMA therefore also supports legislation that would seek partial repeal, such as the Equal Treatment of Public Servants Act (S. 3526 / H.R. 6933) introduced in the 115th Congress. This bipartisan, bicameral legislation would have created a new formula for WEP, calculating benefits by taking into account the actual wage and work history of public sector employees. Further, the legislation would have provided relief to current retirees already affected by WEP, offering a rebate of $100 per-month for workers, and $50 per-month for those receiving a spousal benefit from Social Security. We support similar legislation in the 116th Congress.

After a lifetime career of government service, no retiree should be participating in federal "safety net" programs. Instead, he or she should receive the social security benefits rightfully earned through the payment of FICA taxes. FMA proposes that 185 percent of the federal poverty threshold be used as a means test. The threshold for one person would be used if the retiree has not provided a survivor benefit; the threshold for two persons would be used if a survivor benefit has been provided. If the retiree's annual gross pension is at or below the appropriate threshold, both GPO and WEP would be waived.

13. FOCUS ON NECESSARY CYBERSECURITY INVESTMENT

Congress should continue to mitigate government-wide cybersecurity vulnerabilities.

- **In the wake of 21.5 million people having their personal identifying information (PII) exposed from the Office Personnel Management (OPM) cyber data breach, FMA urges Congress to continue to assist agencies and invest in cybersecurity throughout the federal government.**
- **Congress should provide for lifetime identity theft protection coverage for those impacted by the data breach.**

On June 4, 2015, the Office of Personnel Management announced that over four million current and retired federal employees' personally identifying information (PII) was compromised by a cyber data breach. In the following weeks, it was discovered that 21.5 million more people were affected by a background investigation breach of security clearance forms SF-86, SF-85, and SF-85P. This included data not only on current and retired federal employees, but also separated and prospective employees as well as their family members. FMA called for and continues to support lifetime coverage of identity protection for affected individuals. Delegate Eleanor Holmes Norton (D-DC) introduced the RECOVER Act (H.R. 5765) in the 115th Congress that would have provided such coverage, and we urge passage of similar legislation in the 116th Congress.

Modernizing and investing in information technology (IT) remains a vital priority for our national cybersecurity. In 2016, fully 75 percent of federal IT budgets was spent on using and sustaining legacy IT systems, which often cannot be updated with the latest security protections. Many of these antiquated systems remain vulnerable for further cyberattack.

FMA supported and applauds Congress' efforts to help agencies replace outdated and vulnerable systems. However, more work is necessary to address known vulnerabilities across the government. A November 2018 GAO[5] report found OPM had not implemented almost one-third of the security recommendations for improving its security posture.

Further, we note that the new Cybersecurity and Infrastructure Security Agency, part of the Department of Homeland Security, was hamstrung during the partial government shutdown and many have discussed the compound risks to cybersecurity as a result. FMA urges Congress to assist agencies to enhance their cybersecurity posture, protect against known vulnerabilities, and take steps to ensure enhanced security in the 116th Congress.

[5] https://www.gao.gov/assets/700/695368.pdf