

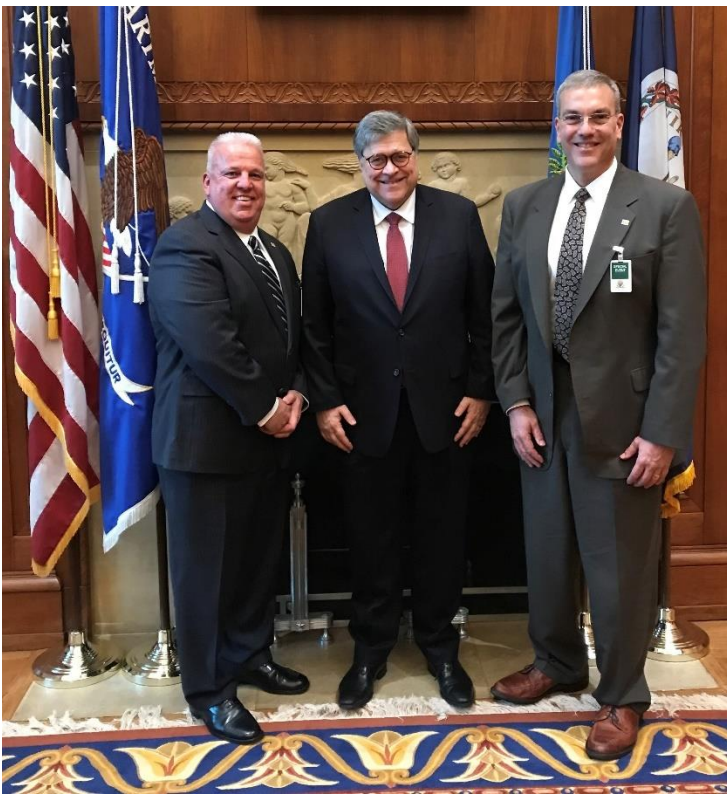


The Washington Report

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

March 25, 2019

NAPO Leadership Meets with AG Barr; Honors Attorney General Sessions



NAPO President Mick McHale and Executive Director Bill Johnson met with Attorney General Bill Barr on March 21. McHale and Johnson discussed NAPO's priority issues regarding the Department of Justice (DOJ) and praised the direction the Department is going under the Trump Administration, adding that they hope that the close relationship between the Department and state and local law enforcement continues under his leadership.

McHale and Johnson touched on the need for continued federal support for law enforcement through funding, resources and general support for the officers on the street. They also discussed the need for increased penalties for those who harm or target for harm law enforcement officers and suggested that the DOJ can play a role in ensuring such protections for officers, outside of legislation. While NAPO works for the passage of the Thin Blue Line Act and the Protect and Serve Act, we believe the Attorney General has the power to extend protections to state and local law enforcement without the passage of

legislation.

McHale and Johnson urged the Attorney General to consider federal criminal prosecutions in cases involving (1) the assault and murder of and federally-funded local law enforcement officers, such as those officers whose agencies receive aid from the Departments of Justice or Homeland Security; and (2) the assault and murder of state and local officers engaged in the protection of federally recognized civil rights, such as those officers attacked while safeguarding protests.

Additionally, McHale and Johnson let the Attorney General know of NAPO's strong support for the Justice Department guidelines implemented under then-Attorney General Sessions in November 2018, which protect the interests of state and local governments in managing their own affairs and limit the duration of federal consent decrees to which state and local governments are party.

McHale and Johnson also highlighted our priority grant programs within the DOJ, including the COPS Hiring Program, the Bulletproof Vest Partnership Grant Program, the Mentally Ill Offender Treatment and Crime Reduction Act (MIOTRCA), and the Law Enforcement Mental Health and Wellness Program.

Attorney General Barr stated it is his intention to continue the work and priorities of his predecessor, Jeff Sessions, as they are his priorities as well. He wants to maintain and grow the close, collaborative relationship the Department has developed with its state and local law enforcement partners. McHale and Johnson thanked him and stated that NAPO looks forward to working with him to ensure the men and women protecting our communities have the support and resources necessary to do their jobs safely and effectively.

