



The Washington Report

The Newsletter of the National Association of Police Organizations

Representing America's Finest

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Senators Grassley, Gillibrand Introduce PSOB Reform Bill

On May 18th, Senators Charles Grassley (R-IA) and Kirsten Gillibrand (D-NY) introduced the Public Safety Officers' Benefits (PSOB) Improvement Act of 2016 (S. 2944). The bill was crafted as a response to the oversight hearing the Senate Judiciary Committee held on April 26th on the PSOB Program and the need for more timeliness and transparency within the program.

Senator Gillibrand's staff reached out to NAPO prior to the bill's introduction to ensure that it would have our support. While it does not address all of our concerns with the current state of the PSOB Program, NAPO has pledged our support for the bill because it would tackle the issues of transparency and the timeliness of case determinations. Specifically, this bill would:

- Allow PSOB to issue rules, regulations and procedures that are based on standards developed by other Federal agencies dealing with death or disability claims of other public safety officers (this is intended to avoid what we are facing with 9/11 related exposure claims, which sat in the PSOB Office for years before PSOB leadership decided to use the standards developed by the World Trade Center Health Program and the Victims Compensation Fund to approve claims);
- Restore the "substantial weight" standard that required PSOB to give substantial weight to the findings of federal, state, and local agencies as to the cause of the public safety officer's death or disability prior to changes in the regulations in 2005;
- Require PSOB to post a public weekly status report on claims; and
- Require PSOB to make a detailed biannual report to Congress on claims that would include: the number of claims, type, determination, and average time to process the claim, claims related to 9/11, the number of claims appealed or denied, the average amount of time it took to process each claim, and the number of claims processed per reviewer.

Senators Grassley and Gillibrand have indicated they are willing to work with NAPO and other stakeholders to amend the bill to ensure that all of our concerns with the PSOB Program are addressed. Additionally, the Senate Judiciary Committee was scheduled to markup this legislation on May 26th, but decided to hold off to enable additional amendments to be made to the bill. NAPO is working with Senators Grassley and Gillibrand, as well as other Senators on the Judiciary Committee to ensure that our issues with the current state of the PSOB Program are tackled.

In addition to endorsing the PSOB Improvement Act and the HERO Benefits Reform Act (H.R. 5123), NAPO will continue our discussions with the Administration and PSOB leadership to find a way to ensure the PSOB Program is processing and deciding claims in a timely manner and that the process is transparent and straightforward for those who have lost their loved ones or have become seriously disabled in the line of duty.

We will keep our members up to date on the status of the legislation. If you have any questions about the PSOB Program or the PSOB Improvement Act please contact Andy Edmiston at aedmiston@napo.org.

NAPO in the News

On May 26th, NAPO's Executive Director Bill Johnson was quoted in a *New York Times* article, "Louisiana Enacts Hate Crimes Law to Protect a New Group: Police." The article was regarding a bill signed into law in Louisiana on May 26, 2016 that would add law enforcement to the state's hate crimes statute, which increases the penalty for a felony committed based on prejudice against certain groups. Louisiana is the first state to include law enforcement as a protected class under a hate crimes law. The law has received national attention from both sides of the issue, with opponents condemning it for trying to "water down" the history of discrimination against certain groups of people, and opponents praising it as another layer of protection for those who risk their lives every day to keep our communities safe.

"William J. Johnson, executive director of the National Association of Police Organizations, an alliance of officers' unions, lauded the bill. 'I think it's fair to say that officers are under attack nationwide, and this is a reasonable response,' he said."

The full article is available at: <http://www.nytimes.com/2016/05/27/us/louisiana-enacts-hate-crimes-law-to-protect-a-new-group-police.html?ref=todayspaper&r=0>

NAPO will continue to ensure our members' voices are heard loud and clear on the Hill, with the Administration, and in the media. If you have any questions about the publication cited above, please contact Bill Johnson at: bjohnson@napo.org.

House Appropriations Committee Approves Fiscal 2017 DOJ Spending Measure

On May 24th, the House Appropriations Committee approved the fiscal year 2017 Commerce, Justice, Science and Related Agencies (CJS) Appropriations measure, which determines how much funding Department of Justice (DOJ) state and local law enforcement grant programs will receive in fiscal 2017.

