



The Washington Report

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

February 11, 2022

LAST CHANCE! **Register Now for NAPO's Pension & Benefits Seminar**

February 27 – March 1, 2022 (NEW DATES)
Caesars Palace Hotel & Casino ~ Las Vegas, Nevada

Please join us at [NAPO's 33rd Annual Police, Fire, EMS, & Municipal Employee Pension & Benefits Seminar](#), February 27 – March 1, 2022 at the Caesars Palace Hotel in Las Vegas, Nevada, and learn from industry experts the latest information on pensions and benefits.

The seminar will focus on the brittleness and potential causes for concern in today's pension and benefits environment. While stock markets continue to set new records, individual investment confidence is faltering. Inflation and stagflation are rearing their heads, and the market run-up, while high, is also narrow, and confined to a relatively few areas. Politically, both parties are already looking ahead to the midterm elections, and economic policies are a major dividing line between them. Global corporate taxation, the long-term impact of extraordinary governmental stimulus spending, mounting national debt, and expansion of IRS taxation and reporting powers are just some of the issues being debated. We will examine these areas and more as we evaluate the effect of these trends on public employment benefits and security, and the overall economic situation for the near- and mid-term.

Take an active role in improving the future of your fund by registering today. You will find information regarding registration, hotel reservations and the full agenda on NAPO's website: www.napo.org/PB22 or complete [the brochure](#) and fax it to NAPO at (703) 684-0515.

NAPO's Executive Board Meeting will be held in conjunction with the Pension & Benefits Seminar on February 27, 3:30 p.m. – 5:15 p.m.

If you have any questions or need additional information, please do not hesitate to contact NAPO's Director of Events, Elizabeth Loranger, at eloranger@napo.org or (703) 549-0775.

NAPO Supports Bill to Cover PTSD Under PSOB

Senators Tammy Duckworth (D-IL) and John Cornyn (R-TX), together with their colleagues Senators Richard Durbin (D-IL), Thom Tillis (R-NC), Tim Kaine (D-VA), Susan Collins (R-ME), Cory Booker (D-NJ) and James Inhofe (R-OK), introduced the Senate version of the Public Safety Officer Support Act. NAPO

worked closely with Senator Duckworth on the legislation, which would make post-traumatic stress disorder (PTSD) a line of duty injury under the Public Safety Officers' Benefits (PSOB) Program and ensure that officers who suffer from PTSD and those who take or attempt to take their own life as a result of on-duty trauma will be eligible under the program. The bill would also cover officers who die by trauma-linked suicide by directing the PSOB Program to presume that suicides are a result of job duties in certain circumstances, such as a mass casualty event, where there is evidence that PTSD would be a cause of the trauma.

According to [Blue H.E.L.P.](#), 153 current or active-duty officers died by suicide in 2021, and in 2020, there were 177 officer suicides. 19 officers have taken their own lives so far this year. These are just the numbers that are reported and tracked. Additionally, according to the National Study of Police Suicides, officers are 2.5 times more likely to die from suicides than from homicides, a sobering statistic.

State and local law enforcement officers are our nation's first responders. They respond to our country's greatest tragedies as well as violent and abhorrent crimes that unfortunately occur with some frequency in our neighborhoods. They have seen and experienced horrors that they cannot forget, yet they still put their lives on the line every day to protect and serve our communities. These stresses and strains of the job have a direct impact on an officers' mental wellbeing, and agencies are only now working to ensure officers have access to the resources they need to address their emotional and mental health. It is time to recognize PTSD as a line of duty injury.

As we, as a country, have so far largely failed to provide officers with the mental health services necessary to protect their mental wellbeing, it is only right that we make certain their families are taken care of after such a tragic loss. We look forward to working with Senators Duckworth and Cornyn to move the Public Safety Officer Support Act forward.

NAPO Participates in Press Conference on Violent Crime Rates

On February 9, NAPO participated in a press conference with Representatives Val Demings (D-FL), Josh Gottheimer (D-NJ), Robin Kelly (D-IL), Dwight Evans (D-PA), Adriano Espaillat (D-NY) and Tom O'Halleran (D-IL) on the need to address the national increase in violent crime and support law enforcement. The press conference highlighted two NAPO supported bills, the VICTIM Act (H.R. 5768) and the Invest to Protect Act (H.R. 6448).

