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Representing America's Finest

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SENATE PASSES H.R. 218 IMPROVEMENTS BILL

On May 13, 2010, the Senate passed the “Law Enforcement Officer’s Safety Act Improvements Act”, S. 1132, by unanimous consent. This bipartisan legislation will help ensure that H.R. 218, the Right to Carry Act, will be easily, fairly and broadly implemented. Specifically, the bill seeks to address the difficulties retired law enforcement officers are facing when trying to obtain the necessary credentials to qualify for the national right to carry.

S. 1132 will reduce the number of years a retired or separated law enforcement officer has had to serve in order to qualify to carry, from 15 years to an aggregate of 10 years or more. The legislation also designates new qualification procedures that will make the process easier for a retired or separated law enforcement officer to meet the requirements of firearms training. Currently, a retired or separated officer must meet his or her state of residency’s standards for training and qualification for active law enforcement officers to carry firearms. This bill will expand the qualification procedures to include the standards of firearms training of the officer’s former agency, a law enforcement agency within the state of residency, or a certified firearms instructor. This gives retired or separated officers more avenues to qualify for the national right to carry.

NAPO firmly believes that all qualified off-duty and retired or separated officers across the country should be able to carry firearms for the protection of themselves, their families and our nation’s communities. It was for this belief that NAPO actively fought for the passage of the “Law Enforcement Officers’ Safety Act” and it is why we are fighting for the passage of the “Law Enforcement Officers Safety Act Improvements Act of 2009”. NAPO thanks Senator Leahy for his leadership and his support of the law enforcement community. We are working with Congressman Randy Forbes (R-VA) to pass the companion bill (H.R. 3752) in the House.

CONGRESS INTRODUCES BILL TO GIVE D BLOCK SPECTRUM TO PUBLIC SAFETY

On April 20, 2010, NAPO sent a letter to Federal Communications Commission (FCC) Chairman Julius Genachowski urging the FCC to amend its recommendation in the National Broadband Plan (NBP) so that the 700 MHz D Block is reallocated to public safety. This reallocation is necessary to ensure that our local, state and federal first responders have

unrestricted access to a nationwide broadband network that will allow them to effectively respond to critical events.

NAPO believes that the NBP falls short of making certain that public safety has an interoperable mobile broadband network to support not only everyday first responder activities, but also emergency prevention and response. In these tough economic times, it is not practical to believe that there will be a consistent funding source to build out the nationwide network if the D Block is auctioned off for commercial purposes. Additionally, NAPO is unaware of any Congressional support for the FCC's recommendation to establish a funding stream for a national first responder broadband network. Allocating the D Block to public safety is the only way to ensure a reliable, robust broadband network that meets the needs of a modern first responder community.

The 9/11 Commission specifically recognized the importance of allotting designated spectrum for first responders to use for interoperable communications. The September 11, 2001 terrorist attacks on the Pentagon and the World Trade Center, and later the natural disaster of Hurricane Katrina, demonstrated how critical it is for first responders to be able to communicate with each other in order to protect our nation's communities and themselves.

NAPO has also endorsed legislation, introduced by Congressman Peter King (R-NY), which would mandate the FCC allocate the D Block for public safety broadband communications. The "Broadband for First Responders Act of 2010," H.R. 5081, would also require that any wireless public safety broadband network be fully interoperable, provide for user roaming, be disaster survivable, and have the appropriate level of cyber security.

NAPO continues to urge the FCC, the Administration and Congress to recognize that this is the time to develop a nationwide interoperable network and to support the reallocation of the D Block to public safety. To further our efforts, NAPO has joined the Public Safety Alliance, a partnership with the International Association of Chiefs of Police, International Association of Fire Chiefs, National Sheriffs Association, Major Cities Chiefs Association, Major County Sheriffs Association, Metropolitan Fire Chiefs Association, the National Emergency Management Association and the Association of Public-Safety Communications Officials International. NAPO is the only rank-and-file law enforcement group working to ensure that the FCC gives our nation's public safety community a nation-wide, interoperable, wireless communications system.

9/11 HEALTH AND COMPENSATION ACT PASSES KEY HOUSE COMMITTEE

On May 25, 2010, the House Energy and Commerce Committee passed the "James Zadroga 9/11 Health and Compensation Act," H.R. 847. This important legislation would ensure that first responders and community workers who risked their lives responding to the 9/11 terrorist attacks on the World Trade Center (WTC) receive medical monitoring and treatment so they can maintain, or regain, their good health.

Almost nine years after the attack on our nation, we continue to mourn the 84 Port Authority personnel, including 37 members of the Port Authority Police Department, 23 New York City Police Department officers, 11 New York State and Federal Law Enforcement Officers, 343 fire fighters, and over 2,200 civilians who lost their lives. While the nation remembers those we lost, those who responded to the WTC continue to suffer from the physical and mental traumas endured that day and in the days following. According to the Mount Sinai Medical Center study on 9/11 health effects, 70 percent of the first responders at Ground Zero suffer from chronic lung ailments.

As the health risks associated with exposure to the WTC site become more manifest, it is imperative to ensure that workers in the rescue and recovery effort are properly monitored and treated for exposure related diseases. By establishing the World Trade Center Health Program within the National Institute for Occupational Safety and Health, H.R. 847 would make certain that there is a federally funded program to give medical monitoring and treatment to WTC responders, who were exposed to the toxins at Ground Zero. Additionally, this legislation would provide for research into conditions, such as cancers, that may be related to the WTC site.

NAPO is working closely with Congresswoman Carolyn Maloney (D-NY), the bill's sponsor, and the New York Congressional delegation to move this legislation to the House floor for a vote.

