



# The Washington Report

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

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**December 18, 2009**

## **NAPO SECURES \$298 MILLION FOR COPS HIRING PROGRAM FOR FY 2010**

On December 13, Congress passed the Fiscal 2010 Omnibus Appropriations Act, H.R. 3288, a spending package comprised of six of the seven remaining fiscal 2010 appropriations bills, including the Commerce-Justice-Science bill (H.R. 2847). The Justice portion of the appropriations measure provides significant funding for state and local law enforcement assistance programs, particularly for the COPS hiring program.

In a victory for NAPO, the fiscal 2010 appropriations measure includes \$298 million for the COPS hiring program. Excluding the \$1 billion appropriated for the program under the American Recovery and Reinvestment Act, this is the highest funding level the hiring program has seen in over six years. By funding the program at \$298 million for fiscal 2010, Congress is showing a true commitment to rebuilding this important program and investing in the safety of our nation's communities.

For the fiscal 2010 COPS hiring grants, the COPS Office will continue to waive both the 25 percent local match and the \$75,000 per officer salary cap, allowing the hiring grants to provide 100 percent funding on approved salaries and benefits for 3 years (based on an entry level salary). Additionally, the COPS Office has indicated it will give priority to those agencies that applied and qualified for funding under the American Recovery and Reinvestment Act, but did not receive grant funds.

For the major Justice Department state and local law enforcement grant programs, the spending package would appropriate: \$511 million for Byrne-JAG; \$30 million for the Bulletproof Vest Partnership Grant program; \$170 million for COPS interoperable communications grants; \$4.4 million for Meth Hot Spots; \$12 million for the Mentally Ill Offender Treatment and Crime Reduction Act (MIOTCRA); and \$161 for DNA and forensics programs.

NAPO continues to work to ensure that state and local law enforcement agencies have the resources and personnel they need to do their job effectively.

## **HOUSE PASSES JOBS BILL THAT INCLUDES \$1.18 BILLION FOR COPS HIRING**

On December 16, 2009, the House of Representatives passed a \$150 billion jobs-creation bill - the Jobs for Main Street Act of 2010 (H.R. 2847) - that includes approximately \$1.18 billion for the COPS hiring program. This funding would be in addition to the \$298 million appropriated to the hiring program for Fiscal 2010.

The Senate is not expected to take up the legislation until January, where it will be an uphill battle to pass such a large spending bill during an election year. We will need your help to ensure that the \$1.18

billion for the COPS hiring program remains in the legislation and that it passes the Senate. It is essential that lawmakers hear how important this funding is to your agencies and departments.

Please stay tuned for updates from NAPO on the Jobs for Main Street Act of 2010.

### IRS PUSHES BACK ENACTMENT OF NORMAL RETIREMENT AGE RULES

On Oct. 28, the IRS responded to the concerns raised by NAPO and other public employee organizations by announcing its decision to push back the enactment date of the normal retirement age regulations from January 1, 2011 to January 1, 2013.

NAPO continues to work with the Treasury Department and the IRS to exclude governmental plans entirely from the regulations. We see this extension as a sign that the IRS has realized it made a mistake in including governmental plans in the normal retirement age rules and that it is willing to work with state and local governmental stakeholder groups to resolve the issue.

Please visit NAPO's website to see IRS Notice 2009-86, which announces the extension for governmental plans. IRS Notice 2009-86 will be published in the November 16, 2009 Internal Revenue Bulletin (IRB) 2009-46.

If you have any questions about the extension or about the normal retirement age rules, please feel free to contact NAPO's Director of Governmental Affairs, Andrea Mournighan, at (703) 549-0755.

### HEALTH CARE EXCISE TAX UPDATE

As the Senate continues to debate the Patient Protection and Affordable Health Care Act, H.R. 3590, NAPO is closely watching the status of the excise tax on employer-provided health insurance plans. NAPO opposes this provision, which would inflict a 40 percent tax on health insurance companies, administrators, and self-insured employers that offer and administer high-cost health plans.

Currently, the excise tax would be imposed on plans with annual costs higher than \$8,500 for single coverage and \$23,000 for family coverage. The thresholds would be higher for retirees over 55 years of age or individuals engaged in high-risk professions, including law enforcement, EMS, and fire fighters. Despite the higher thresholds, comprehensive plans and plans that cover predominantly public safety officers would be hit by this tax as it is based on the total cost of the plan regardless of what it covers or why it costs so much. NAPO is concerned that public safety employees will be forced to pay the excise tax in the form of wage cuts, higher premiums, increased out-of-pocket costs, and lower benefits.

Amending the bill to scale back the tax is still a possibility, but it would be difficult given that an amendment would need 60 votes to pass. It seems more likely that we will be able to amend or eliminate the excise tax during conference negotiations between the House and Senate, since the House-passed health care bill, H.R. 3962, does not include an excise tax. Additionally, there is substantial opposition to the tax in the House.

NAPO continues to press Senate leadership to look at and recognize the adverse consequences the excise tax would have on the health care plans of a significant number of our nation's workers. Congress needs to recognize that this excise tax penalizes middle-class, hard working Americans,

many of whom serve their country in public service, and that is unacceptable. Please visit NAPO's website, [www.napo.org](http://www.napo.org), for updates on this and other issues.