Prior to meeting with Attorney General Barr, McHale and Johnson attended the Cabinet Chair Presentation for Jeff Sessions, a ceremony for staff, family and friends to honor his time as Attorney General and present him with his official Cabinet Chair. Attorney General Barr, Deputy Attorney General Rod Rosenstein and the previous Acting Attorney General Matt Whitaker were on hand to celebrate Attorney General Sessions. McHale and Johnson took this opportunity to thank the former Attorney General for his strong support for law enforcement and let him know that we value his continued relationship with NAPO.

President Releases Fiscal 2020 Budget Proposal

President Trump released his fiscal year 2020 budget request on March 11. The budget proposal includes funding requests for NAPO's priority grant programs within the Departments of Justice and Homeland Security (DOJ and DHS, respectively).

In general, the budget proposal for DOJ focuses on reducing violent crime, fighting against the opioid crisis and enforcing immigration law and proposes adequate sustained funding for several of NAPO's priority grant programs, including the Bulletproof Vest Partnership (BVP) Grant Program, the Mentally Ill Offender Treatment and Crime Reduction Act (MIOTCRA), and the Adam Walsh Act.

The President's budget requests \$405.2 million for the Byrne Justice Assistance Grant (Byrne JAG) Program. It proposes to move the Preventing Violence Against Law Enforcement Officer Resilience and Survivability (VALOR) Program, the BVP Grant Program, and the Bureau of Justice Assistance (BJA) body worn camera grant under Byrne JAG as carve-outs. These grant programs are currently stand-alone grants, funded as individual line items and not part of a larger grant. While the budget requests funding these programs at similar levels to what they received in fiscal 2019, the fact that they would be moved under Byrne JAG as carve-outs is a significant funding cut to the Byrne JAG program.

For the Community Oriented Policing Services (COPS) Program, the President's budget proposes \$99 million, which is well below the \$303.5 million the Program was appropriated in Fiscal 2019. The proposal allocates only \$69 million for the COPS Hiring Program, leaving very little funding to help state and local agencies hire and rehire law enforcement. The budget proposal makes no mention of the National Blue Alert Network, which is run by the COPS Office, but it does request \$2 million the peer mentoring pilot grant program that passed as part of the Law Enforcement Mental Health and Wellness Act and \$10 million for the active-shooter training program.

Further, the President's budget proposes to merge the COPS Program into the Office of Justice Programs (OJP), which oversees BJA, Byrne-JAG, the BVP Grant Program, MIOTCRA, and the PSOB Office, amongst other vital law enforcement assistance programs. The purpose is to consolidate all of DOJ's state and local law enforcement assistance programs and bureaus under one office.

The budget requested funding levels for NAPO's priority grant programs:

- COPS Program: \$99 million
- BVP: \$22.5 million

- MIOTCRA: \$30 million
- Project Safe Neighborhoods: \$100 million
- Adam Walsh Act: \$20 million
- Body worn camera grant program: \$22.5 million
- VALOR: \$15 million
- Debbie Smith Act and DNA backlog: \$105 million

For the important Department of Homeland Security grants, the budget proposal requests \$331.9 million for the State Homeland Security Grant Program (SHSGP), \$426.5 for the Urban Area Security Initiative (UASI), and \$5.4 million for partnerships under the 287(g) Program.

The President's 2020 Budget represents the President's fiscal priorities and we are glad to see it includes supporting state and local law enforcement anti-crime initiatives, but it is Congress that decides the final appropriations for fiscal 2020. NAPO will work closely with members of Congress to ensure that the COPS Hiring Program is funded well above the \$69 million proposed by the President and that there is strong funding for all of NAPO's priority state and local law enforcement programs.

If you have any questions about the President's Fiscal 2020 Budget, please contact Andy Edmiston at aedmiston@napo.org.

NAPO Attends BJA Briefing on Fiscal 2020 Budget

On March 22, the Department of Justice's Office of Justice Programs (OJP) held a meeting with representatives of the major national law enforcement organizations to discuss the President's 2020 Budget Proposal and provide updates on vital state and local law enforcement grant programs. Principal Deputy Assistant Attorney General Matt Dummermuth, head of OJP, Bureau of Justice Assistance (BJA) Director Jon Adler, representatives from the Community Oriented Policing Services (COPS) Office, and Public Safety Officer Benefits (PSOB) Office Director Hope Janke were all in attendance.

