



The Washington Report

The Newsletter of the National Association of Police Organizations
Representing America's Finest

October 14, 2022

NAPO on the Hill: Public Safety Retirement Priorities

The House Ways and Means Committee and the Senate Finance Committee are committed to finalizing a broad retirement package before the end of the year and with Congress on recess until November 14, staff is diligently working through the differences between the House's Securing a Strong Retirement Act and the Senate's Enhancing American Retirement Now (EARN) Act.

Three of NAPO's priority retirement provisions were included as part of the EARN Act: Putting First Responders First Act, Police and Fire Health Care Protection Act, and Protecting Public Safety Employees' Timely Retirement Act. The Putting First Responders First Act was also included in the Securing a Strong Retirement Act. As these provisions were all incorporated in the Senate bill, NAPO met with Ways and Means Committee staff urging them to support the inclusion of these first responder related provisions in the final negotiated retirement package.

The Putting First Responders First Act, as included in both the EARN Act and Securing a Strong Retirement Act, would exclude certain disability-related first responder retirement payments from gross income. This provision provides significant tax relief to those who have been disabled serving their country and communities. The EARN Act, importantly, would accelerate its effective date from 2027 to the taxable years after the date of enactment. We are pressing the House to accept the new effective date to alleviate the financial struggles and strains being faced by disabled officers and their families. The 2027 date is a budget gimmick and this bill should not be paid for on the backs of disabled officers.

The Police and Fire Health Care Protection Act, which would repeal the direct payment requirement from the HELPS Retirees provision of the Pension Protection Act of 2006, which allows eligible retired public safety officers to exclude from gross income up to \$3,000 annually to pay for qualified health insurance or long-term care premiums. Since its enactment, we have found that the direct payment requirement has proven administratively infeasible for many governmental retirement plans. By repealing this requirement, it would make it easier for plans to execute the HELPS Retirees provision and ensure more public safety retirees can take advantage of this vital benefit.

Lastly, the Protecting Public Safety Employees' Timely Retirement Act, which would modify the eligible age for the exemption from the retirement plan early withdrawal penalty for public safety officers. It would establish the age eligibility at age 50 or 25 years of service under the plan, whichever is earlier. This would protect many public safety retirees from being penalized for withdrawing their rightfully earned retirement funds after reaching their prescribed normal retirement age.

Both the House Ways and Means Committee and the Senate Finance Committee view the retirement package as priority legislation, and they are pressing to pass it before Congress adjourns at the end of the year. We continue to meet with lawmakers and staff to press for our priority provisions to be included in the final package.

NAPO Meets with Lawmakers Urging Support for Funding the 9/11 WTC Health Program

During the Congressional October recess, NAPO is meeting with the staff of members of the House Energy and Commerce Committee, which has jurisdiction over the 9/11 Responder and Survivor Health Funding Corrections Act (H.R. 4965), to garner strong support for the bill. This bill would provide additional funding to the 9/11 World Trade Center Health Program (WTCHP), which will face a budget shortfall starting in 2025, causing the program to have to limit spending and reduce services for new enrollees as soon as next year.

NAPO fought hard for the passage of the James Zadroga 9/11 Health and Compensation Act in 2010 and its reauthorization in 2015 to ensure our nation took care of the victims and first responders who are coping with 9/11-related chronic health conditions. James Zadroga, a New York City Police Department Detective and member of NAPO, died of respiratory disease caused by his exposure to toxic chemicals during rescue and recovery efforts at Ground Zero.

In our meetings, we are urging Committee members to cosponsor the bill to show support for providing the needed additional \$3 billion in funding to ensure the WTCHP does not need to cut services to 9/11 responders and survivors. Additionally, we request that they support including the bill or just the \$3 billion in funding in any must-pass legislation Congress considers this year.

In addition to ensuring the program is sufficiently funded, the 9/11 Responder and Survivor Health Funding Corrections Act also makes important changes to improve the ability of the WTCHP to certify both health care providers and WTC-related health conditions, as well as increase funding for research activities. While passage of the bill in its entirety is important, our top priority is ensuring the continuation of the WTCHP's important work on behalf our nation's first responders.

For Congress to allow any reduction in current operations due to its inability to act would be an insult to the thousands of law enforcement heroes who answered the call 21 years ago. Congress cannot and should not wait until the last minute to make the program whole. It is our obligation and duty to remember these heroes and ensure that survivors who risked their lives to protect us continue to receive the compensation and care that they deserve without having to worry about losing it.

Senate Begins Consideration of the Fiscal 2023 NDAA

The Senate has begun the process for consideration of the Fiscal 2023 National Defense Authorization Act (NDAA) so that once lawmakers return from recess on November 14, they can jump right into debating the bill. Over 900 amendments were submitted for consideration and as the NDAA is one of the few must-pass bills that Congress will take up before adjourning for the year, it has attracted a range of amendments. For example, Senator Kirsten Gillibrand (D-NY) submitted the 9/11 Responder and Survivor Health Funding Correction Act as an amendment, and Senator Charles Grassley (R-IA) has offered his Fighting PTSD Act, both NAPO priorities. The usual suspects have also been submitted, including Senator Brian Schatz's (D-HI) amendment to restrict state and local law enforcement's access to surplus military equipment through the Department of Defense's 1033 program.

While the Senate has not announced what amendments will be considered and debated out of the more than 900 proposed, NAPO is working with Senate Armed Services Committee staff to make them aware of our strong opposition to any amendment that would limit law enforcement's access to lifesaving protective and defensive equipment through the 1033 program. NAPO successfully fought off a similar amendment to the House's National Defense Authorization Act (NDAA) for Fiscal 2023 (H.R. 7900), offered by Congressman Hank Johnson (D-GA), back in July. It is our intention that Senator Schatz's amendment is not even considered.

