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Representing America's Finest

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CONGRESS PASSES HOMELAND SECURITY APPROPRIATIONS

On October 30, 2009, Congress passed the Department of Homeland Security Appropriations Act for Fiscal 2010, making it only the fourth fiscal 2010 spending measure to reach the president's desk. The bill provides significant funding to vital state and local first responder grant programs to assist them in their emergency preparedness, counterterrorism and national security efforts.

For the major state and local first responder grant programs, the Homeland Security spending bill appropriates: \$950 million for the State Homeland Security Grant program (SHSGP) to assist states plan, equip and train local first responders to respond to terrorist attacks and catastrophic incidents; \$887 million for the Urban Area Security Initiative (UASI) to help high-risk urban communities prevent, respond to, and recover from terrorist attacks; approximately \$459 million for the Law Enforcement Terrorism Prevention Program (LETPP); \$300 million for Transit grants to protect critical transit infrastructure in high-threat areas; and \$50 million for interoperable communications grants.

Additionally, the Homeland Security spending bill reauthorizes the E-Verify program for three years. E-Verify gives employers the ability to verify the immigration status of new hires. The bill also provides \$1.5 billion to Immigration and Customs Enforcement for identifying and removing from the United States criminal aliens once an immigration judge has ordered them deported.

NAPO continues its efforts to ensure that these important homeland security grant programs are properly supported and funded and we thank lawmakers for recognizing the importance of these funds to helping state and local law enforcement keep our nation's communities safe from threats at home and abroad.

JUSTICE APPROPRIATIONS STALLED IN SENATE

On June 18, 2009, the House passed the fiscal 2010 Commerce, Justice, Science (C-J-S) Appropriations Act, H.R. 2847. After substituting its own language into the bill, the Senate took up H.R. 2847 on October 13, 2009, only to have debate over the bill stalled by partisan tactics. As Congress was unable to pass all fiscal 2010 appropriations bills by September 30, 2009, the federal government and its programs are currently being funded under a continuing resolution that expires on October 31st.

The House has passed all twelve spending bills, while the Senate has completed only seven. Congress will have to pass another short-term spending measure to fund the government in order to give lawmakers more time to complete the fiscal 2010 appropriations process. It is uncertain

whether Congress will be able to pass each of the remaining bills individually or if lawmakers will eventually have to combine them into an omnibus spending package before they adjourn in December.

The Senate is looking to pass the C-J-S appropriations bill by the first week of November. NAPO is following the process closely and working with lawmakers to ensure that Justice Department state and local law enforcement programs, particularly the COPS hiring program and Byrne-JAG, receive significant levels of funding.

BILL TO IMPROVE MISSING PERSONS DATABASES INTRODUCED IN HOUSE

On October 1, 2009, Congressman Christopher Murphy (D-CT) and Ted Poe (R-TX) introduced the "Help Find the Missing Act (Billy's Law)," H.R. 3695, a bill that would address and fix the gaps in our nation's missing persons systems.

While federal law mandates state and local law enforcement report missing children, there are no such requirements for adults or unidentified bodies. Compounding this problem is the fact that local law enforcement agencies, medical examiners and coroners often do not have the resources, personnel or training to voluntarily report these cases. Furthermore, even when missing adults and remains are reported, finding a match can be a significant challenge because existing federal, state, local and non-profit databases for missing and unidentified bodies are not connected.

H.R. 3695 would address these issues by authorizing the Department of Justice's National Missing Persons and Unidentified Persons System (NamUs) and connecting it to the Federal Bureau of Investigation's Crime Information Center (NCIC). This would make missing persons and unidentified remains databases more comprehensive as well as streamline the reporting process for local law enforcement. Additionally, the legislation provides incentive grants to assist state and local law enforcement report missing persons and unidentified remains to NCIC, NamUs, and the National DNA Index System (NDIS). These provisions not only increase accessibility to NamUs, but also facilitate data sharing between NamUs and NCIC.

NAPO supports H.R. 3695 and looks forward to working with Congressmen Murphy and Poe to fight for its passage.

EXECUTIVE DIRECTOR'S REPORT

NAPO OPPOSES EXCISE TAX ON EMPLOYER-PROVIDED HEALTHCARE

On October 14, 2009, NAPO sent a letter to Senate leadership regarding our concerns over the provision in the "America's Healthy Future Act of 2009," S. 1796, that would impose a 40 percent excise tax on health insurance companies, administrators, and self-insured employers that offer and administer high-cost health plans.

