



# NATIONAL FRATERNAL ORDER OF POLICE®

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

PATRICK YOES  
NATIONAL PRESIDENT

JIM PASCO  
EXECUTIVE DIRECTOR

12 February 2021

Dear *Day on the Hill* Participant,

Welcome to the 117<sup>th</sup> Congress! I am writing to share with all of our members our plan to hold a virtual *Day on the Hill 2021!*

The year 2020 was unlike any other in our history and the effects of the pandemic continue to make large gatherings unsafe. For this reason, we are not able to be together in D.C. for this event. I hope, however, that because this is happening in a virtual space, we will actually increase the number of members who participate this year.

Our *Day on the Hill* will work like this: we will have a virtual legislative briefing, hosted on the FOP's Zoom account, in the afternoon of Tuesday, 23 February. Our staff in the National Legislative Office will bring everyone up to speed on our top priorities and other legislation, as well as developments with the new Administration. The link to this Zoom meeting will be sent to all members who RSVP by [clicking here](#).

The weeks of 22 February and 1 March are Congressional Work Periods and both chambers are scheduled to be in session. The National Legislative Committee, led by Chairman Bob Cherry, will work with the State Legislative contacts in each of our State Lodges to help arrange virtual meetings or conference calls with their Members of Congress over the course of these two weeks.

This is a big change from having our members walking the halls of the Capitol Building and connecting one-on-one with their elected officials, but with the pandemic and no public access to the Capitol complex, this is the best we can do.

And, this year, it is important we make it work and make sure Congress understands and hears from you about the issues we care about. We are facing a significantly different political dynamic in Washington—we have a new Administration and the Democrats have narrow majorities in both the House and the Senate. We do not yet know if this will lead to successful bipartisan progress or two years of gridlock and recrimination.

The FOP's agenda, however, is not a partisan one and we expect to be able to work with Democrats and Republicans to advance legislation on officer safety, Social Security reform, and bargaining rights. But it won't be easy. We will continue to need your help at the grassroots level to make sure our message gets through. Your participation in this event **and your continued engagement** is a critical part of maintaining and expanding our advocacy program and the Grassroots Action Network.

We are proud to report that H.R. 82, the "Social Security Fairness Act," which would fully repeal the Windfall Elimination Provision (WEP) and the Government Pension Offset (GPO), was among the first bills introduced in this Congress, thanks to Representatives Rodney D. Davis (R-IL) and Abigail A. Spanberger (D-VA). We expect a Senate companion bill to be re-introduced soon. We are also continuing to push for its inclusion in any COVID-19 relief bill.

The FOP is also working to re-introduce our collective bargaining bill, the “Public Safety Employer-Employee Cooperation Act,” in the House and the Senate. We believe that we can make real progress in building bipartisan support for this bill—so make sure your Members of Congress know how important this bill is to you, even if you live in a collective bargaining State.

We will also continue to fight for retirement fairness for all of our Federal law enforcement officers by re-introducing 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 we increase the number of cosponsors on this measure.

We intend to continue our strong push to expand Federal laws to protect law enforcement officers and severely punish those who target law enforcement officers because of their uniform. With our members increasingly under attack—a record 314 officers were shot in the line of duty last year—we need your help in pushing this critical safety issue. The reintroduction of the “Protect and Serve Act” will be a key priority for the FOP in the new Congress.

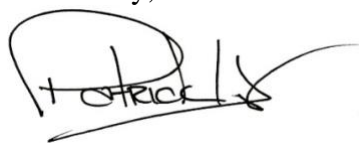
In addition, the FOP is working with key allies in the House to introduce the “LEOSA Reform Act.” The bill would extend the LEOSA exemption to apply to the Gun Free School Zones Act, National Parks and certain Federal buildings like post offices or Social Security Administration buildings. The bill would 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. This, too, is an important officer safety issue and we’ll be working to build support for its consideration in this Congress.

Please remember that genuine grassroots activism is not a one- or two-day event, especially in this virtual environment. The key to being effective in the future is to grow the relationships with the individuals you connect with during the course of this event. **Follow up!** Make contact again with the Members and staffers you speak to, even if it is just to thank them for their time. Each and every contact you have with them will reinforce our message and make our efforts more productive in generating strong and active support for our issues.

