

# **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.

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. The following is a brief summation of the top legislative priorities of the Fraternal Order of Police:

- **Support H.R. 1362/S. 1172, 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.
- **Social Security issues: Support H.R. 1795/S. 896, the “Social Security Fairness Act” and Oppose Mandatory Participation in Social Security**  
The FOP strongly supports the repeal of both the “Windfall Elimination Provision” (WEP) and the “Government Pension Offset” (GPO). 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.
- **Support legislation granting statutory arrest authority to DoD officers**  
The FOP strongly supports legislation giving certain Federal law enforcement officers employed by the U.S. Department of Defense statutory arrest authority.

**Section One:**  
**Employees' Rights Issues**

1. The Fraternal Order of Police strongly supports *H.R. 1795/S. 896, 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. If currently a Member of Congress, are you a cosponsor of this legislation? If not, will you pledge to support this legislation in the 114<sup>th</sup> Congress?
2. 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. What have you done or will you do to halt these politically motivated attacks on public safety unions and how will you stand up for these organizations?
3. 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. 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?
4. 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 collective bargaining for public safety employees? 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 111<sup>th</sup> Congress, how did you vote on 1 July 2010 on the second amendment considered under H. Res. 1500 (*Roll Call Vote #430*)?
6. If you were a Member of the U.S. House of Representatives in the 110<sup>th</sup> Congress, how did you vote on 17 July 2007 to pass H.R. 980 (*Roll Call Vote #633*)?
7. If you were a Member of the Senate in the 107<sup>th</sup> Congress, how did you vote on 6 November 2001 invoking cloture to end debate on S. Amdt. 2044 (*Recorded Vote #323*)?

8. 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. Would you support legislation which would protect the due process rights of law enforcement officers in non-criminal, administrative proceedings?
9. The Fraternal Order of Police strongly supports *H.R. 1362/S. 1172, 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, as well as 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 public safety officers? If currently a Member of Congress, are you a cosponsor of this legislation? If not, will you pledge to support this legislation in the 114<sup>th</sup> Congress?
10. The Patient Protection and Affordable Care Act includes an excise tax on high cost employer-sponsored health coverage. Even though this tax is levied against the insurance provider and the tax does not go into effect until January 2018, the provision is strongly opposed by the Fraternal Order of Police because it could result in a decrease in the quality or increase the cost of plans for law enforcement officers. The provision imposes a forty percent (40%) tax to premiums above \$27,500 for family plans and \$10,200 for individuals. (For example, an individual plan worth \$11,200 would pay a \$400 tax.) There is an increased threshold for employees engaged in high risk professions, which includes law enforcement, of \$3,000 for family plans and \$1,350 for individual plans. Essentially any plan for a law enforcement officer that is under \$30,500 (for a family) or \$11,550 (for an individual) would be exempt from the tax. Also, the thresholds are indexed to increase at the rate of inflation. As a Member of Congress, what steps will you take to repeal this tax and will you pledge to oppose any direct or indirect tax on health plans?
11. In 2007, the Internal Revenue Service (IRS) proposed a new rule requiring pension plans to have a "normal retirement age" which is an age "not earlier than the earliest age that is reasonably representative of the typical retirement age for the industry in which the covered workforce is employed." For plans in which "substantially all" of the participants are public safety officers, the new "normal retirement age" would be 50. This is at odds with the standard practice of defined benefit plans used by State and local governments, which typically define their normal retirement age or normal retirement date as the date or age when participants qualify for normal or unreduced retirement benefits under the plan. Such qualification is often conditioned, in whole or in part, on the completion of a stated number of years of service. Pension plans are designed for public safety employees, who must maintain physical vigor to accomplish their public safety missions, and, for this reason, often begin these careers at an earlier age than other public employees and retire at an earlier age. Typical public safety plans are tied to years of service, usually ranging from 20 to 25 years, not to the arbitrary 50 years of age described in the regulation. The Federal government has never prohibited the use of years of service

