



Legislative Priorities 114th Congress

National Association of Police Organizations

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MISSION STATEMENT

The National Association of Police Organizations (NAPO) is established to unite all law enforcement organizations within the United States in order to promote and maintain federal legislation most beneficial to law enforcement in general and the citizens we are sworn to protect.

It is the aim of NAPO to stimulate mutual cooperation between law enforcement organizations and to assist in the economic, social, and professional advancement of all law enforcement officers, whether active or retired.

It is the further aim of NAPO to educate the public concerning the methods and means of achieving more effective crime control and law enforcement so as to establish a more peaceful, tranquil, and free society for all.

NAPO disseminates information to all member organizations and to the public regarding federal legislation and related matters which affect the interest and welfare of its member organizations, the law enforcement profession, and the public.

114TH CONGRESS (2015-2017)
LEGISLATIVE PRIORITIES
TABLE OF CONTENTS

NAPO Facts.....	1
State & Local Law Enforcement Assistance Programs	
• Community Oriented Policing Services Program.....	7
• Edward Byrne Memorial Justice Assistance Grant Program.....	7
• Department of Homeland Security Grants.....	7
• Bulletproof Vest Partnership Grant Program.....	11
Retirement Security	
• Government Pension Offset & Windfall Elimination Provision Reform.....	15
• Mandatory Social Security Participation.....	17
• Internal Revenue Service Rules on Normal Retirement Age.....	20
• Public Employee Pension Transparency Act.....	21
Criminal Justice	
• Increased Penalties for Crimes Against Law Enforcement Officers & Increased Officer Protections.....	23
• National Blue Alert Act.....	24
• Mental Health Treatment for Offenders & Training for Law Enforcement Officers.....	26
• Electronic Communications Privacy Act Amendments..	27
• Efforts to End Human Trafficking.....	29
• Metal Theft Prevention.....	30
• Sentencing Reform.....	31
• Drone Policies Impacting Law Enforcement.....	32
• Gang Deterrence and Prevention.....	32
• Extradition of Cop-Killers.....	33

Public Safety Officers' Benefits & Healthcare

- Public Safety Officers' Benefits (PSOB).....34
- Health & Compensation for 9/11 First Responders.....36
- Flexible Spending Arrangements.....37
- Health Savings Accounts.....37
- "Cadillac" Health Insurance Plan Tax.....38

Additional Issues of Interest to Law Enforcement

- Federal Consent Decrees40
- Driver's Privacy Protection Act.....40
- Officer Worn Body Camera Policies.....41
- Department of Defense Equipment for State & Local Law Enforcement Agencies42
- Postal Police Officers' Duties.....43
- Employer Support of the Guard and Reserve & Uniformed Services Employment and Reemployment Rights Act.....43

Sample Letter to Members of Congress.....45

Key Contacts46

NATIONAL ASSOCIATION OF POLICE ORGANIZATIONS

NAPO History: The National Association of Police Organizations (NAPO) is a coalition of police units and associations from across the United States. NAPO was organized for the purpose of advancing the interests of America's law enforcement officers through legislative advocacy, political action, and education.

Founded in 1978, NAPO is the strongest unified voice supporting law enforcement officers in the United States. NAPO represents more than 1,000 police units and associations, over 241,000 sworn law enforcement officers, and more than 100,000 citizens who share a common dedication to fair and effective crime control and law enforcement.

Increasingly, the rights and interests of law enforcement officers—*America's Finest*—have been the subject of legislative, executive, and judicial action in the nation's capital, Washington, D.C. From issues of federal funding of state law enforcement and anti-terrorism efforts, to federal policy on employee health, pensions, and other benefits, the actions of Congress and the Administration significantly impact public safety interests. These interests must be vigorously protected in light of the vital role law enforcement officers play in maintaining the peace and security of American society. NAPO works to influence the course of national affairs where law enforcement interests are concerned.

NAPO Government Affairs: NAPO maintains a Washington office to monitor and guide legislative and administrative developments. The Washington office provides information to NAPO's membership on a timely basis so that it can respond from the grassroots level. The *Washington Report*, which provides updates on current issues in which NAPO is engaged, is routinely distributed to the membership.

NAPO has achieved a number of solid legislative and administrative accomplishments for its constituents through the efforts of NAPO's Washington office, that works independently, and in conjunction with other public safety, public employee, and public employer groups. NAPO has also defeated efforts that would have seriously undermined law enforcement interests.

Among the many legislative areas in which NAPO has had a significant impact in recent years are:

1. Extension of the effective date of the Internal Revenue Service (IRS) Normal Retirement Age rules
2. Enactment and renewal of the Mentally Ill Offender Treatment and Crime Reduction Act (MIOTCRA)
3. Enactment of the Police, Fire, and Emergency Officers Educational Assistance Act
4. Enactment and renewal of the Bulletproof Vest Partnership Grant Act
5. Enactment of 1988 legislation, which raised the Public Safety Officers' Benefit (PSOB) for officers killed in the line of duty from \$50,000 to \$100,000, plus annual cost of living indexing, as well as follow on legislation in 2002, which raised the PSOB base from \$100,000 to \$250,000. The base was raised to \$318,111 in 2011, to \$323,035 in 2013, and to \$339,000 in 2015.
6. Enactment of the Securing Cockpits Against Laser Pointers Act
7. Enactment of the Violence Against Women Act (VAWA) Reauthorization of 2013. (NAPO worked with its counterparts to ensure the VAWA Reauthorization did not include Amendment 15, proposed by Senator Tom Coburn, which would have mandated cuts of \$780 million or more from Department of Justice grant programs).
8. Enactment of the Public Safety Spectrum and Wireless Innovation Act
9. Enactment of the James Zadroga 9/11 Health and Compensation Act
10. Enactment of the Improvements to the Law Enforcement Officers' Safety Act (right to carry legislation)
11. Enactment of the Ryan White HIV/AIDS Treatment Extension Act (includes a provision that protects emergency responders from occupational exposure to communicable diseases)
12. Enactment of the Fair Sentencing Act
13. Enactment of a Nationwide Interoperable Communications Network for Public Safety
14. Enactment of the National Amber Alert Act