You can also 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 356,000 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 our virtual ***Day on the Hill!***

Fraternally,



Patrick Yoes  
National President





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## *National Fraternal Order of Police*

### TOP LEGISLATIVE PRIORITIES FOR THE 117<sup>th</sup> CONGRESS

*All information up to date as of 7 February 2021*

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

##### **A. Support H.R. 82, 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. 962, 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.

#### **III. Support 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.

#### **IV. 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.



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## **H.R. 82, the “Social Security Fairness Act”** *Repealing the Windfall Elimination Provision and Government Pension Offset*

The FOP strongly supports the passage of *H.R. 82, 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 over penalizes 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.

The GPO was amended 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. 962, the “Law Enforcement Officers’ Equity Act”** *Legislation Providing Law Enforcement Retirement Benefits to All Federal Law Enforcement Officers*

The FOP strongly supports *H.R. 962, 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 those Federal law enforcement officers who do receive the 6(c) retirement benefit. 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 no less or different than any other Federal officer. Nor are they any less dedicated—during the 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. We believe extending these benefits would help increase recruitment and retention rates.

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

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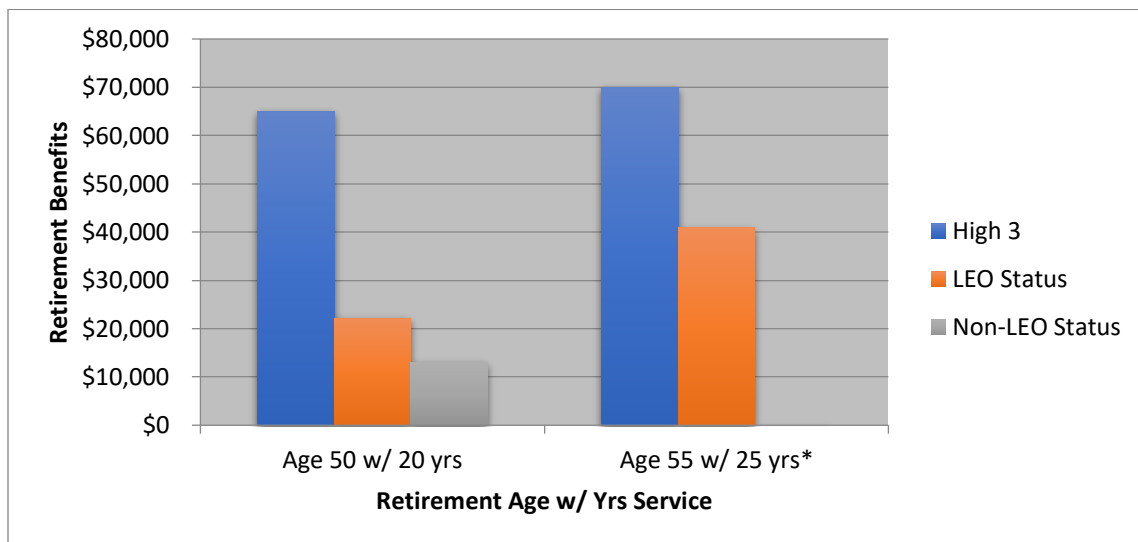
## Comparison between LEO and Non-LEO Benefits

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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# **The “Public Employer-Employee Cooperation Act”**

This 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 agrees to bargaining;
- the right to bargain over hours, wages, and the terms and conditions of employment;
- the availability of a binding interest arbitration or other impasse resolution mechanism such as fact-finding, mediation, or comparable procedure; 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” to change State law or regulations to comply with the provisions of the bill. If the State fails to act, 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;
- 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;
- direct compliance by such State by order if the FLRA finds that the State is not in compliance with the regulations it issued; 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 requires 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.







