

## NOTCH BABY ACT OF 1999

**HON. JO ANN EMERSON**

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, January 6, 1999*

Mrs. EMERSON. Mr. Speaker, I rise today to introduce the Notch Baby Act of 1999 which would create a new alternative transition computation formula for Social Security benefits for those seniors born between 1917 and 1921. These seniors, who are generally referred to as "Notch Babies," have been receiving lower monthly Social Security benefits than seniors born in the years just prior to or after this five year period.

There are those who dispute the existence of a Notch problem. However, take into consideration the following example presented in a 1994 report by the Commission on Social Security Notch Issue. There are two workers who retired at the same age with the same average career earnings. One was born on December 31, 1916 and the other was born on January 2, 1917. Both retired in 1982 at the age of 65. The retiree born in 1917 receives \$110 a month less in Social Security benefits than did the retiree born just two days before in 1996. Also take into consideration that there are currently more than 6 million seniors in our Nation who are faced with this painfully obvious inequity in the Social Security benefit computation formula.

By phasing in an improved benefit formula over five years, the Notch Baby Act of 1999 will restore fairness and equality in the Social Security benefit computation formula for the Notch Babies. For once and for all this legislation would put to rest the Notch issue, and it would put an end to the constant barrage of mailings and fundraising attempts which target our Nation's seniors in the name of Notch reform. Our seniors deserve fairness and equality in the Social Security system. They deserve an end to the repeated congressional stalling on this issue. I urge my colleagues in the House to discuss this issue with the seniors in their districts, and to join me in ensuring that the Notch issue is addressed in the 106th Congress.

INTRODUCING H.R. 218, THE  
COMMUNITY PROTECTION ACT**HON. RANDY "DUKE" CUNNINGHAM**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, January 6, 1999*

Mr. CUNNINGHAM. Mr. Speaker, today I am reintroducing my legislation to permit qualified current and former law enforcement officers to carry a concealed firearm in any jurisdiction. This measure is called the Community Protection Act, and I have requested that it be assigned the same bill number as in previous Congresses—H.R. 218.

The Community Protection Act provides three benefits to our police and to our country. First, it effectively provides thousands more trained cops on the beat—at zero taxpayer cost.

Second, it enables current and former law enforcement officers to protect themselves

and their families from criminals. When a criminal completes his or her sentence, that criminal can find where their arresting officer lives, where their corrections officer travels, and other information about our brave law enforcement personnel and their families.

And, third, it helps keep our communities safer from criminals.

This measure is very similar to the H.R. 218 reported by the Judiciary Committee in the 105th Congress, with one exception: this version for the 106th Congress does not address the matter of interstate reciprocity for holders of civilian concealed carry licenses. This measure affects police only.

In the interest of providing Members and the public additional background information on the Community Protection Act, I have attached below some excerpts from the Committee report accompanying H.R. 218 from the 105th Congress (H. Rept. 105-819), and my testimony before the House Judiciary Subcommittee on Crime, the details of which remain applicable to the legislation I introduce today:

THE COMMUNITY PROTECTION ACT SELECTED  
EXCERPTS FROM H. REPT. 105-819

## PURPOSE AND SUMMARY

H.R. 218, the "Community Protection Act of 1998," establishes federal regulations and procedures which may allow active-duty and retired law enforcement officers \* \* \* to travel interstate with a firearm \* \* \*.

For law enforcement officers, H.R. 218 creates strict guidelines which must be met before any law enforcement officer, active-duty or retired, may carry a firearm into another state \* \* \*.

H.R. 218 establishes a mechanism by which law enforcement officers \* \* \* may travel interstate with a firearm. Qualified active-duty law enforcement officers will be permitted to travel interstate with a firearm, subject to certain limitations and provided that the officer is carrying his or her official badge and photographic identification.

Generally, an active-duty officer is a qualified officer under H.R. 218 if the officer is authorized to engage in or supervise any violation of law, is authorized to carry a firearm at all times, is not subject to any disciplinary action by the agency, and meets any agency standards with respect to qualification with a firearm. A qualified active-duty officer may not carry a concealed firearm on any privately owned lands, if the owner prohibits or restricts such possession. A qualified officer may also not carry a firearm on any state or local government property, installation, building, base, or park. However, in their official capacity, law enforcement officers are permitted to carry weapons whenever federal, state, or local law allows. This legislation is not intended to interfere with any law enforcement officer's right to carry a concealed firearm, on private or government property, while on duty or in the course of official business.

A qualified retired officer may carry a concealed firearm, subject to the same restrictions as active-duty officers, with a few additional requirements. A retired officer must have retired in good standing, have a non-forfeitable right to collect benefits under a retirement plan, and have been employed before retirement for an aggregate of five years or more, unless forced to retire due to a service-related injury. In addition, a qualified retired officer must complete a state-approved firearms training or qualification course at his or her own expense \* \* \*.

As you know, I am the sponsor of one of these measures, the Community Protection Act (HR 218). The Community Protection Act permits qualified current and retired sworn law enforcement officers in good standing to carry a concealed weapon into any jurisdiction. In effect, it means three things: More cops on the street, more protection for the public, at zero taxpayer cost.

Too often, State laws prevent highly qualified officers from assisting in crime prevention and protecting themselves while not on duty. An officer who has spent his life fighting crime can be barred from helping a colleague or a citizen in distress because he cannot use his service revolver—a handgun that he is required to train with on a regular basis. That same officer, active or retired, isn't allowed to defend himself from the criminals that he put in jail.

I would like to give you an example of how the Community Protection Act would work, based upon an incident in my own home town of San Diego. Following is a story from the April 29, 1997, San Diego Union-Tribune:

## OFFICER FINDS WORK ON HER DAY OFF

(By Joe Hughes)

HILLCREST.—For San Diego police Officer Sandra Oplinger, it was anything but an off day.

Oplinger ended up capturing a suspected bank robber at gunpoint on her day off yesterday.

She happened to be in the area of Home Savings Of America on Fifth Avenue near Washington Street about 12:30 p.m. when she saw a man running from the bank, a trail of red smoke coming from an exploded red dye packet that had been inserted into a wad of the loot.

With her gun drawn, she tracked down and caught the man. Citizens helped by gathering up loose bank cash.

The incident began when a man entered the bank and asked a teller if he could open an account. The teller gave him a blank form and he left. He returned 10 minutes later, approached the same teller and declared it was a robbery, showing a weapon and a demand note he had written on the same form the teller had given him.

He then grabbed some money and ran out the door. The dye pack exploded outside, leaving a trail of smoke that attracted Oplinger's attention and led to the suspect's arrest.

The names of the man and a possible accomplice in a nearby car were not immediately released. A gun was recovered.

Mr. Chairman, it is a good thing that Officer Oplinger was in San Diego. If she was in many other states or in Washington, D.C., she could have been charged with a crime. That's wrong. We can fix it—with the Community Protection Act.

My bill seeks to change that by empowering qualified law enforcement officers to be equipped to handle any situation that may arise, wherever they are. . . .

In the tradition of less government, this bill offers protection to police officers and to all of our communities without creating new programs or bureaucracies, and without spending more taxpayer dollars. It helps protect officers and their families from criminals, and allows officers to respond immediately to crime situations.

I encourage my colleagues to support this common-sense legislation, which is supported by several of America's leading law enforcement organizations and by cops on the beat.