



## NATIONAL FRATERNAL ORDER OF POLICE®

328 MASSACHUSETTS AVE., NE  
WASHINGTON, DC 20002  
PHONE (202) 547-8189 • FAX (202) 547-8190

PATRICK YOES  
NATIONAL PRESIDENT

JIM PASCO  
EXECUTIVE DIRECTOR

10 February 2020

Dear Day on the Hill Participant,

Welcome to our nation's capital for the FOP's annual *Day on the Hill*! It is a new year and a new decade, but our brothers and sisters on the beat are still facing the same challenges and our priorities have not changed.

We also face challenges on Capitol Hill. The impeachment of President Trump and the impending consideration of those articles in the Senate have intensified what was already a highly partisan environment. This is also a Presidential election year, so we expect politics to take precedent over policy in the Second Session of this Congress.

However, we do expect progress on the FOP's legislative agenda in the House and we remain cautiously optimistic that the Senate may act on bills which pass the House with bipartisan support. Our success, however, comes down to YOU! We will need your help at the grassroots level to make sure our message gets through. Your participation this week is only a small part of our advocacy program—if we are to succeed, we need all of our members to sustain their relationships with their Senators and Representatives. Members of Congress need to know that FOP members and voters in their States and districts will hold them accountable—especially in an election year.

One example of how effective grassroots advocacy can be is our efforts to build cosponsorship for H.R. 141/S. 521, the "Social Security Fairness Act," which will fully repeal the Windfall Elimination Provision (WEP) and the Government Pension Offset (GPO). In the House, we already have more than 230 cosponsors—more than a majority. The support for the bill is also very bipartisan and we are working to get 290 cosponsors, which, under House rule, would trigger its consideration. The Senate companion bill has 36 cosponsors—which is the most support we've had on this bill in many years.

We are also proud that our collective bargaining bill, H.R. 1154/S. 1394, the "Public Employer-Employee Cooperation Act," has 214 cosponsors in the House—just 14 shy of a House majority. Our Washington, D.C. staff is engaged with the House Committee on Education and Labor for potential action early this year. In the Senate, we have some work to do, as only 19 Senators have cosponsored the Senate companion bill.

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We also continue to fight for retirement fairness for all of our Federal law enforcement officers by supporting H.R. 1195/S. 473, the “Law Enforcement Officers’ Equity Act.” This bill will extend the law enforcement retirement benefits to all Federal law enforcement officers. If this bill is to have a chance at being considered, it is vital that we increase the number of cosponsors on this measure.

In addition to these top priorities, we continue to push to get wider support for two important officer safety bills in the House—H.R. 1325, the “Protect and Serve Act,” which would make it a Federal crime to target law enforcement officers with violence and H.R. 1156, the “LEOSA Reform Act.” The latter bill would extend the LEOSA exemption to apply to the Gun Free School Zones Act, National Parks and certain Federal buildings like post offices or Social Security Administration buildings. The bill would also extend the exemption to magazines so that officers are not exposed to legal jeopardy in States that have limitations on the number of rounds or capacity of a magazine. Both of these are vital officer safety issues and we need your help to increase our support for them in the House.

I am pleased to tell you that we continue to have an excellent relationship with this Administration, especially the President. He has engaged with us directly on issues like local prosecutors who put politics before public safety by refusing to charge offenders for “minor crimes.” The FOP will also play a leadership role on the Commission on Law Enforcement and the Administration of Justice that was established by President Trump’s Executive Order.

U.S. Attorney General William P. Barr has also proven to be a great partner. His Justice Department has been working with the FOP on issues like lawful access to electronic data as well as refocusing Federal resources into local communities to reduce violent crimes. No other law enforcement organization has the access to the Administration that the FOP does. This makes building relationships with your Members of Congress in the House and the Senate that much more important.

While we are grateful that you are here to meet with your Senators and Representatives this week, please remember that genuine grassroots activism is not a one- or two-day event. The key to being effective in the future is to grow the relationships with the individuals you meet this week. Follow-up! Make contact again with the Members and staffers you meet while you are here, even if it is just to thank them for their time. Each and every contact you have with them will reinforce the progress you made with your visit and make our efforts here more productive in generating strong and active support for our issues.

I also want to ask you, and your lodge brothers and sisters to support the National Fraternal Order of Police Political Action Committee (NFOP PAC), which, like our grassroots activism, is an essential part of our National Legislative Program. The NFOP PAC allows us to support candidates who support our members and our profession. We need to increase member participation in our payroll deduction and monthly recurring credit card programs. Please take

this request back to your local and State Lodges and help us grow our PAC and amplify our voice in the nation's capital.

On behalf of your more than 350,000 brothers and sisters in the Fraternal Order of Police, I want to thank you for taking the time to join me and the National Legislative Committee in Washington, D.C. for Day on the Hill 2020!

Fraternally,

A handwritten signature in black ink, appearing to read "H. STRICK", with a large, stylized initial "H" and a long horizontal stroke extending to the right.

National President



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## GRAND LODGE *Fraternal Order of Police*

### TOP LEGISLATIVE PRIORITIES FOR THE 116<sup>th</sup> CONGRESS

*All information up to date as of 1 January 2020*

#### **I. Social Security Issues:**

##### **A. Support H.R. 141/S. 521, the "Social Security Fairness Act"**

The FOP strongly supports legislation to restore full Social Security benefits for law enforcement officers by repealing both the "Windfall Elimination Provision" (WEP) and the "Government Pension Offset" (GPO).

##### **B. Oppose any legislation that would require the participation of public employees in Social Security**

The FOP vehemently opposes any legislation which would mandate participation in Social Security for current or newly hired public employees who participate in their own retirement systems and do not pay into Social Security.

#### **II. Support H.R. 1154/S. 1394, the "Public Safety Employer-Employee Cooperation Act"**

The FOP strongly supports legislation to guarantee the right of public employees to bargain collectively with their employers over hours, wages, and conditions of employment. Such legislation should mandate that State laws provide minimum collective bargaining rights to their public safety employees while prohibiting strikes and lockouts. States with collective bargaining laws already on the books would be exempt from the Federal statute.