While the meeting included a general review of the President's funding requests for programs under OJP and BJA, much of the discussion focused on BJA's priorities, which center around officer mental health and wellness. To show the importance of that issue to BJA, Director Adler created a new office, the Officer Safety and Wellness Office, which will be headed by Hope Janke. Ms. Janke will be the director of this new Office and continue to direct the PSOB Office. This new office will oversee the VALOR Program, the Office Safety and Wellness Working Group (of which NAPO is a member), and other officer wellness initiatives within BJA.

BJA has also funded the National Officer Safety Initiative, which is working to develop a central collection point for data on officer suicides as well as a one-stop-shop where officers can turn to for confidential, credible help. NAPO will follow the development of this Initiative closely and work with BJA to ensure it will meet the needs of rank-and-file officers.

NAPO thanked Principal Deputy Assistant Attorney General Dummermuth and Director Adler for their support and focus on officer safety and wellness and we reiterated the importance of federal support for state and local law enforcement through vital programs such as the COPS Hiring Program, the National Blue Alert, and MIOTCRA.

NAPO will work to ensure Congress sufficiently funds our priority DOJ grant programs in fiscal 2020 and we will continue to partner with OJP and BJA to make certain there is strong federal support for the officers on the streets. If you have any questions about the President's Budget or the work NAPO is doing with our partners at the DOJ, please contact Andy Edmiston at aedmiston@napo.org.

NAPO on the Hill: 116th Congress Priorities

NAPO met with the staff of Representatives John Rutherford (R-FL) and Bill Pascrell (D-NJ), co-chairs of the House Law Enforcement Caucus, staff of Senators Roy Blunt (R-MO) and Chris Coons (D-DE), co-chairs of the Senator Law Enforcement Caucus, minority staff of the House Judiciary Committee, staff of House Majority Leader Steny Hoyer (D-MD) and Majority Whip James Clyburn (D-SC), and staff of Senate Majority Leader Mitch McConnell (R-KY) to discuss our priority legislation for this Congress. We count on the support of the House Law Enforcement Caucus when moving our priorities, particularly those we are aiming to move around National Police Week (week of May 13).

We discussed the need for legislation to enhance officer safety by increasing penalties for the murder, attempted murder, or assault of federal, state, and local law enforcement officers, reauthorization of the Bulletproof Vest Partnership Grant Program, the Never Forget the Heroes: Permanent Reauthorization of the September 11th Victims Compensation Fund Act, legislation to fix the Public Safety Officers' Benefits (PSOB) Program as it relates to 9/11-related health conditions, and the LEOSA Reform Act:

Increased penalties for the murder, attempted murder, or assault of a federal, state or local law enforcement officer because of their status as a public safety officer will deter such crimes and bring greater protections to officers and the communities they serve. NAPO is backing two bills that would provide increased penalties for such violent crimes against officers – the **Thin Blue Line Act** and the **Protect and Serve Act**, both which passed the House last Congress. Representative Rutherford is the sponsor of the Protect and Serve Act.

The Bulletproof Vest Partnership (BVP) Grant Program is a grant program through the Department of Justice that helps fund state and local law enforcement efforts to purchase bullet resistant vests for their officers. This grant is a critical resource for state and local jurisdictions that saves lives. To date, more than 3,000 law enforcement officers have survived shootings thanks to their bullet resistant vests. Those officers are only a fraction of the over 900,000 law enforcement officers who put their lives at risk every day to protect our nation's communities. Congress must reauthorize the BVP Grant Program before its authorization runs out in 2020. Reauthorizing and fully funding the BVP Grant Program will ensure that all of America's law enforcement officers are provided with the life-saving protection they need.

The Never Forget the Heroes: Permanent Reauthorization of the September 11th Victims Compensation Fund Act would permanently reauthorize the 9/11 Victims Compensation Fund (VCF). The VCF's authorization is set to expire in December 2020, but according to the Special Master, the Fund is no longer able to fully compensate the remaining claims due to the significant increase in claims it has seen over the past year alone. Reauthorizing and refunding the VCF now is more important than ever as 9/11 victims and first responders are succumbing to their 9/11-related illnesses and it is our obligation and duty to remember these heroes and ensure that survivors who risked their lives to protect us continue to receive the compensation that they deserve.

