



The Washington Report

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

March 10, 2023

Congress Disapproves of D.C.'s Revised Criminal Code

On February 9, the House passed a bipartisan resolution, H.J.Res. 26, that disapproves of the D.C.'s Revised Criminal Code Act of 2022 (D.C. Act 24–789) as approved by the D.C. City Council on January 17, 2023. The Senate passed an identical resolution, S.J.Res. 12, by wide bipartisan margins on March 8, sending it to the President, who stated last week that he will not veto it as was expected. With the President's signature, Congress will successfully overturn D.C.'s Revised Criminal Code Act of 2022, a bipartisan victory for public safety.

NAPO supported both the House and Senate resolutions as we have significant concerns with the District's ill-conceived Revised Criminal Code Act of 2022 and we urged Congress to roll it back. According to the Metropolitan Police Department's crime data, from this time last year, D.C. has experienced an increase in homicides, carjackings, and theft. Particularly, D.C. is amid a rise in gun violence and homicide rates among the city's youth. Yet, the Council still voted to enact the revised criminal code that lowers penalties for the crimes most impacting the city and its residents, including carjacking, illegal firearm possession, and robbery, and it will eliminate almost all mandatory minimum sentences.

Proponents of the Revised Code believe that it will ensure that sentences better fit their crimes and will give nonviolent, low risk offenders a chance to become productive members of society. While NAPO agrees that these are laudable goals – to ensure the punishment fits the crime – we disagree on how this law would have accomplished those goals. We continue to believe that mandatory minimums are a strong deterrent for criminals and an important tool in helping law enforcement keep our communities safe from violent crime.

In addition, the Revised Code would have significantly changed the law of self-defense for law enforcement officers that would considerably constrain an officer's ability to protect themselves and the public when confronted with imminent death. Under the Revised Code, the considerations the officer must make when faced with the need to use deadly force are not only unrealistic in the rapidly unfolding scenario of an attack upon an officer, they also create the perverse situation where a suspect who escalates his/her dangerous behavior toward an officer, to the point of deadly force being an option, is more likely to be let go than a less-violent suspect.

The Revised Criminal Code Act would have decreased public safety and left crime victims in a continual search for justice. With the Revised Criminal Code revoked, the D.C. Council needs to return to the table and work with Mayor Muriel Bowser to modify the criminal code in a way that will not benefit violent criminals over victims and will make the city safer.

At the invitation of House Speaker Keven McCarthy (R-CA), NAPO President Mick McHale spoke at the enrollment ceremony at the U.S. Capitol on March 10, which can be viewed [here](#). The enrollment of a bill is the last step before it is sent to the President's desk for signature.

NAPO Victory! Senate Passes Fighting PTSD Act

The Senate passed the Fighting Post-Traumatic Stress Disorder (PTSD) Act, S. 645, by voice vote on March 2. The bill was reintroduced by Senator Charles Grassley (R-IA) on March 2 and taken up and passed by the Senate by close of business that day. This is a victory for NAPO as we worked hard to try to pass this bipartisan bill at the end of last Congress only to run out of time.

With the enactment of the Public Safety Officer Support Act ([PL 117-172](#)), post-traumatic stress disorder (PTSD) is now a line of duty injury under the Public Safety Officers' Benefits (PSOB) Program. Officers who suffer from PTSD and those who take or attempt to take their own life as a result of on-duty trauma are now eligible under the program. Further, the PSOB Program will presume that trauma-linked suicides are a result of job duties in certain circumstances, such as a mass casualty event, where there is evidence that PTSD would be caused by the trauma.

The Fighting PTSD Act compliments the Public Safety Officer Support Act by addressing PTSD before it gets to the point where an officer is completely debilitated by it or contemplates suicide. It would require the Attorney General to propose a program for making treatment for post-traumatic stress disorder and acute stress disorder available to all federal, state, and local public safety officers. The bill acknowledges the prevalence of PTSD within the public safety profession and the need to address PTSD and acute stress disorder among officers to make certain they get the treatment and help they need.