#### **III. Support the "State and Local Law Enforcement Discipline, Accountability and Due Process Act"**

The FOP strongly supports a "bill of rights" for law enforcement officers to address the need for a minimum level of procedural protections for law enforcement officers who are denied their due process rights by police administrators and management in noncriminal proceedings. *Such legislation is unlikely to be introduced in this Congress.*

#### **IV. Support H.R. 1195/S. 473, the "Law Enforcement Officers' Equity Act"**

The FOP strongly supports legislation expanding the definition of "law enforcement officer" for salary and retirement benefits to include all Federal law enforcement officers.

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### **H.R. 141/S. 521, the “Social Security Fairness Act”** ***Repealing the Windfall Elimination Provision and Government Pension Offset***

The FOP strongly supports the passage of ***H.R. 141/S. 521, the “Social Security Fairness Act,”*** legislation which would fully repeal both the “Windfall Elimination Provision” (WEP) and the “Government Pension Offset” (GPO) in current Social Security law.

The WEP was enacted in 1983 as part of a large reform package designed to shore up the financing of the Social Security system. It went into effect in 1985 and applies a modified formula designed to reduce the amount of the Social Security benefits received by individuals who collect a government pension. The ostensible purpose of the WEP is to remove a “windfall” for persons who spent some time in jobs not covered by Social Security (like public employees) and also worked other jobs where they paid Social Security taxes long enough to qualify for retirement benefits. The practical effect of the provision on low-paid public employees outside the Social Security system is that they lose up to sixty percent (60%) of the Social Security benefits to which they are entitled—this is a loss, not an adjustment for a “windfall.” This creates a very real inequity for many public employees, particularly police officers who retire earlier than other government employees and begin second careers which require them to pay into the Social Security system.

We regard this as an issue of fairness, as these public employees are unfairly penalized under current law. The WEP substantially reduces a benefit that workers had counted on when planning their retirement. The arbitrary formula, when applied, does not eliminate “windfalls” because of its regressive nature—the reduction is only applied to the first bracket of the benefit formula and causes a relatively larger reduction in benefits to low-paid workers. It also overpenalizes lower paid workers with short careers or, like many retired law enforcement officers, those whose careers are evenly split inside and outside the Social Security system.

Like the WEP, the GPO was adopted in 1983 to shore up the finances of the Social Security Trust Fund. It offsets the dependent’s Social Security benefit to which a spouse or widow(er) is entitled by two-thirds of the monthly amount of any government pension from noncovered employment that the surviving spouse might receive. For example, the wife of a retired law enforcement officer who collects a government pension of \$1,200 would be ineligible to collect the surviving spousal benefit of \$600 from Social Security upon the death of her spouse. Two-thirds of \$1,200 is \$800, which is greater than the spousal benefit of \$600 and thus, under this law, she would be unable to collect it. If the spouse’s benefit was \$900, only \$100 could be collected, because \$800 would be “offset” by her 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.

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### **H.R. 1154/S. 1394, the “Public Employer- Employee Cooperation Act”**

The legislation would require that States “substantially provide” for the following rights and responsibilities:

- the right to form and join a labor organization that serves as, or seeks to serve as, the exclusive bargaining representative for non-management and non-supervisory public safety employees;
- a requirement that the public safety employer recognizes the employees’ labor organization and agree to bargaining;
- the right to bargain over hours, wages, and the terms and conditions of employment;
- the availability of a binding interest arbitration as a mechanism to resolve an impasse in collective bargaining negotiations; and
- a requirement of enforcement of “all rights, responsibilities, and protections” provided by the bill, including any written contract or memorandum of understanding through a State administrative agency or court of competent jurisdiction.

In determining whether or not a State “substantially provides” for these rights and responsibilities, the Federal Labor Relations Authority (FLRA) is required to consider the opinions of the affected employers, employees, and labor organizations. If an employer and an affected labor organization jointly agree that the current State law “substantially provides” for these rights and responsibilities, the FLRA will give this agreement “weight to the maximum extent practicable” in making its determination.

If the FLRA determines that a State does not “substantially provide” for the rights and responsibilities enumerated above, then a State has two years (from the date of the law’s enactment) or “date of the end of the first regular session of the legislature of that State that begins after the date of the enactment of this Act” or the FLRA will issue regulations which will provide for the aforementioned rights and responsibilities. These regulations will enable the FLRA to:

- determine the appropriateness of units for labor organization representation;
- supervise and conduct elections to determine whether a labor organization has been selected as an exclusive representative by a voting majority of the employees in an appropriate unit;
- resolve issues relating to the duty to bargain in good faith;
- conduct hearings and resolve complaints of unfair labor practices;

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- resolve exceptions to the awards of arbitrators;
- protect the right of each employee to form, join, or assist any labor organization, or to refrain from any such activity, freely and without fear of penalty or reprisal, and protect each employee in the exercise of such right; and
- take other actions as necessary to appropriately and fairly administer the Public Safety Employer-Employee Cooperation Act, including the authority to issue subpoenas, taking depositions, administering oaths, ordering written interrogatories and receiving and examining witnesses.

The bill specifically prohibits strikes and lockouts.

The bill would not preempt any law of any State or political subdivision of any State or jurisdiction that substantially provides greater or comparable rights and responsibilities as described above, or prevent a State from enforcing a State law which prohibits employers and labor organizations from negotiating provisions in a labor agreement that require union membership or payment of union fees as a condition of employment (*i.e.* “right-to-work”).

The bill would also not preempt any State law in effect on the date of enactment. In addition, a State may exempt from its State law, or from the requirements established by this bill, a political subdivision of the State that has a population of less than 5,000 or that employs fewer than 25 full time employees.



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### H.R. 1195/S. 473, the “Law Enforcement Officers’ Equity Act”

The FOP strongly supports *H.R. 1195/S. 473, the “Law Enforcement Officers’ Equity Act.”* This legislation would expand the definition of “law enforcement officers (LEO)” for retirement benefits to include *all* Federal law enforcement.

