



The Washington Report

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

December 15, 2023



Nominate a TOP COP Today!

*Don't let your TOP COPS nominations get lost in the holiday shuffle! The **January 12th deadline** for nominations is less than 4 weeks away.*

Please take the time to nominate examples of outstanding police work for this prestigious award. We count on you, our members, to help us get the word about TOP COPS out and obtain nominations for officers nationwide. Join us in honoring America's Finest by nominating a case today. The nomination form is attached and can be found on our [website](#), and it must be postmarked or faxed to (703) 684-0515 by **January 12, 2024**. If you have any questions, please do not hesitate to contact NAPO's Director of Events, Elizabeth Loranger, at elorange@napo.org or (703) 549-0775.

2024 will mark the 31st year that NAPO has hosted the TOP COPS Awards[®]. The TOP COP Awards[®] Dinner will take place Sunday, May 12 at the Omni Shoreham Hotel, again coinciding with National Police Week. We look forward to seeing you in Washington, D.C. this spring.

NAPO Victory! 9/11 WTCHP Funding Included in Final FY 24 NDAA

Congress passed the Fiscal Year 2024 National Defense Authorization Act (NDAA), which included the 9/11 Responder and Survivor Health Funding Correction Act of 2023. The inclusion of the 9/11 World Trade Center Health Program (WTCHP) funding was a top priority for NAPO and this is a significant victory for us.

The provision helps to close the impending funding shortfall facing the WTCHP by providing an additional \$444 million over the next ten years. It also provides \$232 million for the newly created Pentagon and Shanksville Fund to cover active-duty Department of Defense military or civilians, along with other Federal employees, who responded to the Pentagon and Shanksville, Pennsylvania sites on September 11, 2001.

While Congress appropriated an additional \$1 billion for the WTCHP as part of the Consolidated Appropriations Act for FY 2023, that funding was still well short of the nearly \$3 billion needed to make the program whole and avoid any cuts to care and services for 9/11 responders and survivors. This amendment partially addresses the remaining funding shortfall the WTCHP is set to face.

NAPO fought hard for the passage of the James Zadroga 9/11 Health and Compensation Act in 2010 and its reauthorization in 2015 to ensure our nation took care of the victims and first responders who are coping with 9/11-related chronic health conditions. James Zadroga, a New York City Police Department Detective and member of NAPO, died of respiratory disease caused by his exposure to toxic chemicals during rescue and recovery efforts at Ground Zero. Today, the WTCHP provides medical treatment and monitoring for over 124,000 9/11 responders and survivors who live in every State and in 434 out of 435 Congressional Districts.

NAPO thanks Senator Kirsten Gillibrand (D-NY) and Congressman Andrew Garbarino (R-NY) for their tenacious efforts to get the 9/11 Responder and Survivor Health Funding Correction Act included in the final NDAA conference report.

While this is a significant victory for NAPO, the FEND Off Fentanyl Act was stripped from the final NDAA. We are working with House and Senate leadership to find a way to pass this important bill. Senate Majority Leader Charles Schumer (D-NY) included it in the Democrats' national security supplemental spending measure, but the package was blocked by Republicans and failed to move.

House Passes NAPO-Backed Bill to Increase Transparency & Lower Costs in Health Care

On December 11, the House passed the Lower Costs, More Transparency Act, H.R. 5378, by a vote of 320-71. This legislation, sponsored by House Energy and Commerce Committee Chair Cathy McMorris Rodgers (R-WA) and Ranking Member Frank Pallone (D-NJ), House Ways and Means Committee Chair Jason Smith (R-MO), and House Education and the Workforce Committee Chair Virginia Foxx (R-NC), would promote price transparency in the health care sector, including for prescription drugs.

Out-of-pocket health care costs are skyrocketing for Americans, and many are faced with unexpected and unaffordable medical payments for treatments and prescription drugs. NAPO supports the Lower Costs, More Transparency Act because it would help mitigate this issue by requiring hospitals, insurance companies, labs, imaging providers, and ambulatory surgical centers to publicly list the prices they charge patients, empowering patients to make educated choices on the treatment and services available. This bill also provides for transparency in prescription drug costs to ensure patients and employer-sponsored health plans know the true cost of drugs and can get the best deal available.

These are just a few examples of how this legislation would improve transparency and accountability in healthcare costs and support patients as they navigate their way through our nation's complicated healthcare system. Something must be done about the rising costs of healthcare and the struggle Americans go through when trying to get affordable care for themselves and their loved ones. NAPO thanks House leadership and the bill's sponsors for their steadfast endeavors to pass this bill.