15. Secured \$1 billion in the American Recovery and Reinvestment Act for the Community Oriented Policing Services (COPS) Hiring Program
16. Enactment of the Adam Walsh Child Protection and Safety Act
17. Enactment of the Healthcare Enhancement for Local Public Safety Retirees Act (allows retired public safety officers to use up to \$3,000 annually from their pension funds, including defined benefit plans and defined contribution plans, to pay for qualified health insurance premiums without taxing these distributions)
18. Enactment of the Combat Meth Act
19. Enactment of the Disaster Area Health and Environmental Monitoring Act (provides for free medical screenings to first responders, volunteers, and emergency personnel who endure serious health risks to respond to national disasters, such as Hurricane Katrina and the September 11, 2001 terrorist attacks)
20. Enactment and implementation of the Hometown Heroes Act (expands coverage of the PSOB Program to include those law enforcement officers who suffer debilitating or fatal heart attacks or strokes while on, or related to, active duty or training work)
21. Enactment of the Fair Labor Standards Act (FLSA) Amendments (implemented the United States Supreme Court's decision in the *Garcia* case, upholding the constitutionality of the FLSA as applied to non-federal public employees)
22. Elimination nationwide of the "source tax" on law enforcement retirees' incomes
23. Enactment of the Violent Crime Control and Law Enforcement Act (omnibus anti-crime legislation)
24. Enactment of the Family and Medical Leave Act
25. Enactment of legislation which prohibits implementation of the IRS proposal to tax accrued public employee leave as current income
26. Enactment of legislation which made the federal death benefit tax free to survivors

The governmental issues affecting the vital interests of law enforcement officers continue to grow daily as crime, terrorism, and other concerns occupy more of the time of Congress and the Administration. The aforementioned legislative victories are illustrative of the areas where law enforcement participation through NAPO has made, and continues to make a difference.

NAPO Information and Events: The NAPO website, (www.napo.org), is updated daily, and contains important information for law enforcement personnel regarding upcoming legislation, Supreme Court rulings, NAPO seminars and conferences, and safety and security hazards to law enforcement personnel.

Real time information for NAPO news can also be accessed by clicking the “Like” button on the National Association of Police Organizations Facebook (www.facebook.com) page or following NAPO on Twitter (www.twitter.com) by using NAPO’s Twitter name, “NAPOpolice.”

NAPO affiliates and representatives meet frequently with members of Congress and their staff at home and in Washington, D.C. to lobby pending issues of concern. Delegates establish NAPO’s legislative goals and priorities at the NAPO Annual Conference. Also, in election years, delegates issue endorsements of candidates for national and Congressional offices who have earned law enforcement’s support.

NAPO holds an annual **Legislative Luncheon on Capitol Hill**, which provides an opportunity to honor members of Congress and staffers who have been most supportive of law enforcement. It also provides NAPO’s members with a chance to convey NAPO’s top legislative priorities to members of Congress and their staff.

The prestigious **TOP COPS Awards®** are presented annually to sworn law enforcement officers from across the country who are nominated by their peers for outstanding service. NAPO held its first **TOP COPS Awards®** ceremony in Washington, D.C. in 1994, with special guests, including the President of the United States, and continues to pay tribute to outstanding law enforcement officers across the country each year.

NAPO also sponsors an **Annual Law Enforcement Pension and Benefits Seminar**, and has sponsored seminars on prevention of law enforcement officer suicide, union responses to critical incidents, federal election law for police associations, the *Garrity* decision, collective bargaining, the Fair Labor Standards Act (FLSA), law enforcement stress management, drug testing, the Americans with Disabilities Act (ADA), and public relations.

NAPO Public Affairs: In 2002, NAPO established the **National Association of Police Organizations Relief Fund**, dedicated to providing “for the physical, medical, emotional, and spiritual well-being of law enforcement officers and their families who have suffered hardship as a result of catastrophe, storm, flood, earthquake, fire, evacuation, relocation, disaster, war, or other acts or accidents of nature or man.” The Relief Fund has been extremely successful in assisting officers in the aftermath of Hurricanes Katrina and Sandy, flooding in the Midwest, and wildfires in Texas, as well as quietly aiding families with an ill or deceased loved one.

NAPO established a sister 501(c)(3) research and education organization in 1991, the **Police Research and Education Project (PREP)**. PREP has conducted research on law enforcement stress and its effect on the family under the auspices of National Institute of Justice grants.

In 1994, the **National Law Enforcement Officers’ Rights Center** was established under PREP to protect officers' legal and constitutional rights. The Rights Center is the first legal support center established to help law enforcement officers deal with the increase of litigation sweeping through the law enforcement community.

The Rights Center has filed many *amicus curiae* (“friend of the court”) briefs on behalf of law enforcement officers with the U.S. Supreme Court, as well as numerous federal and state appellate courts. The Rights Center has also published surveys on states' tort liability rules, collective bargaining laws, and a law enforcement officer's right to carry a firearm off-duty.