Nearly 30,000 Federal law enforcement officers do not receive the same retirement benefits as their other Federal law enforcement colleagues. This legislation would provide *all* law enforcement with 6(c) retirement benefits and the ability to retire after twenty (20) years of service at the age of fifty (50) or after twenty-five (25) years of service at any age. This same benefit is currently received by most Federal law enforcement officers. This bill will also provide for savings in training costs, improve recruitment and retention of qualified officers, and enhance public safety.

Officers classified as “0083s” in agencies like the Department of Defense and Armed Services, Veterans Affairs, FBI Police, U.S. Postal Police, Federal Protective Service, National Institute of Health, U.S. Mint, and the Bureau of Engraving and Printing are among those Federal officers who do not receive these specific benefits. Yet these GS-0083 officers attend the Federal Law Enforcement Training Center (FLETC) and are just as highly trained as any other GS-0083 in the Federal government. Their job is no less dangerous and these officers who do not receive 6(c) benefits are asked to face the same hazards as their State and local counterparts. They have been seriously injured and killed in the line of duty and their sacrifices are not less or different than any other Federal officer. Nor are they any less dedicated—during the recent government shutdown, these officers reported to work just as their counterparts from covered agencies did and continued serving the American people with distinction to ensure our nation's infrastructure, government facilities and institutions remained safe.

Through regulatory authority, the Office of Personnel Management (OPM) has promulgated that the definition of “law enforcement officer” does NOT include “an employee whose primary duties involve maintaining law and order, protecting life and property, guarding against or inspecting violations of the law, or investigating persons who are suspect or convicted of offenses against the criminal laws of the United States.” These officers may achieve LEO status by appealing to the Merit Systems Protection Board (MSPB) or the OPM, but since 2000, the OPM and the MSPB, with the backing of the U.S. Court of Appeals for the Federal Circuit, have made it extremely difficult for these officers to gain LEO status through judicial review. It is for this reason the FOP seeks this legislative change.

In addition to granting these law enforcement officers the retirement benefits they deserve, the legislation will also save taxpayers money. The increased cost would be more than offset by the savings in training, because recruitment and retention are problems Federal law enforcement agencies face today. This is especially true for agencies whose officers do not have LEO status.

Most importantly, an investment in these officers will pay unquantifiable dividends in national security and public safety; for the value of highly trained and experience law enforcement is immeasurable.

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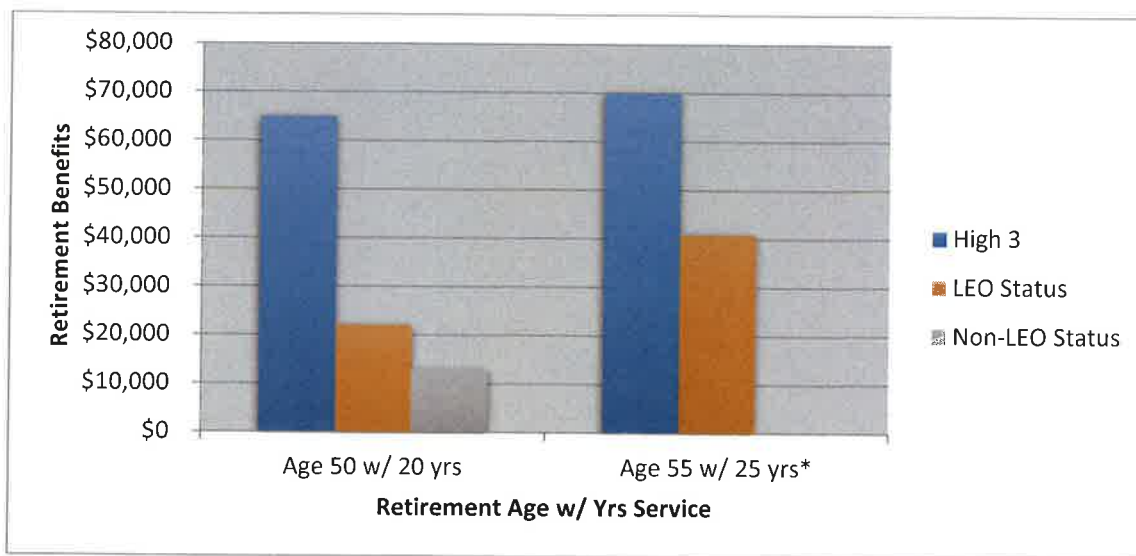
## Comparison between LEO and Non-LEO Benefits

A Federal Law Enforcement Officer (LEO) who retires at age fifty (50) with twenty (20) years of covered service, whose "high 3" is \$65,000 would get \$22,100 a year in retirement, plus the option of continued health and life insurance.

A GS-0083 officer without LEO status who retires today at age fifty (50) with twenty (20) years of service whose "high 3" is \$65,000 would get just \$13,000 a year in retirement (until age 56). He only gets an immediate annuity and continued health and life insurance if he was RIFed or the agency had voluntary early retirement authority. The officer with LEO status gets almost twice as much than the GS-0083 Officer with the same salary, age and service.

A LEO who retires at age fifty-five (55) with twenty-five (25) years of covered service whose "high 3" is \$70,000 would get \$40,900 a year in retirement, plus the option of continued health and life insurance.

A GS-0083 officer without LEO status who retires today at age fifty-five (55) with twenty-five (25) years of service whose "high 3" is \$70,000 might not be eligible for any immediate annuity at all. Again, he is only eligible if his retirement was the result of a RIF, downsizing, or agency early-out program. If he were retiring at his own discretion, he would not qualify for any annuity at all until he reached age fifty-seven (57), and then the annuity would be reduced by 25% for being five (5) years younger than sixty-two (62). So at age fifty-seven (57) he could start getting \$17,500 a year, but he would not be eligible for continued health or life insurance. The officer with LEO status in this case also gets more than 2 ½ times what the GS-0083 officer gets with the same salary, age and service.



