



# NATIONAL FRATERNAL ORDER OF POLICE®

328 MASSACHUSETTS AVE., N.E.  
WASHINGTON, DC 20002  
PHONE 202-547-8189 • FAX 202-547-8190

CHUCK CANTERBURY  
NATIONAL PRESIDENT

JAMES O. PASCO, JR.  
EXECUTIVE DIRECTOR

13 February 2017

Dear *Day on the Hill* Participant,

Welcome to our nation's capital for the FOP's annual *Day on the Hill!*

The new Administration is still taking shape and the FOP is playing a prominent role in providing our perspective on issues, personnel and other matters as the Executive Departments come together. In addition, the 115<sup>th</sup> Congress has been sworn in and seated, but has been at work for less than a month.

We had a lot of accomplishments to be proud of in the 114<sup>th</sup> Congress and have set an equally high bar for this one. In this Republican-controlled Congress, we need to push hard on our law enforcement and officer safety issues, but also must remain vigilant against efforts to undermine our rights as employees and protect State and local law enforcement assistance programs which are sure to be under fire by Republican budget hawks.

We will be fighting to defend critical programs—the Bulletproof Vest Partnership (BVP) grant program, the hiring program administered by the Office of Community Oriented Policing Services (COPS), the State Criminal Alien Assistance Program (SCAAP), and, of course, the Edward Byrne Memorial Justice Assistance Grant (Byrne-JAG) program. These programs still need our full and total support.

It is also critical that we continue to focus on OUR issues and OUR safety as part of the FOP's efforts to expand Federal hate crime laws to protect law enforcement officers. With our members increasingly under attack, we need your help in pushing this critical safety issue—issues which impact you every day and every shift.

At the same time, we must continue to educate Members of Congress and their staff about our top priorities—even if we know they are unlikely to see legislative action this year. For example, we need to increase support for the “Social Security Fairness Act.” We believe the House may move on similar legislation this year, so we need to build support for full repeal *NOW*. In addition, we continue to fight for retirement fairness for all of our Federal law enforcement officers by supporting the “Law Enforcement Officers’ Equity Act.” This bill will extend the law enforcement retirement benefits to *all* Federal law enforcement officers. We may not succeed this year, but we need to commit to working hard on the bill now to lay the foundation for our future success.

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.

— BUILDING ON A PROUD TRADITION —

On behalf of your more than 330,000 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 2017!*

Sincerely,

A handwritten signature in black ink that reads "Chuck Canterbury". The signature is written in a cursive, flowing style with a large, prominent "C" at the beginning and a long, sweeping tail that loops back under the name.

Chuck Canterbury  
National President



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## GRAND LODGE *Fraternal Order of Police*

### TOP LEGISLATIVE PRIORITIES FOR THE 115<sup>th</sup> CONGRESS

*All information up to date as of 1 February 2017*

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

##### **A. Support 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 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. *Such legislation is unlikely to be introduced in this Congress.*

#### **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 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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## The “Social Security Fairness Act”

### *Repealing the Windfall Elimination Provision and Government Pension Offset*

The FOP strongly supports the passage of 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 were \$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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## **The “Law Enforcement Officers’ Equity Act”** *Legislation Providing Law Enforcement Retirement Benefits to All Federal Law Enforcement Officers*

The FOP strongly supports the introduction and passage of the “**Law Enforcement Officers’ Equity Act.**” This legislation would expand the definition of “law enforcement officer” for salary and retirement benefits to include all Federal law enforcement officers. It would also save taxpayers’ money and enhance public safety and national security.

Due to their high level of training and the dangerous nature of the profession, Congress rightfully determined that Federal law enforcement officers should receive enhanced salary and retirement benefits compared to other Federal employees. However, Federal law enforcement officers classified as GS-0083 police officers were not initially covered. Over time, Congress has partially corrected this injustice by granting GS-0083 officers in some agencies, law enforcement officer (LEO) status for salary and retirement benefits, but today nearly 30,000 of these dedicated Federal law enforcement officers do not receive these benefits. Congress has even granted LEO status to Air Traffic Controllers and many employees of the Bureau of Prisons (such as cooks), whose primary duties are not law enforcement related.

These dedicated men and women put their lives on the line as law enforcement officers for different agencies including the Department of Defense (DoD) and Armed Services, Veterans Affairs (VA), Federal Bureau of Investigation (FBI), U.S. Postal Police, Federal Protective Service (FPS), National Institute of Health (NIH), US Mint, and the Bureau of Engraving and Printing (BEP). They serve as our Federal government’s first responders, are asked to face the same hazards as their State and local counterparts and, when one of them falls in the line of duty, their names are added to the National Law Enforcement Officers’ Memorial here in Washington, DC.

Through regulatory authority, the Office of Personnel Management (OPM) has promulgated that the definition of a “law enforcement officer” for salary and pay benefits does not include “an employee whose primary duties involve maintaining law and order, protecting life and property, guarding against or inspecting violations of 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 Merits Systems Protection Board (MSPB) or the OPM, but since



2000, the OPM and the MSPB, with the backing of U.S. Court of Appeals for the Federal Circuit, have made it extremely difficult for these officers to gain LEO status through judicial review.

Since the OPM will not amend its outdated LEO definition and the judicial review process has failed, the best remedy to this injustice is legislation amending U.S. Code to grant all GS-0083 officers LEO status. The "Law Enforcement Officers Equity Act," would provide these brave Federal officers with 6(c) benefits and the ability to retire after twenty (20) years of service at the age of fifty (50), or twenty-five (25) years of service at any age.