## CONGRESS LOOKS TO JOIN NAPO'S EFFORTS TO PROMOTE STATE MOVE OVER LAWS

On November 19, 2009, Congressman Brad Ellsworth (D-IN) introduced the "Emergency Responders Highway Safety Act of 2009," H.R. 4104, which would help increase awareness of state "Move Over" laws and how those laws help protect the law enforcement officers who risk their lives serving the public.

According to the National Law Enforcement Officers Memorial Fund, more than 150 law enforcement officers have been killed since 1999 after being struck by vehicles along our nation's highways and roads. In 2007, to help prevent such needless deaths, NAPO, together with the National Safety Commission and the National Sheriffs Association, founded "Move Over, America," a nationwide public awareness campaign. It was the first coordinated effort to educate Americans about Move Over laws. Forty-seven states have now passed Move Over laws that require a motorist to change lanes or reduce speed if passing a highway emergency responder.

Despite our efforts, a large majority of Americans still have not heard of Move Over laws or the penalties associated with not complying with the laws. As a result, emergency responders continue to be killed by vehicles along our highways. NAPO believes H.R. 4104 will greatly assist our efforts by creating a grant program for nonprofits to educate the public on these important highway safety laws and help protect the lives of countless law enforcement officers and emergency responders.

For more information on state move over laws, please visit [www.moveoveramerica.com](http://www.moveoveramerica.com).

## REPORT STATES PERFORMANCE MEASURES WOULD ENHANCE PSOB OFFICE CLAIMS MANAGEMENT

The Government Accountability Office (GAO), the investigative arm of Congress, was asked by Senator Mary Landrieu (D-LA) to look into the Public Safety Officers' Benefits (PSOB) program's claim management process. Specifically, Senator Landrieu asked the GAO to examine a) the extent to which claimants receive PSOB program benefits, b) any issues raised by state and local agencies about the program and the claims process, and c) the degree to which the PSOB program follows recognized government standards and guidelines for effective program management.

On October 29, the GAO released the report of its findings. It found that while all education claims and over three-quarters of death claims opened between 2006 and 2008 were closed and approved as of April 2009, only about one-third of disability claims initiated during that same period had been determined. While education and death claims were processed, on average, in under a year, disability claims took between 17 and 26 months.

That is an unacceptable amount of time for an officer and his family to wait for these much-needed benefits.

Additionally, the GAO found that even as state and local agencies are aware of the PSOB death benefit for officers killed in the line of duty, a surprising majority of agencies do not know of the disability and

education benefits available through the program. The GAO report also noted that most agencies face challenges in trying to establish eligibility for claimants. These challenges, in turn, equate to what the PSOB Office considers incomplete claims, which slow down the claim determination process. The lack of education and outreach from the PSOB program to its constituents in the public safety community is primarily to blame for these issues.

While the PSOB program has made significant steps towards improving the processing of claims and communicating with claimants on the status of their claims, it does not have a system for performance measurement. The GAO concluded that this lack of performance monitoring in the areas of claims processing, outreach, and claimant assistance diminishes the PSOB Office's ability to effectively pinpoint and fix problems.

NAPO agrees with the GAO report and believes that a more focused and systematic approach to managing the PSOB program - including performance measures- will ensure that the program achieves its ultimate goal of "effectively and efficiently administering benefits that honor the work of many public officers who give up their lives or are injured in the line of duty". Furthermore, NAPO feels there is still work to be done in order to make certain that all public safety officers who have become permanently and completely disabled in the line of duty and can no longer hold a meaningful job are given the benefits they deserve in recognition for all they have sacrificed.

NAPO has been working with Senator Landrieu on legislation, the First Responders Support Act of 2009, that will improve and expand the PSOB program. The legislation will increase benefits, expedite claims and help the program with its education and outreach to the first responder community. On December 16, 2009, Senator Landrieu introduced the bill in the Senate as S. 2885, and Congressman Charlie Melancon (D-LA) introduced it in the House as H.R. 4338.

In addition to this legislation, NAPO continues to work to ensure that the PSOB program meets the needs of the families of officers who so selflessly gave their lives for the safety of our communities.

## JUSTICE DEPARTMENT ANNOUNCES NEW ONLINE RESOURCE FOR CRIMINAL JUSTICE COMMUNITY

The Department of Justice's Office of Justice Programs (OJP) announced on December 1, the availability of a new single, searchable online document of current funding opportunities and new initiatives from OJP. The *Office of Justice Programs Fiscal Year 2010 Program Plan* features the latest and most complete information about the resources available, as well as guidance on how to apply for funding and assistance.

The Program Plan is divided into 10 thematically organized chapters, each representing both an issue that cuts across OJP bureaus and offices and a challenge identified by the criminal and juvenile justice fields. It also contains valuable information regarding resources available to the justice community. Included is information regarding both competitive and non competitive programs, opportunities for training and technical assistance, and other resources. The program plan is available online at: [www.ojp.usdoj.gov/ProgramPlan](http://www.ojp.usdoj.gov/ProgramPlan).