NAPO Works to Maintain Law Enforcement Access to Critical Investigative Data

The House was set to debate two Foreign Intelligence Surveillance Act (FISA) reauthorization bills this past week; one from the Judiciary Committee and one from the Intelligence Committee. The Judiciary Committee bill, the Protect Liberty and End Warrantless Surveillance Act (H.R. 6570), includes provisions that are not directly related to FISA and that would have significant public safety consequences. H.R. 6570 includes the Fourth Amendment Is Not For Sale Act, which would require law enforcement to obtain a probable cause warrant to access commercially available records held by third parties. This would restrict law enforcement

access to critical, publicly available investigative information that is utilized every day to combat violent and serious crimes such as murder, kidnapping, drug trafficking, human trafficking, child sexual exploitation, terrorism, and threats of mass violence.

NAPO joined the Federal Law Enforcement Officers Association (FLEOA), Major Cities Chiefs Association (MCCA), Major County Sheriffs of America (MCSA), National District Attorneys Association (NDAA), National Fusion Center Association (NFCA), National Narcotic Officers' Associations' Coalition (NNOAC), and the National Sheriffs' Association (NSA) in a [joint letter](#) to House and Senate leadership expressing our serious concerns with the Fourth Amendment Is Not For Sale Act and our opposition to its inclusion in H.R. 6570. NAPO shared the joint letter and our concerns with every member of the House and our efforts paid off as the House decided that neither of the FISA reauthorization bills would move forward. A four-month extension of FISA was passed as part of the FY 24 NDAA, giving lawmakers more time to deliberate over reauthorization proposals.

Publicly available data helps law enforcement focus its investigative resources on the most dangerous criminals. Publicly available data helps rule out suspects, find exculpatory evidence, and ensure that it focuses its resources and authorities on those who committed crimes. The Fourth Amendment Is Not For Sale Act would hamstring law enforcement's ability to aid victims, solve crimes, illuminate and investigate drug trafficking networks, and intervene in overt threats of mass violence as quickly as possible.

While the Fourth Amendment Is Not For Sale Act has been tabled for now, we will continue to educate members of Congress on the dangers of this legislation and ensure that it is not included in any future discussion around FISA reauthorization.

Update on the Implementation of the National Law Enforcement Accountability Database

NAPO's Executive Director, Bill Johnson, spoke with White House staff about the current status of the National Law Enforcement Accountability Database that is being implemented pursuant to President Biden's police reform Executive Order. The Department of Justice is working with the International Association of Directors of Law Enforcement Standards and Training (IADLEST) to expand upon its National Decertification Index (NDI), which currently only reports those officers who have been decertified.

As part of the process to expand the database, IADLEST released a [request for proposals](#) (RFP) for what it is calling the NDI Expansion Project on December 8, with submissions due by February 5, 2024. NAPO reviewed the RFP and responded to the Administration regarding our two biggest concerns with it.

First, it refers to "civil judgements" as one of the categories to be included but does not contain any language clarifying that settlements ought not be included in this category (Sec. 2.1). Civil judgments related to official duties do not always equate to an officer's wrongdoing. Civil judgments are generally settlements between a department and private citizens that often reflect the desire of a department to quickly end a lawsuit and not that an officer's actions were wrong. To include settlements against an officer could smear a good officer's name, ruin their reputation, and end their career when there has been no misconduct by the officer. Johnson reiterated our recommendation that civil judgments should not be included in the Accountability Database.

White House staff responded quickly to this concern and made clear that settlements will not be included as they are not judgments by the court.

Our second serious concern is that the due process safeguards are all *after-the-fact* (Sec. 3.1). NAPO has always been consistent that the bare minimum core of due process is notice and an opportunity to be heard by a neutral fact-finder, *prior to* the action at issue. White House staff said they will keep this concern in mind as they move forward with the NDA expansion.

While NAPO appreciates the open line of communication with the Administration, we continue to press them to work collaboratively with us and the law enforcement community as it works to implement the Executive Order to ensure it is fair and balanced and protects the rights of both law enforcement officers and the communities they serve.

COPS Office Issues Revised Report on Recruitment & Retention

The Department of Justice Community Oriented Policing Services (COPS) Office released a revised version of its report, [*Recruitment and Retention for the Modern Law Enforcement Agency*](#), that reviews the issues and possible solutions and strategies that were discussed in the April 18, 2023 Recruitment and Retention Convening held by the Department of Justice. The purpose of the meeting was to focus on identifying short-term responses and long-term strategies in support of law enforcement agencies and their efforts to recruit and retain qualified professionals.