Legislation to fix the PSOB Program to ensure that the families of officers who have died or become catastrophically injured due to their 9/11-related health conditions receive the benefits they rightly deserve. The PSOB regulations that were finalized last year highlighted a couple of significant issues related to 9/11-related claims. The first is that for these claims, the injury date – which determines the amount of death or disability benefits the family receives – is September 11, 2001. The benefit amount on September 11, 2001 was \$250,000, which is \$109,316 less than the benefit amount given today. Further, given that the injury date also defines who is considered a child of a public safety officer, any children born after September 11, 2001 will not be eligible to receive PSOB death, disability or education benefits. The statute must be fixed to ensure that the families and survivors of officers who have died or become totally disabled from a 9/11-related health condition receive the full benefits they deserve. NAPO worked closely with Senator Kirsten Gillibrand (D-NY) on legislation to fix these issues, which she will be introducing in the coming weeks.

The LEOSA Reform Act would ensure the Law Enforcement Officers Safety Act (LEOSA) is more fairly and broadly implemented. The bill would expand the areas qualified current or retired officers are allowed to carry a firearm, including on a Gun Free School Zone; on state, local and private property otherwise open to the public; and in certain federal facilities. It will allow qualified officers and retired officers to carry an ammunition magazine of any capacity that is not prohibited by federal law. Importantly, it will reform qualifications standards to alleviate undue burdens for those carrying under LEOSA. Representative Rutherford is an original cosponsor of the LEOSA Reform Act.

Both the House and Senate Law Enforcement Caucuses are supportive of our efforts and House and Senate Leadership indicated that they will work with us to move bipartisan legislation to the floor during National Police Week. We have much work to do to ensure that these bills are ready to move and have enough bipartisan support both in Committee and on the floor. NAPO continues meeting with members of the House and Senate to gain support for our priority legislation. If you have any questions about NAPO's meetings on the Hill or the issues addressed, please contact Andy Edmiston at aedmiston@napo.org.

NAPO Meets with House Judiciary Committee on VCF Reauthorization

On March 21, NAPO met with staff for the House Judiciary Committee Chairman Jerrold Nadler (D-NY) to discuss the Committee's plans for moving the Never Forget the Heroes: Permanent Authorization of the September 11th Victims Compensation Fund Act (H.R. 1327). Chairman Nadler is an original cosponsor of the legislation and he has indicated that it is a top priority for him.

NAPO fought hard for the passage of the James Zadroga 9/11 Health and Compensation Act in 2010 and its reauthorization in 2015 to ensure our nation took care of the victims and first responders who are coping with 9/11-related chronic health conditions. James Zadroga, a New York City Police Department Detective and member of NAPO, died of respiratory disease caused by his exposure to toxic chemicals during rescue and recovery efforts at Ground Zero.

In 2015, Congress, recognizing the importance of these programs, reauthorized the World Trade Center Health Program until 2090 and reauthorized and fully-funded the 9/11 Victims Compensation Fund (VCF) at \$7.375 billion for 5 years. Unfortunately, this has proven to not be enough. On February 15, the VCF Special Master declared that there is only \$2.375 billion left of the \$7.375 billion to compensate all pending and anticipated claims through December 18, 2020. She further notes that there has been a dramatic increase in claims over the past four months—including 4,800 compensation claims filed in January 2019 alone.

The Special Master has determined that there is insufficient funding remaining in the VCF to fully pay all current and projected claims and will therefore have to reduce payout amounts to ensure that all remaining and future VCF claims receive at least some level of award. The awards reductions will apply to all pending claims, regardless of when they were filed.

Effective for any award the VCF determines on or after February 25, 2019, the calculated economic and noneconomic loss amounts will be reduced by 50 percent if the claim was received prior to February 1, 2019. For claims submitted after February 1, 2019, the calculated economic and noneconomic loss amounts will be reduced by 70 percent. Appeal determinations made on or after February 25, 2019, for appeals filed on awards issued prior to February 25, 2019, will not be subject to percentage reductions, regardless of when the hearing is held. If changes are made to an award following an appeal on these claims, they will be made using the original, unreduced values and calculations.

