

Washington Watch: Legislative Update For the Week of 13 February 2012

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I. LEGISLATIVE NEWS AND ACTIVITY

National President Chuck Canterbury was on Capitol Hill this week to testify before the Senate Committee on the Judiciary about the importance of the Bulletproof Vest Partnership (BVP) grant program. See Item IV. for additional details.

Following his testimony, National President Canterbury and Executive Director Jim Pasco met privately with Senators Patrick J. Leahy (D-VT), Chairman of the Judiciary Committee, and Amy J. Klobuchar (D-MN).

Executive Director Pasco met with Alan Hoffman, Deputy Chief of Staff to Vice President Joseph R. Biden, Jr., regarding the D Block provisions in H.R. 3630, the "Temporary Payroll Tax Cut Continuation Act."

Executive Director Jim Pasco met with Louis F. Quijas, Assistant Secretary for Office for State & Local Law Enforcement at the U.S. Department of Homeland Security to discuss the Department's participation at the Spring Meeting of the National Board of Trustees.

Executive Director Pasco met with James Sullivan, Executive Director for the Commissioner of Customs and Border Protection (CBP), to discuss border issues.

Executive Director Pasco met with Terrance W. Gainer, U.S. Sergeant-at-Arms, Michael Stengar, Assistant U.S. Senate Sergeant-at-Arms for Intelligence for State and Local Coordination, and the newly sworn-in Sergeant-at-Arms for the U.S. House of Representatives Paul D. Irving about the role of the National Fraternal Order of Police on Capitol Hill.

Executive Director Pasco met with W. Ross Ashley III, Executive Director of the National Fusion Center Association, about FOP participation at their next conference.

Executive Director Pasco represented the FOP at a reception for Robert L. Chaney, the outgoing Senior Law Enforcement Advisor in the U.S. Department of Justice Office of the Attorney General.

Executive Director Paso met with Bart R. Johnson, the new Executive Director of the International Association of Chiefs of Police (IACP), to discuss mutual concerns with respect to the Public Safety Officers Benefits (PSOB) program and the provisions in H.R. 3630 related to the D Block spectrum.

Executive Director Pasco met with Kevin O'Connor, Assistant to the General President of the International Association of Fire Fighters (IAFF) to discuss issues related to the PSOB

program.

Senior Legislative Liaison Tim Richardson represented the FOP at the quarterly meeting of the Public Safety Spectrum Trust (PSST).

Senior Legislative Liaison Richardson and Legislative Liaison Breanna Bock-Nielsen participated in a meeting of the law enforcement stakeholder groups to discuss strategies for moving forward with S. 306, the "National Criminal Justice Commission Act."

Senior Legislative Liaison Richardson participated in a conference call with personal and committee staff for Representative Duncan D. Hunter (R-CA) regarding H.R. 324, the Law Enforcement Officers' Safety Act, and other issues affecting Federal law enforcement officers.

Legislative Liaison Bock-Nielsen attended the U.S. Department of Justice (DOJ) briefing on the President's budget request for FY2013.

Legislative Liaison Bock-Nielsen attended a briefing given by officials from the Office of Justice Programs at the DOJ regarding the FY2013 proposals.

Legislative Liaison Bock-Nielsen participated in a conference call with the Office of National Drug Control Policy regarding budget priorities in FY2013.

II. THIS WEEK IN CONGRESS

Both the House and the Senate were in session this week. Both chambers went into recess and both will be out of session next week in observation of George Washington's Birthday. For this reason, there will be no Weekly Legislative Update next week.

Action in the House

The House considered and passed the conference report on H.R. 3630, the "Temporary Payroll Tax Cut Continuation Act," on a 293-132 vote. The measure extends the cut of payroll taxes through the end of 2012. Staff in the National Legislative Office are still reviewing the legislation, which has language forcing employees covered by the Civil Service Retirement System (CSRS) and the Federal Employees Retirement System (FERS) to increase their contributions from 0.8% and 7% to 2.3% and 8.5%, respectively, over a three year period. In addition, the legislation allocates the "D Block" of spectrum to public safety and provides \$7 billion for the construction of a national public safety broadband network.