While the bill approved by the Committee adequately funds many of NAPO's priority grant programs, it does not include any funding for the COPS Hiring Program. The report accompanying the appropriations bill states that the activities of the COPS Hiring Program are being consolidated into the Byrne Justice Assistance Grant (Byrne JAG) Program as "Byrne JAG funding can be used for law enforcement purposes, such as the hiring of law enforcement officers." Although the spending measure consolidates the two programs, it does not include additional funding for the hiring of officers. This is unacceptable to NAPO as there are many competing purpose areas under Byrne JAG and the hiring of officers must be given a dedicated line of funding under the program to ensure there is an adequate amount of money available to state and local agencies for this purpose.

Unfortunately, this move was not unexpected. The House provided no funding for the COPS Hiring Program in the fiscal 2016 CJS Appropriations measure for the same reasons. We worked with Representatives Dave Reichert (R-WA) and Bill Pascrell (D-NJ), chairs of the House Law Enforcement Caucus, to successfully amend the final House bill to add \$100 million to Byrne-JAG specifically for the hiring and retention of officers. Through this work and the Senate's support for the COPS Hiring Program, the program was funded at \$187 million in fiscal 2016. We are again working with Representatives Reichert and Pascrell on a similar strategy.

While the House Appropriations Committee was not generous towards the funding of officer hiring and retention, it did look more favorably on NAPO's other priority grant programs. The Byrne JAG Program is authorized at \$476 million, BVP Grant Program at \$22.5 million, and the MIOTCRA at \$12 million.

The bill also includes \$103 million for programs to help address opioid abuse and fund newly established DOJ grants to help state and local governments expand programs for the prevention and treatment of drug abuse and train first responders to administer overdose-reversal drugs, among other things.

NAPO will continue to work with House and Senate appropriators to ensure that sufficient funding for the hiring and retention of law enforcement officers is included in the final CJS spending measure and our other priority programs are supported and adequately funded. We will keep our members up to date as Congress moves through the appropriations process.

If you have any questions, please contact Andy Edmiston at aedmiston@napo.org.

Senate Appropriations Committee Approved Homeland Security Measure

On May 26th, the Senate Appropriations Committee approved the fiscal 2017 Homeland Security Appropriations bill, which among other things, funds FEMA and law enforcement anti-terrorism grants. The measure includes \$467 million for the State Homeland Security Grant Program (SHSGP) and \$600 million for the Urban Area Security Initiative (UASI), which is on par with what the programs were funded at in fiscal 2016.

These grants help state and local law enforcement support the Department of Homeland Security's mission to secure America by preventing and deterring terrorist attacks, and protecting against, and responding to threats and hazards to the nation.

NAPO will continue to work with House and Senate appropriators to ensure that our priority grant programs are supported and adequately funded. We will keep our members up to date as Congress moves through the appropriations process.

If you have any questions, please contact Andy Edmiston at aedmiston@napo.org.

Senate Judiciary Committee to Consider LE-Friendly Amendments to ECPA Reform

The Senate Judiciary Committee was scheduled to markup the Senate version of Email Privacy Act on May 26th, but held the markup over until after the Senate returns from the Memorial Day recess the first week of June. The decision to push back the markup was due to the number of amendments to the bill offered by Committee members, several of which address law enforcement's main concern with the bill.

Senator John Cornyn (R-TX) offered an amendment that would allow for an exception to the warrant requirement in the case of consent by the originator, addressee or intended recipient of the communication or the subscriber or consumer of the service provider.

Senator Jeff Sessions (R-AL) offered amendments that would allow for exceptions to the warrant requirement in the case of consent and in the case of an emergency involving the danger of death or serious physical injury that requires disclosure without delay.

The other remaining serious concern we have is that the bill does not adequately address the lack of standards for service provider response to law enforcement legal demands. NAPO thanks Senators Cornyn and Sessions for considering the law enforcement community's concerns and offering these important amendments. We hope that the Committee will adopt the amendments and address our other concerns when it marks up the bill in June.

NAPO will keep our members up to date on the outcome of the Committee markup and the status of this legislation. If you have any questions about the Email Privacy Act or NAPO's efforts, 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.