



# The Washington Report

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

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February 5, 2021

## **Biden Delays Issuing Executive Orders Impacting Law Enforcement**

Upon taking office, the Biden Administration released a list of executive actions that the President will be taking through the end of January. On January 26, which the Administration called “Equity” day, the President was supposed to issue executive orders to create a law enforcement commission and reinstate restrictions on state and local law enforcement’s access to equipment through the Department of Defense 1033 program, amongst others. After lobbying efforts by NAPO, however, the President did not sign these two executive orders and it is uncertain at this time when he will issue them. He did, however, sign an executive order to eliminate the use of private prisons by the federal Bureau of Prisons.

During the transition, Biden stated that he will form another commission, much like the 21<sup>st</sup> Century Policing Task Force created by President Obama and the Commission on Law Enforcement and the Administration of Justice established by President Trump, to examine policing and criminal justice system and recommend changes for the betterment of the system. NAPO had a seat on the 21<sup>st</sup> Century Policing Task Force and we provided significant input to President Trump’s Commission. We are working to ensure that rank-and-file law enforcement have a voice and are represented in the work of the commission President Biden will be creating.

As for the executive order restricting law enforcement’s access to surplus military equipment, NAPO is very concerned that it will simply put back into place the prohibitions on certain, necessary equipment such as helmets, riot shields, and armored personnel transport vehicles. The lack of such personal protective gear can have life threatening consequences for officers. It is yet to be seen whether President Biden’s executive order on this issue will include the creation a law enforcement equipment working group to review restricted equipment and determine whether such restrictions are hampering the work of law enforcement or unnecessarily putting officers’ lives in danger.

Further, it is uncertain how the recent statutory changes made to the 1033 program in the FY 2021 National Defense Authorization Act will impact efforts to further restrict access to equipment. The NDAA prohibits the transfer of bayonets, grenades, weaponized tracked combat vehicles, and weaponized drones – items that are not used in community policing – to State, local or Tribal law enforcement agencies. It also requires that any law enforcement agency that receives surplus military equipment from the 1033 program trains its officers on “respect for the rights of citizens under the Constitution of the United States and de-escalation of force.” NAPO continues to lobby the Administration on these executive orders and will keep our members updated on their status.

## **NAPO's Winter Seminar & Annual Roundtable Luncheon**

**Marriot Harbor Beach Resort & Spa, Fort Lauderdale, Florida**

**February 24- 26, 2021**

### **REGISTER TODAY**

NAPO's Winter Seminar at the Marriott Harbor Beach Resort in Fort Lauderdale, Florida is quickly approaching. The 2021 Winter Seminar will focus on the incoming Biden Administration and what that means for Civil Rights Investigations, Qualified Immunity and Police Reforms. The impact of the COVID-19 pandemic on law enforcement will also be addressed. NAPO's Winter Executive Board Meeting will be held on Wednesday, February 24 and the Annual Roundtable Luncheon will be held on Friday, February 26.

The Fort Lauderdale Marriott Harbor Beach & Spa, located on a quarter mile stretch of pristine private beach, offers a lagoon-style pool, watersports, luxury spa and unique restaurants. The resort is the perfect location for the shopping and dining on Las Olas Boulevard and is just 15 minutes from the Fort Lauderdale International Airport.

Information regarding online registration, hotel reservation link and discounts for airfare on Delta and United will be available next week at [www.napo.org/winterseminar](http://www.napo.org/winterseminar). In the meantime, the registration, COVID waiver and agenda are attached. Please feel free to complete the Registration and COVID Waiver and return to: [eloranger@napo.org](mailto:eloranger@napo.org) or fax to NAPO at (703) 683-0515. We look forward to seeing you in Florida!

## **Democrats Move on Next COVID Aid Package**

President Biden rolled out his Administration's COVID relief plan and stated that this is his top priority for his first 100 days. The \$1.9 trillion aid package, which the Administration is calling the "American Rescue Plan", is comprised of emergency measures to meet what they view as the nation's most-pressing health care and economic needs related to the pandemic.

President Biden's aid package includes \$350 billion in additional aid to state and local governments to help address budget and revenue shortfalls caused by the pandemic and to help with vaccine distribution. The package also includes additional \$1,400 tax rebate checks, \$400 of weekly federal unemployment insurance through September, \$440 billion for communities and small businesses, an additional \$30 billion for FEMA's Disaster Relief Fund for health care and first responder personal protective equipment and supplies, \$130 billion to help schools reopen safely, and \$20 billion to establish a universal vaccination program. It also includes a raise in the federal minimum wage to \$15/hour, which has many business groups and Republicans balking at the plan.

Given that President Biden has indicated that he wants to move his COVID relief package through with bipartisan support, ten Senate Republicans put forward a much smaller, more targeted \$618 billion COVID relief plan that does not include state and local aid or a raise in the federal minimum wage. The Senators met with the President on February 1 to discuss their proposal. No deal was made and while both sides agreed to keep the conversation going, the President has made it clear that in his view the Republican proposal does

not provide nearly the amount of aid needed to meet the crisis at hand. It seems that while there may be some concessions, the President and Democrats are not willing to cut down their aid package significantly.

While conversations between the parties continue, House and Senate Democrats have already started the process for budget reconciliation, a procedure which will allow for budget-related aspects of the COVID relief plan (a majority of it) to pass with a simple majority vote. This is important as it allows Democrats to avoid the filibuster in the Senate, which requires a 60-vote threshold. If the President cannot get ten Republicans to support his aid plan, Democrats will move it forward through the reconciliation process. The House passed its budget proposal on February 3 and the Senate passed its proposal on February 5, adopting several amendments to the bill. One of the amendments offered by Republicans that passed with bipartisan votes would ban the \$15 federal minimum wage boost during the pandemic, offering a blow to part of the President's aid plans. The House is expected to vote on the Senate-passed bill by the end of the day on the 5<sup>th</sup>, after which House Committees begin the work of marking up the various sections of the bill. Once the House Budget Committee marks up the complete package, it moves to the House floor for a vote. After it passes the House, it moves on to the Senate for a final vote.

Democrats and the Administration are aiming to pass this COVID aid package by March 14 when the enhanced federal unemployment insurance ends. With the impeachment trial of former President Trump starting on February 8 in the Senate, that is a tight timeframe to complete the reconciliation process.

NAPO is working to include tax relief for first responders in the reconciliation package, specifically the Supporting America's First Responders Act, which reinstates tax deductions for certain, significant work-related out-of-pocket expenses for first responders. If we are successful, this provision would be added when the House Ways and Means Committee marks up its section of the budget reconciliation.

Outside of the "American Rescue Plan", President Biden plans to pay back states and localities for some of the COVID-related costs that qualify for FEMA reimbursement, including PPE. While not a significant amount, it will provide some monetary relief to state and local budgets without having to go through Congress.

We will keep our members updated on the status of the aid package.

## **NAPO Meets with COPS Office Leadership**

On January 27, NAPO's Executive Director Bill Johnson and Governmental Affairs Director Andy Edmiston met with the Acting Director of the Community Oriented Policing Services (COPS) Office, Rob Chapman, and staff to discuss NAPO's priorities for the year and how we can best support each other in moving those priorities forward. Acting Director Chapman is a long-time friend of NAPO and we are glad of his continued friendship and support.

NAPO has supported the COPS Office since its inception in 1994, particularly the COPS Hiring Program, as a vital resource for state and local law enforcement. In recent years, the COPS Office has taken on additional NAPO priorities such as the National Blue Alert Network, the Officer Safety and Wellness Working Group, and the Law Enforcement Mental Health and Wellness Act (LEMHWA). This fiscal year, the COPS Office also took over the Supporting and Treating Officers in Crisis (STOIC) Act program, which it will combine with LEMHWA to create a larger program to promote officer mental wellness and peer mentoring. The COPS Office was appropriated \$8 million for both programs in FY 2021. NAPO was instrumental in passing both LEMHWA and STOIC and we will work with the COPS Office to continue to support and grow these important programs.

The FY 2021 Appropriations that was passed by Congress at the end of last year gave the COPS Hiring Program \$156.5 million for the hiring and retention of officers and it directed the COPS Office to prioritize grant funding to agencies that hire officers from within their jurisdiction. Congress also increased funding for the COPS Office to provide grants for de-escalation training and training to improve officer responses to persons experiencing a mental health or substance abuse crisis. We will alert our members when these grants open for solicitations for this fiscal year.

NAPO appreciates the support of the COPS Office and the work that we do with them. Acting Director Chapman stated he appreciates NAPO's close relationship with the Office and that they are here to help in any way possible. The collaborative relationship between NAPO and the COPS Office has helped us move many of our priorities forward and we look forward to continuing that work.

## **NAPO on the Hill: LEOSA Reform, Officer Protections, and PSOB Improvements**

As it is the start of a new Congress, NAPO is working on getting our priority legislation reintroduced. To date, the Thin Blue Line Act (H.R. 72), the Social Security Fairness Act (H.R. 82), the Qualified Immunity Act (H.R. 288), the Heroes Lesley Zerebny and Gil Vega First Responders Survivor Support Act (H.R. 483), the SALT Deduction Act (H.R. 613), and the Stop Dangerous Sanctuary Cities Act (S. 42) have been reintroduced. We are working to reintroduce the LEOSA Reform Act, the Protecting America's First Responders Act, and the Back the Blue Act in the coming weeks. These three bills will be priorities for us to move by National Police Week.

We met with the staff of Representative Bill Pascrell (D-NJ) and Senator Charles Grassley (R-IA) regarding the reintroduction of the **Protecting America's First Responders Act**. This bill would make it easier for public safety officers disabled in the line of duty to qualify for the Public Safety Officer's Benefits (PSOB) Program's disability benefits. It would also ensure 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 bill will be reintroduced in both the House and Senate this month with strong bipartisan support.

We met with staff of Senator John Cornyn (R-TX) and Representative Don Bacon (R-NE) on the **Back the Blue Act**, which would increase penalties for the murder, attempted murder, or assault of a federal, state or local law enforcement officer because of their status as a public safety officer will deter such crimes and bring greater protections to officers and the communities they serve. This bill is timely given that one officer – U.S. Capitol Police Officer Brian Sicknick – lost his life after being brutally beaten during the assault on the U.S. Capitol on January 6, and 140 other officers from the Capitol Police and the Metropolitan Police Department suffered serious injuries in the attack. Given the strong bipartisan condemnation of the attack on officers that day, we are hoping members of both parties will turn that condemnation into support for this important bill.

Representative Bacon is also the sponsor of the **LEOSA Reform Act**, which would 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. 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 is reaching out to members of Congress to ask them to sign on in support of these important bills and we encourage you to contact your Senators and Representatives to urge them to cosponsor the Back the Blue Act, the Protection America's First Responders Act and the LEOSA Reform Act.

## **Bill to Eliminate Cap on SALT Deductions 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 would not 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, but they are also 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, Representative Tom Suozzi (D-NY), together with Representatives Brad Schneider (D-IL), Andrew Garbarino (R-NY), Josh Gotthiemer (D-NJ), Mondaire Jones (D-NY), Christopher Smith (R-NJ) and Young Kim (R-CA) introduced the SALT Deductibility Act (H.R. 613), which is a straight repeal of the cap. The cap must be repealed before the true consequences of it are felt by officers, their families and our communities.

NAPO thanks Representatives Suozzi, Schneider, Garbarino, Gotthiemer, Jones, Smith and Kim for their leadership and we look forward to working with them to see the cap repealed.

## **Stop Dangerous Sanctuary Cities Act Reintroduced in Senate**

NAPO has pledged our continued support for the Stop Dangerous Sanctuary Cities Act (S. 42), which was reintroduced by Senator Pat Toomey (R-PA). NAPO understands that cooperation among federal, state, and local law enforcement officers is essential in keeping criminal illegal immigrants off the streets. The nation's immigration enforcement system relies on local law enforcement complying with immigration detainers—requests from the Department of Homeland Security (DHS) for local law enforcement to hold an illegal immigrant temporarily, to give federal law enforcement an opportunity to take the individual into custody.

Unfortunately, several courts have ruled that local law enforcement officers may be sued for violating the Fourth Amendment if they comply with an immigration detainer, even if the detainer was lawfully issued and the detention would have been legal if carried out by DHS. This means that dangerous criminals cannot

be held and must be released. The Stop Dangerous Sanctuary Cities Act solves this problem by explicitly stating that local law enforcement officers have legal authority to comply with immigration detainers. The bill also protects civil liberties, ensuring that someone who has had their constitutional rights violated may bring a cause of action.

Furthermore, the Stop Dangerous Sanctuary Cities Act takes crucial steps to eliminating sanctuary jurisdictions, which pose real threats to the American people, and increases penalties for criminals who re-enter the United States illegally, providing federal, state and local law enforcement vital tools to help keep our communities safe. The legislation would withhold certain federal funds – Community Development Block Grant funds and certain Economic Development Administration grants – from cities and municipalities who do not comply with the law. This legislation will not punish law enforcement for decisions made by elected officials by taking away much needed federal grant funding such as the COPS Program or the Byrne Justice Assistance Grant (Byrne-JAG) Program, but instead focuses the penalties on the grant programs most important to city and county managers.

Further, the legislation recognizes the need for cooperation with all members of our communities and preserves flexibility for law enforcement, so that victims of crime and witnesses to crime who are in the U.S. illegally may come forward and cooperate with police.

We look forward to working with Senator Toomey to get this important legislation enacted into law.

## **NAPO-Endorsed Legislation to Improve PSOB Benefits Reintroduced**

Congressman Raul Ruiz (D-CA) reintroduced the Heroes Lesley Zerebny and Gil Vega First Responder Survivors Support Act, (H.R. 483), legislation to increase the Public Safety Officer's Benefits (PSOB) death, disability, and education benefits. NAPO collaborated closely with the Congressman and his staff on this legislation after he was approached by the families of Palm Springs Officers Lesley Zerebny and Jose Gilbert Vega, who were gunned down in an ambush while responding to a domestic disturbance call on October 8, 2016. The families of the officers feel strongly that the PSOB benefits need to be increased so that the families left behind would not be struggling with mortgages, loan debts and the costs of raising children.

This legislation would increase the PSOB death and disability benefit to \$500,000 as well as increase the PSOB education benefit from \$1,265 to \$2,000 per month to “catch-up” with years of inadequate inflationary increases. It would also fix the benefit determination date by making the PSOB benefit amount set on the date of disbursement, rather than the date of death or injury. The Heroes Lesley Zerebny and Gil Vega First Responder Survivors Support Act would help survivors, disabled officers and their families to get the benefits they so rightly deserve.

NAPO has long fought to increase PSOB benefits, from the first benefit increase in 1988 from \$50,000 to \$100,000 plus annual cost of living indexing to the next significant raise in 2002 following the September 11, 2001 terrorist attacks when the benefit was raised to \$250,000. Additionally, we worked to ensure these death and disability benefits are federal and state income tax free. The PSOB one-time death and disability benefit is currently \$370,376.

It has been 19 years since the PSOB benefit has significantly increased and NAPO strongly believes that it is time to raise the benefit once again to provide for the families of those who selflessly gave their lives for the safety of our communities.

We look forward to working with Congressman Ruiz on passing this important legislation. If you have any questions about the legislation or NAPO's work to improve the PSOB benefits, please contact the NAPO Office at (703) 549-0775.

## Heroes Vacation Club Exclusive NAPO Member Offer

NAPO Sponsor ~ Heroes Vacation Club, a discount travel site from Wyndham Destinations, is excited to roll out its new First Responder-only club offering up to 50% off on 600,000 hotels, 25% off 7-night condo-style resorts starting at \$359 per unit worldwide and discounts on car rentals, activities, flights and more to come. HeroesVacationClub.com is an exclusive site open to all NAPO members and family. With Heroes Vacation Club your vacation options span the globe. See the add below for more details.

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