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2020 CONGRESSIONAL CANDIDATE QUESTIONNAIRE

A Model Questionnaire for use by State and Local Lodges

The following model questionnaire has been prepared by the National Legislative Office and is being provided to all State and local Lodges to aid them in evaluating Federal candidates for the United States Congress in the 2020 election cycle. The questions draw from issues being lobbied by the Grand Lodge in Washington, D.C.

It is particularly important for the State and local Lodges to endorse candidates who support our top priority items and to **publicly** oppose those candidates who do not. The success of the National Legislative Program depends on having an active grassroots base and on electing lawmakers who support our pro-law enforcement agenda. The following is a brief summation of the top legislative priorities of the Fraternal Order of Police for the 116th Congress:

I. Social Security Issues:

A. Support H.R. 141/S. 521, the “Social Security Fairness Act”

The FOP strongly supports the repeal of 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 legislation which would mandate participation in Social Security for public employees or new hires who are currently outside the Social Security system.

II. Support H.R. 1154/S. 1394, the “Public Safety Employer-Employee Cooperation Act”

The FOP strongly supports legislation which would guarantee the right of public employees to bargain collectively with their employers over hours, wages, and conditions of employment. The goal of this legislation is to have each State pass a law providing minimum collective bargaining rights to their public safety employees and it outlines certain provisions to be included in those laws. Strikes and lockouts would be prohibited and States with collective bargaining laws already on the books will be exempt from any Federal statute.

II. Support “State and Local Law Enforcement Discipline, Accountability and Due Process Act”

The FOP strongly supports a “bill of rights” for law enforcement officers who are, in a number of jurisdictions, denied their due process rights by police administrators and management in noncriminal proceedings. There is a need for a minimum level of procedural protections for law enforcement officers accused of administrative wrongdoing because of the gravity of potential harm to officers created by this lack of uniform safeguards.

III. 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.

SECTION ONE

Candidate Information

The following is a list of proposed questions that will help your Lodge get a basic understanding of the candidate and their background, particularly as it relates to law enforcement.

Question: Do you have any personal connection to the law enforcement community or to the Fraternal Order of Police?

Question: Why are you seeking the endorsement of the FOP?

Question: If endorsed by the FOP, what are you hoping the FOP will do to help you get elected?

SECTION TWO

Employees' Rights and Labor Issues

1. The Fraternal Order of Police strongly supports *H.R. 141/S. 521, the "Social Security Fairness Act,"* which would repeal both the "Windfall Elimination Provision" (WEP) and the "Government Pension Offset" (GPO) in current law. The WEP penalizes certain public employees who also worked in the private sector and paid into the Social Security system, through a substantial reduction in their benefits, because they also collect a government pension. The GPO provision in current law causes the reduction or elimination of the spouse's survivors benefit from Social Security by two-thirds of the monthly amount received from the government pension.

Question: If currently a Member of Congress, are you a cosponsor of this legislation?

Question: If not, will you pledge to support this legislation in the 117th Congress?

2. In 2001, the Commission to Strengthen Social Security (CSSS) issued a report which rejected a scheme to mandate participation in Social Security for newly hired State and local government employees currently outside the Social Security system.

Question: Will you pledge to oppose any legislation which includes a provision mandating participation in the Social Security system for either current or newly hired State and local government employees that do not currently participate in Social Security?

3. In the past few years, politicians at the Federal, State and local level have demonized public sector unions—including unions representing law enforcement officers. Law enforcement officers, who put themselves in harm's way to protect their neighborhoods and communities, are being held up as objects of scorn and ridicule by these politicians who cite the cost of their hard-earned pensions and benefits as the reason for the government's fiscal woes.

Question: What have you done or what will you do to halt these politically motivated attacks on public safety unions and how will you stand up for these organizations?

4. The Fraternal Order of Police strongly supports *H.R. 1154/S. 1394, "Public Safety Employer-Employee Cooperation Act,"* legislation which recognizes collective bargaining rights for public safety employees (i.e., law enforcement officers and firefighters).

Question: What is your position on collective bargaining for public safety employees?

Question: Would you also support legislation to allow uniform and non-uniform Federal law enforcement officers to unionize and engage in collective bargaining?

5. If you were a Member of the U.S. House of Representatives in the 110th Congress, how did you vote on 17 July 2007 to pass H.R. 980, the “Public Employee-Employer Cooperation Act of 2007” (*Roll Call Vote #633*)?

6. The Fraternal Order of Police strongly supports legislation which would articulate the rights of law enforcement officers who are denied their due process rights in many jurisdictions by police administrators and management.