The health care plans of state and local public safety officers are not extravagant "Cadillac" plans that are filled with superfluous medical benefits. They are the good, comprehensive health benefit plans that Congress and the Administration are working to make accessible to all Americans. Despite the recognition in the legislation that the health care plans of public safety and other high

risk professions are more costly than the average health care plan, NAPO believes that this tax would threaten the stability and security of these plans. The congressional Joint Committee on Taxation estimates that the excise tax proposed by the “America’s Healthy Future Act of 2009” would hit approximately 40 percent of all plans – individual and family plans - in ten years.

The threshold for the excise tax is \$8,000 for single coverage and \$21,000 for family coverage. *This threshold increases to \$9,850 for single coverage and \$26,000 for family coverage for retirees over 55 years of age or individuals engaged in high-risk professions, including law enforcement, EMS, and fire fighters.*

As the tax is based on the total cost of health care plans regardless of what it covers or why it costs so much, it will not only hit luxury health care plans, but also comprehensive plans and plans that cover predominantly public safety officers, older workers and women. 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, all of which go against the purpose of health care reform: making good health care more accessible and affordable to the American people.

This excise tax is only proposed in the legislation that passed the Senate Finance Committee on October 19, and not in the healthcare reform bill that passed the Senate Health, Education, Labor and Pensions (HELP) Committee in July, the “Affordable Health Choices Act of 2009,” S. 1679. Senate leadership is currently working on combining the two healthcare reform bills into one piece of legislation for the Senate to vote on. NAPO is urging 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.

There is strong opposition to the excise tax provision, as passed in S. 1796, in both the House and Senate. Several Senators, including Senator John Kerry (D-MA), have stated that they are preparing to introduce amendments to the final Senate healthcare overhaul bill if it does include the excise tax. 157 House Democrats sent a letter to Speaker of the House Nancy Pelosi opposing the excise tax. Additionally, NAPO is joined by other organizations representing state and local government employees in opposition to the excise tax, including the International Association of Fire Fighters, the American Federation of State, County and Municipal Employees, and the National Education Association.

HOUSE & SENATE JUDICIARY COMMITTEES TAKE UP PATRIOT ACT REAUTHORIZATION

The House and Senate Judiciary Committees are pursuing legislation that would reauthorize and limit certain provisions of the anti-terrorism law, the Patriot Act. On October 20, 2009, House Judiciary Chairman John Conyers (D-MI) introduced a bill, H.R. 3845, which would reauthorize two of the expiring provisions of the Patriot Act and allow a third provision to expire at the end of this year. The two provisions that would be reauthorized for four years under H.R. 3845 permit roving wiretaps of terrorist suspects and court approved searches of business records in terrorism cases. The third provision set to expire allows law enforcement to seek warrants from the Foreign Intelligence Surveillance Court against “lone wolf” terrorists not connected to a foreign group or power.

The legislation proposed by Senate Judiciary Chairman Patrick Leahy (D-VT) and Senate Intelligence Chairwoman Dianne Feinstein (D-CA), S. 1692, on the other hand, would reauthorize all three provisions until the end of 2013.

Both H.R. 3845 and S. 1692 would create a 2013 sunset on the government's use of national security letters in counterterrorism investigations and would impose new restrictions on how the government can use those letters. H.R. 3845, however, goes further in limiting the government's anti-terrorism authorities than the Senate bill. Both bills are awaiting committee action. The administration has stated that it wants Congress to reauthorize all three provisions and that it opposes any significant new restrictions on national security letters.

NAPO supported the Patriot Act when it was first passed in 2001 and again when it was reauthorized in 2006. NAPO supports the temporary reauthorization of these three provisions in order that law enforcement can retain the necessary tools to continue fighting terrorism while ensuring civil liberties are not permanently weakened.

BILL PASSED REQUIRING NOTICE OF EXPOSURE TO INFECTIOUS DISEASES

On October 21, 2009, Congress passed the Ryan White HIV/AIDS Treatment Extension Act of 2009, which includes a provision that protects emergency responders from occupational exposure to communicable diseases. The bill requires emergency response employers (i.e. fire departments, police departments, emergency medical services providers) to have a Designated Officer to field calls from employees regarding exposures to communicable diseases. The Designated Officer must collect the facts of the circumstances surrounding how the employee may have been exposed to an infectious disease and obtain the disease status of the victim that was attended, treated, assisted or transported by the employee from the medical facility providing treatment to that patient. Additionally, under the legislation, if the medical facility discovers that the patient has an infectious disease, it must notify the Designated Officer of the disease and the date which the victim was transported by emergency response employees to the medical facility.

The legislation, S. 1793, became Public Law 111-087 on October 30, 2009.

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