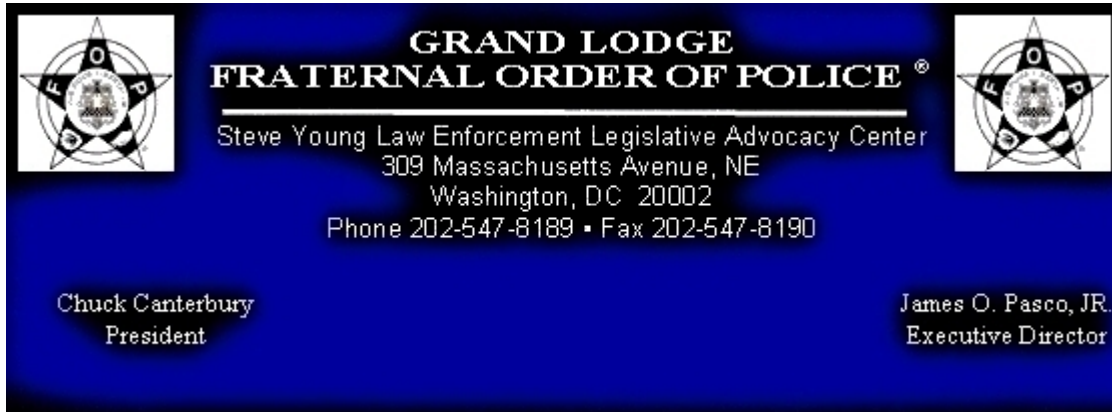


## FOP Lodge 93

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**From:** FOP Grassroots [grassroots@fop.net]  
**Sent:** Friday, October 09, 2009 2:15 PM  
**To:** grassroots@fop.net  
**Subject:** Washington Watch: Legislative Update, Week of 5 October 2009



### **Washington Watch: Legislative Update For the Week of 5 October 2009**

- I. Legislative News and Activity*
- II. This Week in Congress*
- III. Update on FOP Top Legislative Priorities*
- IV. Update on LEOSA*
- V. Update on Health Care Reform Legislation*

#### **I. LEGISLATIVE NEWS AND ACTIVITY**

Executive Director Jim Pasco had a discussion with Bob Chaney, Senior Advisor for State, local and tribal law enforcement in the Office of Intergovernmental Affairs and Public Liaison, at the U.S. Department of Justice concerning Department of Justice nominations

Executive Director Pasco had a discussion with staff in the office of Homeland Security Secretary Janet Napolitano concerning Department of Homeland Security nominations.

Senior Legislative Liaison Tim Richardson met with Thomas Michels, Legislative Director for Senator Mary L. Landrieu (D-LA), to discuss S. 1611, the "Public Safety Employer-Employee Cooperation Act."

Senior Legislative Liaison Richardson and Legislative Liaison Jon Gentile met with Doug Ierley, counsel for Senator James H. Webb, Jr. (D-VA), regarding proposed changes to S. 714, the "National Criminal Justice Commission Act." In addition to S. 714, they also discussed the possibility of Senator Webb introducing a companion bill to H.R. 675, a bill which would give statutory arrest authority to civilian law enforcement officers employed by the U.S. Department of Defense.

Legislative Liaison Gentile participated in the Federal Salary Council Working Group where various issues, including locality pay adjustments, were discussed.

Legislative Liaison Gentile and Legislative Liaison Bill Fitzpatrick attended a meeting with other public employee organizations to discuss the developing Health Care Reform legislation.

Legislative Liaison Fitzpatrick attended a briefing hosted by the bipartisan Law Enforcement Caucus focusing on issues ranging from funding challenges to crime rates and communications capabilities.

Legislative Liaison Fitzpatrick participated in a conference call with other national law enforcement organizations to discuss S. 251, the "Safe Prisons Communications Act of 2009."

## **II. THIS WEEK IN CONGRESS**

Both the House and Senate were in session this week.

### *Action in the House*

Representative J. Randy Forbes (R-VA) introduced H.R. 3752, the "Law Enforcement Officers' Safety Act Improvements Act." (See *Item IV* for more information)

The House considered and passed H.R. 3183, a bill making appropriations for Agriculture, Rural Development, Food and Drug Administration and Related Agencies programs for the fiscal year ending Sept. 30, 2010, and for other purposes, on a 263-162 vote.

The House considered and passed the conference report for H.R. 2647, the "National Defense Authorization Act for Fiscal Year 2010," on a 281-146 vote. The bill includes language which would stop the expansion of and eventually rollback the Department of Defense's National Security Personnel System. The Conference report also includes language which would expand the definition of federal hate crimes to cover attacks based on gender, gender identity and sexual orientation; the FOP does did not support this provision. The Senate is expected to clear the bill next week.

### *Action in the Senate*

The Senate began consideration of H.R. 2847, a bill making appropriations for the Departments of Commerce and Justice, and Science and Related Agencies for the fiscal year ending Sept. 30, 2010, and for other purposes.

