

The Federal Perspective

By Dennis McGrann, POAM Lobbyist, Washington, D.C.

With the political season ramping up, Congress and the Administration have been busily working to complete action on several necessary pieces of legislation and working to advance their respective legislative and regulatory priorities. With this in mind, we wanted to make you aware of several issues which have the potential to impact the law enforcement community in the state of Michigan.

Urban Areas Security Initiative (UASI) Funding

In March, during National Police Week in Washington, D.C., POAM Legislative Director Ken Grabowski held meetings with Members of the Michigan Delegation. During a meeting with Congressman Hansen Clarke (D-MI-13), discussions were focused on the federal funding of local law enforcement, as well as the numerous challenges presented by the Northern border.

Subsequently, during June floor debate over funding for the Department of Homeland Security (DHS) for Fiscal Year (FY) 2012, the U.S House of Representatives passed Congressman Hansen Clarke's (D-MI-13) amendment (H.Amdt. 370) to preserve grant funding for the Detroit Metropolitan region and other urban areas, striking language from H.R. 2017, the FY12 Homeland Security Appropriations Act. At risk was the region's eligibility for the Urban Area Security Initiative (UASI) grants. Over the past three years, the metropolitan area has received more than \$40 million in UASI grants, which provides unique equipment, planning, training and exercises to help local authorities, first responders, law enforcement and agencies in high threat urban areas prepare, prevent, protect and recover from a terrorist attack and other disasters.

Congressman Clarke's amendment – with support from Governor Snyder's office, POAM, and most of the Michigan Delegation, including Congressmen Dan Benishek (R-MI-01), Bill Huizenga (R-MI-02), Justin Amash (R-MI-03), David Camp (R-MI-04), Dale Kildee (D-MI-05), Fred Upton (D-MI-06), Tim Walberg (R-MI-07), Gary Peters (D-MI-09), Thaddeus McCotter (R-MI-11), Sander Levin (D-MI-12), Hansen Clarke (D-MI-13), John Dingell (D-MI-15), and Congresswoman Candice Miller (R-MI-10) allows DHS to continue to address risk according to local assessment of threats and vulnerabilities, rather than an arbitrary cap. The power of the collective voice of the Michigan law enforcement community was pivotal in preserving this funding: in 2011 the Detroit metropolitan area received \$9,437,120 to aid security efforts from the UASI program.

Overall, the FY 2012 House Homeland Security Appropriations bill provides \$40.6 billion in total non-emergency funding for the various programs and agencies within the Department of Homeland Security (DHS). This is a decrease of \$1.1 billion, or 2.6% below last year's level and \$3 billion (7%) below the President's request.

On September 6, 2011 the U.S. Senate Appropriations Subcommittee on Homeland Security approved their version of Fiscal Year 2012 funding legislation that totals \$41 billion in discretionary budget authority, providing \$2.58 billion for state and local grants and \$557 million above the House level. The Senate Homeland Security Subcommittee indicated directly to POAM's Washington team that despite the reduction in funding levels, no boundaries on Tier I or Tier II funding were established by the Senate, and that no cap had been set. This means that the underlying authorization sets the top 100 at-risk areas (including Detroit) and the Secretary of Homeland Security has the authority to make the final determinations of "risk."

The additional \$557 million appropriated by the Senate over the House version is a result of significant lobbying efforts put forth on behalf a diverse coalition of elected leaders, first responders and national organiza-



Dennis McGrann

tions over the summer. POAM, during the Congressional recess in August, hosted Congressmen Hansen Clarke (D-MI-13) and Dan Benishek (R-MI-01) at the annual Executive Board meeting at the Detroit Yacht Club. This meeting was the culmination of federal efforts undertaken on behalf of POAM Legislative Director Ken Grabowski and Ms. Tara Terpstra, a staff member in Representative Hansen Clarke's Detroit Office, part of a unified advocacy strategy to reinforce the needs of the federal government as it pertains to funding of local law enforcement.

POAM Executive Board Member David LaMontaine conducted a briefing for Congressmen Benishek and Clarke that was attended by POAM Legislative Director, Ken Grabowski, and Wayne County Deputy Sheriff Brian Earle. During the briefing, the Congressmen were orientated using charts of the Detroit River, as well as the western basin of Lake Erie.

Congressmen Benishek and Clarke were then taken out on the Detroit River by the Monroe County Sheriff's Office 31 foot Safeboat, operated by Deputy Sheriff Tim George, and crewed by Major David Thompson. While onboard the vessel, discussions were held covering topics regarding federal funding of local law enforcement, as well as the numerous challenges presented by the northern border. Additional discussions were held regarding the need for supplemental funding of first responders, and the definition of the roles of the governmental resources in support of first responders. Ongoing efforts by the federal government in regards to force multiplication, interoperability and the Operation Northern Border Initiative were discussed, as well as opportunities for improvement.