The Rights Center has won several important U.S. Supreme Court cases for law enforcement officers. Thanks to NAPO and the Rights Center, law enforcement officers can now restrain dangerous persons to ensure a safe search of a site during the execution of a warrant, and may lawfully arrest suspects who refuse to identify themselves in legitimate *Terry* stops. NAPO has also been instrumental in securing qualified immunity rights for officers in civil rights and use of force cases. The Rights Center and NAPO will continue to file *amicus curiae* briefs to represent America’s Finest in the courts of the United States.

NAPO is a founding member of the **National Law Enforcement Officers Memorial Fund (NLEOMF)**. NAPO's efforts led to the successful passage of legislation that established the Memorial and NAPO representatives served on the site selection and inscription committees. NAPO, through its members, raised over \$1 million for the Memorial.

NAPO also serves, or has served, as a board or coalition member for the National Law Enforcement and Corrections Technology Advisory Council (LECTAC), the National Armor Advisory Board and Summit (reviews current issues regarding body armor design and usage), the National Blue Mass (held for law enforcement officers during National Police Week), the National Center for Missing and Exploited Children, the Target Capabilities Working Groups of the U.S. Department of Homeland Security, the Public Safety Sub Council of the National Occupational Research Agenda of the National Institute for Occupational Safety and Health, the American College of Occupational and Environmental Medicine Task Group on Medical Guidelines for Law Enforcement Officers, the Collective Bargaining Coalition (lobbies Congress on legislation to extend basic collective bargaining rights to public safety officers), the National Executive Committee of the Coalition to Preserve Retirement Security (Social Security issues), the National Conference on Public Employee Retirement Systems, the Crime Prevention Council of America, and the United States Presidential Transition Teams for the Departments of Justice and Homeland Security.

**NAPO has been, and will continue to be the strongest unified voice
for law enforcement officers in the United States.**

STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE PROGRAMS

COMMUNITY ORIENTED POLICING SERVICES PROGRAM, EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT Program, & DEPARTMENT OF HOMELAND SECURITY GRANTS

Background: Serving as the lead national law enforcement organization, NAPO worked tirelessly with members of Congress and the Administration to enact the **Community Oriented Policing Services (COPS)** Program in 1994. Since its inception, the COPS Office, (within the United States Department of Justice (DOJ)), has been extremely successful in implementing and carrying out its designated objectives. To date, the COPS Hiring Program has assisted over 13,000 jurisdictions with over \$13 billion in funding to hire more than 125,000 community police officers across the United States. This funding has contributed to continued success in combating crime, drug use, and gangs; reducing and preventing the manufacture, distribution, and use of illegal drugs; and addressing emerging law enforcement needs.

In addition to the COPS Program, state and local law enforcement benefit greatly from the **Edward Byrne Memorial Justice Assistance Grant (Byrne-JAG)** Program, as it is the only comprehensive federal crime-fighting program. It allows for a system wide approach that enables communities to target resources to their most pressing local needs. This important program funds state and local law enforcement, including multi-jurisdictional drug and gang task forces, information sharing and technology, county jails, prosecutors, drug courts, and juvenile delinquency and drug treatment programs. In fact, it is the only source of federal funding for multi-jurisdictional task forces and prosecutors.

COPS, together with Byrne-JAG, provide state and local law enforcement with necessary funding to assist their efforts to keep communities safe.

In addition to fighting domestic crime, law enforcement is assuming more duties to protect America's communities against terrorist threats. Law enforcement supports the Department of Homeland Security's (DHS)

mission to secure America by preventing and deterring terrorist attacks, and protecting against, and responding to threats and hazards to the nation. State and local law enforcement receive federal funds to assist with the DHS mission through the following **DHS grant programs**: State Homeland Security Grant Program (SHSGP), Law Enforcement Terrorism Prevention Program (LETPP), and Urban Area Security Initiative (UASI).

Washington is faced with large deficits and no program is safe from massive funding reductions. Steep cutbacks in funding have occurred despite the fact that state and local law enforcement play an increasingly important role in homeland security, continue to fight against drugs and violent crime, and endure pressing state budget constraints.

Since the beginning of the 108th Congress, NAPO has expended great efforts every fiscal year to urge Congress and the Administration to fund these vital grant programs.

Funding History for COPS Hiring Program

Fiscal Year	Final Amount *	Fiscal Year	Final Amount *
1995	\$1,057	2006	\$0
1996	\$1,128	2007	\$0
1997	\$1,339	2008	\$20
1998	\$1,338	2009	\$1,000
1999	\$1,201	2010	\$298
2000	\$481	2011	\$246
2001	\$408	2012	\$166
2002	\$385	2013	\$165
2003	\$199	2014	\$151
2004	\$114	2015	\$134.5
2005	\$10	2016	TBD
*Indicates in Millions of Dollars			

Funding History for Byrne-JAG

Fiscal Year	Final Amount *
2016	TBD
2015	\$376
2014	\$376
2013	\$372
2012	\$470
2011	\$431
2010	\$519
2009	\$546
2008	\$0
2007	\$0
* Indicates in Millions of Dollars	

Recent Legislative History:

113th Congress (2013-2015)

- **S. 2254**, “COPS Improvements Act of 2014.” Introduced by Amy Klobuchar (D-MN) on April 10, 2014. Supported by ten cosponsors.
- **H.R. 421**, “COPS Improvement and Reauthorization Act of 2013.” Introduced by David Reichert (R-WA) on January 25, 2013. Supported by ten cosponsors.