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## LEGISLATION SUPPORTED by the Grand Lodge, Fraternal Order of Police as of 1 January 2020

- **H.R. 99** (*Buchanan, R-FL*), the “Thin Blue Line Act,” which would increase the penalty for offenders who kill or attempt to kill law enforcement or other public safety officers;
- **TOP PRIORITY - H.R. 141** (*Davis, R-IL*), the “Social Security Fairness Act,” which would repeal both the “Windfall Elimination Provision” and the “Government Pension Offset” in current Social Security law;
- **H.R. 207** (*Ruppersberger, D-MD*), the “Stop the Violence Act,” which would establish a pilot program within the U.S. Department of Health and Human Services to provide grants to 10 trauma centers which have existing violence prevention or intervention programs designed to reduce re-admittance and reincarceration rates;
- **H.R. 295** (*Fitzpatrick, R-PA*), the “End Banking for Human Traffickers Act,” which would add the Secretary of the Treasury as a member of the President’s Interagency Task Force;
- **H.R. 449** (*Demings, D-FL*), the “Pathways to Improving Homeland Security at the Local Level Act,” which would direct the Assistant Secretary for State and Local Law Enforcement to produce an accessible annual catalog on the available DHS trainings, publications, programs, and services for their State, local and tribal partners;
- **H.R. 489** (*Kirkpatrick, R-PA*), the “Strengthening Homeland Security, Intelligence and Essential Law Enforcement Departments (SHIELD) Act,” which would make sure that Federal law enforcement officers required to report for duty even in the event that the Departments or agencies they serve have not been appropriated funds by Congress;
- **PASSED! PL 116-72/H.R. 724** (*Deutsch, D-FL*), the “Preventing Animal Cruelty and Torture Act,” which would provide criminal penalty for those who engage in “animal crushing” as well as for those who create or distribute such films;

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- **PASSED! PL 116-94/H.R. 748** (*Courtney, D-CT*), the “Middle Class Health Benefits Tax Repeal Act,” which would repeal a provision of the Patient Protection and Affordable Care Act that imposes a 40% “Cadillac tax” on health care plans most likely to be used by law enforcement and other public safety officers;
- **PASSED! H.R. 777** (*Maloney, D-NY*), the “Debbie Smith Reauthorization Act,” which would reauthorize the Debbie Smith Act;
- **H.R. 838** (*Babin, R-TX*), the “Threat Assessment, Prevention and Safety (TAPS) Act,” which would provide resources to create a national strategy to identify, investigate, and mitigate possibly violent behavior through multi-disciplinary behavioral threat assessment and management;
- **TOP PRIORITY - H.R. 1154** (*Kildee, D-MI*), the “the Public Safety Employer-Employee Cooperation Act,” which would recognize the right of law enforcement and other public safety officers to bargain collectively with their employers;
- **H.R. 1156** (*Bacon, R-NE*), the “LEOSA Reform Act,” which would amend the Law Enforcement Officers’ Safety Act (LEOSA), which exempts qualified active and retired law enforcement officers from local and State prohibitions on the carriage of concealed firearms, to ensure that these officers are able to carry in the same venues as civilian concealed carry permit holders in areas like schools and national parks, as well as use public transportation and extends the exemption to magazine capacity and would allow active and retired law enforcement officers to access services at U.S. post offices, Social Security Administration offices or Veterans’ Affairs facilities;
- **TOP PRIORITY – H.R. 1195** (*King, R-NY*), the “Law Enforcement Officers Equity Act,” which would expand the definition of “law enforcement officer” for salary and retirement benefits to include all Federal law enforcement officers;
- **H.R. 1210** (*Ruiz, D-CA*), the “Heroes Lesley Zerebney and Gilbert Vega First Responders Survivors Support Act,” which would increase the amount of the death benefit provided by the Public Safety Officers’ benefits (PSOB) program as well as other benefits administered by the PSOB;
- **H.R. 1256** (*Connolly, D-VA*), the “Fair Return for Employees on Their Initial Retirement Earned (RETIRE) Act,” which would allow Federal law enforcement officers, who were severely injured in the line of duty, to maintain their 6(c) early retirement if they take a civil service position after their injury;

- **H.R. 1325** (*Rutherford, R-FL*), the “Protect and Serve Act,” which would make it a Federal crime to target a law enforcement officer with an assault that results in seriously bodily harm or death;
- **PASSED! PL 116-34/H.R. 1327** (*Maloney, D-NY*), the “Never Forget the Heroes: Permanent Authorization of the September 11<sup>th</sup> Victim Compensation Fund Act,” which would reauthorize the Victim Compensation Fund (VCF) through Fiscal Year 2090, the same reauthorization Congress provided for the World Trade Center Health Program (WTCHP);
- **H.R. 1387** (*Kustoff, R-TN*), the “Criminal Organizations’ Narcotics, Finance, Resources, Operations and Network Targeting (CONFRONT) Act,” which would codify an existing Executive Order and direct the Federal government to develop a national strategy to combat transnational criminal organizations;
- **H.R. 1528** (*Joyce, R-OH*), the “Comprehensive Opioid Program Extension (COPE) Act,” which would reauthorize the comprehensive opioid abuse program to provide more resources for communities;
- **H.R. 1671** (*Quigley, D-IL*), the “NICS Denial Notification Act,” which would require the U.S. Department of Justice to notify State and local law enforcement agencies if a prohibited person attempts to purchase a firearm in their jurisdiction;
- **H.R. 1818** (*Estes, R-KS*), the “Kelsey Smith Act,” which would require telephone companies and wireless carriers to disclose cell-site location data without a warrant in certain exigent circumstances;
- **PASSED! PL 116-94/H.R. 1865** (*Pascrell, D-NJ*), the “National Law Enforcement Museum Commemorative Coin Act,” which would direct the U.S. Mint to produce commemorative coins and divert some of the proceeds from their sale to support the National Law Enforcement Officers Memorial Fund;
- **H.R. 1866** (*Pascrell, D-NJ*), the “Probation Officer Protection Act,” which would amend section 3606 of Title 18, United States Code, to grant probation officers authority to arrest hostile third parties who obstruct or impede a probation officer in the performance of official duties;
- **H.R. 1999** (*Jeffries, D-NY*), the “Fair Licensing Access for Government (FLAG) Act,” which would allow government entities to patent, protect and copyright flags, badges and patches for commercial use;

