



# The Washington Report

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

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**December 7, 2015**

## **NAPO on the Hill: Zadroga Act Lobby Day and Update**

On December 2nd, NAPO and its member organizations, the New York City Patrolmen's Benevolent Association, the New York City Police Department (NYPD) Lieutenants Benevolent Association, the NYPD Captains Endowment Association, the Port Authority Police Benevolent Association, the New York State Troopers Police Benevolent Association and the New Jersey State Policemen's Benevolent Association, together with the NYPD Sergeants Benevolent Association, lobbied members of the House of Representatives to push for the passage of the James Zadroga 9/11 Health and Compensation Reauthorization Act (H.R. 1786).

NAPO's lobby day came two days after a failed attempt to get the Zadroga Act attached to H.R. 22, the highway funding measure. NAPO worked with the bill's sponsors and lobbied hard to get it included in H.R. 22, but in the end the Zadroga Act was pulled out of the bill due to partisan push back on how it is going to be paid for. Going in to our lobby day, we knew that the next best option for getting the Zadroga Act passed this year is to get it attached to the omnibus appropriations bill, which will fund the federal government through next year. House and Senate appropriators are currently negotiating that spending measure.

NAPO and representatives of the above organizations met with Republican members of the House Energy and Commerce Committee, which has jurisdiction over the bill and has some of the most conservative members of Congress as its members, in addition to members of the House Freedom Caucus. These Congressional Representatives have influence over the Chairman of the Energy and Commerce Committee, Fred Upton (R-MI), whose support for our efforts is essential to getting a fully reauthorized Zadroga Act done this year.

Our message on the lobby day resonated very well with the Members of Congress. Our two main asks were for Members to (a) support a permanent reauthorization of the World Trade Center Health Program and a fully funded 5-year Victims Compensation Fund (VCF); and (b) that they support including the Zadroga Act onto the omnibus appropriations measure.

By the end of the day, Speaker Paul Ryan (R-WI) stated to members of the Republican Caucus that getting the Zadroga Act passed this year is one of his top priorities and Chairman Upton, sent out a press release stating that he supports permanent reauthorization of the bill. There is still much work to be done to ensure that the Zadroga Act is attached to the omnibus, which Congress has to get done by December 11<sup>th</sup> or face a government shutdown. House and Senate Leadership must continue to hear support for the inclusion of this bill in the omnibus and appropriators from both parties must find a bipartisan way to pay for the bill.

**Please join our efforts and contact your Senator or Congressional Representative today and urge them to support a permanent reauthorization of the Zadroga Act and the inclusion of the bill in the omnibus appropriations bill.**

NAPO will continue to keep our members up to date on the status of this important legislation. Please contact Andy Edmiston at [aedmiston@napo.org](mailto:aedmiston@napo.org) or (800) 322-NAPO for assistance in contacting your Senator or Member of Congress or if you need more information about the legislation and the programs it will reauthorize.

## **Rep. Deutch Introduces NAPO DPPA Amendment**

On December 3<sup>rd</sup>, Rep. Ted Deutch (D-FL) introduced a bill (H.R. 4176), championed and endorsed by NAPO, that would modify the Driver's Privacy Protection Act (DPPA) to protect state and local law enforcement from civil damages for accessing certain personal information from State motor vehicle records.

The DPPA requires state motor vehicle departments to receive permission from individuals before their personal motor vehicle record may be sold or released. The DPPA amendment authorizes a private right of action for knowing violations, and a court may award automatic "damages" in the amount of \$2,500 for each time a record was accessed, even if no actual damages were proved, as well as attorney fees and other litigation costs. Law enforcement officers are subject to these stringent punishments, even if they did not review files with criminal intent.

H.R. 4176 would address NAPO's concerns that merely accessing the information subjects an officer to penalties and it would also raise the threshold at which punitive damages would apply. This would permit an officer to access the information without being penalized, unless the information was disclosed publicly.

If the DPPA language is not modified, law enforcement officers will be subject to large fines, and even the loss of their licenses for *de minimus* actions.

NAPO thanks Rep. Deutch for his leadership on this issue and his continued support of the law enforcement community. We will continue to aggressively lobby members of Congress to gain support for H.R.4176 and will keep our members updated on the status of this legislation. If you have any questions about our efforts, please contact Bill Johnson at [bjohnson@napo.org](mailto:bjohnson@napo.org) or Andy Edmiston at [aedmiston@napo.org](mailto:aedmiston@napo.org).

## **Senate Overwhelmingly Votes to Repeal Excise Tax**

On December 3<sup>rd</sup>, the Senate overwhelmingly approved an amendment to the budget reconciliation package offered by Senator Dean Heller (R-NV) to repeal the Excise Tax, or "Cadillac Tax", **by a vote of 90-10**. The amendment came up during consideration of the reconciliation measure, which would repeal a majority of the Affordable Care Act. The House passed a similar bill on October 23<sup>rd</sup>, which also repealed the Excise Tax. Ultimately, the vote on the Excise Tax and the repeal of Obamacare was just for show as President Obama has vowed to veto the reconciliation bill.

That being said, the vote is significant as it shows the strong bipartisan support for repealing the tax and sets the stage for further action to either repeal or delay its implementation. At this point, a delay of the tax appears to be the most politically viable option given that President Obama does not support full repeal.

Members of Congress involved in the discussion are considering a delay of two to five years. A delay would help health plans and employers be better prepared for the implementation of the tax and it would allow more time for contract negotiations. However, a delay does not change the ultimate result. It would still mean that law enforcement officers whose health plans do not have a majority of employees in high risk professions could face cuts to their health benefits. For this reason, NAPO's top priority continues to be the repeal of the Excise Tax.

The Excise Tax is not just a tax on health plans; it is a loss of earned wages and benefits. NAPO is working with members of Congress to repeal the Excise Tax, as well as press the IRS to amend IRS Code to ensure that all health plans that include public safety officers as participants are excluded from the affects of the tax. Public safety officers, who put their lives on the line every day to keep our communities safe, should not lose their hard earned benefits.

If you have any questions about the Excise Tax or NAPO's efforts to repeal the tax, please contact Andy Edmiston at [aedmiston@napo.org](mailto:aedmiston@napo.org).

## **NAPO Pushes for Access to Military Surplus Equipment**

There is an effort within Congress to rollback the requirements established by Executive Order 13688 and the Law Enforcement Equipment Working Group it created, which limits what military surplus equipment state and local law enforcement can acquire. NAPO and other state and local law enforcement organizations back this effort and sent a letter to Congressional leadership urging their support for restoring law enforcement's access to military surplus equipment available through the Federal government.

Earlier this year, the Law Enforcement Equipment Working Group issued new recommendations regarding the appropriate use, acquisition, and transfer of military surplus equipment by State, local, and Tribal law enforcement agencies through Federal programs. These recommendations took effect October 1, 2015, and the Department of Defense is currently in the process of recalling lifesaving military surplus equipment from state and local law enforcement agencies.

Programs like the Department of Defense's 1033 program and grant programs at the Departments of Justice and Homeland Security have been vital resources in allowing state and local law enforcement to acquire items used in search and rescue operations, disaster response, and active shooter situations that they otherwise would not be able to afford. This equipment has not led to the "militarization" of police, but rather has proven to be essential in protecting communities against violent criminals with increasing access to sophisticated weaponry, IEDs, body armor and sometimes even armored vehicles. Tragically, the December 2<sup>nd</sup> shooting in San Bernardino, California, is just another unfortunate example of why this equipment is a necessity for state and local law enforcement.

Given the unfortunately high number of mass shootings that have occurred in 2015 alone and the fact that state and local law enforcement are the first line of defense, it is improper that the federal government has questioned the appropriateness of state and local agencies acquiring such equipment for the protection of their communities.

NAPO will work with members of Congress and Congressional leadership to ensure that state and local law enforcement have the resources they need to safely and effectively protect our communities.

Please read [NAPO's letter to Congressional leadership](#) and the [joint law enforcement letter](#) we joined to Senator Richard Shelby (R-AL) supporting his efforts to repeal the Executive Order. If you have any questions about Executive Order 13688 or NAPO's efforts to roll it back, please contact Andy Edmiston at [aedmiston@napo.org](mailto:aedmiston@napo.org).

# Email Privacy Act Faces Roadblocks

On December 1<sup>st</sup>, the House Judiciary Committee held a hearing on the Email Privacy Act, a bill that NAPO opposes due to its requirement that the government obtain a warrant in order to access emails. NAPO sent a [letter](#) to the Committee reaffirming our opposition to the bill and laying out our concerns with how it would impede investigations. We were joined by other federal, state and local law enforcement and government organizations in voicing concerns with the bill, and although this bill has over 300 cosponsors, our opposition has led to the bill being held in Committee.

NAPO is very concerned that the warrant requirements included in the Email Privacy Act would negatively impact public safety. This bill does not account for immediate law enforcement needs, when seconds matter. Warrants take much longer to secure as compared with the current practice of officers obtaining a court order. This is of particular concern in time-critical cases, such as active kidnapping or child abduction cases.

Moreover, warrants require an affidavit, which generally becomes public. These documents have the potential to expose law enforcement and informant identities and methods. This is especially concerning in the light of the increased number of attacks on police officers across the country.

The warrant requirement included in the Email Privacy Act would present a huge obstacle to legitimate law enforcement needs. Additionally, NAPO does not feel that a “one size fits all” approach is appropriate for these matters, especially when there are effective law enforcement policies and procedures already in place at the state and local level.

NAPO will continue to fight to keep this bill from moving forward. If you have any questions about the Email Privacy Act, please contact Andy Edmiston at [aedmiston@napo.org](mailto:aedmiston@napo.org).

## NAPO’s Sponsor/Cosponsor Spreadsheet

NAPO’s updated “Sponsor/Cosponsor” spreadsheet is available at the following link: <http://www.napo.org/washington-report/sponsor-cosponsor-spreadsheet/>. The spreadsheet accompanies the latest “Legislative Positions” document, which is available at the following link: <http://www.napo.org/washington-report/legislative-priorities/>

The “Sponsor/Cosponsor” spreadsheet is a useful tool to check if your members of Congress have supported pieces of legislation that will impact our members. NAPO will update this spreadsheet regularly, and continue to ensure our voice is heard on Capitol Hill.

If you have any questions about any of the legislation that NAPO is currently working, please contact Andrea Edmiston at: [aedmiston@napo.org](mailto:aedmiston@napo.org)

**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.**

# 28th Annual Police, Fire, EMS & Municipal Employee Pension & Benefits Seminar

JANUARY 24-26, 2016 - LAS VEGAS, NV

*28th Annual*  
**POLICE, FIRE, EMS &  
MUNICIPAL EMPLOYEE  
PENSION & BENEFITS  
SEMINAR**



Please join the National Association of Police Organizations at *NAPO's 28<sup>th</sup> Annual Police, Fire, EMS, & Municipal Employee Pension & Benefits Seminar* January 24 – 26, 2016 at the Caesars Palace Hotel in Las Vegas, Nevada. Thanks to the assistance of our impressive advisory board we are receiving overwhelming responses to our new and improved seminar. Our goal is to educate pension and union representatives along with their providers on the latest issues surrounding the pension and benefits industry.

At the 28<sup>th</sup> Annual Seminar, we are putting the spotlight on key issues including: 2016 Political Outlook, DB/DC debate, Selecting Service Providers, Investment Management, Social Security Pension Issues, Healthcare Cost & the Cadillac Tax, to name a few. Ensure that you fulfill your fiduciary responsibility to your fund by educating yourself on these issues!

Take an active role in improving the future of your fund by registering for this informative seminar. For Registration Information [Click Here](#) or visit NAPO's website at [www.napo.org](http://www.napo.org).



# NATIONAL ASSOCIATION OF POLICE ORGANIZATIONS, INC.

*Representing America's Finest*

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## EXECUTIVE OFFICERS

December 4, 2015

MICHAEL McHALE  
President  
*Florida Police Benevolent Association*

The Honorable Paul D. Ryan  
Speaker of the House  
U.S. House of Representatives  
Washington, D.C. 20515

The Honorable Mitch McConnell  
Majority Leader  
U.S. Senate  
Washington, D.C. 20510

JOHN A. FLYNN  
Vice President  
*Patrolmen's Benevolent Association of New York City*

The Honorable Nancy Pelosi  
Minority Leader  
U.S. House of Representatives  
Washington, D.C. 20515

The Honorable Harry Reid  
Minority Leader  
U.S. Senate  
Washington, D.C. 20510

TODD HARRISON  
Recording Secretary  
*Combined Law Enforcement Association of Texas*

SEAN M. SMOOT  
Treasurer  
*Police Benevolent & Protective Association of Illinois*

MARC KOVAR  
Sergeant-at-Arms  
*New Jersey State Policemen's Benevolent Association*

CRAIG D. LALLY  
Executive Secretary  
*Los Angeles Police Protective League*

RICHARD WEILER  
Parliamentarian  
*Police Officers Labor Council of Michigan*

WILLIAM J. JOHNSON  
Executive Director and  
General Counsel

Dear Mr. Speaker, Senator McConnell, Representative Pelosi and Senator Reid:

On behalf of the National Association of Police Organizations (NAPO), I am writing to you to urge you to support efforts to restore law enforcement's access to military surplus equipment available through the Federal government. Unfortunately, Wednesday's shooting in San Bernardino, California, is just another tragic example this year alone of why this equipment is a necessity for state and local law enforcement.

NAPO is a coalition of police unions and associations from across the United States that serves to advance the interests of America's law enforcement through legislative and legal advocacy, political action, and education. Founded in 1978, NAPO now represents more than 1,000 police units and associations, 241,000 sworn law enforcement officers, and more than 100,000 citizens who share a common dedication to fair and effective crime control and law enforcement.

Programs like the Department of Defense's 1033 program and grant programs at the Departments of Justice and Homeland Security have been vital resources in allowing state and local law enforcement to acquire items used in search and rescue operations, disaster response, and active shooter situations that they otherwise would not be able to afford. This equipment has not led to the "militarization" of police, but rather has proven to be essential in protecting communities against violent criminals with increasing access to sophisticated weaponry, IEDs, body armor and sometimes even armored vehicles.

The limitations on military surplus equipment for state and local law enforcement are a result of Executive Order 13688 and the Law Enforcement Equipment Working Group that it created. On October 1, 2015, the recommendations of the Working Group went into effect and the Department of Defense is currently in the process of recalling lifesaving military surplus equipment from state and local law enforcement agencies. Not only are law enforcement across the country now scrambling to fill in the equipment gaps left behind, but they must also develop new training policies and expand their inventory reporting to include equipment previously outside of the Federal purview to ensure that they do not "misapply" the use of such equipment.

Given the unfortunately high number of mass shootings that have occurred in 2015 alone and the fact that state and local law enforcement are the first line of defense, it is improper that the federal government has questioned the appropriateness of state and local agencies acquiring such equipment for the protection of their communities.

We look forward to working with you to ensure that state and local law enforcement have the resources they need to safely and effectively protect our communities. Thank you for your consideration and please feel free to contact me at (703) 549-0775.

Sincerely,

A handwritten signature in black ink, appearing to read 'William J. Johnson', with a long horizontal flourish extending to the right.

William J. Johnson  
Executive Director

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## EXECUTIVE OFFICERS

November 30, 2015

MICHAEL McHALE  
President  
Florida Police Benevolent  
Association

The Honorable Robert W. Goodlatte  
Chairman  
Committee on the Judiciary  
United States House of Representatives  
Washington, D.C. 20515

The Honorable John Conyers  
Ranking Member  
Committee on the Judiciary  
United States House of Representatives  
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JOHN A. FLYNN  
Vice President  
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Association of New York City

TODD HARRISON  
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SEAN M. SMOOT  
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Association of Illinois

MARC KOVAR  
Sergeant-at-Arms  
New Jersey State Policemen's  
Benevolent Association

CRAIG D. LALLY  
Executive Secretary  
Los Angeles Police  
Protective League

RICHARD WEILER  
Parliamentarian  
Police Officers Labor Council  
of Michigan

WILLIAM J. JOHNSON  
Executive Director and  
General Counsel

Dear Chairman Goodlatte and Ranking Member Conyers:

On behalf of the National Association of Police Organizations (NAPO), I am writing to you to express our deep concerns regarding the Email Privacy Act (H.R. 699).

NAPO is a coalition of police unions and associations from across the United States that serves to advance the interests of America's law enforcement through legislative and legal advocacy, political action, and education. Founded in 1978, NAPO now represents more than 1,000 police units and associations, 241,000 sworn law enforcement officers, and more than 100,000 citizens who share a common dedication to fair and effective crime control and law enforcement.

We are very concerned that the warrant requirements included in the Email Privacy Act would negatively impact public safety. This legislation does not account for immediate law enforcement needs, when seconds matter. Warrants take much longer to secure as compared with the current practice of officers obtaining a court order. This is of particular concern in time-critical cases, such as active kidnapping or child abduction cases.

Moreover, warrants require an affidavit, which generally becomes public. These documents have the potential to expose law enforcement and informant identities and methods. This is especially concerning in the light of the increased number of attacks on police officers across the country.

The warrant requirement included in H.R. 699 would present a huge obstacle to legitimate law enforcement needs. Additionally, NAPO does not feel that a "one size fits all" approach is appropriate for these matters, especially when there are effective law enforcement policies and procedures already in place at the state and local level.

We urge you to take our concerns into consideration. If you would like to discuss this bill further, please feel free to contact me at: (703) 549-0775.

Sincerely,

William J. Johnson  
Executive Director

Cc: Members, Committee on the Judiciary, U.S. House of Representatives