The VICTIM Act would establish a grant program at the Department of Justice (DOJ) to help state, tribal, and local law enforcement agencies improve their clearance rates for homicides and non-fatal shootings. The grant funding can be used to hire additional detectives, officers, and personnel to support efforts to improve clearance rates as well as train detectives and police personnel to investigate, solve, and respond to homicides and non-fatal shootings.

The Invest to Protect Act would create a broad grant program through the DOJ specifically for small state, local or tribal law enforcement agencies that will give them resources to help them train their officers, implement or expand body-worn camera programs, provide mental health resources for their officers, and retain and hire officers.

Over the past two years, homicides have jumped nearly 40 percent. Police departments across the country are fighting to contain the increase in violent crime, but they are understaffed, under-resourced and struggling to hire and retain good, qualified officers. Both the VICTIM Act and the Invest to Protect Act will help address these issues by supplying much needed grant funding to ensure law enforcement departments large

and small and their officers have access to the support and resources necessary to serve and protect their communities safely and effectively.

In our statement, NAPO spoke of our support for these two important bills and urged that any strategy to fight violent crime includes deterring violence against our nation's law enforcement officers. We called on Congress to act to make it a federal crime to violently attack a state or local law enforcement officer and ensure the safety of our officers as they work to keep our streets safe.

NAPO thanks Representatives Demings and Gottheimer and all the Members of Congress who stood with us at the press conference for their leadership and commitment to supporting law enforcement and the work our officers do.

Senate Judiciary Approves Bill Targeting Online Child Exploitation

The Senate Judiciary Committee unanimously approved the Eliminating Abusive and Rampant Neglect of Interactive Technologies (EARN IT) Act of 2022, S. 3538, on February 10. NAPO supports this legislation, introduced by Senators Lindsey Graham (R-SC) and Richard Blumenthal (D-CT), which would create the National Commission on Online Child Sexual Exploitation Prevention to standardize enforcement of online child sexual exploitation laws and help prevent and reduce child exploitation.

The National Center for Missing and Exploited Children's (NCMEC) CyberTipline received 21.7 million reports in 2020 of apparent child sexual abuse images, suspected "sextortion", child sex trafficking and child sexual molestation, a 28 percent increase from 2019. Unfortunately, Section 230 of the Communications Decency Act (CDA) inadvertently gives broad criminal immunity to websites and email service providers (ESPs) that enable sex trafficking. This significantly hampers law enforcement's ability to enforce state trafficking laws against such websites.

The EARN IT Act addresses this issue by amending Section 230 to allow companies to be held civilly and criminally liable at the state and federal levels for known violations related to child sexual abuse material. It establishes a National Commission on Online Child Sexual Exploitation Prevention to recommend best practices related to preventing, reducing and responding to online child sexual exploitation. This legislation holds companies accountable for the content on their websites and creates consistency that bolsters the enforcement of laws against child sexual abuse materials.

The bill is facing steep opposition from tech companies that do not want to see their Section 230 protections eroded. Although the Act was unanimously approved by the Committee, several Committee members raised concerns during markup that it would punish companies acting in good faith. Those Senators support the intent of the bill but believe more work must be done before it passes.

While the EARN IT Act does not address the issue of encryption, which is a significant impediment to law enforcement's fight against online child sexual exploitation, NAPO believes it is an important step forward to protecting our nation's children online.

NAPO looks forward to working with Senators Graham and Blumenthal to pass this important legislation and ensure law enforcement is given every tool available to deter and address online child sexual exploitation.

NAPO on the Hill: Keeping First Responder Disability Compensation Tax-Free

NAPO spoke with staff of Senator Steve Daines (R-MT) about moving forward the Putting First Responders First Act (S. 1618) and raising awareness for the necessity of the bill. This important bill would codify existing IRS regulations making service-connected disability compensation exempt from Federal income taxes. Senator Daines is the sponsor of the bill and a member of the Senate Finance Committee which has jurisdiction over the Putting First Responders First Act.

In 1985, the IRS clarified in the IRS Revenue Ruling 85-105 that service-connected disability compensation for first responders is tax-exempt. Unfortunately, many auditors and first responders are not aware of this tax benefit and the first responders, who gave up so much in the line of duty, end up paying the tax unnecessarily or being audited for taking advantage of the tax exemption. By codifying the Revenue Ruling, the Putting First Responders First Act would clarify the ruling and help ensure first responders' injury-related compensation is tax-exempt.

