



The Washington Report

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

November 17, 2023



Submit Your TOP COP Nominations Today!

Don't let your TOP COPS nominations get lost in the holiday shuffle! The January 12th deadline for nominations will be here before you know it.

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.

With your help and partnership, the TOP COPS Awards® will continue to be a tremendous success!

Michael McHale
President, NAPO

Bill Johnson
Executive Director, NAPO

House to Hold Hearing on Harmful Impact of GPO & WEP

After spending almost a year doing outreach, meetings, and letters and garnering a record 300 bipartisan cosponsors in just 10 months, in a victory for NAPO, the House Ways and Means Subcommittee on Social Security is holding a field hearing in Baton Rouge, Louisiana on November 20 on "Social Security's Disservice to Public Servants: How the Windfall Elimination Provision and Government Pension Offset Mistreat Government Workers?". NAPO President Mick McHale submitted a [statement for the record](#) urging action on the Social Security Fairness Act (H.R. 82), which would totally repeal the Government Pension Offset (GPO) and the Windfall Elimination Provision (WEP).

This is the first hearing on the GPO and WEP since the Way and Means Committee marked up the Social Security Fairness Act in September 2022. In that markup, law makers opined on the unfairness of the GPO and WEP on our nation's public servants, but they stated they would not support final passage of the bill due to the high costs of repeal. We hope the hearing on November 20 will be different and open a path forward for the bill, including another markup at the beginning of next year.

Though most public safety 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 Windfall Elimination Provision (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.

More troubling is the effect of Government Pension Offset (GPO) on a police officer's retirement. If a spouse who paid into Social Security dies, the surviving public safety officer should be eligible for half of the deceased's benefit. However, GPO requires that this amount be offset by two-thirds of the survivor's pension, eliminating most or all of the payment. By professional need, many police officers are outside of Social Security but if they had not served at all, they would receive the full allotment of the spouse's benefit.

GPO and WEP were meant as a "leveling" response but only serve to hurt public safety officers. In this economic environment we have found ourselves in, the total repeal of both the GPO and WEP would have an immediate impact on preserving the retirement security of those who selflessly chose to serve our communities and would help stabilize the economy.

NAPO has been fighting to repeal the GPO and WEP for over 30 years and we will not stop fighting to protect the retirement security of our members and millions of retired public servants across the country.

NAPO Meets with Attorney General, DOJ Leadership

On November 6, NAPO met with Attorney General Merrick Garland, Deputy Attorney General Lisa Monaco, and Associate Attorney General Vanita Gupta as well as the leaders of other major national law enforcement organizations for a standing quarterly meeting between the DOJ and national law enforcement leadership. These meetings have been set to discuss relevant issues facing officers in the streets and how the DOJ can best assist its state and local law enforcement partners.

After comments on the work the DOJ is doing on behalf of law enforcement, including a brief update on the National Law Enforcement Accountability Database (NLEAD), ATF Director Steven Dettelbach presented on his agency's work to combat illegal gun crime and trafficking. We also discussed the fentanyl crisis and the need for more federal resources at the state and local level to help law enforcement and communities fight the deadly drug.

As for NLEAD, the Administration is planning to roll it out for federal law enforcement agencies by the end of the year with only some of the components being included initially as they work through the logistics of gathering data from the 65 separate federal law enforcement agencies into one database. As NAPO has previously reported, for state and local law enforcement, the DOJ 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. We continue to keep in close communication with the DOJ regarding NLEAD and the status of the updated NDI to ensure officers' privacy and rights, particularly their due process rights, are protected.

NAPO appreciates the opportunity to participate in these leadership meetings as we believe they are important to DOJ's efforts to maintain better relationships with state and local law enforcement.

National Blue Alert Advisory Committee Meets

The Blue Alert Advisory Group, of which NAPO is a member, in conjunction with the Justice Department's Community Oriented Policing Services (COPS) Office, convened to discuss the Network's continued work to establish Blue Alert systems in all 50 states. The Department of Justice Office of Community Oriented Policing Services (COPS) Director Hugh Clements lead the meeting.

Currently, twelve states and Washington, D.C. do not have Blue Alert networks. Getting Blue Alert plans up and running in all 50 states is a priority for NAPO as it ensures the National Blue Alert Network we fought so hard to get enacted as part of the Rafael Ramos and Wenjian Liu National Blue Alert Act works efficiently and effectively to protect officers from harm. The Act was named after NAPO members NYPD Officers Ramos and Liu, who were assassinated while sitting in their police cruiser on December 20, 2014.