This legislation is an important first step to giving all officers access to confidential, state-of-the-art treatments for PTSD and acute stress disorder. By recognizing the instances of these disorders within the profession and guaranteeing treatments and resource are widely available, we can work to ensure that suicide will no longer be one of the top killers of public safety officers. NAPO thanks Senator Grassley for his continued support for public safety officers.

We are working with Representative David Joyce (R-OH) to gain significant bipartisan support for the bill in the House with the aim to pass it and send it to the President's desk during National Police Week.

Anti-Police FCC Nominee Withdraws from Consideration

President Biden's nominee to be a Federal Communication Commission (FCC) commissioner, Gigi Sohn, withdrew her nomination on March 7, after facing continued significant opposition to her confirmation. This is a win for NAPO as we had serious concerns with her nomination due to her significant record of supporting anti-law enforcement statements on social media.

Examples of Ms. Sohn's retweets of anti-law enforcement statements are abundant. In July of 2020, during the riots in Portland, Oregon, she retweeted a tweet criticizing federal law enforcement officers as "armed goons in riot gear with tear gas" while defending rioters who carried gas masks and shields. Further, over the past several years, she has retweeted tweets calling for the "defunding of police". NAPO believes that such a showing of anti-police bias should disqualify her as an official in the federal government.

As a private citizen, our Constitution affords Ms. Sohn the right to hold and express these views. However, it was profoundly concerning to us that a nominee for commissioner of the FCC has harbored such an openly hostile and defamatory view of police. The men and women of the law enforcement community put their lives on the line every day to serve and protect their communities and they deserve the support and respect of their government. We are grateful so many Senators agreed with our assessment of Ms. Sohn and forced her withdrawal of her nomination.

NAPO's 2023 Lobby Day Legislative Breakfast & Legislative Awards Luncheon

Don't miss out on the opportunity to join NAPO on Thursday, May 11 for our Lobby Day & Legislative Awards Luncheon on Capitol Hill. This is a great 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 118^h Congress and to receive handouts to use during Hill visits.

While on Capitol Hill be sure to stop by NAPO's Legislative Awards Luncheon, which is back after a three year hiatus, where several Representatives, Senators, and their staff will be recognized for their continued support of Law Enforcement.

Please Register [online](#) or complete the attached registration form and return to NAPO at aedmiston@napo.org or eloranger@napo.org by MAY 1, 2023.

Schedule of Events

Registration	Omni Shoreham Hotel	8:30 a.m. - 9:00 a.m.
Legislative Breakfast	Omni Shoreham Hotel	8:45 a.m. - 9:30 a.m.
Capitol Hill Visits	Capitol Hill	10:00 a.m. - 12:00 p.m.
NAPO Legislative Awards Luncheon	Dirksen Senate Office Building Room SD-G11	12:00 p.m. - 1:30 p.m.
Capitol Hill Visits	Capitol Hill	2:00 p.m. - 5:00 p.m.

For assistance in setting up Capitol Hill appointments, please contact Andy Edmiston, NAPO's Director of Governmental Affairs, no later than May 1 at aedmiston@napo.org or (703) 549-0774.

The registration fee of \$150.00 per person includes the Legislative Update Breakfast, handouts for your Congressional visits and the Legislative Awards Luncheon. **Advanced Registration is required.** Please contact Elizabeth Loranger, NAPO's Director of Events, at (800) 322-6278 or eloranger@napo.org if you have any questions regarding registration or hotel arrangements.

Legislation Introduced to Improve and Fully Fund 9/11 World Trade Center Health Program

At the end of last year, NAPO was able to help secure \$1 billion in additional funding for the 9/11 World Trade Center Health Program (WTCHP) as part of the Fiscal Year 2023 Appropriations Act. While this was short of the \$3 billion we were calling for, this money will allow the program to avert any cuts to services until at least FY 2027 and give us more time to achieve an agreement on long-term funding that will make the WTCHP whole.