# NATIONAL FRATERNAL ORDER OF POLICE

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## Legislation Supported

by the National Fraternal Order of Police  
as of 8 April 2021

- **TOP PRIORITY – H.R. 82** (*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. 263** (*Quigley, D-IL*), the “Big Cats Public Safety Act,” which would strengthen existing restrictions on the possession and exhibition of big cats, including restricting direct contact between the public and these animals;
- **H.R. 288** (*Banks, R-IN*), which would codify the existing qualified immunity doctrine as established and upheld by the U.S. Supreme Court;
- **H.R. 305** (*Crist, D-FL*), which would award a Congressional Gold Medal to U.S. Capitol Police Officer Eugene Goodman for his selfless acts of bravery in protecting Members of Congress on 6 January 2021;
- **H.R. 483** (*Ruiz, D-CA*), the “Heroes Lesley Zerebney and Gilbert Vega First Responders Survivors Support Act,” which would increase the amount of death benefits provided by the Public Safety Officers’ Benefits (PSOB) program as well as other benefits administered by PSOB;
- **H.R. 521** (*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. 649** (*Emmer, R-MN*), the “Abby Honold Act,” which would promote the use of trauma-informed techniques by law enforcement when responding to sexual assault crimes;
- **H.R. 929** (*Deutch, D-FL*), which would provide a technical fix to the Elderly Home Detention Pilot program established by the First Step Act;
- **TOP PRIORITY – H.R. 962** (*Pascrell, 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;

- **H.R. 1198** (*Gonzalez, R-OH*), the “Eliminate Network Distribution of (END) Child Exploitation Act,” which would improve the effectiveness of the CyberTipline, which is administered by the National Center for Missing and Exploited Children;
- **H.R. 1210** (*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;
- **H.R. 1229** (*Deutch, D-FL*), the "EAGLES Act," which would reauthorize the National Threat Assessment Center (NTAC) within the U.S. Department of Homeland Security and expand the program by including a new school safety initiative;
- **H.R. 1260** (*Ruppersberger, D-MD*), the “Bipartisan Solution to Cyclical Violence Act,” which would allow HHS to select existing violence prevention or intervention programs administered by State and local trauma centers to receive Federal grants to expand existing programs, study the effectiveness of those programs, and examine their impacts on reincarceration and re-admittance rates;
- **H.R. 2337** (*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. Res. 283** (*Zeldin, R-NY*), which would establish a “Bill of Rights” to support law enforcement;
- **S. 35** (*Van Hollen, D-MD*), which would award a Congressional Gold Medal to U.S. Capitol Police Officer Eugene Goodman for his selfless acts of bravery in protecting Members of Congress on 6 January 2021;
- **S. 119** (*Klobuchar, D-MN*), the “Abby Honold Act,” which would promote the use of trauma-informed techniques by law enforcement when responding to sexual assault crimes;
- **S. 129** (*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;

- **S. 391** (*Grassley, R-IA*), the "EAGLES Act," which would reauthorize the National Threat Assessment Center (NTAC) within the U.S. Department of Homeland Security and expand the program by including a new school safety initiative;
- **S. 466** (*Moran, 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. 662** (*Fischer, R-NE*), the "Achieving Thorough Transparency and Accessibility for Information Navigation on (ATTAIN) Mental Health Act," which would establish an online dashboard for Federal resources related to mental health programs;
- **S. 675** (*Coons, D-DE*), 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. 774** (*Tillis, R-NC*), 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;
- **S. 878** (*Leahy, D-VT*), the "Stop Illegal Trafficking in Firearms Act," which 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. 998** (*Coons, D-DE*), the "Driving for Opportunity Act," which would create a grant program for States to reinstate drivers' licenses that were suspended for unpaid fines and fees;
- **S. Res. 5** (*McConnell, R-KY*), a resolution honoring the memory of U.S. Capitol Police Officer Brian D. Sicknick for his acts of heroism in defending the U.S. Capitol on 6 January 2021;
- 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.



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## THE “PROTECT AND SERVE ACT”

### *Facts and analysis*

In the previous Congress, this legislation was introduced in the House by former law enforcement officers and current U.S. Representatives John H. Rutherford (R-FL), Val V. Demings (D-FL), Peter A. Stauber (R-MN) and Thomas C. O’Halloran (D-AZ) as H.R. 1325. Even though a nearly identical bill, H.R. 5698, passed the U.S. House of Representatives in 2018 on an overwhelming 382-35 vote, H.R. 1325 was not considered by the 116<sup>th</sup> Congress.