The states that currently do not have active Blue Alert Networks are Alaska, Arkansas, Hawaii, Louisiana, Massachusetts, Nebraska, Nevada, New Mexico, Oregon, Pennsylvania, Wisconsin, and Wyoming. Legislation to create Blue Alert plans is pending in Pennsylvania.

NAPO, together with the COPS Office, stand ready to work with stakeholders in these remaining states to help enact such legislation. If you are interested in receiving information and resources on how to establish a Blue Alert plan or you wish to participate in the state-level working group, please contact the NAPO Office at (703) 549-0775 or info@napo.org.

As violence against officers continues to rise, Blue Alerts are an essential resource to keeping our officers safe. Best practices and other Blue Alert resources collected from around nation, including examples of legislation, policies, forms, and a directory of state Blue Alert officials can be found on the [National Blue Alert Network website](#).

NAPO on the Hill: NDAA

Before leaving for Thanksgiving recess, the Senate voted on November 15 to formally start conference negotiations over the National Defense Authorization Act for Fiscal Year 2024 (H.R. 2670). Informal discussions have been going on between the leadership of the House and Senate Armed Services Committees and they have reportedly hammered out the biggest differences between the House and Senate versions of H.R. 2670. NAPO has two significant priorities that were passed as part of the Senate version of the NDAA: the 9/11 Responder and Survivor Health Funding Correction Act of 2023 (Section 1087) and the FEND Off Fentanyl Act (Title LXVIII).

NAPO sent a [letter](#) to the leadership of both the House and Senate Armed Services Committees and copied House Speaker Mike Johnson (R-LA) and Senate Majority Leader Chuck Schumer (D-MA) urging the retention of these vital provisions in the final Conference Report of H.R. 2670.

The 9/11 Responder and Survivor Health Funding Correction Act of 2023 ensures critical funding for the World Trade Center Health Program (WTCHP), which, in 2015, was reauthorized until 2090 by Congress in recognition of the importance of this program. 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 WTCHP faces a projected shortfall that will cause it to not have enough funds to provide care for those 9/11 responders and survivors still suffering the physical and mental impacts of 9/11.

This provision would ensure the long-term viability of the WTCHP 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.

The FEND Off Fentanyl Act will help combat the country's fentanyl crisis by enhancing current law so U.S. government agencies can more effectively disrupt illicit opioid supply chains and penalize those facilitating the trafficking of fentanyl. It also ensures that sanctions are imposed not only on the illicit drug trade, but also on the money laundering that makes it profitable.

The spread of fentanyl in our communities is devastating. According to the National Institute on Drug Abuse, more than 106,000 Americans died from drug overdoses in 2021 and opioids were involved in over 70,601 of those deaths, a significant increase in opioid-related overdose deaths over previous years. Many of these deaths were from using synthetic analogues of fentanyl. Fentanyl is being mixed with already deadly illicit drugs, hidden in counterfeit drugs, and being peddled at alarmingly high rates to our nation's youth.

The FEND Off Fentanyl Act will be a critical component in the fight against the spread of this deadly poison in our communities by helping to stop the flow of fentanyl into our country. NAPO firmly believes we cannot act only after this drug enters our country; we must fight it before it crosses our borders.

NAPO will work through the conference committee process to reiterate the importance of including these two in the final conference agreement on this year's National Defense Authorization Act. It is expected that the Committee leadership will continue to meet to iron out the final differences and formal conference negotiations will begin when Congress returns on November 27 after the Thanksgiving recess.

NAPO Urges Administration to Close Trade Loophole Allowing Illicit Fentanyl into Country

There is a loophole in U.S. trade law, known as Section 321 de minimis, that is facilitating the importation of millions of pounds of fentanyl and other illicit drugs to the U.S. market. Just as we are supporting the FEND Off Fentanyl Act to fight off fentanyl before it crosses our borders, we back the closing of this loophole.

The Section 321 de minimis provision, which was first established under the Tariff Act of 1930, allows individual packages shipped directly to American consumers with virtually no inspection or documentation and free of duty if the contents are valued beneath the de minimis threshold of \$800. With the rise of e-commerce and mass distribution shippers, 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.

