

Statement of

# **The Honorable Patrick Leahy**

United States Senator  
Vermont  
May 9, 2007

Opening Statement of Senator Patrick Leahy  
On the Law Enforcement Officers Safety Act of 2007, S.376  
Senate Judiciary Committee

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This morning the Judiciary Committee has the opportunity to consider in advance of National Police Week next week a bill of interest to many of our law enforcement officers across the country.

When we were unable to complete our agenda last Thursday, I indicated to Senator Feingold that I would today turn first to the Fair Contracts for Growers Act, S.221, the bill introduced by Senator Grassley and Senator Feingold and cosponsored by a number of us to remedy unfair mandatory arbitration provisions from adhesion contracts in agriculture. Yesterday the principal sponsors of the bill worked out an arrangement with Senators Kyl and Sessions to accommodate them by agreeing to postpone Committee consideration of that bill until next week and to limit the amendments that will be offered to the measure. That clears the way for the Committee today to return to the debate on the Law Enforcement Officers Safety Act, S.376, that we began several weeks ago.

With the enactment of the Law Enforcement Officers Safety Act in 2004, (LEOSA) Congress and the President also recognized that law enforcement officers are never "off-duty." Under this law, qualified retired officers seeking certification to carry a firearm have been subject to varying procedures from State to State. Differing interpretations have complicated the implementation of the law, and some retired officers have experienced significant frustration in getting certified under LEOSA.

With the input of the law enforcement community, this bill proposes modest amendments to the current law. For example, where a State has not set active duty standards, the retired officer can be certified pursuant to the active duty standards set by law enforcement agencies in the State. In addition, the bill clarifies that Amtrak police officers, along with officers of the Executive branch of the Federal Government, are covered by the law. The bill also resets at 10 the years of service required for a retired officer to qualify under the law, and removes the requirement that an officer be entitled to non-forfeitable benefits, which some smaller law enforcement agencies do not provide.

The requirements for eligibility still involve a significant term of service for a retired officer to qualify, a demonstrated commitment to law enforcement, and certification.

In order to qualify under the law, all officers seeking certification to carry a firearm must have retired in "good standing." With respect to the changes allowing a certified firearms instructor to conduct testing, the testing still must be pursuant to active duty standards, and conducted by a firearms instructor certified by the state to test active duty officers.

The dedicated public servants who are trained to uphold the law and keep the peace deserve our support and our thanks. We also act in our own interest when we give law enforcement officers the ability to answer the call of duty wherever they may be. For example, just recently in a tragic shooting spree that killed five people in a shopping mall in Utah, an off duty officer, Ken Hammond, likely saved lives when he confronted a killer who was heavily armed and engaged him until other officers arrived. He could have just as easily been a retired officer as an off-duty officer.

The men and women who have served as peace officers are a tremendous resource in all of our communities. Just last week this Committee reported and the Senate passed the Senate Resolution, S. Res. 162, by which we recognized Peace Officers Memorial Day. Ten Members of this Committee cosponsored the resolution that I introduced with the Ranking Member.

Next week is National Police Week during which we honor the dedication and courage of the more than 900,000 men and women who put themselves on the line to protect all of us. Next Tuesday, as we do every May 15, we will commemorate those officers and their families who sacrifice so much for us, including the 147 officers across the United States killed in the line of duty during 2006, and we will gather in a ceremony here on Capitol Hill to recognize Peace Officers Memorial Day. Just last night the Senate passed H. Con. Res. 124 to authorize The Grand Lodge of the Fraternal Order of Police and its auxiliary to sponsor the 26th annual National Peace Officers' Memorial Service on the Capitol Grounds.

The technical fixes in this bill will continue our aim of establishing national measures of uniformity and consistency to permit trained and certified retired law enforcement officers to carry concealed firearms in most situations so that they may respond immediately to crimes across State and other jurisdictional lines, as well as to protect themselves and their families from vindictive criminals.

I look forward to the Committee approving this bill today to make our communities safer and better protect law enforcement officers and their families.

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