



The Washington Report

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

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NAPO Endorses Barr for Attorney General

NAPO pledged our support for the nomination of William P. Barr for United States Attorney General. We believe that Mr. Barr's experience and prior tenure at the U.S. Department of Justice, including as Attorney General under President George H.W. Bush, make him uniquely qualified to be our nation's next Attorney General.

Mr. Barr had an extensive career at the Department of Justice before becoming Attorney General under President Bush. He rose through the Office of Legal Counsel to then be appointed Deputy Attorney General under Richard Thornburgh. Upon Thornburgh's retirement, Mr. Barr became Acting Attorney General, during which time he managed the Administration's response to the 1991 hostage crisis at Talladega Federal Prison in Alabama, ensuring the safe rescue of all nine hostages.

As Attorney General, Mr. Barr focused on fighting violent crime, particularly gang violence, and assigned hundreds of FBI agents to work gang investigations with state and local law enforcement. He believed that the worst criminals were career violent criminals and he steered the resources of the Department, including federal prosecutors, to helping get them off our streets.

With his strong belief in the rule of law and his previous focus on eradicating violent crime from our communities, we believe Mr. Barr will be a true partner to state and local law enforcement and will continue the pro-law enforcement policies and practices of his predecessor, Attorney General Jeff Sessions.

The Senate Judiciary Committee held Mr. Barr's confirmation hearing on January 15-16 with very little drama. The Committee has scheduled a vote on his confirmation for January 29 and it is expected he will be approved by the Committee and then quickly confirmed by the Senate.

Thin Blue Line Act Reintroduced

NAPO priority legislation, the Thin Blue Line Act, was reintroduced as H.R. 99 by Congressman Vern Buchanan (R-FL) on January 3. NAPO once again pledged our support for this important bill, which increases penalties on those who harm or target for harm public safety officers by making the murder or attempted murder of a local police officer, firefighter, or first responder an aggravating factor in death penalty determinations in federal court. This would be applicable whether they were targeted or murdered on duty, because of the performance of their duty, or because of their status as a public official. The only requirement is that the homicide provide federal jurisdiction.

This bill is critical, as law enforcement officer assaults, injuries, and deaths have increased sharply in recent years. Every year, the number of officers killed by firearms has increased. 52 officers were shot and killed in the line of duty in 2018, a 13 percent increase over 2017. Establishing stricter penalties for those who harm or target for harm law enforcement officers will deter violent crime. Any persons contemplating harming an officer must know that they will face serious punishments. NAPO strongly believes that increased penalties make important differences in the attitudes of criminals toward public safety officers, and ensure protection for the community.

The Thin Blue Line Act passed the House last Congress and we look forward to working with Congressman Buchanan to pass it again this Congress.

NAPO Supports Reintroduction of Bill to Repeal GPO & WEP

Congressman Rodney Davis (R-IL) reintroduced the Social Security Fairness Act (H.R. 141), which has already gained 72 bipartisan cosponsors since it was dropped on January 3. This legislation, which would totally repeal both the Government Pension Offset (GPO) and the Windfall Elimination Provision (WEP), continues to be a top priority for NAPO.

Though most police officers must retire after specific time served, usually in their early- to mid-fifties, many look for new opportunities to serve their community. Yet, when they retire from a non-Social Security paying job and move to one that does pay into Social Security, they are penalized by the WEP. Instead of receiving full support from their rightfully earned Social Security retirement benefit, their pension heavily offsets it, thus vastly reducing the amount they receive.

More troubling is the effect of GPO on a police officer's retirement. If a spouse who paid into Social Security dies, the surviving public safety officer should be eligible for half of the deceased's benefit. However, GPO requires that this amount be offset by two-thirds of the survivor's pension, eliminating most or all of the payment. By professional need, many police officers are outside of Social Security but if they had not served at all, they would receive the full allotment of the spouse's benefit.

GPO and WEP were meant as a "leveling" response but only serve to hurt public safety officers. By totally repealing both GPO and WEP, the Social Security Fairness Act would preserve the retirement security of those who selflessly serve and protect our communities.

NAPO thanks Congressman Davis for his continued dedication ensuring public employees get the retirement benefits they rightly deserve. We look forward to working with him to pass this important legislation.