- **H.R. 2070** (*Lamb, D-PA*), the “Providing Officers with Electronic Resources (POWER) Act,” which would establish a grant program to be administered by the Office of Community Oriented Policing Services (COPS) in order to provide State and local law enforcement agencies with portable chemical screening devices to detect dangerous synthetic opioids and other drugs;
- **H.R. 2179** (*Lamb, D-PA*), the “Federal Firearms Licensee Protection Act,” which would make the theft of firearms from a Federal Firearms Licensee a Federal crime punishable by up to 20 years in prison;
- **H.R. 2329** (*Ryan, D-OH*), the “Law Enforcement Immersive Training Act,” which would provide grants to State and local law enforcement agencies to access immersive, real-life, scenario-based training;
- **PASSED! PL 116-32/H.R. 2368** (*Reschenthaler, R-PA*), the “Supporting and Treating Officers in Crisis (STOIC) Act,” which would revive and expand programs designed to help officers and their families with stress reduction, suicide prevention and the promotion of mental health and wellness;
- **PASSED! PL 116-18/H.R. 2379** (*Pascrell, D-NJ*), the “Bulletproof Vest Partnership Grant Reauthorization Act,” which permanently reauthorizes the Bulletproof Vest Partnership (BVP) program;
- **H.R. 2513** (*Maloney, D-NY*), the “Corporate Transparency Act,” which would require the Federal government to collect beneficial ownership information for corporations and limited liability companies unless the State already collects this information;
- **H.R. 2560** (*Norman, R-SC*), the “Putting First Responders First Act,” which would codify existing Internal Revenue Code regulations making service-connected disability compensation exempt from Federal income taxes;
- **H.R. 2812** (*Pascrell, D-NJ*), the “Protecting America’s First Responders Act,” which would update the PSOB disability determinations and the definitions making it more consistent with existing Federal law and greatly improve the ability of our injured and disabled officers to have their claims processed more fairly and more quickly;
- **H.R. 3735** (*Quigley, D-IL*), the “Law Enforcement Suicide Data Collection Act,” which would establish a program to collect data on law enforcement and former law enforcement suicides at the local, State, and Federal level;



- **H.R. 3990** (*Guest, R-MS*), the “Operation Stonegarden Reauthorization Act,” which would reauthorize grants to State, local and tribal law enforcement agencies to improve border security;
- **H.R. 4018** (*Deutch, D-FL*), which would provide a technical fix to the Elderly Home Detention Pilot program established by the First Step Act;
- **H.R. 4527** (*Malinowski, D-NJ*), the “Expanding Health Care Options for Early Retirees Act,” would allow law enforcement and other public safety officers the option to buy into Medicare at the age of 50;
- **H.R. 4540** (*Neal, D-MA*), the “Public Servants Protection and Fairness Act,” which would repeal the Windfall Elimination Provision (WEP) and replace it with a more equitable and individualized calculation of Social Security benefits while ensuring that no workers will be negatively impacted by the new formula;
- **H.R. 4810** (*Davis, R-IL*), the “Opioid Prescription Verification Act,” which would require retail sellers to verify the identity of the prospective purchaser and enter certain information into the State’s prescription drug monitoring system;
- **H.R. 4897** (*Lipinski, D-IL*), the “Public Safety Retirees Healthcare Protection Act,” which would increase the pretax benefit from \$3,000 to \$6,000 for public safety employees to pay for premiums on health care and long-term care insurance;
- **H.R. 4963** (*Katko, R-NY*), the “Stop Importation and Manufacturing of Synthetic Analogues (SIMSA) Act,” which would update the Controlled Substances Act by adding a Schedule A to allow for the inclusion of analogue and synthetic drugs similar in effect, but chemically different, to existing scheduled substances on a temporary basis;
- **H.R. 5342** (*Pascrell, D-NJ*), the “Supporting America’s First Responders Act,” which would establish a new “above-the-line” deduction for law enforcement and other public safety officers and which was incorporated into H.R. 5377, the “Restoring Tax Fairness for State and Localities Act”;
- **H.R. 5376** (*Gonzalez, R-OH*), the “Eliminated Network Distribution (END) of Child Exploitation Act,” which would improve the effectiveness of the CyberTipline, which is administered by the National Center for Missing and Exploited Children;
- **H.J. Res. 65** (*Womack, R-AR*), would amend the Constitution to give Congress the power to prohibit the physical desecration of the flag of the United States;

- **S. 265** (*Rubio, R-FL*), the “Threat Assessment, Prevention and Safety (TAPS) Act,” which would provide resources to create a national strategy to identify, investigate, and mitigate possibly violent behavior through multi-disciplinary behavioral threat assessment and management;
- **S. 273** (*Roberts, R-KS*), the “Kelsey Smith Act,” which would require telephone companies and wireless carriers to disclose cell-site location data without a warrant in certain exigent circumstances;
- **S. 465** (*Duckworth, D-IL*), the “First Responders Survivors Support Act,” which would increase the amount of the death benefit provided by the Public Safety Officers’ Benefit (PSOB) program as well as other benefits administered by the PSOB;
- **TOP PRIORITY – S. 473** (*Booker, D-NJ*), the “Law Enforcement Officers Equity Act,” which would expand the definition of “law enforcement officer” for salary and retirement benefits to include all Federal law enforcement officers;
- **PASSED! PL 116-72/S. 479** (*Toomey, R-PA*), the “Preventing Animal Cruelty and Torture (PACT) Act,” which would provide criminal penalty for those who engage in “animal crushing,” as well as for those who create or distribute such films;
- **S. 495** (*Grassley, R-IA*), the “EAGLES Act,” which would reauthorize the National Threat Assessment Center (NTAC) within the U.S. Department of Homeland Security;
- **TOP PRIORITY - S. 521** (*Brown, D-OH*), the “Social Security Fairness Act,” which would repeal both the “Windfall Elimination Provision” and the “Government Pension Offset” in current Social Security law;
- **S. 531** (*Tester, D-MT*), the “Fair Return for Employees on Their Initial Retirement Earned (RETIRE) Act,” which would allow Federal law enforcement officers, who were severely injured in the line of duty, to maintain their 6(c) early retirement if they take a civil service position after their injury;
- **PASSED! PL 116-34/S. 546** (*Gillibrand, D-NY*), the “Never Forget the Heroes: Permanent Authorization of the September 11<sup>th</sup> Victim Compensation Fund Act,” which would reauthorize the Victim Compensation Fund (VCF) through Fiscal Year 2090, the same reauthorization Congress provided for the World Trade Center Health Program (WTCHP);
- **PASSED! PL 116-94/S. 684** (*Heinrich, D-NM*), the “Middle Class Health Benefits Tax Repeal Act,” which would repeal a provision of the Patient Protection and