While we continue to fight against statutory changes to the 1033 program, we have also reached out to the Administration and the Law Enforcement Equipment Working Group reestablished under President Biden's police reform executive order to protect our ability to acquire and purchase surplus equipment through the 1033 program and similar programs.

NAPO on the Hill: De-Escalation Training; Substance Abuse Treatment

Law Enforcement De-Escalation Training Act

With Congress returning from a six-week recess on November 14, there is little time left in the year to move legislation. NAPO is working with Senators John Cornyn (R-TX) and Sheldon Whitehouse (D-RI) to push the Law Enforcement De-Escalation Training Act (S. 4003/H.R. 8637) across the finish line. The bill, which would provide training curricula and funding to state and local law enforcement for training on alternatives to use of force, de-escalation, and responding to mental and behavioral health and suicidal crises, passed the Senate by unanimous consent on August 1. It is a bipartisan bill that is supported by nearly 50 national law enforcement and mental health organizations and advocacy groups that should easily move through the House. NAPO is reaching out to Members to garner additional cosponsors to show House leadership there is widespread support for the bill and it should be moved quickly.

NAPO worked closely with Senators Cornyn and Whitehouse on this legislation to ensure that rank-and-file officers and their representatives are at the table in developing the curricula in training topics or identifying current curricula and best practices in training on these issues. In addition to developing a curriculum and identifying best practices in training officers on these topics, the Law Enforcement De-Escalation Training Act would also authorize \$70 million of Byrne Justice Assistance Grant Program funding for law enforcement agencies to use for training, scenario-based exercises, and evaluative assessments.

NAPO has long supported funding for training programs for law enforcement and corrections personnel to identify and respond to incidents involving individuals with mental health, behavioral health and substance abuse issues. Law enforcement officials are all too familiar with calls for service that repeatedly bring them into contact with people whose mental illnesses and behavioral health issues are not being adequately addressed. Although these incidents are generally resolved safely, on rare occasions they can involve use of force, exposing both the law enforcement officer and the person with mental illness to serious risk. Without adequate training and tools to assist officers in responding to and de-escalating these situations, officers face tremendous obstacles in managing these incidents.

Residential Substance Use Disorder Treatment Act

NAPO is also teaming up with Senators Cornyn and Whitehouse to pass the Residential Substance Use Disorder Treatment Act (S.1046/ H.R. 4200) through the House during the lame duck period. This bill, which passed the Senate by unanimous consent in July 2021, would reauthorize the Residential Substance Abuse Treatment for State Prisoners (RSAT) Grant Program under the Department of Justice's Bureau of Justice Assistance (BJA) at \$40 million through Fiscal Year 2026. The RSAT Program provides funding to state and

local governments to provide treatment to adults in prison and jail with a substance use disorder. Importantly, RSAT-funded programs prepare incarcerated individuals to reenter society, giving them the tools they need to prevent relapse, break the cycle of addiction, and reduce recidivism.

NAPO is working to gain additional cosponsors for this bipartisan bill to help secure its movement when the House comes back from recess in November.

NAPO's 30th Annual TOP COP Awards – *Nominate an Officer Today*

*Don't let your TOP COPS nominations get lost in the year-end shuffle!
The January 11, 2023 deadline for nominations will be here before you know it.*

Please take the time to nominate examples of outstanding police work for this prestigious award. We count on you, our members, to help us get the word about TOP COPS out and obtain nominations for officers nationwide. Join us in honoring America's Finest by nominating a case today. The **nomination form** must be postmarked or faxed to (703) 684-0515 by **January 11, 2023**. If you have any questions please do not hesitate to contact NAPO's Director of Events, Elizabeth Loranger, at elorange@napo.org or (703) 549-0775.

2023 will mark the thirtieth year that NAPO has hosted the TOP COPS Awards®. The TOP COP Awards® Dinner will take place on May 12th at the Omni Shoreham Hotel in Washington, D.C., again coinciding with National Police Week.

Nominate an officer today and with your help and partnership, the TOP COPS Awards® will continue to be a tremendous success!

Last Chance! Register Today for NAPO's 2022 Fall Seminar

**October 31– November 2, 2022 ~ Marriott Harbor Beach Resort & Spa
Fort Lauderdale, Florida**

Join NAPO for our **2022 Fall Seminar** in Fort Lauderdale, Florida. This important Seminar will focus on the mid-term national elections, and what the outcome means for control of the Congress and NAPO's legislative priorities. We will also look at how the current Administration's policies and Congressional efforts are impacting police departments, including civil rights investigations and Qualified Immunity, and the public perception of policing in America. We will also review recent Court decisions as well as other important current issues for Law Enforcement Unions & Associations and the men and women we represent.

The Fort Lauderdale Marriott Harbor Beach & Spa, located on a quarter mile stretch of pristine private beach, offers a lagoon-style pool, watersports, luxury spa and unique restaurants. The resort is the perfect location for shopping and dining on Las Olas Boulevard and is just 15 minutes from the Fort Lauderdale International Airport.

We need to plan for your arrival! Please register at your earliest convenience either **online** or mail-in the registration. Information regarding hotel reservations, airline discounts and the agenda can be found at **www.napo.org/fall22**.

Please monitor NAPO's website, www.napo.org, and Facebook page: [National Association of Police Organizations](#), and follow us on Twitter @ [NAPOpolice](#) for breaking news and updates.