While NAPO agreed with many of the recommendations included in the publication, there was one specific recommendation we did not support, and voiced our strong opposition to when it was raised during the meeting. The proposal suggested that agencies consider shifting away from traditional defined benefit pension plans towards defined contribution or 401(k) plans that are more portable. NAPO shared our concerns about this recommendation with the COPS Office and COPS Director Hugh Clements and the Office revised the report so that it no longer contains that provision. The Report now recommends that “agencies should consider current retirement options to determine whether they meet the needs of the current workforce” and states that more portable options can be used to supplement, not supplant, traditional pension plans.

Defined benefit plans are vital to retaining experienced officers. Numerous studies have shown that a move from a defined benefit plan to a defined contribution plan is detrimental to retention and has led to the exodus of much-needed, qualified officers. NAPO thanks the COPS Office and Director Clements for responding to our concerns and for their swift action to amend the report.

NAPO Participates in Congressional Roundtable on De Minimis Loophole

House Ways and Means Committee Trade Subcommittee Ranking Member Earl Blumenauer (D-OR) hosted a public roundtable on December 13 on the impact of the de minimis loophole on American businesses, consumers, and international human rights. Congressman Blumenauer introduced the Import Security and Fairness Act, bipartisan, bicameral legislation to stop non-market economies from exploiting the de minimis threshold and require U.S. Customs and Border Protection to collect more information on de minimis shipments.

NAPO’s Director of Governmental Affairs, Andy Edmiston, participated in the roundtable and was joined by Andy Warlick, Chairman and CEO of textile company Parkdale Mills, Nury Turkel, Commissioner on the United States Commission on International Religious Freedom, Roy Houseman, Legislative Director at the United Steelworkers, and Michael Stumo, CEO of the Coalition for a Prosperous America.

The roundtable discussed the role the de minimis provision has played in creating a supercharged black-market for counterfeit products, goods produced with slave labor, hazardous materials, and illicit drugs, including fentanyl, with the rise of e-commerce and mass distribution shippers. NAPO focused on the devastating impact the spread of fentanyl is having on our communities and how the de minimis loophole has facilitated the importation of millions of pounds of fentanyl and other illicit drugs to the U.S. market.

Fentanyl traffickers seek to mimic normal e-commerce shipments to avoid detection by the U.S. Customs and Border Protection (CBP). Fentanyl traffickers often declare their international shipments as relatively low-value consumer goods and send them to mail centers or other addresses not associated with the criminal organization.¹ The de minimis provision has become a dangerous gateway that allows millions of direct mail shipments of illicit narcotics from anywhere in the world to enter the U.S. market virtually uninspected, destroying families and entire communities and overwhelming law enforcement agencies.

NAPO has long fought for resources to support law enforcement's efforts to combat fentanyl, its analogues, and similar opioids. Eliminating de minimis e-commerce shipments will help staunch the surge of illicit narcotics that are exploiting this loophole to wreak havoc across the country, and ease the burden on our law enforcement resources, which are stretched thin among a multitude of priority areas.

We are urging the Administration and Congress to close this loophole in statute and remove all e-commerce shipments from de minimis treatment to help protect the health and safety of the American people. NAPO joined textile trade associations, addiction organizations, and families who have lost a child to fentanyl in a [letter to the Congress](#) to push for the closing of the de minimis loophole.

NAPO's written testimony from the Roundtable can be found [here](#).

Postal Police Reform Act Introduced in Senate

NAPO has pledged our support for the Postal Police Reform Act, S. 3356, introduced by Senators Richard Durbin (D-IL) and Susan Collins (R-ME). This bill would restore PPOs to their full, authorized duties to protect our nation's postal workers and mail system. NAPO's letter of support can be found [here](#).

As the uniformed members of the U.S. Postal Inspection Service (USPIS), postal police officers (PPOs) are authorized under law to enforce postal laws and regulations, carry firearms, and make arrests on and off postal property. PPOs are trained in the constraints of the use of force, the laws of search and seizure, civil rights of civilians, and receive advanced tactical training at an accredited federal law enforcement training academy. Until recently, postal police officers were deployed to various neighborhoods throughout their jurisdictions to protect letter carriers, mailboxes, and postal vehicles from criminal attack.

On August 25, 2020, however, the USPIS inexplicably ceased all off-property authorities of uniformed PPOs to proactively patrol and respond to reports of mail theft and attacks on letter carriers and the mail system away from postal controlled real estate. PPOs have been relegated to being overqualified security guards for U.S. Post Offices and facilities despite the increasing assaults of carriers and the epidemic of mail and package theft that our mail system is experiencing. The USPIS effectively neutered and defunded its own postal police force, while increasingly seeking the assistance of local law enforcement to assume duties previously performed by Postal Police.