112th Congress (2011-2013)

- **S. 207**, “COPS Improvements Act of 2011.” Introduced by Herb Kohl (D-WI) on January 26, 2011. Supported by 11 cosponsors.
- **H.R. 1894**, “COPS Improvement Act of 2011.” Introduced by Herb Weiner (D-NY) on May 13, 2011. Supported by seven cosponsors.
- **H.R. 6062**, “Edward Byrne Memorial Justice Assistance Grant Program Reauthorization Act of 2012.” Introduced by Tom Marino (R-PA) on June 29, 2012. Supported by ten cosponsors.

Passed by the House on August 1, 2012.

111th Congress (2009-2011)

- **S. 167**, Bill to amend the “Omnibus Crime Control and Safe Streets Act of 1968” to enhance the COPS ON THE BEAT grant program. Introduced by Herb Kohl (D-WI) on January 8, 2009. Supported by 18 cosponsors.

- **H.R. 1139**, “COPS Improvements Act of 2009.” Introduced by Anthony Weiner (D-NY) on February 23, 2009. Supported by 45 cosponsors.

110th Congress (2007-2009)

- **S. 231**, Bill to authorize the “Edward Byrne Memorial Justice Assistance Grant” program at FY 2006 levels (\$1.1 billion) through 2012. Introduced by Dianne Feinstein (D-CA) on January 9, 2007. Supported by 52 cosponsors. **Passed by the Senate on May 24, 2008.**
- **H.R. 3546**, House companion bill to **S. 231**. Introduced by Hank Johnson (D-GA) on September 17, 2007. Supported by 58 cosponsors. **Passed by the House on July 30, 2008. Public Law on July 30, 2008 (Public Law 110-294).**
- **S. 368**, “COPS Improvements Act of 2007.” Introduced by Joseph R. Biden, Jr. (D-DE) on January 23, 2007. Supported by 44 cosponsors.
- **H.R. 1700**, House companion bill to **S. 368**. Introduced by Anthony D. Weiner (D-NY) on March 26, 2007. Supported by 102 cosponsors. **Passed by the House on May 15, 2007.**

NAPO Position: Most law enforcement officials and the public recognize the benefits of putting more police on the street, which is why initiatives to put and maintain more officers in the field to promote community policing and fight crime should be continued. The steady decline of violent crime from 1993 to 2003 is evidence of the success of the COPS and Byrne-JAG programs. However, the recent steep increase in violent crime rate highlights the fact that Congress must not become complacent with past success. There is still much work to be done, and NAPO will continue to fight for the resources needed to serve communities efficiently and effectively.

NAPO will continue to pursue reauthorization of the COPS Program, and advocate for increased funding for the COPS Hiring Program. Increased funding for the COPS Hiring Program will allow for more officers to be placed on the streets, which will enable officers to continue to build trust with the communities they serve and increase public safety.

NAPO will also pursue increased funding for the Byrne-JAG Program, the cornerstone federal crime fighting program.

Additionally, NAPO supports fully funding vital DHS state and local law enforcement assistance grant programs. NAPO endorses allocating DHS grant funds to states and regions based on threat assessments and vulnerability & consequence assessments, rather than a broad-based political formula.

BULLETPROOF VEST PARTNERSHIP GRANT PROGRAM

Background: In 1998, with NAPO's support, Congress enacted legislation that created a grant program through the Department of Justice (DOJ) to help fund state and local law enforcement efforts to purchase bullet resistant vests for their officers, the Bulletproof Vest Partnership (BVP) Grant Program.

Since the program's inception, the BVP Grant Program has awarded more than 13,000 jurisdictions a total of \$393 million in federal funds for the purchase of over one million vests (1,197,348 as of December 2014).

Congress has reauthorized the program three times, most recently in 2008. However, the program's charter expired in September 2012 and Congress has failed to pass reauthorization legislation despite bipartisan efforts to do so. The BVP Grant Program Reauthorization Act of 2015 would authorize the program through fiscal year 2020.

The BVP Grant Program is a critical resource for state and local jurisdictions that saves lives. To date, more than 3,000 law enforcement officers have survived shootings thanks to their bullet resistant vests. Those officers are only a fraction of the over 900,000 law enforcement officers who put their lives at risk every day to protect our nation's communities.

While many officers are protected by bullet-resistant armor, an alarming number of officers, many in small departments across the United States, are not afforded this same protection due to local budget constraints. Moreover, in August 2005, DOJ released test results indicating that Zylon-based vests fail to provide the advertised level of ballistic resistance. These results led to law enforcement departments replacing their Zylon-based vests in order to protect the lives of their officers.

In the fall of 2010, the Attorney General announced a new DOJ BVP Grant Program application requirement: Agencies receiving funding for reimbursement of body armor purchases are required to have a written mandatory wear policy for uniformed patrol officers.

While the BVP Grant Program is authorized at \$50 million per year, the program receives, on average, only half of that amount, leaving thousands of police departments and agencies unable to help their officers purchase vests.

Funding History for BVP

Fiscal Year	Jurisdictions	Amount*
1999	3,508	\$22.89
2000	3,586	\$24.01
2001	4,447	\$24.50
2002	5,129	\$23.51
2003	5,784	\$24.00
2004	4,783	\$24.20
2005	4,010	\$23.63
2006	4,600	\$28.90
2007	3,981	\$28.62
2008	4,484	\$20.66
2009	3,927	\$22.00
2010	4,127	\$37.01
2011	4,960	\$24.28
2012	4,180	\$19.98
2013	4,580	\$16.37
2014	4,199	\$18.62

*Indicates in Millions of Dollars

Recent Legislative History:

114th Congress (2015-2017)

- S. 125, “Bulletproof Vest Partnership Grant Program Reauthorization Act of 2015.” Introduced by Patrick Leahy (D-VT) on January 8 2015. Supported by 12 cosponsors.

