



# The Washington Report

**The Newsletter of the National Association of Police Organizations**  
*Representing America's Finest*

---

May 2, 2016

## **Senate Judiciary Committee Holds PSOB Oversight Hearing; NAPO-Backed PSOB Reform Bill Introduced**

On April 26<sup>th</sup>, the Senate Judiciary Committee held an oversight hearing on the Public Safety Officers' Benefits (PSOB) Program and the need for more timeliness and transparency within the program. This is an issue NAPO is very passionate about and we have been working with Committee staff and members of Congress as well as Department of Justice (DOJ) and PSOB Program leadership to address our concerns.

The Committee first heard from witnesses who have cases with the PSOB Program that have been pending for years and are still pending, who testified on their awful experiences with the program. The Committee then heard from the Assistant Attorney General of the Office of Justice Programs, DOJ, Karol Mason, who was testified on behalf of the PSOB Program; the Deputy Inspector General Robert Storch of the DOJ, who testified on a scathing Office of Inspector General (OIG) Report released July 2015 on the horrific delays and backlog of claims within the PSOB Program; and Andrew Sherrill, the Director of Education, Workforce, and Income Security at the U.S. Government Accountability Office (GAO), which also produced an unflattering audit of the PSOB Program in 2009.

Although Assistant AG Mason focused her testimony on the improvements the PSOB Program is making in how it determines claims. The program is on course to put into operation a new online system for filing and tracking claims later this year. This is long overdue and NAPO hopes it will be as transparent and user friendly as program leadership is making it out to be. Additionally, as reported in NAPO's April 18, 2016 issue of [\*The Washington Report\*](#), the PSOB Program is finally moving forward with determining 9/11 exposure death and disability cases, of which there are 175 cases pending, some of which have been pending since 2008. Throughout the testimony and follow-up questions, there was little accountability for the massive delays in case determinations or complete lack of program transparency. Assistant AG Mason took responsibility for the issues, but offered no explanations as to how or why there are such issues with the program.

Deputy IG Storch testified on the OIG report that examined the timeliness of PSOB in processing claims, focusing on claims filed between 2008 and 2013. It found significant delays in PSOB's claims processing. Of the approximately 2,500 claims examined, 1,845 claims had been decided and 650 cases remained pending at the time of the audit. Over 25 percent of the cases took over a year to process and 79 of those claims took more than two years to decide. Of the 650 claims still pending, 69 claims had been pending for more than three years.

The GAO Report about which Director Sherrill testified produced similar results as the 2015 OIG Report; however, in addition to the delays in processing claims, it also focused on the lack of accountability and transparency within the program. The GAO determined that these issues made it difficult to track the claims process and monitor the performance of the program.

As of November 2015, the PSOB Program had 1,049 claims that were pending final determination. The issue of timeliness and transparency are still serious issues with the Program eight years later, which is deplorable. Chairman Grassley made a point to mention that former Attorney General John Ashcroft tried to address these same problems over 10 years ago. Public safety officers must know that their loved ones will be taken care of if something were to happen and the current state of the PSOB Office does little to instill confidence in officers that the federal government will do its part to take care of the survivors.

It is for these reasons that NAPO is working with Senator Pat Toomey (R-PA) and Congressman Bill Pascrell, Jr. (D-NJ) on legislation that will tackle some of our major concerns with the program. Congressman Pascrell introduced the House version – H.R. 5123 – on April 29<sup>th</sup>, and Senator Toomey is expected to introduce the Senate version the week of May 9<sup>th</sup>.

This bill, the Honoring Emergency Response Officers (HERO) Benefits Reform Act of 2016, will:

- Return the PSOB into a presumptive benefit by putting the burden on the PSOB program to prove beyond reasonable doubt that the officer's death or disability was not in the line of duty or due to gross negligence. Currently, that onus is on the disabled officer or grieving loved ones to prove that it was a line of duty death or injury deserving of the benefit, which is unacceptable and goes against the original intent of the program.
- Address the backlog of cases by setting time limits on how long cases can sit at certain points of the review process. If any of those deadlines are not met, the bill allows for claimants to appeal their cases to the Court of Federal Claims.
- Tackle the significant lack of transparency within the program by requiring annual reports to Congress.

NAPO will be expending every effort to move this bill through Congress. At the hearing, Chairman Grassley and members of the Committee indicated a willingness to push for legislative changes to the PSOB Program and we will work with them to ensure our concerns with the program are addressed. We will also 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 hearing, the PSOB Program, or the HERO Benefits Reform Act, please contact Andy Edmiston at [aedmiston@napo.org](mailto:aedmiston@napo.org).

## **NAPO Victory! Recovering Missing Children Act Passes House Ways & Means Committee**

In a victory for NAPO, on April 28<sup>th</sup>, the House Ways and Means Committee approved the Recovering Missing Children Act (H.R. 3209) by unanimous voice vote. This bill, sponsored by Congressman Erik Paulsen (R-MN), would amend current law to add the case of a missing child to the list of exceptions that allow the IRS to release tax return information to law enforcement, giving investigators a vital tool to aid in the swift recovery of missing children.

The National Center for Missing and Exploited Children reports that more than 200,000 children are abducted by their parents or other close relatives every year. According to findings from the Treasury Inspector General for Tax Administration, however, new addresses for these missing children can be identified as often as 46 percent of the time through analysis of taxes subsequently filed using either the suspected perpetrator's or the

missing child's Social Security Number. Unfortunately, despite the value that this evidence would have in combating child abductions, the IRS is currently constrained from providing the relevant tax information to law enforcement.