Question: Would you support legislation which would protect the due process rights of law enforcement officers in non-criminal, administrative proceedings?

7. The Fraternal Order of Police strongly supports ***H.R. 1195/S. 473, the “Law Enforcement Officers Equity Act,”*** which would expand the definition of “law enforcement officer” under the Civil Service Retirement System and the Federal Employees Retirement System to include all Federal police officers.

Question: What is your position regarding the current disparity in the pay and benefits provided to law enforcement officers across the Federal government, and what measures will you support to ensure parity among the Federal government’s public safety officers?

Question: If currently a Member of the House, are you a cosponsor of this legislation?

Question: If not, will you pledge to support this legislation in the 117th Congress?

8. The FOP is strongly opposed to legislation reducing pay and benefits for our Federal law enforcement officers who put their lives on the line every day.

Question: Will you pledge to vote against budgets and legislation that would cut or otherwise erode the retirement and pension benefits of our nation’s Federal law enforcement officers if elected to serve in the 117th Congress?

9. As a labor organization, the FOP is a strong proponent of collective bargaining. As a labor organization representing public employees, we feel very strongly that the Federal government should not prohibit or obstruct the collective bargaining process at the local or State level. For this reason, we oppose legislation like ***H.R. 2571/S. 525, the “National Right-to-Work Act.”***

Question: If currently a Member of the House, are you a cosponsor of this legislation?

Question: If not, will you pledge to oppose this legislation in the 117th Congress?

10. The FOP strongly supports those families whose loved one died in the line of duty. During the 115th Congress, the FOP helped craft ***S. 419, the “Public Safety Officers’ Benefits (PSOB) Improvements Act,”*** which was signed into law.

Question: If you were a Member of the Senate during that time, were you a cosponsor of this legislation and, if elected to the 117th Congress, will you pledge to work with the FOP to support this program and increase its transparency and accountability to survivor families?

11. The families of law enforcement officers and other public safety officers who are killed in the line of duty are eligible to receive a one-time death benefit from the Public Safety Officers’ Benefit (PSOB) program. During the current pandemic, the FOP supports creating a presumption that public safety officers who die or are disabled as a result of COVID-19 did so in the line of duty.

Question: If you are a Member of Congress in the 116th Congress, were you a cosponsor of ***S. 3607, the “Safeguarding America’s First Responders Act,”*** or ***H.R. 6509, the “Public Safety Officer Pandemic Response Act”***? How did you vote on ***H.R. 6509*** on 27 May 2020?

12. The PSOB program is currently burdened with unreasonable definitions of the terms “catastrophic injury” and “gainful work” that prevent officers who are disabled in the line of duty from receiving the benefits to which they are entitled. This, combined with the absence of any guidelines for the adjudication of disability claims, has resulted in the denial of PSOB benefits to officers whose service-connected injuries would be viewed as eligible by almost every other component of the Federal government. The FOP supports updating the PSOB disability determinations and the definitions of “gainful work,” making it more consistent with existing Federal law.

Question: If you are a Member of the 116th Congress, were you a cosponsor of *S. 1208, the “Protecting America’s First Responders Act”*?

13. The FOP worked closely with Congressional staff to draft and develop legislation that would establish a program to collect data on law enforcement and former law enforcement suicides at the local, State, and Federal level. The result of this effort was *H.R. 3735/S. 2746, the “Law Enforcement Suicide Data Collection Act.”* The legislation was introduced in the House and its companion has passed the Senate.

Question: If a Member of Congress, are you a cosponsor of this legislation? If a Member of the House, how did you vote on *S. 2746*?

Question: If elected to the 117th Congress, how will you work with the FOP on mental health and wellness issues facing today’s law enforcement officers?

14. The Fraternal Order of Police is the largest labor organization representing this country’s law enforcement professionals.

Question: How will you involve and consult with our leadership concerning any legislation, hearings, or other Congressional activity relating to labor issues?

15. More than 90% of our nation’s law enforcement officers responding to the COVID-19 pandemic are employed by local and State governments. Efforts to protect public health at this time have had a devastating economic impact on local and State governments which are in need of direct Federal financial support to ensure that vital services like public safety remain available. Congress has provided unprecedented aid to businesses and other segments of our economy, but not enough has been made available to our State and local governments.

Question: As a Member of the 117th Congress, will you support legislation to provide local and State governments the financial means to provide full public safety services?