- **H.R. 228**, “Bulletproof Vest Partnership Grant Act of 2015.” Introduced by Frank LoBiondo (R-NJ) on January 8, 2015. Supported by 13 cosponsors.

113th Congress (2013-2015)

- **S. 933**, “Bulletproof Vest Partnership Grant Program Reauthorization Act of 2013.” Introduced by Patrick Leahy (D-VT) on May 13, 2013. Supported by 36 cosponsors.
- **H.R. 988**, “Bulletproof Vest Partnership Grant Act of 2013.” Introduced by Frank LoBiondo (R-NJ) on March 6, 2013. Supported by 24 cosponsors.

112th Congress (2011-2013)

- **S. 2554**, “Bulletproof Vest Partnership Grant Program Reauthorization Act of 2012.” Introduced by Patrick Leahy (D-VT) on May 17, 2012. Supported by 11 cosponsors
- **H.R. 5742**, “Bulletproof Vest Partnership Grant Act of 2012.” Introduced by Frank LoBiondo (R-NJ) on May 15, 2012. Supported by 14 cosponsors.

110th Congress (2007-2009)

- **S. 2511**, “Bulletproof Vest Partnership Grant Act of 2008.” Introduced by Patrick Leahy (D-VT) on December 18, 2007. Supported by eight cosponsors.
- **H.R. 6045**, “Bulletproof Vest Partnership Grant Act of 2008.” Introduced by Peter Visclosky (D-IN) on May 13, 2008. Supported by 171 cosponsors. **Passed by the House on September 26, 2008. Public Law on October 15, 2008 (Public Law 110-421).**
- **S. 3012**, Senate companion bill to **H.R. 6045**. Introduced by Patrick Leahy (D-VT) on May 13, 2008. Supported by eight cosponsors. **Passed by the Senate on September 30, 2008.**

NAPO Position: Over the past decade, this vital program has enabled the protection of over one million officers.

The policy change that requires a mandatory wear policy in order for departments to receive funds for vests is misguided. Specifically, Public Safety Officers’ Benefits (PSOB) should not be contingent on officers’ compliance with departmental body armor wear policies. There are too many unforeseeable circumstances to justify making death benefits contingent on compliance with a blanket policy. NAPO believes this inadvertent consequence can be avoided through a variety of legislative

options. (For additional information on NAPO's efforts to modify the PSOB Program to ensure that the families of law enforcement officers killed in the line of duty receive the support they deserve, please see page 35).

Furthermore, fully funding the BVP Grant Program will ensure that all of America's law enforcement officers are provided with the life-saving protection they need. This grant program has enabled small and large law enforcement departments alike to obtain protective equipment to safeguard their officers. However, the current budget proposals do not come near the funding necessary to meet the annually growing need for vital assistance.

The BVP Grant Program needs to be made permanent, and needs to be fully funded at its authorized level of \$50 million in order to safeguard the lives of America's law enforcement officers by ensuring they are afforded the necessary protection.

NAPO will continue to pursue reauthorization of BVP Grant Program, and urge that funding for the Program be authorized at \$50 million. NAPO will also continue to expend all available efforts to ensure that failure to wear a vest does not negatively impact a surviving family member's ability to receive benefits under the PSOB Act.

RETIREMENT SECURITY

GOVERNMENT PENSION OFFSET & WINDFALL ELIMINATION PROVISION REFORM

Background: The Government Pension Offset (GPO) reduces public employees' Social Security spousal or survivor benefit by two-thirds of their public pension, and often leads to negative effects on law enforcement officers' retirements. If a spouse who paid into Social Security dies, the surviving public safety officer would normally be eligible for half of the deceased's benefit. However, if the surviving law enforcement officer had not been paying into Social Security while working, the GPO requires that this amount be offset by two-thirds of the survivor's pension, eliminating most, or all of the payment. Because of their profession, many law enforcement officers do not pay into Social Security; however, if they had not served at all, they would receive the full allotment of the spouse's benefit.

In addition to the GPO, public safety employees are also adversely affected by the Windfall Elimination Provision (WEP). Although most law enforcement officers retire after a specific length of service, usually while in their early to mid-fifties, many look for new opportunities to serve their communities. 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 their rightfully earned Social Security retirement benefit, their pension heavily offsets it, thus vastly reducing the amount they receive.

GPO and WEP were intended to be "leveling" responses, but only serve to hurt public safety officers. Nine out of ten public employees affected by the GPO lose their *entire* spousal benefit, even though their spouses paid Social Security for many years. The WEP causes hard-working public safety officers to lose the benefits *they earned themselves*, thus punishing those who selflessly serve and protect our communities.

Recent Legislative History:

114th Congress (2015-2017)

- **H.R. 973**, "Social Security Fairness Act." Introduced by Rodney Davis (R-IL) on February 13, 2015. Supported by 61 cosponsors.

- **H.R. 711**, “Equal Treatment for Public Servants Act of 2015.” Introduced by Kevin Brady (R-TX) on February 4, 2015. Supported by five cosponsors.

113th Congress (2013-2015)

- **S.896**, “Social Security Fairness Act.” Introduced by Mark Begich (D-AK) on May 28, 2013. Supported by 20 cosponsors.
- **H.R. 1795**, “Social Security Fairness Act.” Introduced by Rodney Davis (R-IL) on April 26, 2013. Supported by 136 cosponsors.
- **H.R. 5697**, “Equal Treatment for Public Servants Act of 2014.” Introduced by Kevin Brady (R-TX) on November 13, 2014. Supported by eight cosponsors.