Affordable Care Act that imposes a 40% “Cadillac tax” on health care plans most likely to be used by law enforcement and other public safety officers;

- **S. 710** (*Toomey, R-PA*), the “Social Security Fairness for Firefighters and Police Officers Act,” which would repeal both the “Windfall Elimination Provision” and the “Government Pension Offset” for those serving as law enforcement officers or firefighters;
- **PASSED! S. 820** (*Cornyn, R-TX*), the “Debbie Smith Act,” which would reauthorize the Debbie Smith Act;
- **S. 875** (*Toomey, R-PA*), the “NICS Denial Notification Act,” which would require the U.S. Department of Justice to notify State and local law enforcement agencies if a prohibited person attempts to purchase a firearm in their jurisdiction;
- **S. 954** (*Brown, D-OH*), the “Providing Officers with Electronic Resources (POWER) Act,” which would establish a grant program to be administered by the Office of Community Oriented Policing Services (COPS) in order to provide State and local law enforcement agencies with portable chemical screening devices to detect dangerous synthetic opioids and other drugs;
- **S. 963** (*Klobuchar, D-MN*), the “Fair Licensing Access for Government (FLAG) Act,” which would allow government entities to patent, protect and copyright flags, badges and patches for commercial use;
- **PASSED! PL 116-32/S. 998** (*Hawley, R-MO*), the “Supporting and Treating Officers in Crisis (STOIC) Act,” which would revive and expand programs designed to help officers and their families with stress reduction, suicide prevention and the promotion of mental health and wellness;
- **S. 1208** (*Grassley, R-IA*), the “Protecting America’s First Responders Act,” which would update the PSOB disability determinations and the definitions making it more consistent with existing Federal law and greatly improve the ability of our injured and disabled officers to have their claims processed more fairly and more quickly;
- **PASSED! PL 116-18/S. 1231** (*Leahy, D-VT*), the “Bulletproof Vest Partnership Grant Reauthorization Act,” which permanently reauthorizes the Bulletproof Vest Partnership (BVP) program;

- **S. 1278** (*Daines, R-MT*), the “Putting First Responders First Act,” which would codify existing Internal Revenue Code regulations making service-connected disability compensation exempt from Federal income taxes;
- **TOP PRIORITY - S. 1394** (*Baldwin, D-WI*), the “Public Safety Employer-Employee Cooperation Act,” which would recognize the right of law enforcement and other public safety officers to bargain collectively with their employers;
- **S. 1508** (*Toomey, R-PA*), the “Thin Blue Line Act,” which would increase the penalty for offenders who kill or attempt to kill law enforcement or other public safety officers;
- **S. 1883** (*Grassley, R-IA*), the “Combatting Money Laundering, Terrorist Financing, and Counterfeiting Act,” which would update and strengthen existing Federal laws on money laundering;
- **S. 1978** (*Wyden, R-OR*), the “Corporate Transparency Act,” which would require the Federal government to collect beneficial ownership information for corporations and limited liability companies unless the State already collects this information;
- **S. 2264** (*Toomey, R-PA*), “Eric’s Law,” which would amend current law to allow Federal prosecutors to impanel a second jury for the sentencing phase of capital cases;
- **S. 2323** (*Markey, D-MA*), the “Screening All Fentanyl-Enhanced (SAFE) Mail Act,” would use technology developed by the Opioid Detection Challenge in the U.S. Department of Homeland Security to be deployed within 5 years to scan 100% of all international mail and express cargo for fentanyl and other synthetic opioids;
- **S. 2376** (*Leahy, D-VT*), the “Stop Illegal Trafficking in Firearms Act,” would criminalize the practice of “straw purchasers”—individuals who are not prohibited from buying firearms only to transfer those weapons to persons who are unable to lawfully obtain guns;
- **S. 2552** (*Brown, D-OH*), the “Expanding Health Care Options for Early Retirees Act,” would allow law enforcement and other public safety officers the option to buy into Medicare at the age of 50;
- **S. 2563** (*Warner, D-VA*), the “Improving Laundering Laws and Increasing Comprehensive Information Tracking of Criminal Activity in Shell Holdings (ILLICIT CASH) Act,” would provide law enforcement with tools to better combat money laundering, including the collection of beneficial ownership information;

- **S. 2701** (*Portman, R-OH*), the “Federal Initiative to Guarantee Health by Targeting (FIGHT) Fentanyl Act,” which would permanently schedule fentanyl-related substances as Schedule 1 substances;
- **S. 2750** (*McSally, R-AZ*), the “Operation Stonegarden Reauthorization Act,” which would reauthorize grants to State, local and tribal law enforcement agencies to improve border security;
- **S. 3007** (*Blackburn, R-TN*), the “Eliminated Network Distribution (END) of Child Exploitation Act,” which would improve the effectiveness of the CyberTipline, which is administered by the National Center for Missing and Exploited Children;
- **S. J. Res. 49** (*Daines, R-MT*), would amend the Constitution to give Congress the power to prohibit the physical desecration of the flag of the United States;
- **S. Res. 232** (*Menendez, D-NJ*), a resolution which calls for the immediate extradition or expulsion to the United States convicted murderers Joanne Chesimard, Charles Hill, William Morales and more than 70 other fugitives from justice who are receiving safe haven in the Republic of Cuba;
- Legislation to provide Federal law enforcement officers with a rebuttable presumption that a causal connection exists between their occupation and heart, lung, and hypertension disorders; and
- Legislation which would protect the personal information of law enforcement officers and their families from public access.