Debt Reduction Panel

In August, after weeks of intense debate over raising the federal debt ceiling, President Obama signed into law the formation of a bicameral, joint debt reduction panel tasked with finding \$1.5 trillion in future spending cuts. House Speaker John Boehner (R-OH) tapped two influential Members of the Michigan Delegation: House Ways and Means Committee Chairman Dave Camp (R-MI-04) and House Energy and Commerce Committee Chairman Fred Upton (R-MI-06) to serve on the bipartisan panel. November 23, 2011 is the deadline for the Joint Committee to vote on legislative proposals, with a 10-year deficit reduction goal of \$1.5 trillion. One month later, by December 23, the House and Senate must vote on proposals, without amendment.

Senate Law Enforcement Caucus

Senators Christopher Coons (D-DE) and Roy Blunt (R-MO) have joined efforts to form a Senate Law Enforcement Caucus. This caucus will support federal, state and local law enforcement agencies by educating and informing Members and staff about the ongoing policies, programs and initiatives that enhance officer and community safety. The Caucus will serve as a platform for members to discuss the ways in which the federal government can continue to assist and support efforts and promote and encourage talented individuals to pursue careers in law enforcement. The formation of this Caucus comes at a time when law enforcement is facing shrinking budgets and federal resources. Once the Senate caucus is formalized, the Washington, DC office of POAM will strongly encourage Michigan Senators Carl Levin (D) and Debbie Stabenow (D) to join and stand with law enforcement across the state.

The Senate Law Enforcement Caucus joins the existing House Law Enforcement Caucus, co-chaired by Congressman Bill Pascrell, Jr. (D-NJ) and Congressman Dave Reichert (R-WA). Members of the Michigan Delegation

Continued on next page

include Congressman Dave Camp (R-MI-04), Congressman Sander Levin (D-MI-12), Congressman Mike Rogers (R-MI-08) and Congressman Fred Upton (R-MI-06), respectively.

Interoperability & D-Block Reallocation

In the March edition of the POAM Washington Report, we reported on the U.S. Congress' efforts to reallocate 700MHz D-Block spectrum for a national interoperable broadband network for public safety. In June, the U.S. Senate Commerce, Science and Transportation Committee approved S. 911, the Public Safety Spectrum and Wireless Innovation Act, allowing it to be scheduled for a full vote by the Senate. It would reallocate the 700 megahertz (mHz) D-Block spectrum for public safety and create a mechanism for funding a nationwide interoperable public safety broadband network.

Later in July, Michigan Representatives John D. Dingell (D-MI-15) and Gene Green (D-TX-29) introduced a companion bill to S. 911 to reallocate the D-block spectrum to public safety while placing requirements on incentive auctions. H.R. 2482, the Public Safety Spectrum and Wireless Innovation Act, will establish the framework for the deployment of a nationwide, interoperable, wireless broadband network for public safety, the lawmakers said. Dingell and Green are members of House Energy and Commerce Committee. The committee's communications and technology subcommittee scheduled a legislative hearing on spectrum and public-safety issues for July 15. Representatives Hansen Clarke (D-MI-13) and Dale Kildee (D-MI-05) are co-sponsors of the bill.

While there are a litany of bills in the 112th Congress that seek to overcome the barriers to providing state-of-the-art wireless technology for public safety, only S.911 has been reported favorably out of committee in either the House or the Senate.

Congressional sources indicate that the House Energy and Commerce Committee may markup D-Block legislation during October, and that the Subcommittee on Communications and Technology may do so as soon as early as the week of October 3. However, this proposal differs significantly from the Senate S. 911 bill that has been approved by the Senate Commerce Committee because it would not reallocate the D-Block to public safety and would "sunset" narrowband use of 700 MHz after 10 years.

The full Energy and Commerce Committee is Chaired by Congressman Fred Upton (R-MI-06); Congressman John Dingell (D-MI-15) is a senior Democratic member of the committee. Passage of a spectrum bill this year lies with the deficit reduction committee, which could fold spectrum provisions into its prospective proposal and count revenue raised from spectrum license auctions toward shrinking the deficit. POAM will continue to monitor and follow this issue closely.