On June 29, 2010, the Senate Health, Education, Labor and Pensions Committee held a hearing on the Senate companion bill, S. 1334, sponsored by Senator Kirsten Gillibrand (D-NY), which examined the continuing needs of responders, workers and communities affected by 9/11. The hearing demonstrated that there is broad bipartisan support and interest in passing this important legislation. This hearing was another step towards passing the bill in the Senate. NAPO is currently working with the committee to schedule a markup of S. 1334 in order that we can build on the support the bill has and take it to the Senate floor for a vote.

GETTING THE TRUTH OUT ABOUT PUBLIC SAFETY COLLECTIVE BARGAINING

As we have been ramping up our efforts to push the Public Safety Employer-Employee Cooperation Act (S. 3194) through the Senate within the next couple of months, we have seen and heard misleading and often blatantly wrong facts about the bill being produced by our opponents. Most of these ads, articles and letters claim that the bill would create a “one-size-fit-all” federal labor relations law that takes away states rights, that it would be detrimental to national security, it will bankrupt state and local governments already struggling with budget crises, and finally, the most preposterous fabrication, that under this bill “union-bosses” would be running the local police and fire departments.

NAPO is working to dispel these rumors and ensure that members of Congress know the truth. We know that public safety is best protected through effective partnerships between the first responders on the front lines and the agencies that employ them. We also know that the Public Safety Employer-Employee Cooperation Act simply establishes a basic framework for states to use to grant first responders the right to sit down and talk with their employers regarding wages, hours and safe working conditions.

The Public Safety Employer-Employee Cooperation Act will guarantee the right of public safety officers to form and join a union, *if they choose to*, and bargain collectively over hours, wages and working conditions. State right-to-work laws are explicitly protected under this legislation. As we know, public safety collective bargaining and right-to-work CAN coexist. For example, fire fighters and police officers currently enjoy collective bargaining rights in right-to-work states such as Florida, Oklahoma and Idaho.

The legislation outlaws strikes and does not call for mandatory arbitration. Chiefs, sheriffs and state and local governments will not be forced to accept contract provisions they cannot afford. Additionally, states are given maximum flexibility to craft their own public safety collective bargaining laws, allowing them to tailor their law to meet the needs of their state and local public safety officers and the agencies they serve. The bill even goes as far as to assure that states do not have to bargain over pensions. In fact, many states that currently allow public safety collective bargaining do not allow bargaining over pensions.

The Public Safety Employer-Employee Cooperation Act exempts all states with a state collective bargaining law for public safety equal to or greater than the bill's basic minimum standards. The bill presumes that existing state laws are in compliance with the federal standards established by this Act unless the Federal Labor Relations Authority (FLRA) affirmatively finds they are not. The FLRA can only evaluate state laws based on the minimum standards of the bill and nothing else – the FLRA cannot create new requirements and then impose them on states. To further protect state laws, the bill states that the FLRA, when deciding whether a law complies with the Act, must give maximum weight to an agreement between management and labor that a state law complies with the Act.

NAPO hopes that lawmakers hear and recognize the truth about this important legislation and are not swayed by the deceptive tales of opponents of the bill. State and local public safety officers put their lives on the line every day to serve and protect our nation and its communities. The least we can do is grant them the basic American right to sit down with their employer and discuss how best to do their jobs.

HOUSE PASSES EXPANSION OF HIGHER EDUCATION BENEFITS FOR SURVIVORS OF FIRST RESPONDERS

On May 12, the House passed legislation that will expand higher education assistance to children of fallen first responders. The “Officer Daniel Faulkner Children of Fallen Heroes Scholarship Act of 2010,” H.R. 959, will provide the maximum federal Pell grant award to children of law enforcement officers, firefighters or members of a rescue squad or emergency medical services (EMS) crew who are killed in the line of duty.

Currently, eligible students whose parents died while serving in deployments in Iraq or Afghanistan after the 9/11 terrorist attacks are automatically awarded the maximum Pell grant if they are younger than 24 years of age and are enrolled at least part-time at the time of the parent's death. H.R. 959 will extend these same benefits to the eligible surviving children of fallen public safety officers.

Pell grants are given to undergraduate students who have demonstrated financial need and are seeking their first degree. The maximum award is \$5,550, but will increase to \$5,975 by 2017. These education benefits are in addition to those provided by the PSOB Public Safety Officers' Educational Assistance Program. It is important to note that the PSOB education benefits will be reduced by the amount of other governmental assistance that the student is eligible to receive.

LEGISLATION INTRODUCED TO CREATE SILVER ALERT SYSTEM

The Senate Judiciary Committee is considering legislation, the "National Silver Alert Act" (S. 557), introduced by Senator Mel Martinez (R-FL), which will create a system, based on the successful Amber Alert network, that will assist state and local law enforcement locate seniors with Alzheimer's disease or dementia who go missing.

Alzheimer's disease impacts more than five million Americans. With the baby boomer generation aging, Alzheimer's and dementia will continue to affect more lives, creating a need for a robust system to help protect one of our nation's most vulnerable populations. The "National Silver Alert Act" authorizes state grants to support and create systems to rapidly mobilize law enforcement, state and local governments and news media to locate these handicapped seniors and adults who have gone missing. Importantly, this legislation provides grants to local law enforcement agencies for training and educational programs relating to use of the Silver Alert communications network.

NAPO believes that the "National Silver Alert Act" will give state and local law enforcement the tools and support necessary to ensure the safety and protection of those who go missing due to Alzheimer's disease and dementia. This Act will further close the gaps in our nation's missing persons networks and give peace of mind to the millions of families affected by these terrible diseases.