

CONGRESSIONAL CANDIDATE QUESTIONNAIRE

A Model Questionnaire for use by State and Local Lodges

The following model questionnaire is being provided to all State and local Lodges to aid them in evaluating candidates for Congress. The questions are drawn from issues being lobbied by the Grand Lodge on Capitol Hill and those which have been prepared by the Presidential Screening Committee.

It is particularly important for the State and local Lodges to endorse candidates who support our top priority items and 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.

- ***Social Security issues: Support H.R. 147/S. 619, the “Social Security Fairness Act and Oppose Mandatory Participation in Social Security:*** The F.O.P. strongly supports the repeal of both the “Windfall Elimination Provision” (WEP) and the “Government Pension Offset” (GPO) . The F.O.P. vehemently opposes legislation which would mandate participation in Social Security for public employees or new hires who are currently outside the Social Security system.

- ***Support H.R. 1249/S. 513, the “Public Safety Employer-Employee Cooperation Act”:*** The F.O.P. strongly supports legislation guaranteeing the right of public employees to bargain collectively with their employers over hours, wages and conditions of employment. The legislation guarantees the right of public safety employees to form and join unions, outlining certain provisions that must be included in State laws, but leaving the major decisions to the State legislatures. States with collective bargaining laws will be exempt from the Federal statute.

- ***Support H.R. 354/S. 718, the “Law Enforcement Discipline, Accountability and Due Process Act :*** The F.O.P. 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 non-criminal 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.

Section One:

Employees' Rights Issues

1. The Fraternal Order of Police strongly supports ***H.R. 147/S. 619, 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 or widow(er)'s benefit from Social Security by two-thirds of the monthly amount received from the government pension. What is your position with respect to the GPO and WEP, and will you support legislation like ***H.R. 147*** and ***S. 619***?
2. In its final report, President Bush's Commission to Strengthen Social Security (CSSS) rejected a scheme to mandate participation in Social Security for newly hired State and local government employees currently outside the Social Security system. Will you pledge to oppose any plan 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. The Fraternal Order of Police strongly supports legislation which provides minimal collective bargaining rights for public safety employees (i.e., law enforcement officers and firefighters). What is your position on public employee collective bargaining and will you support passage of legislation like ***H.R. 1249/S. 513, the “Public Safety Employer-Employee Cooperation Act”*** that guarantees basic rights for public safety employees? Would you also support similar provisions that would allow uniform and non-uniform Federal law enforcement officers to unionize and engage in collective bargaining?
4. The Fraternal Order of Police strongly supports legislation which would articulate the rights of law enforcement officers who are, in a number of jurisdictions, denied their due process rights by police administrators and management. Will you actively and publicly support legislation, such as ***H.R. 354/S. 718, the “State and Local Law Enforcement Discipline, Accountability and Due Process Act”*** protecting the due process rights of law enforcement officers in non-criminal, administrative proceedings?
5. The Fraternal Order of Police strongly supports ***H.R. 1002, 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, and Customs and Immigration Inspectors. 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 first responders? Will you actively support legislation such as ***H.R. 1002***?

6. Last year, the Majority staff of the House Subcommittee on Federal Workforce and Agency Organization and the Senate Subcommittee on Oversight of Government Management, the Federal Workforce, and the District of Columbia released a concept paper for a Federal Law Enforcement Personnel System. The proposal would include a pay-for-performance system and pay banding. What is your view of the concept paper and would you support legislation derived from the paper's proposals?
7. In the 108th Congress, the F.O.P. helped to enact *S. 459, the "Hometown Heroes Survivors Benefits Act,"* which expanded the eligibility for the financial assistance provided under the Public Safety Officers' Benefits (PSOB) program to the survivors of law enforcement officers who suffer a fatal heart attack or stroke in the line of duty. What is your position with respect to the PSOB program in general, and do you support 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?
8. In August 2004, new rules governing the exemptions from overtime under the Fair Labor Standards Act (FLSA)--also known as the Part 541 or "white collar" exemptions--went into effect. The new rules, which the F.O.P. strongly supports, make several important changes for public safety employees. For the first time ever, the regulations clarify that neither the regulations contained in 29 CFR nor the Section 13(a)(1) exemptions apply to police officers, firefighters, EMTs and other first responders who perform public safety work. The regulations go on to clarify why these employees, regardless of their rank or pay level, cannot be classified as executive, administrative or professional employees, and thus be exempted from receiving overtime pay. Will you pledge to support these regulations and oppose any Congressional or interest group effort to alter or otherwise weaken these exclusions for public safety officers?
9. The Fraternal Order of Police strongly supports the use of Defined Benefit (DB) pension plans for public employees and are growing concerned that these plans are under fire at the State and local level in favor of Defined Contribution (DC) plans, which do not have guaranteed benefits for law enforcement and other public safety officers when they retire. Many State legislators have proposed a mandatory switch of all public employees, including police officers, into DC plans rather than the current DB plan. What is your position in respect to DB and DC plans and how might this issue be addressed at the Federal level?