SECTION THREE

Criminal Justice Issues

1. Law enforcement is facing a high level of hostility from the communities we protect and serve. Hateful rhetoric and those calling for violence are having an impact—ambush attacks on law enforcement and police shootings continue to increase. The public image of policing and police officers have been terribly distorted. How will you and your Administration demonstrate support and commitment to our nation’s law enforcement officers? In response to the increased number of ambush attacks on law enforcement officers, the FOP worked with allies in Congress to introduce *H.R. 1325, the “Protect and Serve Act.”* The bill provides for criminal Federal penalties for those who target law enforcement officers and inflict serious bodily harm or death.

Question: If you were a Member of the House of Representatives in the 115th Congress, how did you vote on *H.R. 5698* on 16 May 2018? (Roll Call Vote# 188)?

Question: If you are a Member of the 116th Congress, are you a cosponsor of *H.R. 1325*?

Question: If you become a Member of the 117th Congress, will you pledge to support such legislation and work with the FOP to get it enacted?

2. The FOP supports *H.R. 5395/S. 1480, the “Back the Blue Act,”* which would increase the penalties for threats and violence against law enforcement officers, judges, and courtroom personnel—including making the murder or attempted murder of a law enforcement officer employed by an agency that receives Federal funds a capital offense. The legislation would also impose time and other substantive limits on Federal courts’ review of *habeas corpus* petitions challenging a State court conviction for killing a law enforcement officer, judge, or other public safety officer and incorporate an existing provision of the Federal *habeas* statute that is used to determine whether a defendant may file a successive petition or seek a new evidentiary hearing in Federal court.

Question: If currently a Member of Congress, are you a cosponsor of this bill? If elected to the 117th Congress, will you pledge to support such legislation and work with the FOP to get it enacted?

3. The Fraternal Order of Police supports legislation that would limit the amount of damages a criminal defendant could recover as a result of injuries that the criminal incurred in the course of committing or being apprehended for a felony or a crime of violence.

Question: If elected, will you support such legislation and work with the FOP to get it enacted in the 117th Congress?

4. In July of 2019, Attorney General William P. Barr directed the Federal Bureau of Prisons to adopt an addendum to the Federal execution protocol and schedule the executions of five death-row inmates convicted of murdering children. This was the first time that the Federal government resumed capital punishment after nearly two decades.

Question: For what crimes do you believe that the death penalty is appropriate?

5. The FOP was the primary advocate for the *Law Enforcement Officers’ Safety Act* (LEOSA) in 2004 as well as amendments to the statute enacted in 2010 and 2013. The law exempts qualified active and retired law enforcement officers who are properly trained and credentialed from State or local laws prohibiting the carriage of concealed firearms. The FOP is working to expand this exemption to include magazine capacity, the Guns Free School Zones Act, and access to certain Federal buildings like post offices. The FOP strongly supports *H.R. 1156, the “LEOSA Reform Act,”* which would fix current loopholes to better protect off-duty and retired law enforcement officers.

Question: If currently a Member of the House, are you a cosponsor of this bill and will you pledge to vote in favor of *H.R. 1156* on the House floor?

Question: If elected to the 117th Congress, will you pledge to support these efforts?

6. During the current pandemic crisis, retired law enforcement officers are finding themselves unable to requalify as required by the LEOSA. The FOP had worked in a bipartisan way to develop a bill that would suspend this requirement only for the duration of the national emergency.

Question: If elected to the 117th Congress, would you support such a bill?

7. The FOP has long been concerned about foreign governments providing shelter for criminals who commit murder or other serious violent crimes in this country, and subsequently flee to another. The FOP strongly opposes normalization of relations with Cuba until this issue is resolved, but travel restrictions that were in place for decades have recently been relaxed. We have been equally critical of other governments, including France, Israel, and Mexico, on this same point. At the FOP’s Biennial National Conference in 2007, our membership adopted a resolution urging the President of the United

States and Congress to take any and all measures necessary to enforce the 1978 Extradition Treaty made between the United Mexican States and the United States of America, “including, but not limited to the cancellation or renegotiation of the Extradition Treaty” and imposition of sanctions “including but not limited to rescinding all financial aid and support to that Government and any and all benefits afforded to that Government under the North American Free Trade Agreement” to ensure that those who commit crimes of violence in the United States are extradited and prosecuted under the laws of the United States.