Congress should pass this legislation and recognize that these GS-0083 officers are as highly trained as their colleagues with LEO status. Many attend the Federal Law Enforcement Training Center and their job is no less dangerous. These officers have been seriously injured and even killed in the line of duty. Criminals who assault civilian law enforcement officers do not discriminate based on their salary and retirement status and neither should this nation which is greatly served by their dedication and sacrifice.

Ultimately granting these law enforcement officers the retirement and salary benefits they deserve will 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.

The problem is illustrated by a 2003 Government Accounting Office report to Congress which found that, when the Transportation Security Administration (TSA) heavily recruited experienced officers from other agencies for Air Marshalls, the agencies with the highest turnover in GS-0083 officers were the NIH (58%), U.S. Mint (41%), and BEP (27%). The officers in these agencies do not have LEO status. The same GAO report mentions that the officers employed by the four agencies (BEP, NIH, FPS, and FBI) with the most difficulty recruiting 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 experienced law enforcement officers is immeasurable.

Again, the FOP believes this is a matter of not only fairness but national security and public safety.

***The Fraternal Order of Police strongly supports law enforcement officer retirement benefits for all Federal law enforcement officers.***



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## LEGISLATION SUPPORTED by the Grand Lodge, Fraternal Order of Police *as of 1 February 2017*

- **H.R. 62** (*Jackson Lee, D-TX*), the “Gun Violence Reduction Resources Act,” would authorize the hiring of an additional 200 agents and investigators for the Bureau of Alcohol, Tobacco, Firearms and Explosives in the U.S. Department of Justice;
- **H.R. 115** (*Buchanan, R-FL*), the “Thin Blue Line Act,” would increase the penalty for offenders who kill or attempt to kill law enforcement or other public safety officers;
- **H.R. 173** (*Courtney, D-CT*), the “Middle Class Health Benefits Tax Repeal Act,” 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;
- **H.R. 426** (*Ratcliffe, R-TX*), the “Protecting Lives Using Surplus (PLUS) Equipment Act,” would restore all Federal equipment assistance programs to State and local law enforcement which were restricted by Executive Order 13688;
- **H.R. 510** (*Sensenbrenner, R-WI*), the “Rapid DNA Act,” which would implement the use of Rapid DNA instruments to inform decisions about pretrial release or detention and their conditions, to solve and prevent violent crimes and other crimes, to exonerate the innocent, and prevent DNA analysis backlogs;
- **H.R. 613** (*McKinley, R-WV*), the “Lieutenant Osvaldo Albarati Correctional Officer Self-Protection Act,” would direct the Bureau of Prisons to make secure firearms storage areas accessible to employees at all of its facilities;
- **H.R. 664** (*Joyce, R-OH*), the “Stem the Tide of Overdose Prevalence from Opiate Drugs (STOP OD) Act,” would aim to reduce the curb the number of overdoses due to synthetic fentanyl and helps equip law enforcement officers with naloxone;
- **H.R. 695** (*Schiff, D-CA*), the “Child Protection Improvements Act,” which would allow organizations that serve children and the elderly to use the FBI database to conduct background checks on potential employees;

— BUILDING ON A PROUD TRADITION —

- **H.J. Res 61** (*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. 40** (*Heller, R-NV*), the “Middle Class Health Benefits Tax Repeal Act,” 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. 139** (*Hatch, R-UT*), the “Rapid DNA Act,” which would implement the use of Rapid DNA instruments to inform decisions about pretrial release or detention and their conditions, to solve and prevent violent crimes and other crimes, to exonerate the innocent, and prevent DNA analysis backlogs;
- **S. 207** (*Klobuchar, D-MN*), the “Synthetic Abuse and Labeling of Toxic Substances (SALTS) Act,” would close the existing loophole for the manufacturers on analogue drug sales and distribution;
- 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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## LEGISLATION *OPPOSED* by the Grand Lodge, Fraternal Order of Police *as of 1 February 2017*

- **H.R. 387** (*Yoder, R-KS*), the “Email Privacy Act,” would make it more difficult for law enforcement to collect and obtain electronic evidence;
- **H.R. 622** (*Chaffetz, R-UT*), the “Local Law Enforcement for Local Lands Act,” would terminate the law enforcement functions of the U.S. Forest Service and the Bureau of Land Management;
- **H.R. 785** (*King, R-IA*), the “Right to Work Act,” would limit and further erode the rights of employees to negotiate with their employer over wages, hours and working conditions;
- Legislation that 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 that 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 until that nation ceases to be a safe harbor for cop-killers and other fugitives.



## *Lobbying Tips*



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

Remember: *you* are the expert on law enforcement. Use this opportunity to educate your elected officials about the needs and concerns of law enforcement officers. 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 meeting.

### **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 when making your case.

### **Be Organized**

Be on time. If you are part of a group meeting, select a spokesperson to lead the discussion or determine who will speak on each issue. Know the time frame you are under and highlight our top legislative priorities.

### **Be Concise**

Legislators and staff have limited time and many demands. Be sure to stay on message on our three top legislative priorities. 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. Do not be disappointed if they have to cut your meeting short. Make the most of them by focusing on a few key issues and following-up with detailed information in writing. Do not 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. Politely maintain your position, even if you know they do not 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 that you were unable to provide during the meeting.