



# The Washington Report

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

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**September 18, 2018**

## **Senate-Passed Opioid Measure Includes Resources for Police**

On September 17, the Senate overwhelmingly passed the Opioid Crisis Response Act (S. 2680) by an 99-1 vote. This bill is a package of opioid-related legislation that provides federal, state and local resources to help address the significant drug crisis our country is facing. In a victory for law enforcement, the measure includes several NAPO-endorsed provisions that support state and local law enforcement's efforts to combat opioids in our communities.

To help combat the growing problems associated with synthetic drugs, the Opioid Crisis Response Act includes the Synthetic Abuse and Labeling of Toxic Substances (SALTS) Act. While taking these drugs, individuals can experience elevated heart rates and blood pressure, hallucinations, seizures, and extreme agitation. There have been reports from states around the country of people acting violently while under the influence of these drugs, leading to deaths or injuries to themselves and others. Unfortunately, current law makes it difficult to prosecute new synthetic drugs as analogues because they are often labeled "not intended for human consumption" despite their well-known use as recreational drugs with dangerous side effects.

By making it easier to prove that synthetic drugs are intended for human consumption and thus easier to prosecute, the SALTS Act helps law enforcement in their efforts to get these drugs off the streets and out of stores.

The Opioid Crisis Response Act also includes the Substance Abuse Prevention Act of 2018, which reauthorizes the Office of National Drug Control Policy (ONDCP), including the High Intensity Drug Trafficking Area (HIDTA) Program and the Drug Free Communities (DFC) Program.

NAPO strongly believes that the ONDCP is a key component in bringing federal, state, local, and tribal governments together and fostering law enforcement, treatment and prevention partnerships. The HIDTA Program under ONDCP plays an essential role in the nation's drug control strategy. The success of HIDTA is touted by key law enforcement, treatment and prevention stakeholders across the nation due to its ability to seamlessly operate on local, regional, and national levels coordinating resources to address our nation's drug epidemic. Further, the DFC Program has supported communities in addressing the drug crisis through treatment and prevention.

Additionally, the Substance Abuse Prevention Act builds on current prevention laws to ensure our communities and law enforcement have the resources they need to fight this growing drug epidemic. It expands grant programs for training officers on naloxone and safety protocols around fentanyl. It also expands the

grant programs to allow funding to be used by agencies to purchase screening equipment to help protect officers coming into contact with fentanyl and other dangerous synthetic opioids in the field.

NAPO believes rank-and-file law enforcement officers must be given the training, resources and support necessary to keep themselves and the communities they serve safe in the fight to end the opioid crisis. The passage of the Opioid Crisis Response Act goes a long way to support law enforcement's efforts.

The House passed a similar opioid package over the summer and the House and Senate will go into conference to negotiate the differences between their two bills. We will keep our members updated on the status of this important legislation.

## **NAPO Victory! House Passes the Community Safety and Security Act**

In a victory for NAPO, the House passed the Community Safety and Security Act (H.R. 6691) on September 7. The legislation, sponsored by Congresswoman Karen Handel (R-GA), will ensure that violent criminal aliens are removed from our streets, our communities and our country.

In April 2017, the Supreme Court effectively voided the statutory definition of "crime of violence" in its decision in *Sessions v. Dimaya* by declaring it unconstitutionally vague. This took away an important tool that law enforcement used to deport violent criminals and get them off our streets. The Community Safety and Security Act will fix this issue by rewriting the definition of "crime of violence" to include specific offenses, such as murder, terrorism, sexual abuse and assault. This will ensure defendants are allowed their due process rights under law and give prosecutors and law enforcement back a significant resource in the fight against violent crime in our communities.

Congresswoman Handel highlighted NAPO's support for the bill in her speech during debate on the House floor. We thank her for her continued support of the law enforcement community and we look forward to seeing this legislation passed into law. NAPO is now working with the Senate Judiciary Committee to move the bill forward.

## **NAPO in the News: NAPO Call for Nike Boycott**

NAPO's [September 4 letter to Nike, Inc.](#) Chairman, President and CEO condemning the company's selection of Colin Kaepernick for its "Just Do It" ad campaign has received a lot of attention – both positive and negative – and we continue to stand by our opposition to the use of Kaepernick in the ad campaign.

NAPO's President Mick McHale was interviewed on Fox News on September 8 regarding NAPO's letter and our position on Nike's decision to use Kaepernick for the ad campaign. You can listen to the interview [here](#).