PATRICK YOES  
NATIONAL PRESIDENT

## NATIONAL FRATERNAL ORDER OF POLICE®

328 MASSACHUSETTS AVE., NE  
WASHINGTON, DC 20002  
PHONE (202) 547-8189 • FAX (202) 547-8190

JIM PASCO  
EXECUTIVE DIRECTOR

### LEGISLATION *OPPOSED* by the Grand Lodge, Fraternal Order of Police *as of 1 January 2020*

- **H.R. 1595** (*Perlmutter, D-CO*), the “Secure and Fair Enforcement (SAFE) Banking Act,” which would allow U.S. banks and financial institutions to do business with companies trafficking in an illegal substance—marijuana;
- **H.R. 1698** (*Peterson, D-MN*), the “Small Carrier Electronic Logging Device Exemption Act,” which would exempt some trucking companies from the Electronic Logging Device (ELD) rule and create a potential officer and highway safety hazard;
- **S. 1200** (*Merkley, D-OR*), the “Secure and Fair Enforcement (SAFE) Banking Act,” which would allow U.S. banks and financial institutions to do business with companies trafficking in an illegal substance—marijuana;
- Legislation which would impose any tax, direct or indirect, on any employer-sponsored health coverage;
- Legislation which would weaken the overtime protections for law enforcement officers in current Federal regulations;
- Legislation or amendments which would have the effect of weakening PL 106-185, the Civil Asset Forfeiture Reform Act of 2000;
- Legislation which would create or fund “civilian review boards” of law enforcement at any level of government; and
- Legislation which would further normalize relations with Cuba, Mexico or any other nation until that country ceases to be a safe harbor for cop-killers and other fugitives.

--BUILDING ON A PROUD TRADITION--



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## H.R. 1156, THE LEOSA REFORM ACT:

### *Section by section analysis*

This bipartisan legislation, introduced by Representatives Donald J. Bacon (R-NE), Val V. Demings (D-FL), Peter A. Stauber (R-MN) and Thomas C. O'Halleran (D-AZ), is entitled the "LEOSA Reform Act." The bill makes minor but important changes to the existing Law Enforcement Officers' Safety Act (LEOSA) statute (18 USC 926B and 926C) to improve the safety of our nation's qualified active and retired law enforcement.

#### **Section 1. Short Title.**

The short title of the bill is the "LEOSA Reform Act."

#### **Section 2. Conforming the Law Enforcement Officer Safety Act and the Guns Free School Zones Act.**

The LEOSA statute exempts qualified active and retired law enforcement officers from State and local prohibitions on the carriage of concealed firearms. This exemption, however, does not apply to areas governed by Federal law or regulation. The Guns Free School Zones Act (GFSZA) has seven exemptions in current law, including those who are licensed to carry firearms in the State where the school is located. A qualified active or retired law enforcement officer must abide by the GFSZA. Section 2 would add an eighth exemption to the GFSZA to include anyone authorized to carry under LEOSA.

***Issue: In some States, a mother with a CCW permit can carry her firearm while attending at event at her child's school. However, the child's grandfather, a qualified retired law enforcement officer, or his active duty uncle from out of State, could not.***

#### **Section 3. Making Improvements to the Law Enforcement Officers' Safety Act.**

- (a) Under the current statute, the LEOSA exemption does not attach to "common or contract carriers" like public transportation or other public areas. This paragraph would expand the LEOSA exemption to include property used by a "common or contract carrier" and to property that is "open to the public."

***Issue: An active duty law enforcement officer visiting a different jurisdiction may not be able to use local buses, trolleys or ferries during his or her visit.***

- (b) Under the current statute, active and qualified law enforcement officers carrying under LEOSA cannot carry in National Parks. However, individuals that have licenses from a State (or which have reciprocity with the State) may lawfully carry into national parks located in that State. This paragraph would expand the LEOSA exemption to cover national parks.

***Issue: Two friends visit Scott's Bluff National Monument. The civilian is carrying a firearm because he or she has a permit issued by Nebraska. His or her friend, an***

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***active law enforcement officer from Florida, who can carry in Nebraska under LEOSA, cannot carry his or her firearm into the national park.***

- (c) The LEOSA exemption in current law does not apply to magazine capacity. This paragraph would clarify Congressional intent that magazines, like ammunition and the firearm itself, should be exempt from State and local law.

***Issue: An active or retired law enforcement officer who is trained with and qualified to carry a semiautomatic firearm with a 12- round magazine cannot travel into a jurisdiction which restricts magazine size unless he or she brings a weapon with a magazine that conforms to State law. This means the officer must leave his firearm behind and expose himself to jeopardy or decide to carry a firearm with which he is less familiar.***

- (d) This paragraph makes minor changes to the existing statute with respect to qualification and training standards. Under current law, qualified retired law enforcement officers must re-certify every 12 months. This provision would allow States to lengthen this time period for up to 36 months. It also clarifies Congressional intent that the standards which must be met by the qualified retired law enforcement can be set and conducted by (1) the officer's former agency, (2) the State in which the officer resides, (3) any law enforcement agency within the State in which the officer resides, or (4) a firearms instructor certified by the State in which the officer resides to conduct active duty firearms training.

***Issue: Some States may wish to save on resource and training costs by lengthening the time between requalification. The existing language in the statute regarding training and standards is clarified.***

#### **Section 4. Permitting Qualified Current and Retired Law Enforcement Officers to Carry Firearms in Certain Federal Facilities.**

Under current law, an active local or State law enforcement officer can only enter a U.S. Post Office, Social Security Administration Office, Veterans Affairs facility or similar Federal unless they are there in an "official capacity"—i.e., a call for service. This Section would allow any active or retired law enforcement officer carrying under the LEOSA to lawfully access these facilities.