The Senate passed S. 251, the "Safe Prisons Communications Act," by unanimous consent. This legislation, supported by the FOP, will help impede the illegal use of contraband cellular phones by prisoners and improve public safety by amending the Federal Communications Act of 1934 to allow cell phone signals to be jammed within correctional facilities.

### *Action in Senate Committees*

The Senate Committee on the Judiciary held a hearing on the nominations of Laurie O. Robinson to be Assistant Attorney General for the Office of Justice Programs, U.S. Department of Justice. The FOP has indicated support for this nomination.

The Committee on Finance continued its markup of draft Health Care Reform legislation. The Legislative Staff is monitoring developments.

### **III. UPDATE ON FOP 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 H.R. 235/S.484, the "Social Security Fairness Act"***

We currently have three hundred and six (306) cosponsors on H.R. 235, --more than a House majority! Please note that this total differs slightly from THOMAS, as we are not including in our count Delegates Madeleine Z. Bordallo (D-Guam) and Gregorio Sablan (D-MP), who have limited voting rights on the floor.

We added one (1) cosponsor to S. 484 bringing our current total to thirty (30).

##### ***(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 H.R. 413/S. 1611, the "Public Safety Employer-Employee Cooperation Act"***

We added 8 (eight) cosponsors to H.R. 413 bringing our current total to one hundred and sixty three (163).

We currently have eight (8) cosponsors on S. 1611.

#### ***C. Support H.R. 1972, the "Law Enforcement Officer's Procedural Bill of Rights Act"***

We currently have two (2) cosponsors on H.R. 1972.

The Senate companion bill has not yet been introduced.

### **IV. UPDATE ON LEGISLATION AMENDING LEOSA**

We currently have three (3) cosponsors on H.R. 1132.

Representative J. Randy Forbes (R-VA) introduced H.R. 3752, the "Law Enforcement Officers' Safety Act Improvements Act," the companion bill to S. 1132. The legislation, which is almost identical to S. 1132, was developed in cooperation with the FOP and we will be working to sign on cosponsors in the coming weeks.

### **V. UPDATE ON HEALTH CARE REFORM LEGISLATION**

As Health Care Reform legislation is beginning to take shape in multiple committees in both Houses of Congress, the only area of concern which could significantly affect FOP members is the "High Cost Insurance Excise Tax," which is part of the bill currently being considered before the Senate Committee on Finance.

- The current draft includes an excise tax of 40% percent on insurance companies and plan administrators for any employer-sponsored health coverage that is above the threshold of \$8,000 for singles and \$21,000 for family plans beginning in 2013. The threshold is indexed to the Consumer Price Index for Urban Consumers, as determined by the Department of Labor beginning in 2014, plus one percent (CPI+1).
  - The CPI+1 index is well below the inflation rate of Health Premiums in recent years. Estimates by the Joint Committee on Taxation have more than a quarter of all family and individual healthcare plans by 2015 falling under the tax.
  - In the case of a self insured group, the excise tax would be paid by the plan administrator (The law enforcement agency or local government).
  - The threshold amount for plans that cover employees engaged in high risk professions, including law enforcement, is increased by \$1,850 for individual coverage and \$5,000 for family coverage.
    - Beginning in 2013 the threshold for law enforcement officers would be \$9,850 for an individual and \$26,000 for families. (The threshold is also increased similarly for retirees, but there is no double dipping.)
- Even though the proposed excise tax is levied on the insurance companies and not law enforcement officers, the cost of the tax is likely to be passed on to our members in increased cost, less coverage, or a combination of both.
- There is no taxation of employer provided benefits on the individual, but employers are required to provide the amount of the benefit on the W-2.

The “High Cost Insurance Excise Tax,” has so far only been considered before the Senate Committee on Finance. The House Committees on Ways and Means, Energy and Commerce, and Education and Labor, as well as the Senate Committee on Health Education and Labor have not included this provision.

Senator John Kerry (D-MA) originally planned on offering an amendment during the Senate Committee’s on Finance’s markup to scale the tax back, but instead he may offer it on the Senate floor. Also, one hundred and fifty seven (157) House Democrats signed a letter to House Speaker Nancy Pelosi indicating opposition to the “High Cost Insurance Excise Tax.”

The FOP is concerned with any provisions in Health Care Reform legislation which could negatively impact our members. Other labor and public safety organizations that have come out or are working against the Excise tax include: the International Association of Fire Fighters, the National Education Association, American Federation of State, County and Municipal Employees, United Mine Workers of America, and American Federation of Teachers.

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# National Fraternal Order of Police PAC Contribution Form

Please return the form and contribution to:  
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Contribution Amount (Please circle one):  
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Is contributor a member of the F.O.P.? Y N

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B. If NO, please list:  
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Contributions or gifts to the National Fraternal Order of Police PAC are not tax deductible as charitable contributions for federal income tax purposes. Only PERSONAL or NON CORPORATE checks may be accepted. A contribution of \$25 is suggested, but please contribute more if you are able, and a lesser amount if you are not. Contributions to the NATL FOP PAC are strictly voluntary and FOP members have the right to refuse to contribute without reprisal. Your contribution will be used to support candidates for federal office

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