



The Washington Report

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

September 15, 2023

Register Now for NAPO's 2023 Legal Seminar

For Public Safety Officers, Unions, Associations, and the Attorneys and Law Firms who Represent Them.

October 22 – October 24, 2023 ~ Hyatt Regency Lake Tahoe

Join NAPO at our [Legal Seminar, Defending the Protectors: Current Issues for Attorneys & Law Enforcement Leaders](#). This is the perfect seminar for those representing Public Safety Employees and Associations.

Earn up to 14.5 Hours of CLE Credits, including 2 Hours of Ethics!

The Key Issues to be discussed:

- Civil Rights Charges for On-Duty Conduct
- Qualified Immunity
- Legal Issues When Dealing with the Media
- Recruiting & Retaining Issues
- Tactics and Strategies for Collective Bargaining in Today's Environment
- Artificial Intelligence & Discipline
- Ethical Issues in High-Profile Cases

The Seminar will feature a two-hour ethics section led by nationally recognized expert Professor Larry J. Cohen. Professor Cohen will feature real-life ethical scenarios encountered by public safety labor attorneys.

For registration and information including hotel reservations, transportation discounts, and updates to the meeting agenda check out NAPO's 2023 Legal Seminar webpage: www.napo.org/legal23. 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.

Please forward this information to law firms and attorneys that you work with!

NAPO Presses Congress to Include 9/11 WTCHP Funding in Final FY 24 NDAA

On September 12, one day after the 22nd anniversary of the September 11, 2001 terrorist attacks on our nation, NAPO, together with nine other national law enforcement organizations, sent a letter to the leadership of the House and Senate Armed Services Committees as well as Committee members expressing our strong support for Section 1087 ("9/11 Responder and Survivor Health Funding Correction Act of

2023”) of the Senate-passed version of the FY 2024 National Defense Authorization Act (H.R. 2670). This provision, which was overwhelmingly approved by the Senate on July 27 in a 94 – 4 vote, ensures critical funding for the World Trade Center Health Program (WTCHP) and fully authorizes coverage for Department of Defense military and civilians who responded to the attack on the Pentagon 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. Section 1087 partially addresses the remaining funding shortfall the WTCHP is set to face in Fiscal 2029. We are calling on lawmakers to retain this provision in the final NDAA conference report.

As we remember those who died on September 11, 2001, we also must recognize those we have lost and continue to lose as the lasting effects of that day make themselves known. As we know too well, first responders across the country continue to die from their rescue and recovery efforts on and after 9/11 from cancers and other serious health conditions related to sustained exposure to toxins found at Ground Zero. This year, the National Law Enforcement Officers Memorial Fund honored 62 officers who died of a 9/11-related health condition, joining the nearly 330 other 9/11 responders who have been added to the Memorial’s walls in recent years. Unfortunately, this number will only continue to grow, which is why the funding provided by this provision in the Senate-passed NDAA is so vitally important.

NAPO was joined on the letter by the Federal Law Enforcement Officers Association, Major Cities Chiefs Association, Major County Sheriffs of America, NAPO, National Organization of Black Law Enforcement Executives, National Sheriffs’ Association, National Treasury Employees Union, FBI Agents Association, and the Society of Former Special Agents of the FBI.

NAPO on the Hill: Honoring Our Fallen Heroes Act

NAPO met with the staff of the sponsors of the Honoring Our Fallen Heroes Act (S. 930 / H.R. 1719), Representative Bill Pascrell (D-NJ) and Senator Amy Klobuchar (D-MN), to discuss possible pathways to move this important bill forward. The Honoring Our Fallen Heroes Act would cover exposure-related cancers under the Public Safety Officers’ Benefits (PSOB) Program for death and disability benefits.

While NAPO continues to reach out to lawmakers to garner additional cosponsors for the bill, we are looking for ways to move this bill at a time when the work of Congress, particularly the House Judiciary Committee, is tied up in other matters. Broad House Republican support for the Honoring Our Fallen Heroes Act will be essential for moving it forward in any way and we are doubling down on our efforts to sign them on to the bill.

Our nation’s public safety officers put their lives at risk every day. Sometimes unnoticed are the officers pulling families from burning cars or saving children from house fires or those responding to chemical fires or train wrecks like the one in East Palestine, Ohio. These acts of heroism often have long-term consequences for the officers, including exposure-related cancers. The Honoring Our Fallen Heroes Act recognizes these as line-of-duty injuries under the PSOB Program and ensures that officers suffering from these cancers and their families get the benefits they have earned.

NAPO thanks Representative Pascrell and Senator Klobuchar and their staff for their steadfast support and efforts to move this bill forward.

NAPO-Backed WEP Reform Bill Reintroduced

House Ways and Means Committee Ranking Member Richard Neal (D-MA) reintroduced his Windfall Elimination Provision (WEP) reform legislation, the Public Servants Protection and Fairness Act of 2023 (H.R. 4260), which NAPO strongly supports. It was reintroduced with 94 original cosponsors.

Though most law enforcement officers must retire after specific time served, usually in their early to mid-fifties, many look for new opportunities to serve their community. 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 full support from their rightfully earned Social Security retirement benefit, their pension heavily offsets it, thus vastly reducing the amount they receive.

The WEP unfairly penalizes law enforcement officers for choosing a public service profession that mandates early retirement by taking away hard-earned, and much needed benefits. The Public Servants Protection and Fairness Act will right this wrong by replacing the WEP with a new Social Security benefit formula designed to more accurately account for years a public employee paid into Social Security versus the years paid into a public pension system in a non-Social Security covered position. Importantly, this legislation ensures that WEP reform will not further harm public safety officers' retirement benefits by including a benefit guarantee and maintaining the current WEP exemptions.