Action in the Senate

The Senate considered and passed the conference report on H.R. 3630 on a 60-36 vote. The bill will be transmitted to the President, who is expected to sign the bill into law.

The Senate continued debate on S. 1813, the "Moving Ahead for Progress in the 21st Century (MAP-21)."

Action in Senate Committees

The Committee on the Judiciary held an oversight hearing entitled, "Protecting Those Who Protect Us: The Bulletproof Vest Partnership Grant Program." National President Chuck Canterbury appeared before the panel to give testimony in support of the program. (See Item IV. for additional information).

The Committee on Homeland Security and Government Oversight held a hearing on S. 2105, the "Cyber Security Act." The bill is scheduled to be marked up after the recess.

Administration

The Administration announced its budget for FY2013. Highlights of the proposed budget for DOJ (see Item V. for details).

III. UPDATE ON TOP LEGISLATIVE PRIORITIES

For the complete list of cosponsors for all of our top legislative priorities, or to find out if your Representative and Senators are cosponsors of specific bills, check out <http://thomas.loc.gov>.

A. Social Security Issues

(1) Support the H.R. 1332/S. 2010, the "Social Security Fairness Act"

We added two (2) new cosponsors to H.R. 1332 this week, bringing our current total to one hundred and forty-five (145) cosponsors on H.R. 1332. Please note that this total differs slightly from THOMAS, as we are not including Delegates Eleanor Holmes Norton (D-DC) and Madeleine Z. Bordallo (D-Guam), who have limited voting rights on the floor. We are also not including Representative David Wu (D-OR), who resigned his seat earlier this year, or Representative Dean Heller (R-NV), who left the House after being appointed to fill the Senate seat vacated by Senator John Ensign (R-NV).

We added two (2) new cosponsors to S. 2010 this week, Senators Sherrod C. Brown (D-OH) and Frank R. Lautenberg (D-NJ), bringing our current total to nine (9).

In addition, National Legislative Office staff continue to work with staff in the office of Senator Kay Bailey Hutchison (R-TX) on S. 113, the "Public Servant Retirement Protection Act," and with Representative Kevin P. Brady on the House companion measure, H.R. 2797. This legislation would not impact the Government Pension Offset (GPO) but would repeal the Windfall Elimination Provision and replace it with a more equitable, individualized calculation of Social Security benefits based on an individual's entire work history.

Currently, there is one (1) cosponsor on the Senate bill and seven (7) cosponsors on the House bill.

(2) Opposing any legislation that would require the participation of public employees in Social Security

The FOP will continue to lobby against this scheme and oppose any legislation which would mandate participation in Social Security.

B. Support the "Public Safety Employer-Employee Cooperation Act"

This legislation, which would guarantee the right of public safety employees to bargain collectively with their employers over hours, wages and conditions of employment, has not yet been introduced.

C. Support H.R. 1789, the "State and Local Law Enforcement Discipline, Accountability and Due Process Act"

We currently have six (6) cosponsors on H.R. 1789.

The Senate companion bill has not yet been introduced, but we are working with staff in the office of several Senators in an effort to develop a Senate companion bill.

D. Support the H.R. 327, the "Law Enforcement Officers' Equity Act" and S. 985, the "Law Enforcement Officers' Retirement Equity Act"

We currently have a total of ten (10) cosponsors on H.R. 327.

We currently have a total of one (1) cosponsor on S. 985.

E. Support the H.R. 324, legislation giving Federal law enforcement officers employed by the U.S. Department of Defense statutory arrest authority

We added one (1) new cosponsor to H.R. 324, bringing our current total to twelve (12).

IV. FOP NEWS: FOP PRESIDENT TO SENATE COMMITTEE: Bullet Resistant Vests Save Lives

Chuck Canterbury, National President of the Fraternal Order of Police, testified before the Senate Committee on the Judiciary yesterday at an oversight hearing entitled, "Protecting Those Who Protect Us: The Bulletproof Vest Partnership Grant Program." The hearing focused on the need to reauthorize the Bulletproof Vest Partnership (BVP) grant program administered by the U.S. Department of Justice.