NAPO on the Hill: LEOSA Reform

On January 10, NAPO met with Congressman Don Bacon (R-NE) to discuss the reintroduction of the LEOSA Reform Act. During the meeting, Congressman Bacon stated that this legislation is a top priority for him this Congress and he will expend every effort to pass it. He is aiming to reintroduce the bill before President's Day (February 18), but does not want this important issue to get lost in the coverage of the federal government shutdown. NAPO is part of a broad coalition of law enforcement organizations supporting this legislation and we are working to attain as many bipartisan cosponsors as possible to sign on to the bill prior to its reintroduction.

NAPO worked tirelessly with members of Congress to enact the Law Enforcement Officers Safety Act (LEOSA) in 2004 to rightly allow off-duty and retired police officers to carry their firearms for the protection of themselves, their families and our nation's communities. Since its enactment, we have pushed for and supported several amendments to improve its implementation to ensure that the law is easily, fairly and broadly implemented across the country. However, qualified off-duty and retired officers continue to encounter roadblocks when exercising their right to carry under LEOSA.

The objective of the LEOSA Reform Act is to address specific issues that qualified active and retired law enforcement officers are facing when utilizing their rights under the law. The bill would expand the areas qualified current or retired officers are allowed to carry a firearm, including on a Gun Free School Zone; on state, local and private property otherwise open to the public; and in certain federal facilities. It will allow qualified officers and retired officers to carry an ammunition magazine of any capacity that is not prohibited by federal law. Importantly, it will reform qualifications standards to alleviate undue burdens for those carrying under LEOSA.

With the rise in violence against law enforcement officers and the recent tragic mass shootings across our country, allowing all qualified officers and retirees, who have sworn to serve and protect our communities, to carry in accordance with LEOSA would allow them to respond more efficiently and effectively in emergencies for the safety of themselves and those around them. The LEOSA Reform Act will go a long way to ensuring all qualified off-duty and retired or separated officers across the country can rightfully carry under LEOSA.

NAPO thanked the Congressman for his continued support of the law enforcement community, and we look forward to working with him to pass this important legislation.

Bill to Repeal Cap on SALT Deduction Introduced

The Tax Cuts and Jobs Act (Public Law No. 115-97), passed by Congress in December 2017, allows taxpayers to deduct their state and local property, income and sales taxes up to a combined \$10,000 limit. The \$10,000 cap is not indexed to inflation, so it will lose its value over the years. While this is not a total elimination of the state and local tax (SALT) deduction – which NAPO strongly opposed – with the cap, citizens of states with high state and local taxes, such as New York, New Jersey, California and Illinois, may still find themselves on the wrong end of a tax hike.

Law enforcement agencies and departments receive support from the communities they serve, as public safety budgets across the United States are largely drawn from state and local property, sales, and income taxes – essential investments that give our first responders the tools they need to get the job done. The SALT deduction has helped support these vital investments at the state and local level since it was enacted in 1913. With that, first responders in communities throughout our country have known that they could count on the ability of state and local governments to support their work, while having an assurance from the federal government that their own hard-earned income wouldn't be taxed twice. With the cap on the deduction, that is no longer the case. Not only are law enforcement officers facing possibly higher taxes, they are facing a threat to their budgets and resources as communities may no longer be able to sustain the necessary tax levels to fully support public safety.

Understanding the importance of repealing the cap on the SALT deduction, Congresswoman Nita Lowey (D-NY) introduced the SALT Deductibility Act (H.R. 188), which is a straight repeal of the cap. NAPO supports this legislation and we have let the Congresswoman know that we look forward to working with

her to pass the SALT Deductibility Act. The cap must be repealed before the true consequences of it are felt by officers, their families and our communities.

NAPO Endorses Bill to Buoy Multiemployer Pension Plans

NAPO endorsed the Rehabilitation of Multiemployer Pensions Act (H.R. 397), introduced by House Ways and Means Committee Chairman Richard Neal (D-MA), to support our fellow workers in the private sector who are facing the nightmare of having their hard-earned pensions possibly taken from them.

NAPO considers protecting and preserving public pension plans one of our top priorities. While we do not support federal interference into state and local public pension plans, which are already subject to substantial regulation and transparency requirements, we believe federal intervention is necessary to boost financially-troubled multiemployer private pensions so they do not fail.