Section Two: Criminal Justice Issues

1. The Fraternal Order of Police was the chief advocate for the passage of *H.R. 218/S. 253, the “Law Enforcement Officers’ Safety Act,”* which was signed into law in July 2004. The law exempts qualified active and retired law enforcement officers from State and local prohibitions on the carrying of concealed firearms. Were you a cosponsor of either of these bills in the 108th Congress and would you, or did you, support the measure on the when it was put to a vote?
2. The F.O.P. supports *S. 1605, the “Law Enforcement Officers’ Protection 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 also imposes 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 incorporates 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. Further, the bill would limit the amount of damages that 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. The legislation also includes language which the F.O.P. helped to develop to make minor changes to the Law Enforcement Officers Safety Act (LEOS). Are you a cosponsor of this legislation, or would you agree to cosponsor such a bill if elected?
3. For what crimes do you believe that the death penalty is appropriate?
4. Since the Fraternal Order of Police is the largest labor organization representing this country’s law enforcement professionals, how will you involve and consult with our leadership concerning any legislation, hearings, or other Congressional activity relating to labor and criminal justice matters?
5. “Racial profiling,” once a political buzzword and a favorite topic of the media, disappeared from the headlines following the attacks on the United States on 11 September 2001. The F.O.P. has 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 continues to be introduced in Congress which seek to end this so-called practice. How do you define “racial profiling”? Do you believe that Federal legislation is necessary to address this issue and if so, what would the legislation do?
6. As a Member of Congress, what actions will you take to curb politically-motivated attacks on law enforcement officers and what steps will you take to reinforce the public confidence in police?

7. In the past several Congresses, numerous pieces of legislation have been introduced which attempt to expand the definition of “hate crimes.” What is your position on this issue--is Federal legislation necessary and how should such crimes be defined? Would you consider making the murder of a law enforcement officer a crime of hate?
8. In 1996 Congress passed the “Domestic Violence Offender Gun Ban,” or “Lautenberg Law,” as it is popularly known. The language was a small part of the huge “Omnibus Consolidated Appropriations Act,” a must-pass bill enacted on the final day of the 104th Congress. There were no hearings and very little debate on the measure which, for the first time in the history of federal gun control, affected law enforcement officers and members of the military. The law provides a Federal firearms disability for any person convicted, regardless of the date of conviction, for a misdemeanor offense in which domestic violence is an actual or statutory element. The law has had no demonstrable impact in the fight against domestic violence to date, is not being properly enforced on military personnel, and is aimed only at active duty law enforcement officers under the current enforcement strategy. Because of liability concerns, good police officers are losing their jobs for minor offenses committed long before the law passed. What is your position with respect to this law, and would you support legislation to amend it by making its application prospective from the date of original enactment for all persons?
9. Federal funding for State and local law enforcement is a very real concern, especially given the increased homeland security responsibilities of State and local agencies. How will you work to ensure continued Federal funding for traditional law enforcement programs and activities?
10. The F.O.P. has consistently maintained, throughout the several debates on homeland security funding legislation, that the first priority of the homeland security effort is preventing a terrorist attack and that the “all hazards” approach compromises this priority. The F.O.P. believes that Federal funding does not sufficiently reflect the prevention goal and is geared instead towards purchasing equipment and training to respond to the aftermath of a critical incident. What is your view on the “all hazards” approach and how do you think it impacts law enforcement’s role in the war on terror in terms and on access to Federal funds?
11. The Fraternal Order of Police and others in the law enforcement community have raised concerns about the standards for Personal Protective Equipment (PPE), specifically with the creation of consensus-based standards and changes in the State Homeland Security Grant Program and its Authorized Equipment List. Because of recent changes to the grant guidelines, law enforcement agencies are now unable to purchase personal protective equipment which they had been able to buy as recently as FY2003 because they do not conform to the National Fire Protective Association (NFPA) Standard 1994. Prior to FY2003, the NFPA Standard was only a recommendation and not a requirement, as it was recognized that fire protective association was not well-suited to evaluate the PPE needs of law enforcement officers facing tactical situations. How will you as a Member of Congress work with the F.O.P. to give them a meaningful voice in the creation of consensus-based

standards for law enforcement PPE and access to the equipment that they depend on to do their jobs safely?

12. Because of the increased politicization of firearms issues and the lack of any meaningful public safety component in many legislative proposals, the membership of the F.O.P. adopted a resolution stating that it would not support additional “gun control” legislation beyond our support for the measures signed into law in 1994. Will you seek to push any additional “gun control” measures? If so, what public safety benefit do you expect to achieve and why should the F.O.P. overturn its resolution on this issue?