112th Congress (2011-2013)

- **S. 113**, “Public Servants Retirement Protection Act.” Introduced by Kay Bailey Hutchinson (R-TX) on January 25, 2011. Supported by one cosponsor.
- **H.R. 1332**, “Social Security Fairness Act of 2011.” Introduced by Howard McKeon (R-CA) on April 1, 2010. Supported by 170 cosponsors.
- **H.R. 2797**, “Public Servant Retirement Protection Act of 2011.” Introduced by Kevin Brady (R-TX) on August 5, 2011. Supported by eight cosponsors.

111th Congress (2009-2011)

- **H.R. 235**, “Social Security Fairness Act of 2009.” Introduced by Howard Berman (D-CA) and Howard McKeon (R-CA) on January 7, 2009. Supported by 334 cosponsors.
- **S. 484**, Senate companion bill to **H.R. 235**. Introduced by Dianne Feinstein (D-CA) on February 25, 2009. Supported by 31 cosponsors.

110th Congress (2007-2009)

- **H.R. 82**, “Social Security Fairness Act of 2007.” Introduced by Howard Berman (D-CA) on January 4, 2007. Supported by 352 cosponsors.
- **S. 206**, Senate companion bill to **H.R. 82**. Introduced by Dianne Feinstein (D-CA) on January 9, 2007. Supported by 38 cosponsors.
- **S. 1254**, “Government Pension Offset Reform Act.” Introduced by Barbara Mikulski (D-MD) on May 1, 2007. Supported by eight cosponsors.

- **H.R. 2988**, House companion bill to **S. 1254**. Introduced by Albert Wynn (D-MD) on July 10, 2007.

NAPO Position: Law enforcement officers and public employees across the United States are concerned about their retirement benefits and the impact of the GPO and WEP.

The loss of income caused by the GPO and WEP is a financial strain on law enforcement officers and their families, an additional strain that those who spent their careers on the front lines protecting our nation's communities do not need. By significantly scaling back and reducing Social Security benefits for law enforcement officers and their survivors, as the GPO and WEP do, officers and their families are provided much less protection against financial difficulties. This is no way to honor those who have chosen to serve our nation and its communities.

NAPO supports efforts to totally repeal the GPO and WEP from Title II of the Social Security Act, and will continue to actively work to ensure passage of legislation to alleviate the burdens the GPO and WEP place on public safety officers across the country.

MANDATORY SOCIAL SECURITY PARTICIPATION

Background: The Social Security program is an important source of future retirement security for millions of Americans. NAPO realizes that the program needs to be restructured and its financing put on sound footing for future generations of retirees, in view of projections that the Social Security Trust Fund will be exhausted by 2033. NAPO commends the President and the Congress for their efforts to consider various alternatives.

State and local governments were excluded from the Social Security Act of 1935 because there were (and still are) questions as to the extent to which the federal government could tax state and local governments. Also, many state and local governments had their own pension systems. The 1950 amendments to the Act allowed state and local governments to voluntarily participate in the Social Security program, and a number of states joined the system. In July of 1991, Social Security was made mandatory for state and local government employees who do not participate in any employer/employee retirement system.

Mandating Social Security taxes on the 70 percent of public safety officers not presently covered would have a dramatic and negative impact on the recruitment and retention of well-qualified public safety officers. In addition, it would constitute an unfunded mandate on public safety agencies, amounting to more than \$1 billion in the first year alone. Under a mandatory Social Security system, law enforcement officers would pay more for fewer benefits, when compared to their current pension plans.

Social Security was not designed for and does not address the special needs of law enforcement officers as follows:

1. Officers and their families need the security of service-connected disability and death benefits. Social Security benefits do not provide anywhere near the same level of benefits of current public safety pension plans, and provide no disability benefits unless one is totally unable to perform any work, not just public safety work.
2. Social Security is not appropriate for public safety officers who normally retire prior to, or around 55 years of age, due to the stresses, dangers, and injuries of the job. Unlike current plans, where officers may retire after 20 or more years of service, Social Security would not pay these individuals until they reached 62, 67, or even 70 years of age. Forcing police officers to work until the age of 70 would negatively impact public safety.

If enacted into law, mandatory Social Security taxes on public safety workers would do the following:

- A majority of state and local government entities would both pay the newly imposed 6.2 percent tax, (the employer's half of the 12.4 percent Social Security tax), and retain their current pension systems, because they are required to do so by law or collective bargaining agreements. Imposing Social Security taxes on these state and local governments would strain their budgets and would have serious consequences on the pay and working conditions of their public safety officers. For example, it is estimated that California governmental entities and their newly hired employees would be required to pay \$440 million in new Social Security taxes, if newly hired workers were covered.
- Officers would automatically suffer a *de facto* pay decrease through the newly imposed 6.2 percent tax, (the employee's half of the 12.4 percent Social Security tax), and it would become more difficult to retain the most qualified officers.