On February 28, Representative Andrew R. Garbarino (R-NY) and Senator Kirsten Gillibrand (D-NY), joined by Representatives Jerrold Nadler (D-NY), Anthony D'Esposito (R-NY), and Daniel Goldman (D-NY), Majority Leader Charles Schumer (D-NY), and Senators Bob Menendez (D-NJ) and Cory Booker (D-NJ), introduced the 9/11 Responder and Survivor Health Funding Correction Act, H.R. 1294 / S. 569. This legislation would address the remaining projected shortfall as well as make important changes to improve the ability of the Program to certify both health care providers and WTC-related health conditions and ensure 9/11 responders at the Pentagon and Shanksville who were active-duty Department of Defense military or civilians, as well as other federal employees, are included in the Program.

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.

In 2015, Congress, recognizing the importance of this program, reauthorized the WTCHP until 2090. Unfortunately, this has proven to not be enough as the reauthorization imposed yearly spending caps tied to inflation only as measured by the Consumer Price Index and not the historically higher, and faster rising, medical cost inflation. The program will face a projected funding shortfall starting in Fiscal 2027, and it will not have enough funds to provide care for those 9/11 responders and survivors still suffering the physical and mental impacts of 9/11.

The 9/11 Responder and Survivor Health Funding Correction Act honors those who made the ultimate sacrifice to protect our nation. It is our obligation and duty to remember these heroes and ensure that survivors who risked their lives to protect us continue to receive the compensation and care that they deserve and that has been promised to them.

Recruit & Retain Act Reintroduced

NAPO once again pledged our support for the Recruit and Retain Act, S. 546, sponsored by Senators Deb Fischer (R-NE), Chris Coons (D-DE), John Cornyn (R-TX), and Amy Klobuchar (D-MN). This legislation would boost recruitment opportunities by expanding the Department of Justice's Community Oriented Policing Services (COPS) Program to help agencies that are both understaffed and struggling to attract new applicants. The bill would also create a new program to encourage partnerships between schools and police departments to foster a stronger local pipeline for law enforcement careers.

Law Enforcement agencies across the country serving urban, rural, big, and small communities are struggling to enlist qualified candidates to help alleviate staffing shortages. Through important changes to

the COPS Program, the Recruit and Retain Act would help remove financial obstacles to the law enforcement application process and aid in the recruitment of community police officers through the creation of a Pipeline Partnership Program. It also takes steps towards understanding how the profession found itself in this recruitment and retention crisis so we can get the tools and support we need to reverse it.

This legislation is a top priority for NAPO and we look forward to working with Senators Fischer, Coons, Cornyn, and Klobuchar to see it enacted into law.

Vital NAPO-Backed Legislation Reintroduced

NAPO continues to work to get our priority bills reintroduced this Congress. Over the past two weeks we have worked with bill sponsors to introduce, amongst other pieces of legislation, the Law Enforcement Officers' Equity Act, Eric's Law, Public Safety Retirees Healthcare Protection Act, the Protecting Americans from Fentanyl Trafficking Act, and the Tax Fairness for Workers Act.

The **Law Enforcement Officers' Equity Act**, H.R. 1322, would expand the definition of "law enforcement officer" for retirement purposes to ensure that all federal law enforcement officers, no matter what their classification, are treated equally regarding retirement benefits. With all federal law enforcement officers eligible for the same enhanced retirement benefits, it will improve the ability of agencies to recruit and retain experienced and highly trained officers. This is incredibly important at a time when all law enforcement agencies at the federal, state, and local levels are experiencing recruitment and retention issues. The Law Enforcement Officers' Equity Act is sponsored by Representatives Bill Pascrell, Jr. (D-NJ), Andrew Garbarino (R-NY), Gerry Connolly (D-VA) and Brian Fitzpatrick (R-PA).