Nearly 300 multiemployer plans across the country are in danger of failing, which would impact millions of American workers and retirees who have worked their entire lives earning their pensions. They do not deserve to have their retirements ripped out from underneath them. This would not only impact their lives, but the wellbeing of the community around them.

NAPO supports the Rehabilitation of Multiemployer Pensions Act as way for multiemployer pension plans to remain solvent and ensure that retirees receive 100 percent of their earned benefits. Without the financial assistance provided through this legislation, millions of Americans will find themselves struggling, relying on Social Security and federal and state welfare programs to survive. We believe it is incumbent upon Congress to step up and protect the earned pensions of the millions of retirees and workers in these failing multiemployer pension plans.

NAPO Opposes Bill Mandating Collection of Deadly Force Data

NAPO opposes the National Statistics on Deadly Force Transparency Act (H.R. 119), which was reintroduced by Congressman Steve Cohen (D-TN). This bill would require local law enforcement agencies to provide data to the Attorney General on use of force incidents. While NAPO does not generally oppose data collection, we have significant concerns with this legislation. Despite all the requirements included in the bill, the language is vague and does not appropriately address all scenarios. Most importantly, the legislation does not provide a comprehensive definition of “deadly force.”

Further, we are concerned that the National Statistics on Deadly Force Transparency Act pursues its goals through penalties to the Edward Byrne Memorial Justice Assistance Grant (Byrne JAG) Program - critical resource for law enforcement. This legislation has the potential to jeopardize public safety through Byrne JAG penalties. The Byrne JAG Program provides resources for multi-jurisdictional drug and gang task forces, information sharing and technology, county jails, prosecutors, drug courts, and juvenile delinquency and drug treatment courts. Losing access to a percentage of this funding will undermine law enforcement’s mission to keep the public safe.

We have made Congressman Cohen’s staff aware of our concerns and hope that he will take them into consideration.

Push for Independent Prosecutors for Cases of Police Use of Deadly Force

Congressman Steve Cohen (D-TN) has reintroduced the Police Training and Independent Review Act (H.R. 125), which would incentivize states to adopt laws requiring independent investigations and prosecutions of law enforcement officers in cases where one or more of the alleged offenses involve an officer's use of deadly force in the course of carrying out his or her official duties.

NAPO opposes this legislation and has let Congressman Cohen's staff know of our serious concerns. We fear that an independent prosecutor would be under a great deal of pressure to justify his or her work. There is a risk that decisions to prosecute would be made based on politics, not on the law and admissible evidence. NAPO is concerned that an officer would be indicted, even if he or she did nothing wrong.

NAPO will continue to closely monitor this legislation as well as the other bills aiming to reform the criminal justice system and will keep our members updated as these issues move forward.

Federal Government Shutdown Continues

The federal government has been in a partial shutdown for five weeks, leaving federal agencies, including the Departments of Justice and Homeland Security, and their components without funding. However, within the Justice Department, the Office of Justice Programs, which houses the Public Safety Officers' Benefits (PSOB) Program as well as the Bureau of Justice Assistance, has enough funding to remain open until March 1, 2019, so many of the state and local law enforcement assistance programs have remained up and running.

On January 24, the Senate voted on two funding measures: one that included the President's proposal to reopen the government that included his funding request for the wall and border security and the second being a House-passed continuing resolution that would have reopened the government until February 8 and did not include any funding for a border wall. President Trump's proposal failed by vote of 50-47. The Senate rejected the second measure by a vote of 52-44.

It is the hope that these failed votes will be the start of renewed negotiations to reopen the government and make a deal on border security and possible immigration reform. House and Senate appropriators have agreed on the Fiscal 2019 funding levels for all federal agencies and departments except for the Department of Homeland Security, which is where funding for the border wall and increased border security resources and personnel would be appropriated.

NAPO will keep our members updated on the status of negotiations and the shutdown.

If you have any questions about the legislation discussed in this issue of the Washington Report, contact Andy Edmiston at aedmiston@napo.org or (703) 549-0775. Please monitor NAPO's website, www.napo.org, and Facebook page: National Association of Police Organizations, and follow us on Twitter at [NAPOpolice](https://twitter.com/NAPOpolice) for breaking news and updates.