In addition to McHale's Fox News interview, our letter has been covered by news organizations across the world, including:

*Fox News:* <http://www.foxnews.com/entertainment/2018/09/04/as-nfl-offers-measured-response-to-nike-s-kaepernick-ad-other-reactions-range-from-support-to-outrage.html>

*The Daily Mail:* <https://www.dailymail.co.uk/news/article-6131771/Police-organization-calls-members-boycott-Nike-following-controversial-Colin-Kaepernick-ad.html>

*Officer.com:* <https://www.officer.com/command-hq/news/21020845/national-association-of-police-organizations-condemns-nikes-decision-to-use-colin-kaepernick-in-new-ad-campaign>

*The Oregonian:*

[https://www.oregonlive.com/business/index.ssf/2018/09/nike\\_takes\\_on\\_trump\\_risks\\_back.html](https://www.oregonlive.com/business/index.ssf/2018/09/nike_takes_on_trump_risks_back.html)

*Colorado Springs Gazette:* [https://gazette.com/opinion/editorial-nike-and-kaepernick-should-give-thanks-for-cops/article\\_f25a143c-b54a-11e8-b31b-a7c255167638.html](https://gazette.com/opinion/editorial-nike-and-kaepernick-should-give-thanks-for-cops/article_f25a143c-b54a-11e8-b31b-a7c255167638.html)

*Kristv.com:* <https://kristv.com/news/national-news/2018/09/04/national-association-police-organizations-nike-colin-kaepernick-boycott/>

*Fox4News:* <http://www.fox4news.com/business/national-police-group-calls-for-nike-boycott-due-to-kaepernick-ad-campaign>

*Newsmax:* <https://www.newsmax.com/finance/streettalk/nike-state-pensions-stock/2018/09/05/id/880275/>

*Breitbart:* <https://www.breitbart.com/sports/2018/09/05/national-police-organization-launches-nike-boycott-over-kaepernick-ad-campaign/>

NAPO will continue to ensure our members' voices are heard loud and clear on the Hill, with the Administration, and in the media.

## **House Takes Up Health Care Legislation that Includes 1 Year Delay of Cadillac Tax**

The House will take up the Save American Workers Act (H.R. 3798), which includes a one-year delay of the “Cadillac” tax to 2023, next week when it returns from recess. This legislation makes several changes to the Affordable Care Act (ACA, or otherwise known as Obamacare) in addition to the “Cadillac” tax delay. One of the more controversial provisions changes the definition of full-time employment for purposes of the employer mandate to provide health insurance – making 40 hours per week the equivalent of full-time employment instead of the current 30 hours. While this legislation is expected to pass the House along partisan lines, it is highly unlikely that the Senate will take it up as there is little appetite there for overturning provisions of the ACA.

While NAPO continues push for the full repeal of the “Cadillac” tax, a 40% excise tax on employer-sponsored health insurance, we support the one-year delay. Employers have already started the long benefits planning period to make changes to their health insurance plans that will affect the health coverage and affordability of those plans for employees in 2022 and an additional delay ensures that this tax won't hit American workers for another three years.

With the Save American Workers Act having very little chance of becoming law, it is essential that Congress use the current delay until 2022 used to ultimately repeal the tax and not just continue to kick the can down the road. This tax continues to threaten the health benefits of our nation's public safety officers, who put their lives on the line every day to protect our communities.

NAPO continues working with Congressman Mike Kelly (R-PA) to pass his Middle Class Health Benefits Tax Repeal Act, which would repeal the “Cadillac Tax”. This bill, H.R. 173, has 302 bipartisan cosponsors, illustrating the overwhelmingly significant support within Congress for fully repealing the excise tax. We will keep our members updated on any legislative delays of the tax and our efforts to repeal it.

## **NAPO on the Hill: FIRST STEP Act**

In our continued efforts to oppose the Formerly Incarcerated Reenter Society Transformed Safely Transitioning Every Person (FIRST STEP) Act (H.R. 5682 / S. 2795), NAPO is making the rounds in the Senate, asking Senators to help us delay this bill until law enforcement's concerns can be thoroughly considered. NAPO began our efforts by meeting with the offices of Senators Tom Cotton (R-AR), Ron Johnson (R-WI) and Rob Portman (R-OH).

The FIRST STEP Act was introduced on May 7 and passed the House on May 22 without slowing down to get the input of the law enforcement community or to consider our serious concerns with the legislation. There is great pressure to move this bill through the Senate before the end of the year and we do not understand how Congress could consider moving forward with making such significant changes to the criminal justice system without listening to the law enforcement community, which almost unanimously opposes the bill.