Eric's Law, S. 529, seeks justice in cases where a jury has not been able to unanimously agree to a sentencing recommendation, by allowing federal prosecutors to petition the court to empanel a second jury for the sentencing phase of a federal capital case. The goal of the legislation is to seek unanimity in sentencing recommendations, whether that recommendation be for capital punishment, life in prison, or a lesser punishment. Eric's Law is sponsored by Senators Ted Cruz (R-TX), Mike Braun (R-IN), and Tom Cotton (R-AK).

The **Public Safety Retirees Healthcare Protection Act**, H.R. 957, would increase the amount a retired public safety officer can use annually from their pension funds tax-free to pay for qualified health and long-term care insurance premiums from \$3,000 to \$6,000 under the HELPS Retirees provision. With health care costs having risen dramatically since the HELPS Retirees provision was enacted in 2006, this bill will help preserve the retirement security and the health of those public servants who selflessly serve and protect our communities. The Public Safety Retirees Healthcare Protection Act is sponsored by Representatives Abigail Spanberger (D-VA), Brian Fitzpatrick (R-PA), Dan Kildee (D-MI), and Don Bacon (R-NE).

The **Protecting Americans from Fentanyl Trafficking Act**, S. 614, would make permanent the temporary scheduling order for fentanyl-related substances by adding fentanyl-related substances to schedule I of the Controlled Substances Act. The classification of fentanyl as a Schedule 1 substance is necessary for all law enforcement actions on fentanyl, allowing law enforcement to prosecute criminals who make and distribute the drug. This bill is sponsored by Senators Tom Cotton (R-AK) and Lindsey Graham (R-SC).

The **Tax Fairness for Workers Act** would reinstate the deductions for work-related expenses, such as uniform maintenance and replacement and mandatory equipment and resources that worker often find themselves paying for out of pocket. The bill would also create an above-the-line deduction for union dues. The Tax Fairness for Workers Act is sponsored by Senator Bob Casey (D-PA) together with Majority Leader Schumer and Senators Patty Murray (D-WA), Sherrod Brown (D-OH), Bernie Sanders (I-VT), Tammy Baldwin (D-WI), Michael Bennet (D-CO), Richard Blumenthal (D-CT), Maria Cantwell (D-WA), Ben Cardin (D-MD), Catherine Cortez Masto (D-NV), Tammy Duckworth (D-IL), Richard Durbin (D-IL), Dianne Feinstein (D-CA), John Fetterman (D-PA), Kirsten Gillibrand (D-NY), Maggie Hassan (D-NH), Martin Heinrich (D-NM), Mazie Hirono (D-HI), Mark Kelly (D-AZ), Angus King (I-ME), Amy Klobuchar (D-MN), Ben Ray Lujan (D-NM), Edward Markey (D-MA), Robert Menendez (D-NJ), Jeff Merkley (D-OR), Christopher Murphy (D-CT), Alex Padilla (D-CA), Jack Reed (D-RI), Jackie Rosen (D-NV), Brian Schatz (D-HI), Jeanne Shaheen (D-NH), Tina Smith (D-MN), Debbie Stabenow (D-MI), Chris Van Hollen (D-MD), Raphael Warnock (D-GA), Elizabeth Warren (D-MA), Peter Welch (D-VT), Sheldon Whitehouse (D-RI), and Ron Wyden (D-OR).

President Releases FY 2024 Budget Proposal

On March 9, President Biden released the topline summary of his proposed budget request for Fiscal Year 2024, with more details to follow during the week of March 13. NAPO will share an in-depth analysis of the request once the full proposal is released.

The President's Fiscal 2024 Budget represents the President's fiscal priorities, but it is Congress that decides the final appropriations for FY 2024. NAPO is working with Congress to ensure our priority grant programs receive robust funding, while maintaining local discretion on how these funds can best be used to meeting the needs of communities. We continue to work with the Administration to ensure they understand the importance of these programs, and the flexibility that comes with them, to ensuring state and local law enforcement have the resources and equipment they need to effectively serve and protect our communities.

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.