***Issue: A law enforcement officer, even if on duty and in full uniform, cannot lawfully enter a Social Security Administration building or similar facility to drop off paperwork, pick up a form or speak to an employee. An officer may only enter the facility if there is a call for service.***



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EXECUTIVE DIRECTOR

### H.R. 1325, THE “PROTECT AND SERVE ACT”

#### *Facts and analysis*

This legislation, introduced by former law enforcement officers and current U.S. Representatives John H. Rutherford (R-FL) and Val V. Demings (D-FL), is entitled the “Protect and Serve Act.” A nearly identical bill, H.R. 5698, passed the U.S. House of Representatives last year on an overwhelming 382-35 vote. The bill would create a new Federal offense for those who deliberately target law enforcement officers with violence and is a direct response to the increased number of law enforcement officers who have been targeted for attack.

#### **THE FACTS**

- In October 2015, the U.S. Department of Justice released a report entitled: Ambushes of Police. The report detailed the number of ambush attacks on law enforcement officers from 1990-2013. In 2013 alone, there were between 200-300 ambush attacks reported. The Executive Summary of the report states:  
*...the proportion of fatal attacks on officers attributable to ambushes [is] increasing. Concerns about targeted violence against police are on the rise, while officers must not only be guardians of the public but also be prepared to respond to violence targeting them.*
- In May 2017, the Federal Bureau of Investigation (FBI) released a report entitled The Assailant Study: Mindset and Behavior. The report identified a disturbing and growing trend of attackers who are motivated by a desire to kill a law enforcement officer. This motivation, the report concludes, is from a “singular narrative that portrays the officer as guilty in traditional and social media and the subject as the victim.”
- A December 2017 study by the Office of Community Oriented Policing Services entitled Making It Safer examined law enforcement officer fatalities from 2010-2016, including ambush attacks. The study found that 20% of ambushed officers were seated in their patrol cars and that:  
*56 percent were not on a call or engaged in any enforcement activity. Many of these officers were simply eating, sitting on post, or in five cases, targeted and killed while at their home or on their way home.*
- In 2018, the Criminal Justice Information Services Division within the FBI released a report entitled Ambushes and Unprovoked Attacks: Assaults on Our Nation’s Law Enforcement Officers. This comprehensive report concluded: “While the overall number of officers who were feloniously killed was declining, the percentage of officers feloniously killed during surprise attacks was increasing.”

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- In 2016, 253 officers were shot in the line of duty and 66 were killed, 33% of which were in ambushes.
- In 2017, 271 officers were shot in the line of duty and 47 were killed. Deaths by gunfire among law enforcement dropped by 10% that year, owing in part to the increased use of soft body armor and the advancement of medical trauma technology and response. However, more officers were shot in 2017 than in the previous year showing that the risk to law enforcement did not diminish.
- In 2018, 237 officers were shot in the line of duty and 53 were killed. Of these, 22 officers were shot in an ambush attack and five of these officers died. Officer deaths by gunfire increased 24% from 2017.
- In 2019, 293 officers were shot in the line of duty, 50 of whom were killed. The number of officers shot in an ambush attack increased to 28 this year and seven of those officers were killed. The number of officers shot in the line of duty went up 20% in 2019. Fourteen percent (14%) of the officers killed by gunfire in 2019 were killed in an ambush attack.

## **ANALYSIS: Section by Section**

### **Section 1. Short Title.**

The short title of the bill is the “Protect and Serve Act.”

### **Section 2. Crimes targeting law enforcement officers.**

This section creates a new Federal offense for anyone who “knowingly assaults a law enforcement officer” and would sentence such an offender for a term of imprisonment for 10 years or for life for murder or attempted murder. In order for these charges to be filed, the U.S. Attorney General must certify that:

- the State does not have jurisdiction;
- the State has asked the Federal government assume jurisdiction;
- the verdict or sentenced at the State level “left demonstratively unvindicated the Federal interest in protecting public safety; or
- a Federal prosecution is in the public interest and necessary to “secure substantial justice.”





## **Lobbying Tips**



### **Consider Yourself an Information Source**

Remember, you are the expert on law enforcement. Utilize this opportunity to educate your elected officials about the needs and concerns of law enforcement officers. (Refer to the Legislative Briefing Book provided by the NFOP Legislative Office.) Legislators want to know how a specific issue will affect their districts. Share personal or local experiences about the issues with your legislators. If you don't know the answers to some of their questions—tell them so. Make notes and follow-up with the answers after the meetings.

### **Try to Make Personal Connections**

Make the legislator aware of any personal connections you may have. No matter how insignificant you may feel it is, if you have friends, relatives, or colleagues in common, let them know. Use personal examples from your own life or the lives of your neighbors.

### **Be Organized**

Be on Time. If you are part of a group meeting with an elected official, select a spokesperson to lead the discussion. Know the time frame you are under, and highlight a few key issues. Determine who will speak on each issue.

### **Be Concise**

Legislators (and staff) have limited time and many demands. Be sure to stay on message on those three top legislative priorities important to law enforcement. You will be lucky to have a full 15 minutes to discuss them with the legislator or staff and it is critical that they understand the importance of them all.

### **Expect Surprises and Be Flexible**

Legislators have very unpredictable schedules on session days, causing them to run late or be called away. Don't be disappointed if they have to cut your meetings short. Make the most of them by focusing on a few key issues and following-up with detailed information in writing. Don't be disappointed if you meet with a member of their staff; often they know more details about the issues than their bosses do and they are the ones who advise legislators how to vote.

### **Anticipate Reactions and Stay on Message**

After explaining your views, ask the legislators where they stand on the issue. Try to understand their perspective and tailor your approach accordingly. If they are undecided, focus on your message. Respectfully maintain your position, even if you know they don't agree. If they change the subject to avoid getting pinned down on an issue, try to bridge the discussion back to your message.

### **Follow-Up**

Send thank you notes reviewing the issues you discussed. Be sure to send legislators any additional materials requested, including answers to questions for which you didn't have answers, during the meeting. Let them know you are a resource that is available to them in the future.