While NAPO's continues to advocate for full repeal of the WEP and the Government Pension Offset (GPO) through the Social Security Fairness Act (H.R. 82 / S. 597), we understand there are significant fiscal challenges associated with this effort. We look forward to working with Ranking Member Neal to pass meaningful WEP reform that helps restore retirement security to public employees across this nation.

Congress Returns with Impeachment Inquiry, Appropriations at the Forefront

The House and Senate were both in session this week for the first time since July with a lot of work on their plate, including funding the federal government to avoid a shutdown before it runs out of money on October 1. The Senate took steps to move forward with debate on a three-bill package comprised of its versions of the fiscal year 2024 Agriculture, Military Construction, and Transportation HUD appropriations bills, the first major spending package to be considered in Congress. The House aimed to take up its version of the FY 24 Defense appropriations bill this week but had to pull it from consideration on the floor due to a lack of votes to move it forward. The bill, which the White House has threatened to veto, has no Democratic support, and does not have enough support from within the Republican Caucus as it currently stands to move it forward.

Republican issues have little to do with the underlying Defense appropriations measure but rather House Freedom Caucus demands for further across the board cuts to all FY 24 non-defense appropriations. These hardline members are holding up all appropriations until they get their demanded spending cuts, which would ultimately be rejected by the Democratic-controlled Senate and White House.

Congress has not passed one FY 24 appropriations measure and there are two weeks until the end of the fiscal year. Lawmakers are under pressure to pass a short-term continuing resolution to extend FY 23 funding to keep the government funded until Congress can agree upon and pass the FY 24 appropriations bills. Complicating this process, which will need to be bipartisan, is the announcement by House Speaker Kevin McCarthy (R-CA) this week that the House will open an impeachment inquiry into President Biden.

Several Freedom Caucus members have indicated that they support a government shutdown to try to extract concessions from Democrats. With Republicans having only a four-vote majority, these members could force a shutdown if no bipartisan funding agreement is achieved, which seems unlikely at this point in the House. A short-term government shutdown will not have significant impact on our priority grant programs but a long-term shutdown would delay support and resources for grantees, and it would impact the work of joint task forces.

While Congress figures out how to keep the federal government open and fund it for the next fiscal year, NAPO is working with appropriators to ensure that our priority grant programs within the Departments of Justice and Homeland Security do not face significant cuts in FY 24. In both the House and Senate versions of the Commerce, Justice, Science Appropriations and the Homeland Security Appropriations bills, we have been successful so far in protecting our priority grant programs from considerable cuts.

The House's impeachment inquiry will also likely impact our ability to move our criminal justice priority legislation through the House as the Judiciary Committee will be focused on its investigations. We continue to press for support for our key Judiciary bills, getting them ready to move as soon as action on them is possible.

NAPO Backs Tax Credits for Sale of Gun Safes

NAPO pledged its support for H.R. 2770, the Prevent Family Fire Act, sponsored by Representatives Mike Levin (D-CA) and Mike Lawler (R-NY). This bill would create a new tax credit for retailers to incentivize the sale of safe storage devices for firearms. The tax credit would be equal to 10 percent of the sale price (no more than \$400 per device).

Gun safe storage devices are a part of the larger public safety narrative and have been shown to reduce the incidents of firearm theft, unintentionally shootings, and youth suicides. A recent study has shown that safe gun storage would reduce youth gun-related deaths by 32 percent. By using a market-based approach, the Prevent Family Fire Act, can help firearms retailers play a larger role in promoting responsible gun storage and increase the sale of these important devices to gun owners.

REMINDER!

Deadline for 9/11 Responders to Apply for PSOB Benefits Under PAFRA is November 17, 2023

The Protecting America's First Responders Act (PAFRA) established a two-year window from enactment (November 18, 2021) specifically for 9/11 responders to file a disability claim under the Act for an injury sustained in the line of duty as a result of the 9/11 terrorist attacks, assuming no claim had already been filed or the claim had been denied on the fact that the injury did meet the old disability requirements. It also allows families of 9/11 responders catastrophically injured because of the attacks, but who died of those injuries prior to being able to apply for benefits, to apply for death benefits within the two-year window.

The two-year window is important because under PSOB statute, a claim has to be filed within 3 years of the injury or death and PSOB considers September 11, 2001 the date of injury for 9/11 responders. **The two-year window for 9/11 responders to submit a claim ends November 17, 2023.** To meet the deadline,

an officer or their family only need to start a claim application on the [PSOB website \(PSOB.gov\)](https://www.pso.gov) - the application does not need to be completed by November 17.

This window is only for those officers who became catastrophically disabled or died due to their injuries prior to the enactment of PAFRA. A 9/11 responder who becomes disabled or dies due to a 9/11 related illness after 2021 is eligible for PSOB death or disability benefits through the normal PSOB process, as long as the application is started within 3 years of the death or date of disability diagnosis.

PAFRA eased the strict requirements for disabled officers to qualify for PSOB disability benefits, ensuring that officers who are catastrophically injured in the line of duty, but can perform some level of meaningful work, would still qualify for the much-needed benefit. Further, officers who become quadriplegic, paraplegic, or blind due to the line of duty injury automatically qualify for the PSOB disability benefit.

If you have any questions on the PSOB Program or filing a claim under PAFRA, please contact NAPO's Director of Governmental Affairs, Andy Edmiston, at aedmiston@napo.org or (703) 549-0775.

Please monitor NAPO's website, www.napo.org, and Facebook page: [National Association of Police Organizations](https://www.facebook.com/NationalAssociationofPoliceOrganizations), and follow us on X at [NAPOpolice](https://twitter.com/NAPOpolice) for breaking news and updates.