



The Washington Report

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

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President Signs American Rescue Plan into Law

President Biden signed into law the American Rescue Plan (Public Law 117-2), his \$1.9 trillion coronavirus aid package, on March 11. The aid package includes \$362 billion in aid to state, local, and Tribal governments as well as U.S. territories to help address budget and revenue shortfalls caused by the pandemic and assist in covering the continuing costs of responding to COVID-19.

NAPO worked to ensure that direct aid to state and local governments was included in the American Rescue Plan. The largest portion of the direct aid - \$195.3 billion – would go to state governments, most of which (\$169 billion) will be distributed based on a state's share of total unemployed workers and the rest (\$25.5 billion) will be evenly divided among the states. \$130.2 billion will go directly to county, municipal and city governments:

- \$45.57 billion to metropolitan cities, to be allocated based on the Community Development Block Grants formula;
- \$65.1 billion to counties with populations of 200,000 or more; and
- \$19.53 billion for "non-entitlement" cities and counties, with funding to be provided to the state and then allocated based on the state's non-metropolitan populations versus other states. A local government cannot receive aid that equates to more than 75 percent of its budget as of Jan. 27, 2020.

This state and local aid provided through the American Rescue Plan can only be used for:

- Providing premium pay of up to an additional \$13 an hour to essential workers, capped at \$25,000 per worker;
- Aid to small businesses, nonprofits and households;
- Aid to impacted industries such as tourism, travel and hospitality;
- Funding government services that were reduced due to the pandemic and related revenue losses; and
- Making necessary infrastructure investments.

Funding cannot be used to replace revenues lost due to a tax cut or tax rebates provided to citizens during the pandemic nor can they be used to fund public pensions. The aid will remain available until December 31, 2024. While the funding would no longer be as flexible, it will still help states and localities maintain their police forces by helping with officer retention and avoiding the need to layoff or furlough officers and agency personnel.

Also included in the final aid package is the extension of the voluntary payroll tax credit for employers – including state and local governmental employers – to provide additional COVID-related paid sick leave to their employees. As it is a payroll tax credit, state and local governments would recoup the FICA Social

Security and Medicare taxes they pay for the qualified paid leave wages. This is not a perfect solution as those states that do not pay into Social Security would not benefit as much from the credit, but they would recoup some of the costs of providing additional leave. The tax credit would begin with amounts paid after March 31, 2021 and end on September 30, 2021.

Further, the American Rescue Plan allocates an additional \$50 billion for FEMA's Disaster Relief Fund to reimburse state and local governments for COVID-19 related expenses, including first responder personal protective equipment and supplies. It also provides \$85.7 billion in aid to boost financially troubled multiemployer pension plans to help them remain solvent and ensure that retirees receive 100 percent of their earned benefits.

NAPO Meets with Leadership of DHS Office of State and Local Law Enforcement

NAPO President Mick McHale spoke with Britton Yee, the Acting Deputy Assistant Secretary of the Department of Homeland Security Office for State and Local Law Enforcement. This was an introductory conversation to introduce the Acting Deputy Assistant Secretary to NAPO and reconfirm our partnership with the Office and the Department. Mr. Yee, who is a detailee of the U.S Secret Service to DHS, stated his priority is making sure front line officers have what they need to do their jobs.

The role of the DHS Office for State and Local Law Enforcement is to lead the coordination of DHS policies related to state and local law enforcement's role in preventing and responding to natural disasters, terrorism, and other man-made disasters and to serve as the primary liaison between the Department and state and local agencies across the country.

McHale told Mr. Yee that we look forward to working with him in his new role and continuing our relationship with the Office for State and Local Law Enforcement.

NAPO on the Hill: PSOB Disability and Collective Bargaining

PSOB Disability

NAPO met with Senate Judiciary Committee Chair Richard Durbin's (D-IL) staff regarding 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.

Chairman Durbin was a cosponsor of the Protecting America's First Responders Act last Congress when it was unanimously approved by the Judiciary Committee and passed the Senate by voice vote during the 2019 National Police Week. It is a priority for NAPO to pass this important bill this Congress and we are working to have it move through the House and Senate Judiciary Committees during, if not before, this year's National Police Week. Chairman Durbin's staff indicated his continued support for the bill and that they look forward to working with us to move it. As Chair, Senator Durbin has stated he is prioritizing bipartisan legislation to move through the Committee, which is equally split between Democrats and Republicans.

We also spoke with staff of the House sponsor of the bill, Representative Bill Pascrell, Jr. (D-NJ), who is spearheading the effort to urge the House Judiciary Committee take up the Protecting America's First

Responders Act during National Police Week. We are finalizing the language of the bill with input from the PSOB Office and the Department of Justice and hope to have it introduced within the next few of weeks.

Collective Bargaining

NAPO met with senior staff of the House Education and Labor Committee Chair Bobby Scott (D-VA), staff from select Democrat Committee members, including Representatives Joaquin Castro (D-TX) and Dan Kildee (D-MI), and representatives from the major national labor unions such as the AFL-CIO, the American Federation of State, County and Municipal Employees, the Service Employees International Union, the Teamsters, and the Communication Workers of America, to discuss the path forward for the Public Service Freedom to Negotiate Act and the Public Safety Employer-Employee Cooperation Act. The Public Service Freedom to Negotiate Act would grant the basic rights to collectively bargain over wages, hours and working conditions to all public servants, while the Cooperation Act is focused on extending those same rights to all public safety officers. Both bills would only impact those officers and public servants who do not already have the right to collectively bargain. They would not impact current collective bargaining agreements unless they are found not to meet the standards set out in the legislation.