Senator Thomas R. Tillis (R-NC) introduced the Senate companion bill, S. 4605, in the previous Congress, but this bill was also not considered.

The legislation 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 and 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.*

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- 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."
- In 2016, **253** officers were shot in the line of duty and **66** were killed. **Thirty-three percent** of the officers shot in the line of duty occurred during ambush attacks.
- 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; 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 **30** and **seven** of those officers were killed. The number of officers shot in the line of duty went up **20%** in 2019. Eighteen percent (**18%**) of the officers killed by gunfire in 2019 were killed in an ambush attack.
- In 2020, **314** officers were shot in the line of duty, **47** of whom were killed. There were **43** ambush attacks on law enforcement officers, which resulted in **52** officers being shot, **12** of whom were killed. The number of officers shot in the line of duty increased **7%** from 2019 and **33%** compared to 2018.
- So far in 2021, **68** officers have been shot in the line of duty, **14** of whom died. There have been **13** ambush attacks on law enforcement officers, which resulted in **16** officers being shot, **six** of whom were killed. As of 1 April 2021, the number of officers shot in the line of duty has increased **11%** compared to this time in 2020.

## **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 to a term of imprisonment of 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 to assume jurisdiction;
- the verdict or sentence 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."



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## H.R. 1210, THE LEOSA REFORM ACT: *Section by section analysis*

Representatives Donald J. Bacon (R-NE) E.R. “Henry” Cuellar (D-TX) have introduced H.R. 1210, 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 Gun-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 an 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 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 officer 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 Office or similar Federal facility if 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 can only enter the facility if they are responding to a call for service.*





## Lobbying Tips



### ***Lobbying Virtually***

- Test out and make sure you know how to work the technology you are using for the meeting and calls beforehand to reduce the probability of technical issues. Also, be flexible and have a backup plan if technical issues do arise for one or more people in the meeting.
- If you are not talking, make sure you are muted to reduce background noise. When it is your turn to talk, don't forget to unmute yourself. When switching speakers, pause to allow the next speaker to unmute.
- We still want the office to feel that they are meeting with you face-to-face so make sure to have your video on, if possible.
- Be sure to dress professionally and have your background surroundings look professional, if possible.
- Ask the Member of Congress or staff if you can take a snapshot of the screen or a "selfie" with the screen to share on social media.

### **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.





## **Lobbying Tips Continued**



### **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.



# NATIONAL FRATERNAL ORDER OF POLICE

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## Target List of Potential Cosponsors for H.R. 82, the “Social Security Fairness Act”

House Cosponsors of H.R. 141 in the 116<sup>th</sup> Congress  
*As of 2 July 2021*

- **Arizona – AZ**
  - Rep. Kirkpatrick, Ann [D-AZ-2]
  - Rep. O’Halloran, Tom [D-AZ-1]
- **California – CA**
  - Rep. Bera, Ami [D-CA-7]
  - Rep. Cardenas, Tony [D-CA-29]
  - Rep. Chu, Judy [D-CA-27]
  - Rep. Costa, Jim [D-CA-16]
  - Rep. Gomez, Jimmy [D-CA-34]
  - Rep. Matsui, Doris O. [D-CA-6]
  - Rep. McNerney, Jerry [D-CA-9]
- **Florida – FL**
  - Rep. Crist, Charlie [D-FL-13]
  - Rep. Demings, Val Butler [D-FL-10]
  - Rep. Frankel, Lois [D-FL-21]
  - Rep. Lawson, Al, Jr. [D-FL-5]
  - Rep. Posey, Bill [R-FL-8]
  - Rep. Soto, Darren [D-FL-9]
- **Georgia – GA**
  - Rep. McBath, Lucy [D-GA-6]
- **Hawaii – HI**
  - Rep. Gabbard, Tulsi [D-HI-2]
- **Illinois – IL**
  - Rep. Foster, Bill [D-IL-11]
  - Rep. Quigley, Mike [D-IL-5]
  - Rep. Schakowsky, Janice D. [D-IL-9]
  - Rep. Underwood, Lauren [D-IL-14]
- **Indiana – IN**
  - Rep. Carson, Andre [D-IN-7]
- **Iowa – IA**
  - Rep. Axne, Cynthia [D-IA-3]