House and Senate FY'12 CJS Appropriations

On July 18, 2011, POAM sent letters to the entire Michigan Delegation, encouraging no additional cuts to state and local law enforcement initiatives in the full House Commerce Justice Science (CJS) Appropriations bill. In the letter, POAM stated its particular concern about the dramatic funding cuts to state and local law enforcement grant programs under this measure. The bill included no funding for the Community Oriented Policing Services (COPS) program or the State Criminal Alien Assistance Program (SCAAP), which provides funds to states and local governments for the cost of incarcerating undocumented immigrants who have committed crimes.

On September 14, 2011, the Senate Commerce Justice Science Appropriations Subcommittee reported out a FY 2012 spending measure which would provide \$26.9 billion to the Department of Justice, two percent less appropriated for FY2011. State and local law enforcement activities, however, would be funded at \$2.3 billion, 17 percent less than is available this year.

The bill would provide \$232 million for Community Oriented Policing Services (COPS) grants, including \$200 million to hire or retain roughly 1,500 police officers. Additionally, this bill provides \$1 billion for state and local law enforcement assistance, including Byrne formula grants, the State Criminal Alien Assistance Program, bulletproof vests, and DNA backlog grants. It appears that within this Byrne Justice Assistance Grants would be funded at \$396 million, \$35 million (eight percent) below this year's level but \$38 million more than the House bill would provide.

President Obama's Funding for Community Oriented Policing Service (COPS)

On September 8, 2011, President Obama presented the American Jobs Act in a joint address to Congress. State and local law enforcement would see \$4 billion in funding for the COPS Hiring Program to enable the new hiring and rehiring of thousands of law enforcement officers across the nation, as well as the prevention of officer lay-offs.

Michigan LE Notes

The Washington D.C. office of POAM is in constant communication with the Michigan delegation regarding pertinent law enforcement related legislation and actions that support Michigan's law enforcement community. Below we have compiled a selected list of the recent law enforcement related actions and bills supported by Members of the Michigan delegation in the 112th Congress.

State and Local Law Enforcement Discipline, Accountability and Due Process Act

On May 5, 2011, Minnesota Congressman Erik Paulsen (R-MN-03) re-introduced H.R. 1789, the State and Local Law Enforcement Discipline, Accountability and Due Process Act. The bill would codify key holdings of the U.S. Supreme Court by creating a minimum level of procedural due process for law enforcement officers using a balanced approach between the legitimate exercise of constitutional rights by law enforcement officers and the ability of a law enforcement agency to maintain internal discipline. This bill will help good officers defend themselves against unfair allegations, making it possible for them to continue serving and protecting their communities. The Washington, DC office of POAM will continue to encourage Members of the Michigan Delegation to support this bill.

National Blue Alert Act (HR 365)

Congressman Mike Rogers (R-MI-08) was joined in April by Congresswoman Candice Miller (R-MI-10) as a co-sponsor of this legislation. The National Blue Alert Act of 2011 directs the Attorney General to: (1) establish a communications network within the Department of Justice (DOJ) to disseminate information when a law enforcement officer is seriously injured or killed in the line of duty; and (2) assign a DOJ officer to act as the national coordinator of the Blue Alert communications network. Sets forth the duties of the national coordinator, including encouraging states and local governments to develop additional Blue Alert plans, establishing voluntary guidelines for states and local governments to use in developing such plans, developing protocols for efforts to apprehend suspects, and establishing an advisory group to assist states, local governments, law enforcement agencies, and other entities in initiating, facilitating, and promoting Blue Alert plans. Furthermore, the bill would amend the Omnibus Crime Control and Safe Streets Act to require the use of public safety and community policing grants to assist states in developing and enhancing a Blue Alert plan and communications network.

The State and Local Law Enforcement Hatch Act Reform Act of 2011

On September 15, 2011, Senators Richard Lugar (R-IN) and Susan Collins (R-ME) introduced S. 1562, the State and Local Law Enforcement Hatch Act Reform Act of 2011. The Senate bill allows state and local law enforcement officers to be a candidate for the Office of Sheriff without being forced to quit their jobs and clarifies current law to allow sheriffs to endorse political candidates without fear of potentially violating the Hatch Act. The bill also establishes a statute of limitations of 6 months to file a claim against a state or local law enforcement officer for alleged violation of the Act.

The Senate bills joins its House companion HR 498, which was introduced by Robert Latta (R-OH) earlier this year and is co-sponsored by Michigan Congressmen Dan Benishek (R-MI-01) and Congressman Mike Rogers (R-MI-08). □

As always, the Washington, DC office of POAM will be closely following legislation pertinent to the police and peace officers of Michigan. If you have any questions or need additional information regarding federal initiatives regarding the law enforcement community, please do not hesitate to contact us at (202) 544-9840.