



NATIONAL FRATERNAL ORDER OF POLICE®

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21 October 2010

The Honorable Ben S. Bernanke
Chairman
Board of Governors
Federal Reserve System
20th Street and Constitution Avenue, NW
Washington, D.C. 20551

Dear Chairman Bernanke,

I am writing on behalf of the members of the Fraternal Order of Police to seek your assistance in properly implementing the very recently enacted S. 1132/PL 111-272, the "Law Enforcement Officers' Safety Act Improvements Act." I understand that there are officials within the Federal Reserve System who may not fully appreciate the intent of the statute as it applies to their law enforcement officers.

When we began work on this legislation, one of the issues we addressed is the fact that, while the law enforcement officers of the Federal Reserve System are fully sworn, fully trained Federal law enforcement officers, they did not meet the definition of "qualified active or retired law enforcement officer" within the meaning of the original Law Enforcement Officers' Safety Act (LEOSA). They did not meet this definition because of the unique nature of the Federal Reserve System which is not technically a "governmental agency." Law enforcement officers employed by the Amtrak Police Department had the identical problem as Amtrak is also not technically a "governmental agency."

For this reason, the author of the legislation, Senator Patrick J. Leahy (D-VT), the Chairman of the Committee on the Judiciary, and the FOP crafted language in S. 1132, now Public Law 111-272, which specifically states that "a law enforcement or police officer of the executive branch of the Federal Government" meets the definition of "qualified active law enforcement officer" in 18 USC 926B and "qualified retired law enforcement officer" in 18 USC 926C. The full text of the law as recently amended now reads:

*(f) For the purposes of this section, a law enforcement officer of the Amtrak Police Department, a law enforcement officer of the Federal Reserve, or a law enforcement or police officer of the executive branch of the Federal Government **qualifies as an employee of a governmental agency who is authorized by law to engage in or supervise the prevention, detection, investigation, or prosecution of, or the incarceration of any person for any violation of law and has statutory powers of arrest.***

—BUILDING ON A PROUD TRADITION—

This language was specifically crafted to ensure that law enforcement officers employed by the Amtrak and Federal Reserve Police Departments who did not previously meet the definitions in LEOSA because they were not, strictly speaking, "employees of a governmental agency," would now be covered by making them, by definition, "qualified active law enforcement officers."

Identical changes were made to 926C(f), which deals with retired officers.

Further, the report issued by the Judiciary Committee (111-232) could not be clearer with respect to Congressional intent. Section III of the report reads:

Section 2(a)(2) makes explicit that active law enforcement officers employed by the Amtrak Police Department, the Federal Reserve, or who serve as law enforcement officers of the executive branch of the Federal Government' are eligible for the law's benefits.

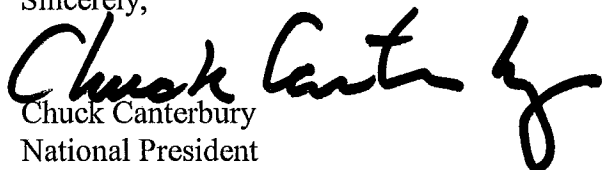
Finally, the President acknowledged this in his statement which accompanied the announcement that he had signed the bill into law:

[S. 1132] ...specifies that current and former law enforcement and police officers of the executive branch of the Federal Government and current and former law enforcement officers of the Amtrak Police Department and the Federal Reserve may generally be exempted from State laws prohibiting the carrying of concealed weapons.

Mr. Chairman, I hope this information will help the Federal Reserve System craft an appropriate policy acknowledging the changes to Federal law as enacted. I am absolutely prepared to work with you and your staff to answer any questions you might have about the new law or how it might best be implemented.

On behalf of the more than 328,000 members of the Fraternal Order of Police, I thank you for your time and attention to this matter. If you need any additional information about this issue, please do not hesitate to contact me or Executive Director Jim Pasco.

Sincerely,


Chuck Canterbury
National President

cc: The Honorable Patrick J. Leahy, Chairman, Committee on the Judiciary, United States Senate
The Honorable Jefferson B. Session III, Ranking Member, Committee on the Judiciary, United States Senate
The Honorable Steny H. Hoyer, Majority Leader, U.S. House of Representatives
The Honorable J. Randy Forbes, Member, U.S. House of Representatives