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Representing America's Finest

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Congress Passes FY 21 Appropriations, COVID Relief

After weeks of negotiations and three stop-gap measures, Congress passed the final Fiscal 2021 Appropriations omnibus measure, funding the federal government and all its programs through the rest of the fiscal year, and a COVID relief measure late last night.

Appropriations

NAPO's priority grant programs were sufficiently funded and the various requirements the House tried to place on those programs to force its police reform policies on state and local law enforcement were largely rejected in the final bill. NAPO pushed hard to ensure those police reform provisions, including language that would have forced states and localities to strip certain discipline procedures and officer due process rights from collective bargaining agreements, were not included in the final bill. While we count their rejection as a victory, several reform provisions were included in the legislation and we will need to work with the incoming Department of Justice to ensure there are no negative implications.

The most concerning to NAPO is a provision that directs the Attorney General to establish a Task Force on Law Enforcement Oversight comprised of individuals from the Justice Department's Civil Rights Division, Office of Justice Programs, Office of Community Oriented Policing Services (COPS), FBI, Community Relations Service, and the Office of Tribal Justice. The Task Force will consult with law enforcement associations, labor organizations, and community-based organizations to "coordinate the process of the detection and referral of complaints regarding incidents of alleged law enforcement misconduct." This language is similar to a provision that was in the George Floyd Justice in Policing Act. We will work with the Department of Justice as it moves forward with implementing this provision to ensure it does not infringe on officer due process or malign good officers for doing their jobs.

Another provision we will need to monitor expands the permissible use of Byrne Justice Assistance Grant (Byrne JAG) Program funds to include training on the use of force, racial profiling, implicit bias, procedural justice, efforts to gain accreditation, development of uniform standards, innovative law enforcement and non-law enforcement strategies, and the establishment of crisis intervention teams. While we do not oppose allowing state and local agencies to use Byrne JAG funding for these issues, we need to ensure that agencies are not penalized if their grant applications do not include these issues.

The appropriations measure also provides \$5 million to support the maintenance and expansion of the National Decertification Index (NDI), which has begun as part of President Trump's Executive Order on Safe Policing for Safe Communities. NAPO Executive Director Bill Johnson is a member of the advisory

committee overseeing this work, which is being led by the International Association of Directors of Law Enforcement Standards and Training (IADLEST), in partnership with the Department of Justice, Bureau of Justice Assistance (BJA). Johnson will work to ensure any allegations must have been officially and fairly adjudicated and that officers have due process before they are placed in the NDI database. The bill explicitly states that the House language creating a National Police Misconduct Registry was not adopted to ensure the DOJ understands that the expansion of the NDI is not the same.

The *Standards for Certification on Safe Policing for Communities*, established by Attorney General Barr on October 28, are also supported by the appropriations bill. The *Standards* require agencies to be certified by an independent credentialing body in order to qualify for DOJ grant funding. Agencies need meet two standards to be successfully credentialed: 1) the agency's use of force policies must prohibit chokeholds, except in situations where the use of deadly force is allowed by law; and 2) the agency's use of force policies must adhere to all applicable federal, state, and local laws. We will need to monitor these standards as the new Administration and Attorney General take over to ensure they continue to take into consideration the concerns and needs of both law enforcement managers and street officers, as well as the communities we are called to serve.

Additionally, the FY 21 omnibus supports promoting participation in the FBI's National Use of Force Data Collection (NUOFDC) to ensure all federal law enforcement agencies participate and to encourage more state and local law enforcement agencies to send their data. NAPO worked with the DOJ, FBI and other law enforcement stakeholders on the development of the NUOFDC, which collects data on officer use of force as well as assaults against officers.

NAPO worked hard to ensure these police reform provisions did not impact our priority DOJ grant programs. Within the COPS Office, Congress funded the COP Hiring Program at \$237 million, gave \$11 million for active shooter training, \$50 million for anti-meth and heroin task forces, and \$53 million for grants under the STOP School Violence Act. Appropriators also provided significant funding for the Law Enforcement Mental Health and Wellness Grant Program and the Supporting and Treating Officers in Crisis (STOIC) Program. \$8 million was provided for these programs for training, peer mentoring and mental health program activities. Just two years ago, these programs were only funded at \$2 million.