"There is no legislation, no government program, no grant or public-private partnership that can erase the sad fact that law enforcement officers will die in the line of duty," Canterbury told the panel. "They will be killed by armed and violent criminals. But this program, Mr. Chairman, does save lives."

Established in 1998, the BVP program was authored by Senator Patrick J. Leahy (D-VT), the current Chairman of the Senate Committee on the Judiciary, and then-Senator Ben Nighthorse Campbell (R-CO). The objective of the law was to increase the availability of soft body armor to law enforcement officers by creating a program to provide matching Federal funds to State or local law enforcement agencies.

"The 1970s were the deadliest decade for law enforcement officers, with more than 2,200 officers killed in the line of duty in a ten year span," Canterbury said. "But as the use of soft body armor became more common, it vastly improved the safety of law enforcement officers. Since 1970, firearms deaths are down 44%, and much of the credit goes to bullet-resistant vests."

Since the first certified "save"—that is, a shooting that would have resulted in the death of an officer but for the use of soft body armor—was in December 1975. Since that time, 3,145 officers have been certified as saved by the bullet-resistant vest.

"That's 3,145 law enforcement officers who went home to their families and 3,145 fewer names on the Wall of Remembrance at Judiciary Square," Canterbury said. "How many other Federal programs can quantify their success so starkly? I hope Congress acts swiftly to reauthorize this critical officer safety program."

To watch National President Canterbury testify at the hearing, visit:

<http://www.senate.gov/fplayers/jw57/commMP4Player.cfm?fn=judiciary021512&st=960>

V. FOP NEWS: FOP CALLS D BLOCK LEGISLATION A "WIN"

Chuck Canterbury, National President of the Fraternal Order of Police, described the D Block language in H.R. 3630, the "Temporary Payroll Tax Cut Continuation Act," as a "win" for law enforcement and public safety.

"Largely because of the FOP's independent activity on this issue, we got a lot more than we lost in terms of the development of a national public safety broadband network," Canterbury said. "The FOP did not get bogged down in close relationships with carriers and instead advocated for the interests of the officers on the beat—the men and women whose lives depend on their communications equipment and the networks that carry those signals."

The conference report on H.R. 3630, which is expected to be passed by Congress today and signed into law by the President, allocates the D Block of spectrum to a Public Safety Broadcast License (PSBL). The current PSBL is held by the Public Safety Spectrum Trust (PSST), on which the FOP serves as a board member. It is not clear how that license will be transferred to a new entity, called the First Responder Network Authority (FirstNet) within the National Telecommunications and Information Administration (NTIA) at the U.S. Department of Commerce. FirstNet will be provided with \$7 billion to fund the build out of the national public safety broadband network.

"The funding is less than the original \$12 billion proposed, but we are optimistic that we can get the backbone of this network built out," Canterbury said. "At the very least, we'll be building the foundation for the first truly national public safety broadband network."

The legislation does permit States to "opt -out" if they can demonstrate the capacity to build their own networks and connect them to the national network. To ensure national interoperability, the legislation creates a technical advisory board at the Federal Communications Commission to develop these interoperability standards. States that want to construct their own portion of the national public safety network will be able to apply for Federal grants to build and operate the radio access network in the State if they can demonstrate to the FCC that the network will meet these interoperability standards and to NTIA that they have the resources and capability to provide comparable coverage and security and maintain ongoing interoperability.

"Provided that national interoperability is assured, the FOP has no objections to States building and constructing their own networks, as this may help reduce the cost," Canterbury said. "It is of vital importance, however, that the NTIA, FirstNet and the FCC ensure that law enforcement—particularly the rank-and-file—are assured a voice on these advisory boards."