- **Maryland – MD**
  - Rep. Raskin, Jamie [D-MD-8]
- **Massachusetts – MA**
  - Rep. Lynch, Stephen F. [D-MA-8]
  - Rep. Pressley, Ayanna [D-MA-7]
- **Michigan – MI**
  - Rep. Dingell, Debbie [D-MI-12]
  - Rep. Lawrence, Brenda L. [D-MI-14]
  - Rep. Slotkin, Elissa [D-MI-8]
  - Rep. Stevens, Haley M. [D-MI-11]
- **Minnesota – MN**
  - Rep. Hagedorn, Jim [R-MN-1]
- **Missouri – MO**
  - Rep. Cleaver, Emanuel [D-MO-5]
- **Nebraska – NE**
  - Rep. Fortenberry, Jeff [R-NE-1]
- **New Jersey – NJ**
  - Rep. Kim, Andy [D-NJ-3]
  - Rep. Malinowski, Tom [D-NJ-7]
- **New Mexico – NM**
  - Rep. Haaland, Debra A. [D-NM-1]
- **New York – NY**
  - Rep. Brindisi, Anthony [D-NY-22]
  - Rep. Jeffries, Hakeem S. [D-NY-8]
  - Rep. Nadler, Jerrold [D-NY-10]
  - Rep. Stefanik, Elise M. [R-NY-21]
  - Rep. Velazquez, Nydia M. [D-NY-7]
- **North Carolina – NC**
  - Rep. Butterfield, G. K. [D-NC-1]
- **Ohio – OH**
  - Rep. Fudge, Marcia L. [D-OH-11]
  - Rep. Kaptur, Marcy [D-OH-9]
  - Rep. Stivers, Steve [R-OH-15]
- **Oklahoma – OK**
  - Rep. Hern, Kevin [R-OK-1]
  - Rep. Lucas, Frank D. [R-OK-3]
- **Oregon – OR**
  - Rep. Walden, Greg [R-OR-2]

- **Pennsylvania – PA**
  - Rep. Houlahan, Chrissy [D-PA-6]
  - Rep. Scanlon, Mary Gay [D-PA-5]
  - Rep. Wild, Susan [D-PA-7]
- **Texas – TX**
  - Rep. Allred, Colin Z. [D-TX-32]
  - Rep. Carter, John R. [R-TX-31]
  - Rep. Castro, Joaquin [D-TX-20]
  - Rep. Cloud, Michael [R-TX-27]
  - Rep. Doggett, Lloyd [D-TX-35]
  - Rep. Escobar, Veronica [D-TX-16]
  - Rep. Fletcher, Lizzie [D-TX-7]
  - Rep. Gooden, Lance [R-TX-5]
  - Rep. Veasey, Marc A. [D-TX-33]
  - Rep. Williams, Roger [R-TX-25]
  - Rep. Wright, Ron [R-TX-6]
- **Virginia – VA**
  - Rep. McEachin, A. Donald [D-VA-4]
  - Rep. Scott, Robert C. “Bobby” [D-VA-3]
  - Rep. Wexton, Jennifer [D-VA-10]
- **Washington – WA**
  - Rep. Jayapal, Pramila [D-WA-7]
  - Rep. Schrier, Kim [D-WA-8]
- **West Virginia – WV**
  - Rep. McKinley, David B. [R-WV-1]
- **Wisconsin – WI**
  - Rep. Pocan, Mark [D-WI-2]
- **DC and Other Territories**
  - Rep. Gonzalez-Colon, Jenniffer [R-PR-At Large]

**House Cosponsors in 116<sup>th</sup> Congress but Are No Longer in House**  
***(Current Representative for District Highlighted in Gray)***

- **Alabama – AL**
  - Byrne, Bradley [R-AL-1] – Jerry Carl [R]
- **California – CA**
  - Cisneros, Gilbert Ray, Jr. [D-CA-39] – Young Kim [R]
  - Hunter, Duncan D. [R-CA-50] – Darrell Issa [R]
  - Rouda, Harley [D-CA-48] – Michelle Steel [R]