for governmental pension plans. In fact, the IRS routinely approved service-based normal retirement ages through the determination letter process. The implementation of this rule has been delayed by the IRS several times already and without another delay, a change in the rule, or legislative action, it will go into effect on 1 January 2015. There is little doubt that its implementation would have an immediate and very negative impact on many individuals as well as pension plans, many of which are governed by State statutes or State Constitutions and others which could be part of an existing labor contract. Plans may be forced into a position of choosing to violate a State Constitution, a State law, an existing contract, or an IRS regulation. Would you support legislation which would make clear that existing plans which use “years of service” to establish a normal retirement date will be able to continue this practice without penalty and without jeopardizing the retirement plans and benefits of so many of our nation’s law enforcement and other public safety officers?

12. The Fraternal Order of Police strongly supports the use of Defined Benefit (DB) pension plans for public employees and is 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 retirees. Many State lawmakers have proposed legislation which would replace existing Defined Benefit plans with Defined Contribution plans, thereby reducing retirement benefits for employees. What is your position in respect to Defined Benefit and Defined Contribution plans and how might Congress address this issue at the Federal level?
13. 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 issues?

**Section Two:**  
**Criminal Justice Issues**

1. The FOP believes that all civilian Federal law enforcement officers should have statutory arrest authority. There are thousands of civilian law enforcement officers employed by the U.S. Department of Defense (DoD) whose authority is limited to that of “apprehension.” Because it is not clear if the difference between arrest and apprehension is one of use or one of law, the FOP supports legislation which would authorize the U.S. Secretary of Defense to grant statutory arrest authority to civilian law enforcement officers within DoD. Will you pledge to support this legislation in the 114<sup>th</sup> Congress?
2. The FOP was instrumental in securing the passage of the Law Enforcement Officers’ Safety Act of 2004 and two subsequent amendments to that statute. The FOP is now seeking to expand the exemption provided by the law to include firearm magazines and to the Guns Free School Zones Act. Will you pledge to support our efforts in the 114<sup>th</sup> Congress?
3. The FOP supports legislation that 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. If elected, will you support such legislation?
4. 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. Will you support and cosponsor such legislation if it were introduced?
5. For what crimes do you believe that the death penalty is appropriate?
6. The Fraternal Order of Police strongly supports the enactment of ***H.R. 180/S. 357, the “National Blue Alert Act,”*** which will create a national alert system allowing law enforcement to notify and seek the help of the general public if a law enforcement officer goes missing, is killed or is seriously injured in the line of duty. If currently a Member of Congress, are or were you a cosponsor of this bill?
7. If you are a Member of the House, how did you vote on 14 May 2013 on final passage for ***H.R. 180?*** (*House Roll Call Vote #144*)
8. If you are a Member of the Senate Committee on the Judiciary, how did you vote on 19 September 2013 on the motion to favorably report ***S. 357?***

9. The Fraternal Order of Police supports the creation of a national commission to examine our nation's criminal justice systems and to make recommendations to Congress based on their findings. A similar commission established in 1965 resulted in a huge step forward for the profession of law enforcement and the criminal justice system at every level of government. We believe that the integrity and credibility of such a commission depends on it being created by an act of Congress, not an executive order. Will you pledge to support such legislation in the 114<sup>th</sup> Congress?
10. 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. What steps will you take as a Member of Congress to place pressure on Cuba, Mexico and other foreign governments that provide safe harbor for those who commit crimes of violence in the U.S.? 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?
11. In December 2011, as the FOP marked the 30<sup>th</sup> anniversary of the murder of Philadelphia Police Officer Daniel Faulkner by Wesley Cook, who is better known by his alias, Mumia Abu-Jamal, a small town in the suburbs of Paris decided to name a street after this killer. Similarly, a Chicago alderman proposed several years ago to name a street in honor of a Black Panther thug named Fred Hampton, who advocated the killing of police officers. If you were a Member of the House in the 109<sup>th</sup> Congress, how did you vote on final passage for H. Res. 1082, which condemned the actions of St.-Denis, France in honoring a murderer (*Roll Call Vote #527*), and, as a Member of Congress, what actions will you take to 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? 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?
12. "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 FOP 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 like *H.R. 2851/S. 1038, the "End Racial Profiling Act,"* continues