The Recovering Missing Children Act will solve this problem. Given the sensitivity of taxpayer data, the bill will limit the disclosure of relevant tax information solely to those law enforcement officers who are engaged in the recovery of a missing child or the subsequent investigation and prosecution of the alleged abductor. As a result, we believe this legislation strikes the proper balance between protecting taxpayer privacy and facilitating the ability of law enforcement to reunite missing children with their families.

NAPO is working with Congressman Paulsen and will expend every effort to ensure that this bill is passed into law. If you have any questions about this bill, please contact Andy Edmiston at [aedmiston@napo.org](mailto:aedmiston@napo.org).

## **NAPO Endorses Burr-Feinstein Encryption Bill**

NAPO has pledged our support for legislation to be introduced by Senators Richard Burr (R-NC) and Dianne Feinstein (D-CA), the chair and vice chair of the Senate Select Committee on Intelligence, that would require tech companies to comply with valid court orders. The Compliance with Court Orders Act was drafted in response to the situation in the San Bernardino terrorism case in which Apple refused to comply with a valid, legally issued search warrant. Unfortunately, this is not an isolated incident, but it has served to highlight the fact that Apple and other companies currently have the ability to unilaterally decide if and when to share evidence with law enforcement that is vital to day to day investigations.

Digital evidence is a part of nearly every crime scene today and law enforcement is increasingly facing real and growing challenges in obtaining electronic evidence when we obtain the required court order. The current lack of standards governing service providers' responsiveness to warrants and other legal process issued by law enforcement is routinely resulting in delays in the investigative process. This significantly hampers law enforcement's ability to keep our communities safe, prosecute criminals and protect victims.

The Compliance with Court Orders Act states clearly that no one is above the law and recipients of court orders must comply with the rule of law. NAPO endorsed this bill because it will ensure that when law enforcement is investigating such heinous crimes as kidnapping, homicide, child pornography or human trafficking, service providers must decrypt the requested information or at least provide technical assistance to obtain that information for the investigation. Service providers will no longer be able to evade the law and law enforcement will be given the evidence necessary to bring justice for our communities.

NAPO looks forward to working with Senators Burr and Feinstein to pass this important legislation. If you have any questions about the Compliance with Court Orders Act, please contact Andy Edmiston at [aedmiston@napo.org](mailto:aedmiston@napo.org).

## **NAPO's Sponsor/Cosponsor Spreadsheet**

NAPO's updated "Sponsor/Cosponsor" spreadsheet is available at the following link: <http://www.napo.org/washington-report/sponsor-cosponsor-spreadsheet/>. The spreadsheet accompanies the latest "Legislative Positions" document, which is available at the following link: <http://www.napo.org/washington-report/legislative-priorities/>

The "Sponsor/Cosponsor" spreadsheet is a useful tool to check if your members of Congress have supported pieces of legislation that will impact our members. NAPO will update this spreadsheet regularly, and continue to ensure our voice is heard on Capitol Hill.

If you have any questions about any of the legislation that NAPO is currently working, please contact Andrea Edmiston at: [aedmiston@napo.org](mailto:aedmiston@napo.org).

**\*LAST DAY TO REGISTER FOR NAPO's 2016 LOBBY DAY\***

**May 12, 2016**

## **2016 Lobby Day: Legislative Update & NAPO's Annual Legislative Recognition Luncheon**

Please join NAPO on May 12th for our Legislative Day on Capitol Hill. Use this opportunity to lobby Congressional Representatives and Senators on behalf of your members concerning the issues which affect law enforcement. Prior to lobbying Capitol Hill, plan to attend NAPO's Legislative Breakfast for an update on NAPO's legislative priorities, results to date from the 114<sup>th</sup> Congress, and to receive handouts to use during Hill visits. While on Capitol Hill, be sure to stop by NAPO's Legislative Luncheon in the Dirksen Senate Office Building, where several Congressmen and Senators will be recognized for their continued support of Law Enforcement.

### **Schedule of Events**

NAPO Legislative Update Breakfast	JW Marriott Hotel	9:00am – 10:30am
Capitol Hill Visits	Capitol Hill	10:30am – 12:00pm
NAPO Legislative Recognition Luncheon	Dirksen Senate Office Building Room G11	12:00pm – 1:30pm
Capitol Hill Visits	Capitol Hill	1:30pm – 5:00pm

*For assistance setting up your Capitol Hill appointments, contact Andy Edmiston, NAPO's Director of Governmental Affairs, at (800) 322-6276 or [aedmiston@napo.org](mailto:aedmiston@napo.org), by May 2<sup>nd</sup>.*

The registration fee of \$150.00 per person includes the Legislative Update Breakfast, Handouts, and the Legislative Recognition Lunch. Please contact Elizabeth Loranger, NAPO's Director of Events, at (800) 322-6278 or [eloranger@napo.org](mailto:eloranger@napo.org) if you have any questions regarding the seminar or hotel arrangements.

**The last day to register is May 2<sup>nd</sup>. Register online at [www.napo.org](http://www.napo.org) or complete the [registration form](#) and return it to NAPO at [eloranger@napo.org](mailto:eloranger@napo.org) or Fax it to (703) 684-0515.**

## **NAPO's 23<sup>rd</sup> Annual TOP COPS Awards®**

NAPO's 23<sup>rd</sup> Annual TOP COPS Awards®, a salute to America's Finest for their contributions to the American people, will be held on Saturday, May 14<sup>th</sup>, at the JW Marriot Hotel at 6:30pm.

TOP COPS® is a highly popular event and is expected to sell out quickly, so please be sure to purchase your tickets today. Tickets must be purchased in advance. Click [here](#) to purchase your tickets.