NAPO thanks Senators Durbin and Collins for their leadership on this issue and we look forward to working with them to see this bill enacted into law.

NAPO Participates in PSOB Advisory Group Meeting

On December 15, NAPO participated in the Public Safety Officer's Benefits (PSOB) Program stakeholder advisory group meeting, which was chaired by PSOB Director Hope Janke. This is only the second in-person stakeholder meeting since 2020. NAPO has been pressing PSOB and the Department of Justice's Office of Justice Programs, under which the PSOB Program is housed, to hold a stakeholder meeting to ensure transparency and accountability as it implements the Protecting America's First Responders Act (PAFRA) and the Public Safety Officer Support Act (PSOSA), both of which made significant changes to the PSOB Program.

Director Janke stated that PAFRA has made it easier for the Program to approve disability claims and it has led to an increase in the number of claims being approved. Easing the strict requirements for disabled officers to qualify for PSOB disability benefits and making it easier for those claims to be approved are two of the main purposes of PAFRA and why NAPO pushed for its enactment into law. PAFRA also included a COVID presumption, which expired on May 11, 2023. While the presumption has expired, the PSOB Program will continue to recognize COVID as a line of duty injury. COVID-related death and disability claims can still be and should be submitted.

We also discussed the implementation of PSOSA, which makes post-traumatic stress disorder (PTSD) a line of duty injury under the PSOB Program and ensures that officers who suffer from PTSD and those who take or attempt to take their own life due to on-duty trauma will be eligible under the program. According to Director Janke, nearly 180 death claims have been submitted to PSOB for benefits under PSOSA since the law was enacted, but not even a handful have been approved. The main challenge the PSOB Program is facing when it comes to PTSD-related suicide claims is that not enough information is being provided by the applicant, which is delaying the approval of claims. It is important that the application includes some connection between a line of duty action and the suicide or attempted suicide. This can simply be a record of the traumatic event(s) the officer experienced while on duty. The more information that can be provided in the application for a death or disability claim under PSOSA, the stronger the claim will be.

NAPO urges officers, whether they are currently struggling with their mental health or not, and their families to document any traumas or traumatic events the officer has experienced on the job; any instance where the officer said they want to get help; any time the officer or a family member called a peer mentoring or crisis line for help. The PSOB Office is looking for such documentation if there is no straight diagnosis of PTSD, which is not required under the law.

Additionally, there are organizations that NAPO works closely with - [Concerns of Police Survivors](#), [The Wounded Blue](#), and [Blue H.E.L.P.](#) - that can help families of officers lost to suicide with the claims application process and be a trusted intermediary between the family and the PSOB Office.

The PSOB Office has compiled a [FAQ on PSOSA](#) to help understand what the law does, who can file a claim, and how to successfully submit an application. NAPO will continue to work with the DOJ and the PSOB Office to ensure both PAFRA and PSOSA are being implemented according to the intent of the law.

Register Now for NAPO's 35th Annual Police, Fire, EMS and Municipal Employee Pension & Benefits Seminar

Register today and join us January 28 – 30, 2024 at Caesars Palace in Las Vegas for [NAPO's 35th Annual Police, Fire, EMS & Municipal Employee Pension & Benefits Seminar](#). Our 2024 seminar will focus on recent record inflation and the Fed's response: Is the threat of significant recession over? Artificial Intelligence and its impact on pension & benefits plans, and investing, presents a new and growing area of

potential improvements and, at the same time, regulatory concern. Our mounting national debt and the recent downgrading of the United States credit rating is another area of concern to plan trustees and participants alike. Meanwhile, the debate over socially conscious investing and the proper weight, if any, that plans can or ought to assign to DEI factors goes on.

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/PB24.**

PLEASE NOTE: As you are planning your travel to Las Vegas for our Pension and Benefits Seminar, NAPO's Executive Board Meeting will be held on Sunday, January 28 at 10:30am. If you have any questions or need additional information about the Seminar, contact NAPO's Director of Events, Elizabeth Loranger, at 800-322-6276 or eloranger@napo.org.



NAPO wishes you and your loved ones a happy holiday and we look forward to working with you in the new year!

Be sure to look out for NAPO's 2023 legislative year in review and our 118th Mid-Term Congressional Scorecard in January.

ⁱ ([State Department](#), p.4)