



The Washington Report

The Newsletter of the National Association of Police Organizations

Representing America's Finest

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Important Bill to Improve PSOB Program Reintroduced

Senators Chuck Grassley (R-IA) and Kirsten Gillibrand (D-NY) reintroduced the Public Safety Officers' Benefits (PSOB) Improvement Act (S. 419), which would tackle the issues of transparency and the timeliness of case determinations within the PSOB program, and protect the ability of survivors, disabled officers and their families to get the benefits they so rightly deserve.

Importantly, this bill would return the PSOB Program to a presumptive benefit and restore the "substantial weight" standard that requires 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. It would ensure that children of fallen or disabled public safety officers would still be eligible for education benefits if an adjudication delay causes them to age out of benefit eligibility before their claim is approved. It would increase transparency through weekly and biannual public reports on the status of claims.

The PSOB Improvement Act compliments the two PSOB rules that we expect to go into effect this Spring. The changes the two rules make will significantly improve the PSOB Program and address several concerns NAPO has had with the program since the last major rulemaking in 2006 that implemented, among other changes, the Hometown Heroes Survivors Benefits Act of 2003. After years of frustration with the PSOB Program, we are glad to see several of our long-held concerns addressed in these final rules. We consider many of these changes big victories for NAPO and rank-and-file officers across the nation.

It is a priority for NAPO that we 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 have pledged our wholehearted support for the PSOB Improvement Act and stand ready to exert any effort necessary to pass it this Congress.

NAPO thanks Senators Grassley and Gillibrand for their leadership on this important issue. Congressman Peter King (R-NY) is expected to reintroduce the legislation in the House within the next couple of weeks. We will keep our members up to date on the status of the legislation and the final PSOB regulations. If you have any questions about the PSOB Program or the PSOB Improvement Act please contact Andy Edmiston at aedmiston@napo.org.

NAPO Wins Changes to National Criminal Justice Commission Act

Senators Gary Peters (D-MI), John Cornyn (R-TX) and Lindsey Graham (R-SC) are reintroducing the National Criminal Justice Commission Act with the language changes for which NAPO has been advocating for several Congresses to ensure that rank-and-file officers are represented in the work of the Commission.

NATIONAL ASSOCIATION OF POLICE ORGANIZATIONS

317 S. Patrick Street ~ Alexandria, VA 22314 ~ (703) 549-0775 ~ (800) 322-NAPO ~ Fax: (703) 684-0515

www.napo.org ~ Email: info@napo.org

In previous Congresses, while NAPO had agreed with the underlying intent of the legislation to examine our nation's criminal justice system, we were concerned that rank-and-file officers were not specifically identified to be included in the work of National Criminal Justice Commission. A comprehensive examination of the state of law enforcement and criminal justice in the United States would be incomplete and inaccurate if it failed to include the rank-and-file perspective. We felt strongly that failing to specifically include rank-and-file law enforcement officers, the very people who know the most, suffer the most, and have the most to gain from recommendations of a National Criminal Justice Commission, would have led to inaccurate findings and poor recommendations.

NAPO worked closely with the staff of Senators Peters, Cornyn and Graham to address these concerns in this version of the legislation, which now includes language that directs the Commission to closely consult with rank-and-file officers. We will fight for a seat on the Commission once this important legislation is signed into law for we still feel it is essential that these officers be represented.

NAPO thanks Senators Peters, Cornyn and Graham for addressing our concerns in the National Criminal Justice Commission Act and for their leadership on this issue. If you have any questions about this bill, please contact Andy Edmiston at aedmiston@napo.org.

NAPO on the Hill: Line of Duty Act

NAPO met with senior staff for **Senators Heidi Heitkamp (D-ND)** and **Joe Manchin (D-WV)** about the reintroduction of the Line of Duty Act. NAPO is working to ensure there is strong bipartisan support for this important legislation that would create a new federal crime for the killing, attempted killing, or conspiring to kill a federally funded public safety officer.