While this announcement by the Special Master is alarming, the Never Forget the Heroes: Permanent Authorization of the September 11th Victims Compensation Fund Act was drafted to address this possibility. There is language in the bill to require the Special Master to pay out the difference between the amount that the claimant would have received if sufficient funding was available at the time the award was calculated and the amount they ultimately received as a result of the reductions. That being said, the VCF award is often a lifeline for survivors and families struggling with loss and we cannot let this bill linger longer just because the families will be made whole eventually. It is imperative that the VCF is permanently reauthorized as soon as possible.

The Chairman's staff indicated that the Committee plans to have a hearing on the bill sometime within the first two weeks of June, quickly followed by a markup. His goal is to have the House take up and pass the bill by the August recess. NAPO indicated to the staff that time is of the essence and we are ready and available to help in any way to move this important bill forward. NAPO will be meeting with Republican members of the Committee to ensure that it gets bipartisan support and we continue to work to add cosponsors to the bill (it currently has 185 bipartisan cosponsors).

This legislation honors those who made the ultimate sacrifice to protect our nation. It is our obligation and duty to remember these heroes and ensure that survivors who risked their lives to protect us continue to receive the compensation that they deserve.

Chairman Neal Looks to Rework WEP Reform

NAPO met with staff of House Ways and Means Committee Chairman Richard Neal (D-MA) to discuss the Equal Treatment of Public Servants Act, which will reform the Windfall Elimination Provision (WEP). This legislation would repeal the WEP, replacing it with a new Social Security benefit formula designed to more accurately account for years a public employee paid into Social Security versus the years paid into a public pension system in a non-Social Security covered position.

As a result of the new proposed WEP formula under the Equal Treatment of Public Servants Act, the Social Security actuary has projected that the majority of *current* retirees impacted by the WEP would see roughly one-third of their benefit restored. However, under the bill, a small number of public safety officers who had been exempted from WEP would now be subject to it.

This elimination of the WEP exemption would adversely impact our members who work in states where public employees are covered by Social Security. NAPO expressed our concerns with that aspect of the legislation to staff, who understood the issue and stated that they are currently looking for a path forward. They are trying to get a better understanding of how different pension plans work and interact with Social Security so that they can comprehend the larger picture of how public safety officers are impacted by WEP.

Former Committee Chairman Kevin Brady (R-TX) – now Ranking Member – was not willing to keep the WEP exemption intact as part of the legislation. Chairman Neal's staff, however, are looking at all possible options to ensure that WEP reform does not harm any public servants and they are open to keeping the WEP exemption in place under a new version of the bill. Staff stated that the legislation is a work in progress and they are committed to working with stakeholders to find a solution to issues and concerns raised. NAPO looks forward to working with them to find a way to move forward with WEP reform and we will keep our members up to date on the status of the legislation.

If you have any questions about the WEP or the Equal Treatment of Public Servants Act, please contact Andy Edmiston at aedmiston@napo.org.

NAPO's 2019 Lobby Day Legislative Breakfast & Legislative Awards Luncheon

Please join NAPO on May 14, 2019 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 116th Congress, and to receive handouts to use during your Hill visits.

While on Capitol Hill be sure to stop by NAPO's Legislative Awards Luncheon, where several Representatives and Senators will be recognized for their continued support of Law Enforcement.

SCHEDULE OF EVENTS

Registration	Omni Shoreham Hotel	8:45 a.m. - 9:00 a.m.
Legislative Breakfast	Omni Shoreham Hotel	9:00 a.m. - 10:00 a.m.
Capitol Hill Visits	Capitol Hill	10:30 a.m. - 12:00 p.m.
NAPO Legislative Awards Luncheon	Room G11 Senate Dirksen Office Building	12:00 p.m. - 1:30 p.m.
Capitol Hill Visits	Capitol Hill	2:00 p.m. - 5:00 p.m.

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, by May 3.

You can register [online](#) or using the attached registration form.

Advanced Registration is Required to attend NAPO's Legislative Awards Luncheon. Please contact Elizabeth Loranger, NAPO's Director of Events, for additional information on the Legislative Breakfast or Legislative Luncheon at (800) 322-6276 or eloranger@napo.org.

If you have any questions about the legislation discussed in this issue of the Washington Report, contact Andy Edmiston at aedmiston@napo.org or (703) 549-0775.

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.