We are battling the trafficking of illegal narcotics on multiple fronts, from our southern border to Asian supply chains selling via e-commerce and shipping drugs like fentanyl in small packages by air cargo and

the international mail system. The de minimis loophole is severely exacerbating the opioid crisis and contributing to deaths in our country by allowing fentanyl and other illegal opioids to enter our market duty free and largely uninspected.

Fentanyl trafficking and seizures are on the rise, fueled by a tsunami of e-commerce purchases, which have resulted in nearly 3 million shipments a day entering the U.S. market through the de minimis provision in U.S. trade law. 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.

NAPO sent [a letter to President Biden](#) on November 9 urging him to take immediate action under his executive authority to close the de minimis loophole. We stand ready to work with the Administration to ensure much-needed reforms are made to resolve this massive and growing problem that is literally endangering and killing our citizens.

NAPO is also working in concert with textile trade associations, addiction organizations, and families who have lost a child to fentanyl to push for the closing of the de minimis loophole.

Congress Avoids Government Shutdown; Appropriations Stalls in House

On November 15, Congress passed a continuing resolution (CR) to fund the federal government into the new year by wide bipartisan margins, averting a government shutdown. The CR broke up the funding extension into two separate deadlines: funding for agencies covered by the Agriculture, Energy-Water, Military Construction-VA, and Transportation-HUD bills will run out on January 19 and funding for agencies covered by the remaining eight bills, including the Commerce, Justice, Science (CJS) appropriations bill, expires February 2. This is considered a “laddered” CR, and it is the first time Congress has funded the government in this manner.

The House passed the CR on November 14 with a 336-95 vote, with most conservative Republicans voting against the measure because it did not include any funding cuts. Out of anger that Speaker Mike Johnson passed not only a “clean” CR with no cuts but with the support of most Democrats as well, members of the House Freedom Caucus joined Democrats and moderate Republicans in opposing consideration of the CJS spending measure, which the House was scheduled to take up after it passed the CR. Moderate Republicans and Democrats oppose the House CJS bill due to its significant cuts to federal law enforcement – particularly the FBI and ATF – in addition to other concerns. The House Freedom Caucus vowed to continue to block legislative action on bills causing the House to adjourn early for the Thanksgiving recess.

Given opposition to the CJS appropriations measure by Democrats and moderate Republicans, the bill would have little chance of passing the House even if it was not blocked from consideration. The CJS and the Labor-Health and Human Services appropriations measures are two of the most controversial spending bills and have garnered veto threats from the President given the steep cuts to federal law enforcement and contentious social provisions that were included.

Congress has not passed any of the twelve FY 24 appropriations bills. Speaker Johnson has vowed not to do another CR and there is little appetite among House and Senate Republicans to do an omnibus appropriations package, putting pressure on lawmakers to buckle down and finish the appropriations

process when they return from recess. Given there are significant differences between the House and Senate in each spending bill, this will not be an easy process.

NAPO continues to be involved in the appropriations process and is working to ensure that state and local law enforcement assistance grant programs are sufficiently funded in FY 24.

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 goal for the Pension & Benefits Seminar is to educate pension and union representatives along with their providers on the latest issues surrounding the pension and benefits industry. Working in close collaboration with our distinguished advisory board, we have put together a program relevant that will focus on the challenges and causes for concern in today's pension and benefits environment.

Greatly increased costs of living appear permanent, and the threats of stagflation and a general recession are rearing their heads. Politically, both parties are already focused on and positioning themselves regarding the upcoming general election. Expanded use of artificial intelligence, the retreat from socially conscious investing, the mounting national debt and its impact on the U.S. credit rating, expanded liability for fiduciaries, and expansion of IRS taxation and reporting powers are just some of the issues being debated. Meanwhile, benefits themselves are being increasingly viewed as a key component of recruitment and retention. 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/PB24. Early bird registration ends on December 1.

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's Legislative Positions & Sponsor/Cosponsor Updates

NAPO's updated "Sponsor/Cosponsor" spreadsheet is available on [NAPO's website](#). The spreadsheet accompanies the latest "[Legislative Positions](#)" document, which is also available on the NAPO website. NAPO's Legislative Positions is a document that highlights all the legislation that we have taken an official position on or are monitoring during the 118th Congress. It is continually updated to reflect the work we are doing on Capitol Hill.

The "Sponsor/Cosponsor" spreadsheet is a useful tool to check if your members of Congress have supported pieces of legislation that will impact our members. NAPO updates this spreadsheet regularly and continues to ensure our voice is heard on Capitol Hill.

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