



# The Washington Report

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

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**March 8, 2016**

## **NAPO Participates on a Call with Chairman McCaul, Rep. Reichert on “Going Dark” Issue**

On March 2<sup>nd</sup>, NAPO’s Executive Director Bill Johnson participated on a call with House Homeland Security Committee Chairman Michael McCaul (R-TX) and House Law Enforcement Caucus Chair Dave Reichert to discuss Chairman McCaul’s proposed Digital Security Commission legislation, which looks to address law enforcement’s “going dark” issue. The Digital Security Commission would bring together leaders from federal, state and local law enforcement, tech companies, the privacy community, and others to develop recommendations to address technological barriers to law enforcement and national security while maintaining privacy and digital security.

Chairman McCaul’s proposed Commission comes amidst a showdown between the FBI and Apple, Inc. Last month, a federal magistrate judge in California ordered Apple to help the FBI unlock an iPhone used by one of the suspected terrorists who killed 14 people in San Bernardino, California in December. Apple has yet to comply and has filed a motion asking the judge to toss out the order. On February 29<sup>th</sup>, a federal judge in New York sided with Apple in a case very similar to San Bernardino and ruled that the FBI failed to establish that the company should be required to assist with the search warrant.

In the California case, the FBI is asking Apple to create new software to aid agents in hacking the iPhone of the terror suspect, while the New York case only asked Apple to extract all data from an older iPhone. Apple’s inaction and refusal to assist with the lawful search warrant in California has serious consequences for all law enforcement in the fight against crime and terrorism.

Given where the issue stands in the courts and the public standoff between the FBI and Apple, Chairman McCaul views the proposed Commission has one step in moving law enforcement and the tech communities towards an agreed upon resolution to this very serious issue.

Johnson let Chairman McCaul and Representative Reichert know that NAPO supports the concept of the Commission and its goals, but that we are concerned with the makeup of the Commission. While the proposed legislation would call for two representatives from federal law enforcement and two from state and local law enforcement – to be picked by Republican and Democratic Congressional leadership – there is no guarantee that rank-and-file officers will be represented on the Commission. Chairman McCaul and Representative Reichert stated the there is no doubt rank-and-file law enforcement will have a voice in this process, but it is currently unclear what that will look like.

NAPO will continue to participate in discussions around the Digital Security Commission and the “doing dark” issue as Congress looks to address it. If you have any questions about the call or the Commission, please contact Bill Johnson at [bjohnson@napo.org](mailto:bjohnson@napo.org).

Source:

Ryan Lucas. (March 1, 2016). “FBI, Apple Angle for Support in Legal Tussle”. CQ.com. <http://www.cq.com/doc/news-4844348?8&srcpage=news&srcsec=cqn>

## **NAPO on the Hill: Meetings House Minority Whip; Senate Law Enforcement Caucus**

NAPO continues its meetings with other law enforcement organizations and key Congressional leadership to discuss our priority legislation for the remainder of this session of Congress. We met with Democratic Whip Representative Steny Hoyer’s (D-MD) staff and staff from the Senate Law Enforcement Caucus, chaired by Senators Roy Blunt (R-MO) and Christopher Coons (D-DE). Specifically, we discussed the Bulletproof Vest Partnership (BVP) Grant Reauthorization Act, the Thin Blue Line Act, the Children of Fallen Heroes Scholarship Act, the Fallen Heroes Flag Act, and draft legislation that would make reforms to the PSOB program and restore the Department of Defense (DOD) 1033 program. In each of these meetings, we made clear that these are the bills we want to see passed into law before the end of the 114<sup>th</sup> Congress.

The BVP Grant Program is a critical resource for state and local jurisdictions. This program has issued more than one million lifesaving vests to 13,000 state and local law enforcement agencies throughout the country since it was established in 1999. However, while many officers are protected by bullet-resistant armor, an alarming number of officers, many in small departments across the United States, are not afforded this same protection due to local budget constraints. NAPO strongly believes the advancement of this legislation is essential to assist state and local law enforcement efforts to purchase bullet resistant vests for their officers.

The Thin Blue Line Act is critical as persistent and nationwide calls for the killing of officers and anti-police rhetoric continue with little to no abatement. Establishing stricter penalties for those who harm or target for harm law enforcement officers will deter violent crimes. Any persons contemplating harming an officer must know that they will face serious punishments. Increased penalties make important differences in the attitudes of criminals toward public safety officers, and ensure protection for the community.

The Children of Fallen Heroes Scholarship Act would eliminate the expected family contribution (EFC) used to determine financial need in the case of a Pell Grant-eligible student whose parent or guardian died in the line of duty. In addition to receiving an automatic zero EFC, children of public safety officers who died in the line of duty would qualify for the maximum Pell Grant award (\$5,815 for FY16-17) if he or she was less than 24 years old or enrolled at an institution of higher education at the time of the parent or guardian's death. A Federal Pell Grant, unlike a loan, does not have to be repaid. Pell Grants usually are awarded only to undergraduate students who have not earned a bachelor's or a professional degree.

The Fallen Heroes Flag Act would allow members of Congress to honor a deceased public safety officer who died in the line of duty by providing to the family, at their request, a Capitol-flown flag. The flag would be accompanied by a certificate expressing a message of sympathy signed by either the Speaker of the House or Senate Majority Leader and the Senator or Representative providing the flag. This bill will allow members of Congress to honor these brave individuals for their heroism and extend a gesture of sympathy and gratitude to the immediate family.