Question: What steps will you take as a Member of Congress to:

- A. place pressure on Cuba, Mexico and other foreign governments that provide safe harbor for those who commit crimes of violence in the U.S. and will you pledge to make sure that Congress provides vigorous oversight on the issue of extradition of existing and future fugitives when considering agreements with foreign governments?
 - B. deter or condemn efforts by local, State, Federal or foreign governments to honor those who kill or urge the killing of our nation’s police officers and what actions will you take to curb politically-motivated attacks on law enforcement officers and reinforce the public confidence in police?
8. For years, courts across the country have recognized that, pursuant to 18 U.S.C. 1114, the United States government could prosecute anyone who killed or attempted to kill a Federal officer or employee while they were performing or on account of their official duties. Recently, however, a panel of judges on the United States Court of Appeals for the D.C. Circuit recently concluded that Congress was not expressly clear that section 1114 applies to crimes committed overseas. The FOP supports **S. 3732, the “Jamie Zapata and Victor Avila Federal Law Enforcement Officers Protection Act,”** which will ensure that Federal law clearly and unequivocally protects Federal officers and employees serving overseas.

Question: If elected to the 117th Congress, would you pledge to support this legislation?

9. “Racial profiling” is once again a political buzzword and media favorite. The FOP has repeatedly condemned the practice and asserted that it is not the policy of any U.S. law enforcement agency to base enforcement decisions solely on race. However, legislation like **H.R. 4339/S. 2355, the “End Racial Profiling Act,”** continues to be introduced in Congress.

Question: How do you define “racial profiling”?

Question: Do you believe that Federal legislation is necessary to address this issue and, if so, what would the legislation do and how would it affect law enforcement activity at the State and local level?

Question: If you are currently a Member of Congress, are you a cosponsor of this legislation?

Question: Will you pledge to oppose bills like this if elected to the 117th Congress?

10. True immigration reform requires action by the Federal government. The FOP believes that any legislation reforming our nation’s immigration system must provide for greater security at our nation’s borders, aggressive enforcement of immigration law internally, and enhanced penalties against businesses and individuals that exploit and traffic in illegal laborers.

Question: Do you agree?

Question: What elements do you see as most important for a comprehensive immigration reform bill?

11. The FOP has been very vocal on the issue of “sanctuary cities” and has been adamant that local and State law enforcement agencies should always cooperate with their Federal colleagues and vice versa. However, the FOP opposes withholding law enforcement and public safety funding on the basis that in so doing, the public safety implications are compounded. In most cases these “sanctuary” jurisdictions were established by policymakers at the local or State level. It is unfair to penalize the law enforcement agencies serving these jurisdictions for the political decisions of elected officials which

prohibited or impeded cooperation with Federal agencies.

Question: Do you agree?

Question: As a Member of the 117th Congress, how would you encourage or incentivize local and State cooperation with Federal immigration authorities?

12. The FOP is seeing a growing trend on the part of Congress to write legislation withholding Federal assistance to State, local and tribal law enforcement agencies unless they comply with certain policy conditions. These tactics are used by both parties and the issues range from sanctuary cities to data collection. The vast majority of our nation's law enforcement officers serve **local** governments and these decisions should be made at the local level.

Question: As a Member of the 117th Congress, will you pledge to oppose this type of legislative coercion and work with the FOP to develop ways to provide incentives instead of penalties to achieve Federal policy goals?

13. The FOP is very concerned about the use of highly sophisticated encryption technology that is used by traffickers in online child pornography, child sex exploitation as well as by organized criminal organizations and terrorists. With "Big Tech" often unwilling to provide court-ordered information, even upon presentation with a valid search warrant, the FOP is asking Congress to mandate lawful access to help law enforcement investigate these crimes.

Question: As a Member of the 117th Congress, will you pledge to work with the FOP to guarantee lawful access to digital evidence while still safe guarding user security and privacy rights?

14. Several organizations and many progressive mayors and prosecutors have accused State and local law enforcement agencies receiving Federal assistance through the 287(g) program of using these funds to "target communities of color, including disproportionate numbers of Latinos in particular places, for arrest." The FOP rejects these assertions as hateful and counter to the law enforcement mission. The 287(g) program is a powerful example of a successful cooperative effort between State and local law enforcement and the Federal government. For State and local agencies, the Federal resources provided by the program allow them to pursue investigations relating to violent crimes, human trafficking, gang/organized crime activity, sexual-related offenses, narcotics trafficking and money laundering. It also allows the Federal government to tap into the resources and capabilities of State and local agencies to identify and remove serious and violent criminals who have illegally entered the United States.

Question: As a Member of Congress, would you support this program?

15. Firearms policies and legislation has becoming increasingly politicized.

Question: What are your views on existing firearms law and what measures would you consider as a Member of Congress?