The legislation includes reckless retroactive increases in good time credits and program participation credits that would cause 4,000 inmates to be released into communities upon enactment. These inmates would not be given access to halfway houses or transition housing nor would they benefit from any of the reentry programs provided by the Bureau of Prisons (BOP) prior to release that are normally given to inmates who serve out their full prison term.

Furthermore, not only would thousands of inmates be released due to retroactive time credits, the new system of time-off-sentence credits would reduce sentences for many criminals, including dangerous drug traffickers, by one-fourth to one-half.

There is absolutely no doubt that these ill-advised proposals will harm public safety and lead directly to the injury and deaths of police officers and citizens alike. Major cities across the country are facing an increase in violent crime for the first time in years. According to the FBI's latest Uniform Crime Report, *Crime in the United States, 2016*, the number of violent crimes, including murder, aggravated assaults and rapes, increased for the second straight year. Now is not the time to implement reckless reforms to our nation's correctional system. Such significant changes should first be thoroughly studied and must include the input of the federal, state and local public safety community, which plays an integral role in the system.

Senator Cotton actively opposes the FIRST STEP Act and fully supports our efforts. Senator Johnson's staff indicated the Senator supported our efforts, but he would need to get back to us regarding whether the Senator would make the ask of leadership to postpone consideration of the bill. Senator Portman's staff listened to our concerns and our ask that the Senator support a delay in consideration of the bill. While Senator Portman does not support the legislation, staff was not able to indicate whether he will support our efforts. The Senator is prioritizing passing the Second Chance Act, legislation he sponsors and NAPO supports that provides resources for state and federal reentry services, and he believes the FIRST STEP Act may be the right vehicle to pass the bill. We let his staff know that we would still have to oppose the FIRST STEP Act even if it included the Second Chance Act as the underlying bill is bad policy that puts our members and our communities at risk.

We will continue to work with Senator Portman's staff as we meet with other Senate Republicans to voice our concerns with the FIRST STEP Act and push to ensure it does not move forward.

## **House Introduces Tax Reform 2.0**

House Ways and Means Committee Chairman Kevin Brady (R-TX) introduced the sequel to the Republican tax cuts that were passed last year - the Tax Cuts and Jobs Act – a package Republicans are calling “Tax

Reform 2.0". NAPO has been paying close attention to the make up of this second tax reform package to ensure it did not include any of the public pension provisions we fought to keep out of the Tax Cuts and Jobs Act.

In a victory for NAPO, the package released by Chairman Brady did not contain provisions harmful to public pensions, such as the Public Employee Pension Transparency Act (PEPTA) or the extension of the Unrelated Business Income Tax (UBIT) to governmental plans. PEPTA would impose onerous, unfunded federal mandates on pension plans and it threatens to eliminate the tax-exempt bonding authority of state and local governments. The UBIT would represent a new tax of approximately 39% on certain public pension plan investment earnings.

Outside of pension issues, Tax Reform 2.0 includes a permanent extension of the individual tax cuts and it would make permanent the \$10,000 combined cap on state and local property, sales and income tax deductions. The individual tax breaks and the cap on state and local tax deductions are currently scheduled to expire December 31, 2025.

Much like the Save American Workers Act, Tax Reform 2.0 is expected to pass the House by wide margins and not expected to go anywhere in the Senate given the incredible price tag for making the individual tax breaks permanent. Senate Republicans do not seem willing to add such a significant amount to our national deficit in an election year.

We will keep our members up to date on the status of Tax Reform 2.0 as it moves through the House. It is anticipated that the House will take up the tax package before the November elections.

## **Join NAPO for Our 2018 Annual Legal Seminar: The Aftermath of *Janus* and Other Current Issues for Attorneys**

**November 14 – 16, 2018 ~ Caesars Palace Hotel & Casino  
Las Vegas, Nevada**

***Earn 12.5 Hours of CLE Credits Including 2 Hours of Ethics!***

Key Issues will include: The Recap of *Janus* Supreme Court Decision, The Legal Duty of Fair Representation, Representing Officers in Critical Incidents, Expert Testimony in Use of Force Cases Jury Selection & Social Media, Protecting Yourself in a Tech World, Opioid Multi District Litigation, Federal Update: Trump Administration Policies and Changes to Consent Decrees.

**Seminar Registration is attached and also available on NAPO's website.  
For Seminar Information, Agenda and Hotel Registration [click here](#)**

**If you have any questions or need additional information please do not hesitate to contact NAPO's  
Director of Events, Elizabeth Loranger, at [eloranger@napo.org](mailto:eloranger@napo.org) or (703) 549-0775.**

***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.***