"We certainly recognize the prevalence of the term 'first responder' to cover the gamut of public safety disciplines, but the reality is that law enforcement officers are usually the first to respond to any scene or incident," Canterbury explained. "It is the responding law enforcement officer that assesses the situation and then calls for the appropriate public safety response, be it more law enforcement officers, firefighters, emergency medical technicians or hazardous material response. Every public safety discipline is vital when responding to a critical incident, but we must recognize that, in almost every instance, it is the rank-and-file law enforcement officer who is the first on the scene. This perspective must be represented on these bodies."

Unlike legislative proposals put forward in the U.S. House of Representatives, the language in the conference report on H.R. 3630 does not require public safety officials to return the important 700 MHz "narrowband" spectrum to the FCC for auction. Instead, the legislation requires the

return of less efficient spectrum known as the "T-band." This transition occurs 11 years from the date of enactment, and public safety relocation costs will be reimbursed from any auction proceeds.

"This was vital," Canterbury said. "I believe that the return of the narrowband spectrum may have compromised the viability of the national network. On balance, this is good for law enforcement and good for public safety."

VI. FOP NEWS: DOJ BUDGET HIGHLIGHTS

The Administration announced its FY2013 budget this week. The following is the proposed budget for the DOJ programs of greatest interest to the FOP:

\$430 million for the Edward Byrne Memorial Justice Assistance Grant (Byrne-JAG) programs, including:

\$2 million for State and Local Antiterrorism Training (SLATT)

\$5 million for the VALOR Initiative

\$257 million for the hiring program administered by the Office of Community Oriented Policing Services

\$70 million for the State Criminal Alien Assistance Program (SCAAP)

\$25 million for Byrne Competitive grants

\$24 million for the Bulletproof Vest Partnership

\$20 million for the Byrne Criminal Justice Innovation Program

\$12.5 million for Methamphetamine Enforcement and Cleanup

Neither the House or Senate has proposed a budget at this writing.

VII. FOP DAY ON THE HILL 2012!!!

In just over two weeks, FOP members from around the nation will come to Capitol Hill to lobby their Members of Congress on the FOP's top legislative priorities. The FOP Day on The Hill 2012 will take place Monday, 27 February and run through Wednesday, 29 February.

On Monday, 27 February 2012 the National Legislative Office and the National Legislative Committee will host a short briefing at the District of Columbia Lodge #1 located at 711 4th Street, NW, at 4pm. **PLEASE ATTEND THIS BRIEFING!!!**

Tuesday and Wednesday, 28-29 February, will be devoted to your meetings with Members from your home States and districts. These appointments should be made in advance!!! You can find the contact information for your Representative at <http://www.house.gov/> and the contact information for your Senators at <http://www.senate.gov/>. Event participants should make every effort to have their Representative or Senator attend the meeting along with the appropriate staff person.

Schedule

Monday, 27 February, 4pm – Legislative briefing at District of Columbia Lodge #1 located at 711 4th Street, NW

Tuesday, 28 February – Meetings with your Representative and Senators

Wednesday, 29 February – Meetings with your Representative and Senators

VIII. Do Your Friends Get Grassroots?

Make sure your friends and coworkers know about our weekly updates! The grassroots emails are the most accurate source of information about the FOP on the Hill- covering information on meetings, bills, and events.

To add your name from our mailing list, please send an email to grassroots@fop.net with ADD and the State in which you live, in the Subject Line.

IX. REDUCED NFOP PAC Knives and Oakley Product Giveaway!

The National Fraternal Order of Police PAC has a number of 2011 commemorative NFOP PAC pocket knives remaining. We also have one pair of Oakley Antix sunglasses, one pair of Oakley Radar sunglasses and two Oakley goggles available. All these Oakley products are valued over \$100.

We will be giving these Oakley products away, until they are gone, to every 30th person who orders a NFOP PAC pocket knife!

You can purchase a NFOP PAC pocket knife at the reduced price of only \$15 for the chance to win one of these Oakley products! You will be alerted over the phone if you are one of the four lucky winners!

To order a NFOP PAC pocket knife, please complete the order form below and email to glynch@fop.net or call 202-547-8189.