- Because raising taxes to make up the difference is not politically feasible, state and local governments would likely take two or more of the following actions: (1) decrease the number of public safety officers to retain current pay levels and benefits; (2) reduce the pay of law enforcement officers; (3) freeze future cost-of-living increases; or (4) not provide public safety officers with the essential equipment, (such as bullet resistant vests), and resources needed to effectively perform their work.
- Most state and local governments would pay the 6.2 percent tax by proportionally reducing their contributions to current pension systems. Trying to blend the special needs of actuarially funded pensions systems with the structure of Social Security would create serious complications and costs for benefit design and administration, as well as collective bargaining. Over time, mandatory Social Security taxes, even if only applied to new hires, would threaten the financial viability of sound, secure, and long-standing retirement systems, eventually destroying the existing retirement and disability benefits for public safety officers.
- Reducing employer and employee contributions to current pension plans in order to pay Social Security taxes would have serious repercussions for those employees already having vested rights and would make it difficult to recruit the best candidates for public safety work. Over time, the increasing transfer of significant contributions (of both employers and employees) from pension funds to Social Security would severely reduce the investment income, as more grandfathered employees in the current systems retire and new employees covered by Social Security are hired to replace them. This would cause pension funds to be under-funded and reduce benefits, seriously harming the future benefits paid to retirees.
- Significantly scaling back and reducing current retirement pensions, death benefits, and line-of-duty disability pay for public safety officers, even if done only for new hires, would provide public safety officers and their families with much less protection. This would cause law enforcement and firefighting to become much less desirable as careers. Retention of current public safety officers and recruitment of new officers would become difficult.

NAPO Position: NAPO supports a long-term solution, *so long as* such a solution does not mandate that all or some state and local government employees, including newly hired ones and their employing agencies, be required to pay Social Security taxes. Adding presently non-covered public safety workers will not fix the basic problems of Social Security. While it will bring new workers into the Social Security system, the system will also have to assume a liability for these new workers, which will eventually have to be paid.

Even if Social Security taxes were limited to new hires, the likely consequences of mandatory Social Security taxes, including reduced benefits, lower salaries, and/or frozen cost-of-living increases, would make law enforcement and fire safety work less financially desirable. It makes no sense whatsoever to tamper with a system of pension funds that is working well and paying needed benefits to those who serve and protect the public.

There has not been any recent legislation on this issue. NAPO will continue to serve as the key representative of law enforcement in defending this issue before members of Congress.

INTERNAL REVENUE SERVICE RULES ON NORMAL RETIREMENT AGE

Background: NAPO was successful in moving the enactment date for Internal Revenue Service (IRS) Normal Retirement Age regulations from January 1, 2011 to January 1, 2013, and later efforts by NAPO and several of its member associations resulted in postponement to January 1, 2015. Since January 1, 2015, government plans have been afforded a delay in the application of the rules.

The IRS responded to struggling public sector pension plans by adding more federal oversight to governmental plans by significantly increasing audits of defined benefit plans.

NAPO is concerned that the IRS does not have the necessary knowledge or adequate guidance to properly audit governmental plans. Additionally, the IRS has not sufficiently involved state and local government officials in the process of establishing increased enforcement in this area, and may be acting outside of its jurisdiction.

Lastly, the press reports on governmental plans that the IRS cites are not relevant to federal tax code compliance, and tend to use selective examples that are usually tangled with issues related to healthcare, which distort the overall picture of public pension finance.

The final regulations are for the purpose of in-service distributions only. A public safety officer can still retire after 20 or 25 years of service, (even if he or she has not reached the age of 50), and receive a full, unreduced pension, as long as he or she severs all employment with the employer who maintains the plan. This would no longer be considered “normal retirement age,” but rather “early unreduced retirement.” However, an officer cannot receive in-service distribution benefits until he or she reaches the IRS defined normal retirement age of 50 (for public safety personnel).

NAPO Position: NAPO is continuing efforts to completely exclude governmental plans from these regulations. NAPO strongly believes the IRS should not attempt to create standardized definitions for normal retirement age with regards to governmental plans, but instead should defer to the applicable state or local laws, regulations, and policies governing these plans.

PUBLIC EMPLOYEE PENSION TRANSPARENCY ACT

Background: The Public Employee Pension Transparency Act (PEPTA) would compel states and municipalities to meet stringent standards for reporting on the finances of employee-pension funds, and would expressly ban any federal bailouts.

The PEPTA does not protect employee benefits, save costs, or result in more transparency. It is an inappropriate federal mandate that imposes costly regulation and threatens to tax state and local government bonds.

The PEPTA mandates a costly and complex layer of federal reporting on top of existing state and local accounting and reporting. It also gives federal regulators sweeping powers to impose duplicative requirements on state and local governments already struggling to comply with existing costly federal paperwork burdens. Also, the PEPTA threatens far-reaching and unintended consequences for the municipal bond market and the economy as a whole.

Moreover, the PEPTA creates a one-size-fits-all federal mandate that interferes with state and local government recovery efforts already underway, and does not allow states and localities to adopt tailored solutions to meet their unique long-term needs.

Recent Legislative History:

113th Congress (2013-2015)

- **S. 779**, “Public Employee Pension Transparency Act.” Introduced by Richard Burr (R-NC) on April 23, 2013. Supported by two cosponsors.
- **H.R. 1628**, “Public Employee Pension Transparency Act.” Introduced by Devin Nunes (R-CA) on April 18, 2013. Supported by ten cosponsors.

112th Congress (2011-2013)

- **S. 347**, “Public Employee Pension Transparency Act.” Introduced by Richard Burr (R-NC) on February 15, 2011. Supported by eight cosponsors.
- **H.R. 567**, “Public Employee Pension Transparency Act.” Introduced by Devin Nunes (R-CA) on February 9, 2011. Supported by 51 cosponsors.

111th Congress (2009-2011)

- **H.R. 6484**, “Public Employee Pension Transparency Act.” Introduced by Devin Nunes (R-CA) on December 2, 2010. Supported by six cosponsors.