16. With deliberate, targeted attacks on law enforcement officers increasing significantly, the FOP supports making such attacks on a State or local law enforcement officer an aggravating offense in capital cases prosecuted at the Federal level. For this reason, the FOP supports **H.R. 99/S. 1508, the "Thin Blue Line Act."**

Question: If you were a Member of the House of Representatives in the 115th Congress, did you vote in favor of **H.R. 115, the "Thin Blue Line Act,"** on 18 May 2017? (Roll Call Vote #265)

Question: If currently a Member of Congress, did you cosponsor the legislation?

Question: If it comes up for a floor vote, will you vote in favor of the legislation?

17. While our members fight this growing problem in our communities, the FOP has been working with our allies in Congress to further address this issue, as well as that of fentanyl and other synthetic and analogue drugs, by supporting the following bills:

- *H.R. 1528, the "Comprehensive Opioid Program Extension (COPE) Act";*
- *H.R. 2070, the "Providing Officers with Electronic Resources (POWER) Act";*
- *H.R. 4810, the "Opioid Prescription Verification Act";*
- *S. 954, the "Providing Officers with Electronic Resources (POWER) Act";*
- *S. 2323, the "Screening All Fentanyl-Enhanced (SAFE) Mail Act";*
- *S. 2701, the "Operation Stonegarden Reauthorization Act";*
- *S. 2750, the "Federal Initiative to Guarantee Health by Targeting (FIGHT) Fentanyl Act"; and*
- *S. 3201, the "Temporary Reauthorization and Study of the Emergency Scheduling of Fentanyl Analogues Act."*

Question: If currently a Member of Congress, are you a cosponsor of any of these bills? If elected to the 117th Congress, how will you work with the FOP to combat the unlawful use of opioids and synthetic drugs?

18. The current Administration has restored the Federal asset forfeiture program, including the equitable sharing programs, and has adopted additional protections for claimants and provided for greater transparency with respect to the process. The FOP strongly supported these actions, but remains concerned that Congress will again try to end the equitable sharing program and Federal asset forfeiture, which we believe will hurt our ability to fight crime.

Question: If elected to the 117th Congress, will you pledge to support the current programs on asset forfeiture and fight to maintain its use as a law enforcement tool?

Question: How will you work with the FOP on this issue?

19. For several years, the FOP has been advocating for the collection of beneficial ownership information for all businesses incorporating in the United States in order to protect the U.S. economy and consumers from criminals who exploit our financial system using shell corporation and other financial institutions to conduct or profit from illegal activity.

Question: If currently a Member of Congress, are you a cosponsor of *H.R. 5116/S. 1978, the "Corporation Transparency Act"*?

Question: If elected to the 117th Congress, will you pledge to work with the FOP on this issue and others related to our efforts to update and improve our nation's anti-money laundering system?

20. If you were a Member of the House in the 115th Congress, what was your vote on these floor votes:

- *Roll Call Vote #244, on final passage of H.R. 1180, the "Working Families Flexibility Act"*
- *Roll Call Vote #266, on final passage of H.R. 1892, the "Honoring Hometown Heroes Act"*
- *Roll Call Vote #268, on final passage of H.R. 1039, the "Probation Officers' Protection Act"*
- *Roll Call Vote #284, final passage of H.R. 1761, the "Protecting Against Child Exploitation Act"*
- *Roll Call Vote #294, final passage of H.R. 2213, the "Anti-Border Corruption Reauthorization Act"*

- *Roll Call Vote #543, on final passage of H.R. 2792, the “Controlling Unlawful Fugitive Felons (CUFF) Act”*
- *Roll Call Vote #550, on final passage of S. 782, the “Providing Resources, Officers, and Technology To Eradicate Cyber Threats to (PROTECT) Our Children Act”*
- *Roll Call Vote #514, on final passage of H.R. 2412, the “International Narcotics Trafficking Emergency Response by Detecting Incoming Contraband with Technology (INTERDICT) Act”*
- *Roll Call Vote #91, Second Session, H.R. 1865, the “Allow States and Victims to Fight Online Sex Trafficking Act”*
- *Roll Call Vote #182, Second Session, H.R. 4854, the “Justice Served Act”*

21. If you were a Member of the Senate in the 115th Congress, how did you vote on *Recorded Vote #60, Second Session, H.R. 1865, the “Allow States and Victims to Fight Online Sex Trafficking Act?”*

22. The Fraternal Order of Police is the largest labor organization representing this country’s law enforcement professionals.

Question: How will you involve and consult with our leadership concerning any legislation, hearings, or other Congressional activity relating to criminal justice issues?