The Line of Duty Act is important for NAPO members because so many of our jurisdictions receive federal funding, and this legislation will help to bring federal resources to bear in the prosecution of those who attempt to murder or murder any of these officers. In addition to creating new federal crimes for violence against police officers, the bill would also establish a new federal crime for interstate flight to avoid prosecution for killing, attempting to kill, or conspiring to kill a federally funded public safety officer. It would also expressly allow all judges, prosecutors, and law enforcement officials, subject to limited regulations, to carry firearms into all federal facilities, federal courts, and in jurisdictions where the carrying of such weapons is otherwise prohibited by law.

Staff for both Senators Heitkamp and Manchin indicated their bosses support the legislation and that they are speaking with other moderate Democratic senators to urge them to also sign on in support of the bill. NAPO will be following up with those offices to ensure their support.

The Line of Duty Act perfectly complements President Trump's Executive Order on preventing violent against law enforcement officers. NAPO has long fought for increased federal protections for state and local law enforcement officers and we are working with Congressman Poe's and Senator Cornyn's staff on the reintroduction of this critical piece of legislation.

Confirmation Hearing Set for Supreme Court Nominee

Senator Chuck Grassley (R-IA), Chairman of the Senate Judiciary Committee, announced that the Committee will hold the confirmation hearing for President Trump's Supreme Court nominee Judge Neil Gorsuch on March 20. This will be a much contested confirmation. The hearing is expected to last three to four days.

Republicans have a 52 seat majority in the Senate, falling 8 seats short of the 60 votes needed to overcome a Democratic filibuster. Judge Gorsuch and the Administration are lobbying Democratic senators from conservative states in order to pull enough Democratic votes to avoid a filibuster. There is talk that Senate Majority Leader Mitch McConnell (R-KY) may change the Senate rules to get rid of the filibuster if necessary in order to confirm Judge Gorsuch. The filibuster has been used in the Senate since the 1850s to prevent votes on controversial bills and nominations.

Judge Gorsuch currently sits on the 10th Circuit Court of Appeals in Denver and in his rulings has shown a conservative approach to labor rights, often siding with business on labor issues. He mirrors former Justice Antonin Scalia's views on labor and is expected to be the tie-breaking vote on any case brought before the Court similar to *Friedrichs v California Teachers Association*. This case threatened "fair share" fee payments to unions and collective bargaining agents by non-union member beneficiaries in the workplace. It came before the Supreme Court after Justice Scalia's death at the beginning of 2016, and with the Court down one justice, resulted in a 4-4 tie that upheld the lower court's ruling that "fair share" fees were legal. It is almost certain that the issues of "fair share" fees and public sector "agency shops" will come before the Court again once the vacancy has been filled.

Judge Gorsuch's confirmation vote by the full Senate would not be any earlier than April. NAPO will continue to monitor this situation and keep our members updated on Judge Gorsuch's confirmation.

Children of Fallen Heroes Scholarship Act Reintroduced in House

Congressmen Brian Fitzpatrick (R-PA) and Brendan Boyle (D-PA) reintroduced the Children of Fallen Heroes Scholarship Act (H.R. 949). Last Congress, this bill passed by the Senate by unanimous consent, but stalled in the House due to politics around higher education reform. The Children of Fallen Heroes Scholarship Act would eliminate 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, children of public safety officers who died in the line of duty would qualify for the maximum Pell Grant award (\$5,815 for FY16-17) if he or she was less than 24 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.

In 2016, 135 law enforcement officers lost their lives in the line of duty. While we will never forget that these brave men and women made the ultimate sacrifice, we must also remember the immense burden that their families bear as a result of their loss. Not only must they endure the tragic, unexpected passing of a loved one, but also the tremendous financial strains that go along with it. These families face financial difficulties ranging from an inability to pay for day-to-day necessities to the deferral or elimination of important educational opportunities for their children.

It is because of our belief that bereaved law enforcement families should not have to face so many difficult decisions that NAPO has pledged our continued support for the Children of Fallen Heroes Scholarship Act. We thank Congressmen Fitzpatrick and Boyle for their leadership on this issue and look forward to working with them to get this bill passed by the House.

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