to be introduced in Congress. 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 and how would it affect law enforcement activity at the State and local level? If you are currently a Member of Congress, are you a cosponsor of this legislation? Will you pledge to oppose bills like this if elected to the 114<sup>th</sup> Congress?

13. The FOP has expressed concern that critics of the enactment of the recent State statute in Arizona, *Senate Bill 1070, the Support Our Law Enforcement and Safe Neighborhoods Act*, state that law enforcement officers will engage in racial profiling despite the fact that this practice is illegal. Law enforcement officers know the meanings of the terms “reasonable suspicion” and “probable cause.” What is your position on local and State enforcement of immigration law, be it State or Federal?
14. 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. Do you agree? What elements do you see as most important for a comprehensive immigration reform bill?
15. 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 104<sup>th</sup> 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. What is your position with respect to this law, and would you support legislation to repeal it?
16. 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 and the impact of deep cuts to our most critical programs in the past two years. How will you work to ensure continued Federal funding for traditional law enforcement programs like the hiring program administered by the Office of Community Oriented Policing Services (COPS), the Edward Byrne Memorial Justice Assistance Grant (Byrne-JAG) programs, the State Criminal Alien Assistance Program (SCAAP), and the Bulletproof Vest Partnership (BVP) program?
17. If you were a Member of the U.S. House of Representatives in the 112<sup>th</sup> Congress, how did you vote on 8 May 2012 on the motion to adopt *H. Amdt. 1050* to *H.R. 5236, the “Commerce, Justice, Science and Related Appropriations Act, 2013”*? (*House Roll Call Vote #212*)
18. If you were a Member of the U.S. House of Representatives in the 112<sup>th</sup> Congress, how did you vote on 8 May 2012 on the motion to adopt *H. Amdt. 1055* to *H.R. 5236, the*

*“Commerce, Justice, Science and Related Appropriations Act, 2013”?* (House Roll Call Vote #214)

19. If you were a Member of the Senate Committee on the Judiciary in the 112<sup>th</sup> Congress, how did you vote on the motion to favorably report *S. 2554, the “Bulletproof Vest Partnership Grant Act”*?
20. If you were a Member of the U.S. House of Representatives in the 112<sup>th</sup> Congress, how did you vote on 16 February 2011 on the consideration of *H. Amdt. 27* as modified to *H.R. 1, the “Fiscal Year 2011 Continuing Resolution”*? The amendment restored \$298 million in funds for the hiring program administered by the COPS Office. (House Roll Call Vote #53)
21. If you were a Member of the U.S. House of Representatives in the 112<sup>th</sup> Congress, how did you vote on 3 November 2011 on the motion to instruct conferees “to insist on the highest level of funding for the Community Oriented Policing Services (COPS) programs”? (House Roll Call Vote #822)
22. If you were a Member of the Senate in the 112<sup>th</sup> Congress, how did you vote on 20 October 2011 on the motion to invoke cloture on the motion to proceed to the consideration of *S. 1723, the “Teachers and First Responders Back to Work Act”*? (Senate Roll Call Vote #177)
23. Several organizations and many fringe groups 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. As a Member of Congress, would you support or expand this program?
24. The FOP strongly supported the REAL ID Act because law enforcement officers need to have confidence that the documents presented to them to establish the identity of a given individual are accurate. Officers rely on these documents during traffic stops and other law enforcement actions to access information related to that individual’s criminal history. As a Member of Congress, will you continue to support it and ensure adequate funding to States for its implementation?
25. 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 FOP

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 FOP overturn its resolution on this issue?

26. 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 criminal justice issues?