The PSOB Office must be reformed in order to deal with the unacceptable delays in claims determinations. NAPO, together with the other PSOB stakeholders, is proposing legislation that would ensure that the PSOB

Office is processing and deciding claims in a fair and timely manner and that the process is transparent and straightforward for those who have lost their loved ones or have become seriously disabled in the line of duty. NAPO will keep our members up to date on the status of our legislative proposal to reform the PSOB program.

The DOD 1033 program, which allowed state and local law enforcement to acquire military surplus equipment used in search and rescue operations, disaster response, and active shooter situations that they otherwise would not be able to afford, was severely limited by an Executive Order in October 2015. NAPO is fighting to get state and local law enforcement agencies access to this equipment restored and is supporting draft legislation that would repeal the President's Executive Order.

Staff in all of the meetings seemed supportive of our efforts to move this package of priority bills, with varying levels of concern over how big of a lift it will be to move a few of these bills to the House and Senate floors for a vote. We have a lot of work to do to ensure these bills move through Committee, including a push for additional cosponsors for each bill, but we are confident we will have the support necessary when they are put up for a vote.

To see if your Senator or Representative is a cosponsor of these bills, please see NAPO's sponsor/co-sponsor spreadsheet at: [http://www.napo.org/files/4714/5685/2600/Sponsor-Cosponsor\\_Spreadsheet\\_March\\_2016.pdf](http://www.napo.org/files/4714/5685/2600/Sponsor-Cosponsor_Spreadsheet_March_2016.pdf)

If you have any questions about NAPO's meetings on the Hill or the issues addressed, please contact Andy Edmiston at [aedmiston@napo.org](mailto:aedmiston@napo.org).

## **NAPO Attends Coalition to Preserve Retirement Security Annual Meeting**

The Coalition to Preserve Retirement Security (CPRS), of which NAPO is a member, held its annual meeting on February 29<sup>th</sup>. CPRS was formed for the sole purpose of opposing mandatory Social Security participation for state and local government employees. The coalition is also a good source of information on retirement security issues and members often work together on Social Security issues affecting state and local government employees.

While there has been no push for mandatory Social Security participation for public employees in the Congress, varying proposals to amend the Windfall Elimination Provision (WEP) have been introduced in Congress and in the President's budget. The meeting focused on these proposals, including the Equal Treatment of Public Servants Act of 2015 (H.R. 711), sponsored by Congressman Kevin Brady (R-TX) and Richard Neal (D-MA), which NAPO and other members of CPRS support. This bill would repeal the part of the equation.

Under H.R. 711, a public employee's Social Security amount will no longer be figured by the arbitrary WEP formula, but will be based on each worker's real-life Social Security contributions and work history -- just like everyone else. For example, a worker who contributes to Social Security for 10 years would receive all of their Social Security due them based on their earnings and contributions in those 10 years.

Congressman Brady is the Chairman of the powerful House Ways and Means Committee which has jurisdiction over this bill. CPRS members are pushing to add cosponsors to the bill in preparation for an anticipated Committee hearing on the legislation this spring and a possible mark-up of the bill this summer.

NAPO will keep our members informed on the status of this important legislation. If you have any questions, please contact Andy Edmiston [aedmiston@napo.org](mailto:aedmiston@napo.org).

**May 12, 2016**  
**2016 Lobby Day**  
**Legislative Update &**  
**NAPO's Annual Legislative Awards Luncheon**

Please join NAPO on May 12th for our Legislative Day on Capitol Hill. Use this opportunity to lobby Congressional Representatives and Senators on behalf of your members concerning the issues which affect law enforcement. Prior to lobbying Capitol Hill, plan to attend NAPO's Legislative Breakfast for an update on NAPO's legislative priorities, results to date from the 114<sup>th</sup> Congress, and to receive handouts to use during Hill visits. While on Capitol Hill, be sure to stop by NAPO's Legislative Luncheon in the Cannon Caucus Room, where several Congressmen and Senators will be recognized for their continued support of Law Enforcement.

**Schedule of Events**

|                                   |                                       |                   |
|-----------------------------------|---------------------------------------|-------------------|
| NAPO Legislative Update Breakfast | JW Marriott Hotel                     | 9:00am – 10:30pm  |
| Capitol Hill Visits               | Capitol Hill                          | 10:30am – 12:00pm |
| NAPO Legislative Awards Luncheon  | Cannon House Office Building Room 334 | 12:00pm – 1:30pm  |
| Capitol Hill Visits               | Capitol Hill                          | 1:30pm – 5:00pm   |

*For assistance setting up your Capitol Hill appointments, contact Andy Edmiston, NAPO's Director of Governmental Affairs, at (800) 322-6276 or [aedmiston@napo.org](mailto:aedmiston@napo.org), by May 2<sup>nd</sup>.*

The registration fee of \$125.00 per person includes the Legislative Update Breakfast, Handouts, and the Congressional Awards Lunch. Please contact Elizabeth Loranger, NAPO's Director of Events, at (800) 322-6278 or [eloranger@napo.org](mailto:eloranger@napo.org) if you have any questions regarding the seminar or hotel arrangements.

NAPO has reserved a block of rooms at JW Marriott Hotel. Room rates are \$239 per night. To make your reservation, please call (800) 228-9290 and tell them you are with NAPO. In order to receive the reduced rate, reservations must be made by April 20. The hotel is expected to sell out, so please make your hotel reservations early.

**Register online at [www.napo.org](http://www.napo.org) or complete the [registration form](#) and return to NAPO at [eloranger@napo.org](mailto:eloranger@napo.org) or Fax to (703) 684-0515 by MAY 2<sup>nd</sup>.**

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