Importantly, this legislation makes the tax-exempt status of the compensation permanent. Currently, injury-related compensation becomes taxable once the first responder reaches their original retirement age, which places a large financial burden on officers who have been living on a limited income. Providing permanent tax relief for those who were disabled serving their country and communities is the right thing to do to honor their sacrifice.

The House Ways and Means Committee included language from the Putting First Responders First Act into the Securing a Strong Retirement Act (H.R. 2954) that would codify the existing IRS regulations, but it did not include the provision that would make the tax-exempt status permanent. While NAPO is disappointed that both provisions were not included, we support the bill and appreciate the step forward. We will continue to work with the Committee to protect the tax-exempt status of first responder service-connected disability compensation.

The Securing a Strong Retirement Act was approved by the Committee in May 2021. Ways and Means Chairman Richard Neal (D-MA) hopes to move the Securing a Strong Retirement Act on the House floor as soon as practicable.

The Senate Finance Committee is working on its own version of the Securing a Strong Retirement Act, and we are working to get the full text of the Putting First Responders First Act included as well as a fix to the HELPS Retirees provision. We continue to work with Committee staff and fellow stakeholders to move these two provisions forward.

NAPO on the Hill: HELPS Retirees Fix

NAPO, together with our public safety pension partners, continues to push legislative language that would enhance and address issues with the HELPS Retirees provision of the Pension Protection Act of 2006. We are working with the Senate Finance Committee to move this issue forward in the hopes that it will be included in a bipartisan retirement package the Committee will soon be considering. Our latest efforts are focused on ensuring the Senate Finance Committee staff understands the importance of fixing and augmenting the HELPS Retirees provision.

The HELPS Retirees provision provides public safety officers, who often retire earlier than other occupations because of the physical demands and unique job hazards they face, with means to more affordable healthcare options. This is important as many law enforcement retirees lose their employer-provided health insurance and are years away from being Medicare-eligible, forcing them to spend their retirement money on health insurance premiums.

Since the enactment of the HELPS Retirees provision in 2006, health care costs have gone up dramatically and the \$3,000 per year permitted under the provision is no longer adequate to cover even half a year's worth of health insurance premiums. In our legislative proposal, the amount public safety retirees can take out of their pensions tax free to pay for health or long-term care insurance premiums would increase from \$3,000 per year to \$6,000 per year and it would be indexed to inflation to ensure the benefit keeps up with the rising costs of healthcare.

To qualify for the HELPS Retirees provision, a public safety officer must have attained normal retirement age or retired due to a disability and has insurance premiums deducted from their retirement benefit. The money must go directly from the pension fund to the health or insurance company to get the tax-free benefit. Unfortunately, due to the administrative burden of this direct payment requirement, many public pension plans, particularly small plans, have not implemented this important provision. For retirees to benefit from HELPS, the pension plan must pay the money directly to the insurer – it does not go to the retiree. In states and localities that do not provide retiree healthcare that can mean hundreds of different insurance plans that must be tracked. To address this issue, the language NAPO is proposing would repeal the direct payment requirement, making it easier for public pension plans to implement the HELPS Retirees provision.

NAPO believes this legislation would help preserve the retirement security and the health of those public servants who selflessly serve and protect our communities and we are committed to seeing this important proposal pass this Congress.

NAPO-Backed Active Shooter Alert Act Introduced

NAPO pledged its support for the Active Shooter Alert Act, H.R. 6538, introduced by Representatives David Cicilline (D-RI) and Fred Upton (R-MI), that would create a program similar to the AMBER Alert system for law enforcement to alert the public to active shooters in their community. The Active Shooter Alert would be a voluntary program for states and law enforcement agencies to implement and it would be spearheaded by Department of Justice, which would coordinate training, technical support, and best practices for states who want to enact an Active Shooter Alert plan.

NAPO believes this will assist law enforcement in alerting citizens of an active shooter situation in their vicinity, keeping them away from the incident and maintaining their safety. We look forward to working with Representatives Cicilline and Upton to see this commonsense bill made into law.

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.