

From: Pat O'Carroll p.ocarroll@fleoa.org
Subject: Fwd: DeSantis introduces federal pension transparency legislation
Date: July 25, 2017 at 12:44 PM
To: Patrick O'Carroll p.ocarroll@fleoa.org



Begin forwarded message:

From: Nate Catura <ncatura@fleoa.org>
Date: July 20, 2017 at 5:17:43 PM EDT
To: Chris Granberg <CLG@scllaw.com>
Cc: "Pat O'Carroll" <p.ocarroll@fleoa.org>, Dominick Stokes <dominick.stokes@fleoa.org>, donald mihalek <djmihalek@gmail.com>, "Jon Adler (jadler@fleoa.org)" <jadler@fleoa.org>
Subject: Re: DeSantis introduces federal pension transparency legislation

Thanks Chris.

Pat - please prepare a draft strongly opposing the bill for officer safety reasons. We should alert our friends at the FBIAA and FOP and ask them to oppose the bill as well.

Thank you,

Nate

Nathan R. Catura
FLEOA National President
(414) 234-0459
www.fleoa.org
Don't Go It Alone

On Jul 20, 2017, at 4:53 PM, Chris Granberg <CLG@scllaw.com> wrote:

Bill text for HR 3200 is out and posted below. It does not appear to contain any language that would allow OPM to waive disclosure of law enforcement and national security personnel...particularly says it says at the outset "Notwithstanding any other provision of law." Does anyone know what specific law or reg prohibits OPM from disclosing your or any other LEO's pay?

115th CONGRESS

1st Session

H. R. 3200

To require the disclosure of pension records under the Freedom of Information Act, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 12, 2017

Mr. DESANTIS (for himself, Mr. LAHOOD, Mr. POSEY, Mrs. BLACKBURN, Mr. ISSA, Mr. POLIQUIN, and Mr. ROTHFUS) introduced the following bill; which was referred to the Committee on Oversight and Government Reform

A BILL

To require the disclosure of pension records under the Freedom of Information Act, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Taxpayer-Funded Pension Disclosure Act".

SEC. 2. DISCLOSURE OF PENSION RECORDS UNDER THE FREEDOM OF INFORMATION ACT.

(a) In General.—Notwithstanding any other provision of law, the pension record of an individual who is an annuitant under chapter 83 or 84 of title 5, United States Code, shall be considered a record for purposes of section 552 of title 5, United States Code (commonly referred to as the Freedom of Information Act), and shall be made available in accordance with subsection (a)(3) of such section.

(b) Definitions.—In this section:

(1) ANNUITANT.—The term "annuitant" means an annuitant as defined in—

(A) section 8331 of title 5, United States Code; or

(B) section 8401 of such title.

(2) PENSION RECORD.—

(A) IN GENERAL.—The term “pension record” means any record containing any information concerning an annuitant receiving an annuity under chapter 83 or 84 of title 5, United States Code, including, with respect to the annuitant—

- (i) full name;
- (ii) the most recent position of the annuitant, including the agency and division for such position, position title, location, and ZIP code of the place of employment for such position;
- (iii) date of appointment to such position;
- (iv) monthly annuity amount;
- (v) last plan grade, if applicable;
- (vi) total employee annuity contribution;
- (vii) total reported wages;
- (viii) total service credits;
- (ix) retirement date; and
- (x) with respect to an annuitant who was an employee of the United States Postal Service, the name of the facility that was the last place of employment of the annuitant.

(B) EXCLUSIONS.—Such term does not include—

- (i) information regarding a medical condition of the annuitant; or
- (ii) any information identifying a designated beneficiary of the individual.

(c) Update of Regulations.—Not later than 30 days after the date of the enactment of this Act, the Director of the Office of Personnel Management shall update section 293.311 of title 5, Code of Federal Regulations, in accordance with the requirements of this section.

Chris L. Granberg
Managing Director of Public Policy
Siff & Associates, PLLC
3222 N Street, NW
Suite 340
Washington, DC 20007
(202) 457 - 7755--Direct
(202) 457 - 7776--Fax
CLG@scllaw.com

Any tax information or written tax advice contained herein (including any attachments) is not intended to be and cannot be used by any taxpayer for the purpose of avoiding tax penalties that may be imposed on the taxpayer. (The foregoing legend has been affixed pursuant to U.S. Treasury Regulations governing tax practice.)

The information contained in this transmission is attorney privileged and/or confidential information intended for the use of the individual or entity named above.

If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited.

From: Pat O'Carroll [<mailto:p.ocarroll@fleoa.org>]
Sent: Monday, July 17, 2017 2:32 PM
To: Chris Granberg
Cc: Dominick Stokes; donald mihalek; Nate Catura (ncatura@fleoa.org); Jon Adler (jadler@fleoa.org)
Subject: Re: DeSantis introduces federal pension transparency legislation

Chris - Agreed. I'll make a curtesy call and establish a dialog.
Pat

On Jul 17, 2017, at 12:48 PM, Chris Granberg <CLG@scllaw.com> wrote:

Please note that the bill text has not posted, and we don't know for certain yet what if any protections it includes.

Chris L. Granberg
Siff & Associates, PLLC
3222 N Street NW, Suite 340
Washington, DC 20007
Direct--(202) 457-7755
CLG@scllaw.com

Any tax information or written tax advice contained herein (including any attachments) is not intended to be a nd cannot be used by any taxpayer for the purpose of avoiding tax penalties that may be imposed on the taxpayer. (The foregoing legend has been affixed pursuant to U.S. Treasury Regulations governing tax practice.)