With the death of George Floyd last year and the push for police reform, support within the Democratic party for law enforcement collective bargaining rights has tanked. There are calls to amend the Cooperation Act to strip and prohibit any language that would allow law enforcement officers – and only law enforcement officers – to bargain over accountability or disciplinary issues in their collective bargaining agreements. Fire fighters and EMTs could keep their disciplinary provisions in their contracts. In fact, most public employees who have the right to unionize are able to bargain over disciplinary issues.

This call to prevent officers from bargaining over disciplinary actions has extended into the Public Service Freedom to Negotiate Act, which we had made certain included law enforcement officers. Chairman Scott and Committee Democrats are not willing to move either bill forward without the significant changes to law enforcement collective bargaining rights. As we are not willing to create substandard collective bargaining rights for law enforcement officers, setting them apart from their counterparts in public service, and take steps backwards from where we are today, we are opposing any changes to the Cooperation Act and the Freedom to Negotiate Act.

To move the Freedom to Negotiate Act forward, Committee leadership and the other national unions agreed to strip sworn law enforcement from the bill, making us the only public sector workforce that will not be extended the right to bargain collectively. Further, firefighters and EMTs have decided to move forward with their own version of the Public Safety Employer-Employee Cooperation Act that does not include law enforcement officers. Representative Kildee, the long-time sponsor of our bill, will be sponsoring the firefighter and EMT only version. NAPO reached out to Rep. Kildee's staff earlier this year to discuss possible paths forward that would keep the Cooperation Act intact, but it was evident that the Congressman was not willing to compromise.

The Public Safety Employer-Employee Cooperation Act, which NAPO worked to introduce over twenty years ago and have been fighting to pass ever since, garnered 227 bipartisan cosponsors last Congress. We are working together with other associations and unions that represent law enforcement officers to reintroduce this important legislation, which would grant all public safety officers the same rights to bargain over wages, hours and working conditions, and find a new sponsor for the bill.

In addition to meeting with members of the House and Senate to gain support for our priority legislation like the Protecting America's First Responders Act and the Public Safety Employer-Employee Cooperation Act, we continue to engage with Senators on police reform efforts to ensure our concerns and priorities are met in the final product, especially as regards protecting qualified immunity.

Legislation to Increase Penalties for Attacks Against Officers Introduced

Senator Thom Tillis (R-NC) reintroduced NAPO priority legislation, the Protect and Serve Act, which would provide for new criminal provisions for deliberate, violent targeted attacks on officers. Senator Tillis was joined by fifteen of his Republican colleagues in sponsoring this bill. Senator Tom Cotton (R-AR) and Congresswoman Yvette Herrell (R-NM) introduced the Defending the Defenders Act, which would make the murder of a state or local law enforcement officer a federal crime punishable by life in prison or the death penalty.

These bills are critical, as there is a serious and growing trend of armed attacks on law enforcement officers. According to a March 2020 report from the Office of Community Oriented Policing Services (COPS), 273 officers were shot in the line of duty in 2019, of which 44 officers died from their injuries and 229 survived. 87 of those officers were shot and 14 died in ambushes or premeditated, calculated assaults.

NAPO has long been fighting to establish stricter penalties for those who harm law enforcement officers. Any persons contemplating harming an officer must know that they will face serious punishments. The increased penalties provided under this bill will make important differences in the attitudes of criminals toward public safety officers and ensure protection for the community.

NAPO thanks Senator Tillis, Senator Cotton and Congresswoman Herrell for standing up for law enforcement and speaking out on the need for this legislation. We continue to press Congress to pass increased penalties for violence against officers through legislation like the Protect and Serve Act and the Defending Our Defenders Act.

Legislation to Eliminate SALT Deduction and Reinstate Job-Related Deductions for Law Enforcement Introduced

NAPO has pledged our support for H.R. 946, the Stop the Attack on Local Taxpayers (SALT) Act of 2021, as introduced by Congressman Bill Pascrell, Jr. (D-NJ). This important bill would repeal the \$10,000 cap on state and local tax (SALT) deductions and reinstate above-the-line deductions for certain, significant work-related out-of-pocket expenses for first responders.

Throughout this country, law enforcement officers go to work every day with one goal in mind: to keep their communities safe. To achieve this mission, they 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 state and local tax (SALT) deduction has helped support these vital investments at the state and local level.

Our members are not just first responders; they are also citizens of the communities in which they work. The fact is that the capping of the SALT deduction is a significant tax increase for many suburban homeowners, including law enforcement officers. This puts them squarely in the range of middle-class taxpayers that the Tax Cuts and Jobs Act (Public Law No. 115-97) was supposed to help. Instead, with the SALT deduction capped at \$10,000, many first responders are finding themselves on the wrong end of a tax hike. The SALT Act would repeal the cap to the benefit of homeowners, our communities, and the first responders who work every day to keep those communities safe.

Further, the Tax Cuts and Jobs Act hit law enforcement officers with another tax increase when it eliminated their ability to deduct work-related out-of-pocket expenses. Like many public servants, law enforcement officers serve our nation and our communities for modest wages and often must pay for mandatory and necessary equipment and training out-of-pocket. These out-of-pocket costs are significant and a financial burden on officers.

NAPO thanks Congressman Pascrell for his work to lower the financial burdens on our nation's first responders and his leadership on this issue. We look forward to working with him to see the SALT Act signed into law.

Senate Confirms Merrick Garland for Attorney General

On March 10, the Senate confirmed Judge Merrick Garland as the next Attorney General in a strong bipartisan vote of 70-30. He was sworn into office by Vice President Harris on March 11. NAPO looks forward to working with Attorney General Garland Monaco to protect the rights of officers and ensure our state and local law enforcement have the support and resources necessary to 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.