



The Washington Report

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

November 12, 2021

NAPO Victory! Congress Passes Priority PSOB Legislation & Extension of PSOB COVID Presumption

In a significant win for NAPO, Congress passed the **Protecting America's First Responders Act (S. 1511)** on November 4, sending the bill to the President's desk to be signed into law. The bill includes a two year extension of the COVID presumption for PSOB eligibility for public safety officers who had COVID-19 at the time of death or who are disabled due to COVID-19. The presumption will last through December 31, 2023, or until the end of the COVID-19 pandemic, whichever occurs later.

As a reminder, in order to qualify for the presumption, the officer must have:

- Engaged in a line of duty action or activity between January 1, 2020 and December 31, 2021; and
- Received a diagnosis of COVID-19 (or evidence indicates that the officer had COVID-19) during the 45-day period beginning on the last day of duty of the officer. For death benefits, evidence must indicate that the officer had COVID-19 or complications from COVID-19 at the time of death.

The Protecting America's First Responders Act eases the strict requirements for disabled officers to qualify for PSOB disability benefits, ensuring that officers who are catastrophically injured in the line of duty, but can perform some level of meaningful work, would still qualify for the much-needed benefit. Further, officers who become quadriplegic, paraplegic, or blind due to the line of duty injury will automatically qualify for the PSOB disability benefit.

Additionally, the legislation ensures that beneficiaries receive the highest award amount possible and it will make certain that all children of public safety officers disabled or killed in the line of duty are able to benefit from the Public Safety Officers' Education Assistance Program. This last provision will ensure children of 9/11 first responders who receive PSOB death or disability benefits will be able to qualify for the education benefits. Too many children of 9/11 responders have been left behind simply because they were born after the officer's injury date, September 11, 2001.

NAPO looks forward to seeing President Biden sign this important legislation into law.

NAPO Participates in White House Listening Session on Police Reform

On October 29, NAPO participated in a meeting with the Director of the White House Domestic Policy Council, Ambassador Susan Rice, Senior Advisor to the President and Director of the White House Office of Public Engagement, Cedric Richmond, counsel to the President, Dana Remus, Deputy Attorney General Lisa Monaco, and Associate Deputy Attorney General Vanita Gupta, and other national law enforcement representatives to discuss a path forward on police reform, including through executive actions. The Administration wanted to hear where each national law enforcement organization stood on the various proposals around police reform and what are our priorities.

Ambassador Rice and Director Richmond made clear in their opening remarks that with bipartisan reform efforts having failed in Congress, the Administration believes it is time to act on police reform. As they are looking at possible executive actions, Ambassador Rice stated that changes to qualified immunity and Section 242, the threshold for federal criminal civil rights prosecutions, are off the table as any changes to those must be done legislatively in Congress. The Administration is looking at areas where there is common ground between law enforcement and the civil rights community. These issues include training, officer mental health and wellness, officer certification and agency accreditation, data collection, and a national officer decertification database.

NAPO is open to the intent of many of the police reform proposals that were offered as part of the bipartisan negotiations in Congress and said as much in the meeting. Throughout the entire process, our main concerns have been that officers' rights and their ability to protect themselves must be safeguarded. Specifically, we outlined three main concerns around any policy or action that would: 1) infringe on officers' due process; 2) curtail officers' collective bargaining rights or existing collective bargaining agreements; and 3) violate officer confidentiality rights, whether in a national database or in critical incident stress management services or peer counseling services.

On the last point regarding confidentiality, NAPO reiterated that officer confidentiality must be maintained in any national decertification database and that only substantiated and adjudicated claims of serious misconduct should be included. Many of the participating law enforcement representatives echoed this point. We also highlighted the need to ensure that all officer peer mentoring programs must be confidential, both at the state and federal levels, in order for such programs to be successful.

NAPO appreciates the opportunity to be a part of the discussion and for the open lines of communication that we have had and continue to have with both the White House and the Department of Justice. Ambassador Rice stated that this will be one of many discussions on these issues and that the Administration would continue to involve us as they move forward with any executive actions.

Legislation Introduced to Counter State Bail Reform

NAPO pledged our support for the **Stop Enabling Repeat Violence and Endangering (SERVE) Our Communities Act (H.R. 5797)**, sponsored by Representative John Katko (R-NY), which incentivizes states to allow judges to consider "dangerousness" when determining whether to release a repeat offender before trial. Rep. Katko introduced this legislation as a direct reaction to the adverse consequences communities across New York are experiencing under the State bail reform law that was enacted last year.

States, such as New York, and localities are increasingly embracing bail reform and these efforts are supported by millions of dollars in federal grant monies to help states and municipalities enact pre-trial release programs. These programs, which allow accused criminals to await their trial at home, rather than in jail, often serve repeat, dangerous criminals, with little oversight, putting public safety at risk. Increased judicial discretion in considering whether the individual poses a danger to the community when determining bail or pre-trial release services would combat crime and ensure our justice system does not act as a revolving door for violent offenders.

Specifically, the SERVE Our Communities Act would authorize \$10 million for the administration of anti-recidivism grants through the Department of Justice. To be eligible for funding, a state or locality must have:

- A law on the books that allows a state court or magistrate to consider the danger an individual poses to the community when determining bail or pretrial release conditions.
- Taken steps in the previous calendar year to hire and retain law enforcement or prosecutorial staff.
- Administered a public awareness campaign in the previous calendar year to combat anti-police sentiment and improve community-police relations.

NAPO thanks Representative Katko for his continued support of the law enforcement community and we look forward to working with him to see this important bill passed.

SALT Cap Deal Included in Latest Draft of Democrats' Build Back Better Act

The Democrats unveiled the latest version of their nearly \$2 trillion reconciliation package, H.R. 5376, the Build Back Better Act, last week and it included an increase in the cap on State and local tax (SALT) deductions. Under this current iteration of the package, the cap on SALT deductions would be lifted from \$10,000 to \$80,000, retroactive to the beginning of 2021 and through 2030. Many of the Democrat members of Congress we have been working with to repeal the SALT cap stated they would not support the Build Back Better Act without a compromise on the SALT cap, forcing leadership to make a deal.

NAPO opposed the inclusion of the \$10,000 cap on SALT deductions under the Tax Cuts and Jobs Act (Public Law No. 115-97), which was signed into law in 2017. By increasing the cap to \$80,000, Congress will help ensure that state and local first responders will receive the support they need from the communities they serve, as public safety budgets across the country are largely drawn from state and local property, sales, and income taxes. These investments give our first responders the tools they need to keep our communities safe. The increase of the SALT cap also removes a significant tax increase that many middleclass homeowners have struggled under over the past several years.

If the SALT deal remains in the Build Back Better Act that is passed by the House, there is a chance the deal could change in the Senate, where Senator Bernie Sanders (I-VT) has called it tax relief for the wealthy. Senator Sanders and Senator Bob Menendez (D-NJ) have offered their own compromise on the SALT cap, which would keep the \$10,000 cap in place for households making over \$400-550,000 per year, exempting households making less than that threshold from the cap.

NAPO is closely watching the SALT deduction cap proposal as the House continues to negotiate the Build Back Better Act and will keep our members apprised of its status. A raise of the cap would be a win for homeowners, our communities, and for the first responders who work every day to keep those communities safe.

NAPO on the Hill: GPO & WEP

NAPO continues to press for the full repeal of the Government Pension Offset (GPO) and the Windfall Elimination Provision (WEP), or at the very least, significant WEP reform. NAPO's director of governmental affairs join the Massachusetts Coalition of Police (MassCOP) in several virtual meetings they had with members of the Massachusetts Congressional delegation in which the issue of the GPO and WEP was a top priority. One meeting with Ways and Means Chairman Richard Neal's (D-MA) Committee staff focused specifically on the **Public Servants Protection and Fairness Act (H.R. 2337)**, sponsored by Chairman Neal, which would create a new, fairer WEP formula that would more accurately reflect the number of years an individual paid into Social Security versus a public pension plan. This legislation is a priority for Chairman Neal, and we have offered him every support necessary to help secure its passage.

The issues of the GPO and WEP are ones that NAPO has been fighting since their enactment in the 1980s, when Congress enacted these "leveling responses" because it was concerned Social Security paid unintended benefits to workers who had spent most of their careers in "non-covered" jobs. However, these formulas go too far and penalize workers with split careers who contributed a great deal to Social Security but retired under their "non-covered" pensions.

Although most law enforcement officers retire after a specific length of service, usually while in their early to mid-fifties, many look for new opportunities to serve their communities. 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 WEP. Instead of receiving their rightfully earned Social Security retirement benefit, their pension heavily offsets it, thus vastly reducing the amount they receive.

In addition to the WEP, public safety employees are also adversely affected by the GPO, which reduces public employees' Social Security spousal or survivor benefits by two-thirds of their public pension, and often leads to negative effects on law enforcement officers' retirements. If a spouse who paid into Social Security dies, the surviving public safety officer would normally be eligible for half of the deceased's benefit. However, if the surviving law enforcement officer had not been paying into Social Security while working, the GPO requires that this amount be offset by two-thirds of the survivor's pension, eliminating most or all the payment. Because of their profession, many law enforcement officers do not pay into Social Security; however, if they had not served at all, they would receive the full allotment of the spousal survivor benefit.

Nine out of ten public employees affected by GPO lose their entire spousal benefit, even though their spouses paid into Social Security for many years. WEP causes hard-working public safety officers to lose the benefits they earned themselves, thus punishing those who selflessly serve and protect our communities.

While NAPO continues to advocate for full repeal of the GPO and WEP through the **Social Security Fairness Act (H.R. 82 / S. 1302)**, we understand there are significant fiscal challenges associated with this effort. We therefore worked closely with other public sector organizations to find common ground

on meaningful and effective WEP reform – the Public Servants Protection and Fairness Act – which would protect the hard-earned retirement of our officers. Both bills are vitally important to protecting the retirement security of public safety officers who are hit particularly hard by both the GPO and WEP. The Social Security Fairness Act has 235 bipartisan cosponsors and the Public Servants Protection and Fairness Act has 180 Democrat cosponsors.

Illustrating the importance of and interest in this issue, Ways and Means Ranking Member Kevin Brady (R-TX) just reintroduced the **Equal Treatment for Public Servants Act (H.R. 5834)**, which uses the same new WEP formula as the Public Servants Protection and Fairness Act but is less generous regarding ensuring current retirees are made whole under the WEP. This bill has 33 Republican cosponsors. If we can get Ranking Member Brady to come together with Chairman Neal on his WEP reform bill, it has a significant chance of moving forward this Congress.

A strong bipartisan majority in Congress believe the GPO and WEP adversely impact this nation's public servants and NAPO is working to translate that support for repeal or reform into legislative action.

NOMINATE A TOP COP[®] TODAY

The National Association of Police Organizations, NAPO, will once again be hosting the Annual TOP COPS Awards Dinner, Thursday, May 12, 2022, at the MGM National Harbor Hotel & Casino located just outside of Washington, D.C. The 29th Annual TOP COPS Awards takes place during the National Police Week. **This year more than ever we must recognize outstanding officers!**

The purpose of the TOP COPS Awards[®] program is to educate the American public about our nation's heroes and to pay tribute to law enforcement officers in federal, tribal, state, county, and local agencies from across the country for outstanding service to their communities during the preceding year. The TOP COPS[®] are nominated by fellow officers and are selected from hundreds of nominations by an independent awards committee. The officers from the top ten cases (our TOP COPS) are flown to Washington, D.C. and recognized at the ceremony. In the past The President, Vice President and Attorney General of the United States have honored the award winners. NAPO bears all cost of travel and lodging of the winners.

A [nomination form](#) is attached. Any sworn law enforcement officer may nominate their fellow officer for a TOP COPS Award. Selection for an award is based on involvement in a specific incident or case wherein an officer(s) has gone above and beyond the call of duty. I am sure you have many officers in your department that should be recognized, we would like very much to honor these officers. We look forward to nominations from your department. **The deadline for nominations is January 11, 2022.**

The NAPO website is: www.napo.org and you can download a nomination form [here](#).

If you need assistance or have any questions, please do not hesitate to contact the NAPO Office at (703) 549-0775.

Thank you for your assistance in honoring our Nation's TOP COPS!

NAPO's Legislative Positions & Sponsor/Cosponsor Updates

NAPO's updated "Sponsor/Cosponsor" spreadsheet is available on [NAPO's website](#). The spreadsheet accompanies the latest "[Legislative Positions](#)" document, which is also available on the NAPO website. NAPO's Legislative Positions is a document that highlights all the legislation that we have taken an official position on or are monitoring during the 117th Congress. It is continually updated to reflect the work we are doing on Capitol Hill.

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 updates this spreadsheet regularly and continues to ensure our voice is heard on Capitol Hill.

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