The information contained in this transmission is attorney privileged and/or confidential information intended for the use of the individual or entity named above.

If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited.

From: Dominick Stokes
Sent: Monday, July 17, 2017 12:42 PM
To: donald mihalek
Cc: Chris Granberg; Nate Catura (ncatura@fleoa.org); Patrick O'Carroll, Jr. (p.ocarroll@fleoa.org); Jon Adler (jadler@fleoa.org)
Subject: Re: DeSantis introduces federal pension transparency legislation

Pat and Don,
Thanks for attacking this issue...
We can't have agent information publicly accessible.
Dom

Dominick L. Stokes
Vice President for Legislative Affairs
Federal Law Enforcement Officers Association
Dominick.stokes@fleoa.org
410-340-8521
www.fleoa.org

On Jul 17, 2017, at 12:39 PM, donald mihalek <djmihalek@gmail.com> wrote:

Of Course...

Pat - we need to engage to let them know they risk officer safety and privacy exposure...

Sent from my BlackBerry 10 smartphone on the Verizon Wireless 4G LTE network.

From: Chris Granberg
Sent: Monday, July 17, 2017 12:12 PM
To: Nate Catura (ncatura@fleoa.org); Patrick O'Carroll, Jr. (p.ocarroll@fleoa.org); dominickstokes (dominickstokes@hotmail.com); djmihalek@gmail.com; Jon Adler (jadler@fleoa.org)
Subject: DeSantis introduces federal pension transparency legislation

Gents,

See below press release and news article about new legislation Rep. Ron DeSantis (R-FL) has introduced (H.R. 3200) to make pension info of retired federal employees subject to FOIA. From the article, it looks like federal employees pay information is publicly available, but I believe that most if not all LEOs' pay information is not. The bill text is not yet available, but I would imagine that FLEOA would want to ensure that the same privacy protections for LEOs is in DeSantis's bill as well.

Best,

Chris

[DeSantis Introduces Federal Pension Transparency Legislation](#)

July 12, 2017

Washington, DC – Rep. Ron DeSantis (FL-06) today introduced the Taxpayer Funded Pension Disclosure Act. This bill will make the pension information of retired federal employees subject to the Freedom of Information Act (FOIA).

"Americans should know exactly how their taxpayer dollars are used to fund the pensions of members of Congress and other federal bureaucrats," DeSantis said. "The Taxpayer Funded Pension Disclosure Act will empower taxpayers to hold their government accountable and demand that their hard-earned tax dollars are spent wisely."

"I believe that the American public would like to know if corrupt Internal Revenue Service officials who invoke the Fifth Amendment are still receiving retirement benefits at the expense of the taxpayer," DeSantis added.

Adam Andrzejewski, founder and CEO of [OpenTheBooks.com](#), a public database of government spending, said, "Shining a light on federal pensions is the next phase of the transparency revolution. I applaud Representative DeSantis for his courageous and bold leadership in introducing legislation to make that possible. It takes guts to reveal what many want hidden. We're honored to stand with him."

DeSantis and Andrzejewski authored an op-ed for the Washington Examiner making the case for greater federal pension transparency - [read here](#)

FEDSMITH

[Legislation Would Make Retired Federal Employee Pensions Public Information](#)

[Ian Smith](#) July 15, 2017 [Pay & Benefits Comments \(90\)](#)

Legislation has been introduced in the House to make the pension information of retired federal employees public information subject to the Freedom of Information Act (FOIA).

The Taxpayer Funded Pension Disclosure Act ([H.R. 3200](#)) was introduced in the House this week by Ron DeSantis (R-FL).

In an [editorial in the Washington Examiner](#), DeSantis said that the cost of providing pensions to retired federal workers is over \$100 billion, yet there is currently little transparency to the information.

"Pension data is not merely opaque; it is literally hidden in an underground complex in Pennsylvania. Federal employees hand-calculate federal pensions in a process that has not changed since the Cold War era. How many mistakes has the government made in that cavernous complex? No one knows because we're all in the dark," wrote DeSantis.

He added that making the data publicly available would empower citizens to "hold their government accountable like never before."

their government accountable like never before.

He noted in the article that greater transparency is necessary because of fraud that has been exposed by organizations such as Open the Books at the state level, noting that it should be known at the federal level as well.

As one example, DeSantis wrote, "Former IRS chief Lois Lerner used her authority to infringe the rights of American citizens and consistently obstructed congressional investigations. Wouldn't it be nice to see her pension information? Her pension is estimated to equal nearly \$2 million in lifetime payout."

The salaries of current federal employees are considered to be public information and have been [since the early 1800s](#). The latest federal and Postal employee salaries can be searched at [FedsDataCenter.com](#).

DeSantis added in a press release about the legislation, "Americans should know exactly how their taxpayer dollars are used to fund the pensions of members of Congress and other federal bureaucrats. The Taxpayer Funded Pension Disclosure Act will empower taxpayers to hold their government accountable and demand that their hard-earned tax dollars are spent wisely."

Chris L. Granberg
Managing Director of Public Policy
Siff & Associates, PLLC
3222 N Street, NW
Suite 340
Washington, DC 20007
(202) 457 - 7755--Direct
(202) 457 - 7776--Fax
CLG@scllaw.com

Any tax information or written tax advice contained herein (including any attachments) is not intended to be and cannot be used by any taxpayer for the purpose of avoiding tax penalties that may be imposed on the taxpayer. (The foregoing legend has been affixed pursuant to U.S. Treasury Regulations governing tax practice.)

The information contained in this transmission is attorney privileged and/or confidential information intended for the use of the individual or entity named above.

If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited.