



The Washington Report

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

February 17, 2016

NAPO Victory! House Passes Bill to Make National 9/11 Memorial a National Memorial

In a victory for NAPO, the House approved by a vote of 387-12 the National 9/11 Memorial at the World Trade Center Act on February 9th. Congressman Thomas MacArthur (R-NJ) introduced the bill in July 2015 and worked closely with NAPO to ensure that 9/11 first responders are not only remembered through a national memorial, but also through the passage of the James Zadroga 9/11 Health and Compensation Reauthorization Act.

The events of September 11, 2001 changed our lives and our country. Thousands lost their lives that day and hundreds more continue to die because of their brave responses to the attack. Every single New York City Police Department officer and Port Authority Police Department officer who died that day were NAPO members. It is only right that the National September 11 Memorial be recognized as a national memorial.

NAPO thanks Congressman MacArthur for his leadership on this issue and looks forward to moving this bill through the Senate to final passage into law. If you have any questions, please contact Andy Edmiston at aedmiston@napo.org.

NAPO Sends Letter to NFL Commissioner Goodell Regarding Beyoncé Anti-Cop Halftime Act

On February 8th, NAPO sent a [letter to NFL Commissioner Roger Goodell](#) strongly condemning the NFL's support of cop-killer "entertainment" during the Super Bowl's half-time show. The half-time performance by Beyoncé Knowles-Carter hit an all-time low, even for a League that already turned a blind eye to its players perpetuating the "hands up, don't shoot" blood libel on American police.

During the Super Bowl, the League made the jump from slandering police as killers, to celebrating cop-killers themselves. The Black Panther themed half-time show was an obnoxious spectacle of ignorance and malice. NAPO condemns Commissioner Goodell for doing his part to make trendy and acceptable the symbols of kidnapping and murder of American police officers. The black berets and high-fisted salutes were a deliberate tribute to the likes of cop-killers H. Rap Brown, Joanne Chesimard and Wesley Cook.

Ms. Knowles-Carter, whose resume includes such all-American items as private performance for the late Libyan dictator Muammar el-Qaddafi's family, cannot pretend that her act was not deliberately designed to glamorize attacks on police. As a consequence, the NFL is now tied to this act. On the same night that hundreds of officers gave up their evenings with their own families to protect the League, the players and the

fans, the NFL honor them by promoting song and dance celebrating cop-killers. Any player who displayed such lunacy and lack of touch with reality would be prohibited from returning to the field under the League's own brain injury policy.

NAPO has called on Commissioner Goodell to either publicly apologize to America's men and women in law enforcement, or step aside in favor of someone who can recognize just how much the NFL and teams owe to the rule of law in this country.

Supreme Court Justice Antonin Scalia Dies

United States Supreme Court Justice Antonin Scalia, 79, died February 13th in Texas. Justice Scalia served on the high court for thirty years and was a key conservative and an unswerving Constitutionalist. He was a key vote on many law enforcement cases that came before the Court. With his death, the Supreme Court is now evenly split between Republican and Democratic appointees. This being an election year will make nominating his successor more politicized than usual.

Immediately after the news of his death broke, Republican Congressional leadership called on President Obama to relinquish picking a successor to Justice Scalia to the next President, as this an election year. President Obama quickly responded by vowing that he will nominate a candidate.

Senate Majority Leader Mitch McConnell (R-KY) stated that Republicans are united in opposing any new Obama appointee to the Supreme Court; however, some Republicans have indicated that they are willing to have hearings on a potential nominee. It is too early to tell how this will all play out, particularly with both parties still in the process of locking down a presidential nominee.

Although the Administration has not released the names of any potential nominees, there are several names that are making the short-list of possible candidates, including: DC Circuit Court Judge Sri Srinivasan; Ninth Circuit Court Judge Paul Watford; DC Circuit Court Judge Patricia Ann Millett; Eighth Circuit Court Judge Jane Kelly; DC Circuit Court of Appeals Chief Justice Merrick Garland; Ninth Circuit Court Judge Jacqueline Nguyen; Seventh Circuit Court Judge Diane Wood; and California Attorney General Kamala Harris. These judges range from liberal to moderate with a varying degree of backgrounds.

It is rumored that both Chief Justice Merrick Garland and Judge Diane Wood were previously considered as possible Obama nominees to the Supreme Court.

President Obama will submit to the Senate a nominee to succeed Justice Scalia, but it is unknown whether Senate Republicans will take any action on the nominee. NAPO will continue to monitor the situation and will update our members of the implications of Justice Scalia's death on current cases in front of the Supreme Court.

Source:

Camila Domonoske. "Who Are the Possible Candidates to Fill Scalia's Seat?" February 15, 2016. NPR.org.
<http://www.npr.org/sections/thetwo-way/2016/02/14/466725863/who-are-the-possible-candidates-to-fill-scalias-seat>

NAPO on the Hill: BVP Reauthorization, Mental Health Hearing, NAPO Judiciary Priorities

Bulletproof Vest Partnership Grant

NAPO met with staff of **Congressman Lamar Smith (R-TX)**, former Chairman and sitting member of the House Judiciary Committee, about the importance of moving the Bulletproof Vest Partnership Grant

Reauthorization Act out of Committee. Although the Senate passed its version of the bill back in May 2015, the House version, H.R. 228, has been stuck in the Judiciary Committee.

Committee Chairman Robert Goodlatte (R-VA) is now the only obstacle standing in the way of reauthorizing the Bulletproof Vest Partnership (BVP) Grant program. Over the past few weeks, we were successful in moving Congressman Sensenbrenner from opposing H.R. 228 to signing on as a cosponsor. Chairman Goodlatte, however, remains steadfast in his desire to do an overhaul of state and local law enforcement grant programs and his belief that the BVP Grant program is duplicating funding already available through the Byrne Justice Assistance Grant (Byrne JAG) Program. Although funding can be made available through Byrne JAG for bulletproof vests (as it was this year), this has not always been the case. Further, securing funding for the BVP Grant program through Byrne JAG on a yearly basis is not guaranteed as there are numerous issues and programs competing for funding within Byrne JAG.

NAPO strongly believes that the BVP Grant Program is essential and must be its own program to ensure that state and local law enforcement agencies get the assistance they need to purchase bullet resistant vests for their officers. Congressman Smith's staff shared that the Congressman is very supportive of the BVP Grant program and he will speak with the Chairman about the need to move the bill. The Congressman, however, will not sign on as a cosponsor until the Chairman has indicated he will support moving the bill through Committee.

NAPO is meeting with Republican members of the Judiciary Committee urging them to sign on as cosponsors of H.R. 228 in order to put pressure on the Chairman to move this bill. Additionally, NAPO is working with the bill's sponsor - Congressman LoBiondo - on a major cosponsor push for the bill, which currently has 36 cosponsors. A significant number of cosponsors will signal not only to Judiciary Committee leadership that this bill has broad support, but it will also convey the program's importance to House leadership. **Please join NAPO in our push for cosponsors. Contact your Representative(s) and urge them to sign on to this vital legislation.** A list of all current cosponsors by state can be found [here](#).

We will continue to expend all available efforts to garner support for this legislation and will keep our members updated on its status.

Criminal Justice and Mental Health

NAPO attended the February 10th Senate Judiciary Committee hearing on mental health and the criminal justice system. The hearing touched on aspects of Senator John Cornyn's legislation, the Mental Health and Safe Communities Act (S. 2002), which NAPO supports. The goal of the hearing was to showcase the growing need to provide the mental health community and law enforcement the resources and tools they need to improve crisis response and increase access to care for the mentally ill.

The Mental Health and Safe Communities Act will help the mentally ill receive the treatment they need to heal and prevent potential danger to the community by improving crisis response and prevention by local officials, increasing treatment-based alternatives for mentally ill offenders, and improving the current background check system without expanding it.

During the hearing Senator Cornyn recognized NAPO for our support of his legislation. NAPO will continue to work with Senator Cornyn to ensure this important legislation gets passed into law.

NAPO Judiciary Priorities

NAPO met with **Senate Judiciary Committee Chairman Charles Grassley's (R-IA)** judiciary staff to discuss NAPO's priority issues for the remainder of the 114th Congress including the Thin Blue Line Act, the Mental Health and Safe Communities Act, and our issues with the PSOB Office, which is under the Committee's jurisdiction. We also reiterated our concerns with the Sentencing Reform and Corrections Act, which was introduced by the Chairman.

Given that it is a presidential election year, the Congressional calendar for getting legislation passed is much shorter than normal, leaving less time and ability to move bills through Committee and to the floor for a vote. According to Chairman Grassley's staff, the Sentencing Reform and Corrections Act is a priority for the Chairman and will take up much of the Committee's time in the upcoming weeks. The Chairman expressed his support with moving the Mental Health and Safe Communities Act, but his staff was non-committal when it came to taking up the Thin Blue Line Act. As for our concerns with the PSOB Office, Chairman Grassley shares our concerns and has been working with us to get the PSOB Office to share information on the backlog of cases and what the Office is doing to improve its turnaround time.

NAPO will continue to work with the Chairman and members of the Committee on our concerns with the Sentencing Reform and Corrections Act. NAPO feels that such sweeping reform, when added to the implementation of the Sentencing Commission's 2014 Guidelines, will negatively impact public safety.

NAPO is committed to working to ensure the Thin Blue Line Act passes Congress and we will expend every effort to move it through the Judiciary Committee and to the floor for a vote. We will keep our members updated on the status of this important bill.

If you have any questions about NAPO's meetings on the Hill or the issues addressed, please contact Andy Edmiston at aedmiston@napo.org.

President Releases FY 2017 Budget Proposal

On February 9th, the President released his budget proposal for fiscal year 2017. Before the budget was even released, Republican leadership in Congress stated that it was dead on arrival and would not be a factor in the appropriations process. Congressional Republicans have already begun the process of deliberating their budget proposal, with appropriations bills scheduled to be considered in Committee as soon as March.

The President's budget proposal includes funding for state and local law enforcement assistance grants as well as criminal justice and police reform. It also proposes a change to the excise tax, or "Cadillac" tax, on employer-sponsored health plans and adds resources to enforce the Government Pension Offset (GPO) and the Windfall Elimination Provision (WEP).

State and Local Law Enforcement Grants

The budget proposal includes funding requests for NAPO's priority grant programs within the Departments of Justice and Homeland Security (DOJ, DHS), including:

- \$383.5 million for the Edward Byrne Memorial Justice Assistance Grant (Byrne JAG) program (received \$476 million for FY 2016);
- \$229 million for the COPS Hiring Grant program (received \$187 million for FY 2016);
- \$14 million for the Mentally Ill Offender Treatment and Crime Reduction Act (MIOTCRA), which funds crisis intervention teams and training for state and local law enforcement (received \$10 million for FY 2016);
- \$200 million for the State Homeland Security Grant Program (SHSGP) (received \$467 million for FY 2016); and
- \$330 million for the Urban Area Security Initiative (UASI) (received \$600 million for FY 2016).

It also includes funding to help state and local agencies implement the recommendations of the President's Task Force on 21st Century Policing and the new interagency effort that was launched in December 2015 to identify

barriers that undermine equal employment opportunity and diversity in law enforcement. The President's proposals for criminal justice reform are also prevalent within the DOJ's budget request.

NAPO will work with Congressional appropriators to ensure that our priority grant programs get the funding they need to properly support state and local law enforcement.

“Cadillac” Tax

The President's budget proposal responds to the two-year delay of the “Cadillac” tax on high-cost employer-sponsored health plans passed by Congress at the end of 2015 and the growing support for repealing the tax altogether. The budget proposes to modify the thresholds for the tax so that the threshold equals what is in current law (for public safety officers that threshold is \$11,850 for an individual and \$30,950 for a family) or the average premium for a gold plan in each state's health insurance exchange, whichever is higher. The average gold plan covers 80 percent of a consumer's medical expenses and the premium for gold plans vary by state and sometimes vary within a state. The Administration believes that this reform would protect employers from paying the tax only because they are in high-cost localities and ensure that the tax only hits the highest-cost plans.

The Administration still contends that the “Cadillac” tax will ultimately benefit employees: by forcing employers to choose lower-cost health plans, employers will have additional funds that they will then put towards higher wages to make up for the lost health benefits. NAPO strongly disagrees with this assessment and does not believe that the savings in healthcare costs will translate to higher wages for public safety officers. The savings achieved by cutting the cost of health plans will go right back into the coffers of state and local governments to fill budget holes. Many public safety officers have bargained in good faith with their employers to get high-quality health plans, often at the expense of raises, and the “Cadillac” tax is threatening the coverage they have worked so hard to obtain. NAPO will continue to advocate for the full repeal of the tax.

Government Pension Offset (GPO) / Windfall Elimination Provision (WEP)

The President's budget re-proposes legislation that would improve the Social Security Administration's (SSA) ability to enforce the offsets for the GPO and WEP. It would also require state and local government pension payers to report information on pensions paid for work not covered by Social Security to the SSA through an automated data exchange.

The GPO reduces public employee's Social Security spousal or survivor benefit 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 of 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 spouse's benefit.

In addition to the GPO, public safety employees are also adversely affected by the WEP. 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 the WEP. Instead of receiving their rightfully earned Social Security retirement benefits, their pension heavily offsets it, thus vastly reducing the amount they receive.

GPO and WEP were intended to be “leveling” responses, but only serve to hurt public safety officers. Nine out of ten public employees affected by the GPO lose their *entire* spousal benefit, even though their spouses paid Social Security for many years. The WEP causes hard-working public safety officers to lose the benefits *they earned themselves*, thus punishing those who selflessly serve and protect our communities.

NAPO will work tirelessly to ensure that the President's proposal does not see any movement and will continue to push for the full repeal of GPO and WEP.

If you have any questions about the President's FY 2017 budget proposal, please contact Andy Edmiston at aedmiston@napo.org.

2016 Lobby Day Legislative Update & NAPO's Annual Congressional Awards Luncheon

**May 12, 2016
JW Marriott Hotel**

Please join NAPO on May 12th for our Legislative Day on Capitol Hill. Use this opportunity to lobby Congressional Representatives and Senators on behalf of your members concerning the issues which affect law enforcement. Prior to lobbying Capitol Hill, plan to attend NAPO's Legislative Breakfast for an update on NAPO's legislative priorities, results to date from the 114th Congress, and to receive handouts to use during Hill visits. While on Capitol Hill, be sure to stop by NAPO's Congressional Luncheon in the Cannon Caucus Room, where several Congressmen and Senators will be recognized for their continued support of Law Enforcement.

Schedule of Events

NAPO Legislative Update Breakfast	JW Marriott Hotel	9:00am – 10:30pm
Capitol Hill Visits	Capitol Hill	10:30am-12:00pm
NAPO Congressional Awards Luncheon	To Be Announced	12:00pm-1:30pm
Capitol Hill Visits	Capitol Hill	1:30pm-5:00pm

For assistance setting up your Capitol Hill appointments, contact Andy Edmiston, NAPO's Director of Governmental Affairs, at (800) 322-6276 or aedmiston@napo.org.

The registration fee of \$125.00 per person includes the Legislative Update Breakfast, Handouts, and the Congressional Awards Lunch. Please contact Elizabeth Loranger, NAPO's Director of Events, at (800) 322-6278 or eloranger@napo.org if you have any questions regarding the seminar or hotel arrangements.

NAPO has reserved a block of rooms at JW Marriott Hotel. Room rates are \$239 per night. To make your reservation, please call (800) 228-9290 and tell them you are with NAPO. In order to receive the reduced rate, reservations must be made by April 20. The hotel is expected to sell out, so please make your hotel reservations early.

Register online at www.napo.org or complete the [registration form](#) and return to NAPO at eloranger@napo.org or Fax to (703) 684-0515 by MAY 2nd.

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.