- **Colorado – CO**
  - Tipton, Scott R. [R-CO-3] – Lauren Boebert [R]
- **Florida – FL**
  - Mucarsel-Powell, Debbie [D-FL-26] – Carlos Gimenez [R]
  - Shalala, Donna E. [D-FL-27] – Maria Salazar [R]
  - Yoho, Ted S. [R-FL-3] – Katherine Cammack [R]
- **Illinois – IL**
  - Shimkus, John [R-IL-15] – Mary Miller [R]
- **Iowa – IA**
  - Finkenauer, Abby [D-IA-1] – Ashley Hinson [R]
  - Loeb sack, David [D-IA-2] – Mariannette Miller-Meeks [R]
- **Louisiana – LA**
  - Rep. Richmond, Cedric L. [D-LA-2] – Troy Carter [D]
- **Maryland – MD**
  - Cummings, Elijah E. [D-MD-7] – Kweisi Mfume [D]
- **Massachusetts – MA**
  - Kennedy, Joseph P., III [D-MA-4] – Jake Auchincloss [D]
- **Minnesota – MN**
  - Peterson, Collin C. [D-MN-7] – Michelle Fischbach [R]
- **Missouri – MO**
  - Clay, Wm. Lacy [D-MO-1] – Cori Bush [D]
- **New Mexico – NM**
  - Torres Small, Xochitl [D-NM-2] – Yvette Herrell [R]
- **New York – NY**
  - Engel, Eliot L. [D-NY-16] – Jamaal Bowman [D]
  - Lowey, Nita M. [D-NY-17] – Mondaire Jones [D]
  - Rose, Max [D-NY-11] – Nicole Malliotakis [R]
  - Serrano, Jose E. [D-NY-15] – Ritchie Torres [D]
- **Oklahoma – OK**
  - Horn, Kendra S. [D-OK-5] – Stephanie Bice [R]
- **South Carolina – SC**
  - Cunningham, Joe [D-SC-1] – Nancy Mace [R]
- **Texas – TX**
  - Hurd, Will [R-TX-23] – Ernest Gonzales [R]



# THE NATIONAL FRATERNAL ORDER OF POLICE

## LAW ENFORCEMENT IN THE U.S.



Approximately **800,000** law enforcement officers in the United States



More than **90%** of law enforcement agencies are at the State & local levels



- **314** officers shot in 2020, **47** of whom were killed
- **52** officers were shot in **43** ambush attacks in 2020
- The number of officers shot in 2020 increased **7%** from 2019 and **33%** compared to 2018



Nearly **2 million** law enforcement interactions with the public each year



**400+** law enforcement officers have died due to **COVID-19** (as of 2/3/2021)

## ABOUT THE FRATERNAL ORDER OF POLICE

The Fraternal Order of Police is the world's **oldest** and **largest** law enforcement labor organization in the United States, with more than **356,000 members** in more than **2,100** local lodges. As the number one voice of America's law enforcement officers, we are committed to improving the working conditions and safety of those who dedicate their lives to protecting and serving our communities through education, legislation, information, community involvement, and employee representation. No one knows the dangers and the difficulties faced by today's police officers better than another officer, and **no one knows police officers better than the FOP.**



## TOP LEGISLATIVE PRIORITIES

- **H.R. 82, the "Social Security Fairness Act,"** would repeal both the "Windfall Elimination Provision" and the "Government Pension Offset" in current Social Security law.
- **H.R. 962, the "Law Enforcement Officers' Equity Act,"** would expand the definition of "law enforcement officer" for salary and retirement benefits to include all Federal law enforcement officers.
- **The "Public Safety Employer-Employee Cooperation Act"** would recognize the right of law enforcement and other public safety officers to bargain collectively with their employers.

## OTHER LEGISLATIVE PRIORITIES

- **The "LEOSA Reform Act"** 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. It would also extend 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.
- **The "Protect and Serve Act"** would make it a Federal crime to target a law enforcement officer with an assault that results in serious bodily harm or death.

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