The Mentally Ill Offender Treatment and Crime Reduction Act (MIOTCRA) was funded at \$35 million, illustrating the strong support amongst members of Congress to ensure adequate funding for crisis intervention teams (CIT) and other mental health training for law enforcement. Further, \$7.5 million under the Byrne JAG program was appropriated for a grant program to provide officer training on responding to individuals with mental illness or disabilities.

The Byrne Justice Assistance Grant (Byrne JAG) program was funded at \$484 million, with carves outs for the mental health training, the VALOR Program (\$13 million) and Project Safe Neighborhoods (\$20 million).

Other DOJ NAPO priorities were funded at similar levels to last fiscal year: \$30 million for the Bulletproof Vest Partnership (BVP) Grant Program; \$20 million for the Adam Walsh Act; and \$79 million for the STOP School Violence Act. The spending measure also included \$394 million for grants programs to respond to the opioid crisis and substance abuse in our communities and \$85 million in DOJ funding to help states upgrade criminal and mental health records for the National Criminal Instant Background Check System (NICS).

Congress increased funding for BJA's Body-Worn Camera Initiative from \$22.5 million to \$35 million to help agencies purchase and maintain body-worn cameras.

Funding for NAPO's Department of Homeland Security priority grant programs has continued increase, with the State Homeland Security Program funded at \$610 million and the Urban Area Security Initiative at \$720 million.

COVID Aid

The COVID relief package passed last night provides \$900 billion in relief for small businesses, money for vaccine distribution, a new round of stimulus checks, enhanced unemployment benefits (\$300 per week), and funding for schools, amongst other provisions. It did not include any aid to state and local governments – a Democratic priority – or liability protections for employers against pandemic-related lawsuits – a Republican priority. Despite our efforts to have state and local aid included, both provisions were dropped from consideration in the name of compromise to get a COVID deal accomplished before the holidays.

The stimulus checks will be \$600 for an individual or \$1,200 for a married couple filing jointly, plus an additional \$600 per child, for individuals making \$75,000 a year or less or married couples making \$150,000 per year or less. Treasury Secretary Steven Mnuchin stated that people could start receiving their stimulus checks as soon as next week.

Significant, flexible aid for state and local governments to help offset budget holes due to the pandemic is a priority for NAPO. President-Elect Biden has stated that this round of COVID relief will not be the last and that state and local aid is a priority for him. We will push for another COVID relief package that includes state and local government aid when Congress reconvenes in January.

The omnibus appropriations and COVID aid package also included the Don't Break UP the T-Band Act of 2020, which repeals the auction of the 470-512 MHz (T-Band) that was mandated by the Middle Class Tax Relief and Job Creation Act of 2012. This will allow public safety licensees to remain on the T-Band spectrum, ensuring first responders nationwide continue to have access to advanced communications capability so that when they are called upon to assist in a disaster, they have the tools necessary to protect our nation's communities and themselves.

The bill also amends the Children of Fallen Heroes Scholarship Act, which NAPO worked to pass in 2017, to increase the qualifying age from 24 to 33 years of age. This Act eliminates the expected family contribution (EFC) used to determine financial need in the case of a Pell Grant-eligible student whose parent or guardian died in the line of duty. Additionally, with this amendment to the Act, children of public safety officers who died in the line of duty would qualify for the maximum Pell Grant award if he or she was less than 33 years old or enrolled at an institution of higher education at the time of the parent or guardian's death. A *Federal Pell Grant*, unlike a loan, does not have to be repaid. Pell Grants usually are awarded only to undergraduate students who have not earned a bachelor's or a professional degree.

NAPO scored many victories in this FY 21 omnibus legislation and we will monitor the implementation of the various police reform proposals as they are enacted. If you have any questions about the final FY21 spending bill, funding for specific programs, or COVID relief, please contact Andy Edmiston at aedmiston@napo.org.

Please monitor NAPO's website, www.napo.org, and Facebook page: National Association of Police Organizations, and follow us on Twitter at NAPOpolice for breaking news and updates.