NAPO Position: NAPO strongly believes this legislation is imprudent and unnecessary. IF the PEPTA is reintroduced, NAPO will work with other stakeholders to staunchly oppose this legislation.

NAPO is a core member of the Pension Protection Network (PPN), which encompasses a large group of public sector representatives. NAPO will continue to work with the PPN as legislation is introduced that could impact our members’ pensions.

CRIMINAL JUSTICE

INCREASED PENALTIES FOR CRIMES AGAINST LAW ENFORCEMENT OFFICERS & INCREASED OFFICER PROTECTIONS

Background: There is a serious and growing trend of armed attacks on law enforcement officers. Increased penalties make important differences in the attitudes of criminals towards public safety officers, and can ensure protection for the community.

The Line of Duty Act would create a new federal crime for the killing, attempted killing, or conspiring to kill a federally funded public safety officer. The bill would also create a new federal crime for interstate flight to avoid prosecution for killing, attempting to kill, or conspiring to kill a federally funded public safety officer. This legislation would help to bring federal resources to bear in the prosecution of those who attempt to harm or murder any public safety officer. Additionally, the bill would expressly allow all judges, prosecutors, and law enforcement officials, subject to limited regulations, to carry firearms into all federal facilities, federal courts, and in jurisdictions where the carrying of such weapons is otherwise prohibited by law.

The Thin Blue Line Act would make the murder of a police officer, firefighter, or first responder an aggravating factor in death penalty determinations. This would be applicable whether they were murdered on duty, because of the performance of their duty, or because of their status as a public official. This bill would encompass every police officer whether federal, state, or local, as well as any firefighter or first responder. The only requirement is that the homicide provide federal jurisdiction.

Recent Legislative History:

114th Congress (2015-2017)

- **H.R. 814**, “Thin Blue Line Act.” Introduced by David Jolly (R-FL) on February 9, 2015. Supported by eight cosponsors.

113th Congress (2013-2015)

- **S. 698**, “Line of Duty Act.” Introduced by John Cornyn (R-TX) on April 10, 2013. Supported by zero cosponsors.

- **H.R. 1577**, “McLellan-Hass Line of Duty Act.” Introduced by Ted Poe (R-TX) on April 16, 2013. Supported by two cosponsors.

NAPO Position: NAPO strongly supports legislation, at both the federal and state level, that would increase penalties for crimes committed against law enforcement officers.

Establishing stricter penalties for those who harm law enforcement officers will deter crime. Any persons contemplating harming an officer must know that they will face serious punishments.

NAPO will continue to work with key members of Congress to ensure that those who harm or attempt to harm public safety officers are subject to the strictest penalties.

NAPO is also working with members of Congress to find a legislative vehicle to review federal jurisdiction for the prosecution of those who assault, injure, or kill police officers. Right now, any officer is subject to federal prosecution under the Criminal Federal Rights Statute, 18 USC Section 242. NAPO strongly believes that same officer should enjoy the protection of federal prosecution if he/she is assaulted on the job.

Finally, NAPO is working to make it a federal offense to resist arrest. In addition to educating citizens about the role, rights, and responsibilities of law enforcement officers, individuals must know that they will face serious penalties if they resist arrest.

The aforementioned actions will add another layer of safety for the nation’s law enforcement officers, who put their lives on the line each day to protect our communities.

NATIONAL BLUE ALERT

Background: According to the National Law Enforcement Officers Memorial Fund, on average, one law enforcement officer is killed in the line of duty somewhere in the United States every 58 hours. Tools must be put in place to apprehend individuals who harm or attempt to harm public safety officers.

The Rafael Ramos and Wenjian Liu National Blue Alert Act would help to create a nationwide alert system to quickly identify and apprehend suspects when a law enforcement officer is killed or seriously injured, missing in connection with official duties, or if there is an imminent/credible threat related to an attack on law enforcement.

This legislation was named after New York City Police Department Detectives and NAPO members Ramos and Liu, who were assassinated while serving their communities. The killer posted threats to law enforcement on social media before the attack. Implementing a Blue Alert system would help to ensure that information on credible threats, like that posted by the individual who killed Detectives Ramos and Liu, is widely disseminated so that officers have advanced warning, and can apprehend the criminal before he or she can do more harm.

Recent Legislative History:

114th Congress (2015-2017)

- **S. 665**, “Rafael Ramos and Wenjian Liu National Blue Alert Act of 2015.” Introduced by Benjamin Cardin (D-MD) on March 4, 2015. Supported by 17 cosponsors.
- **H.R. 1269**, “Rafael Ramos and Wenjian Liu National Blue Alert At of 2015.” Introduced by David Reichert (R-WA) on March 4, 2015. Supported by three cosponsors.

113th Congress (2013-2015)

- **H.R. 180**, “National Blue Alert Act of 2013.” Introduced by Michael Grimm (R-NY) on January 4, 2013. Supported by 14 cosponsors. **Passed by the House on May 14, 2013.**
- **S. 357**, “National Blue Alert Act of 2013.” Introduced by Benjamin Cardin (D-MD) on February 14, 2013. Supported by 28 cosponsors.

112th Congress (2011-2013)

- **H.R. 365**, “National Blue Alert Act of 2011.” Introduced by Michael Grimm (R-NY) on February 2, 2011. Supported by 58 cosponsors. **Passed by the House on May 15, 2012.**
- **S. 657**, “National Blue Alert Act of 2011.” Introduced by Benjamin Cardin (D-MD) on March 28, 2011. Supported by 14 cosponsors.

111th Congress (2009-2011)

- **H.R. 6235**, “National Blue Alert Act of 2010.” Introduced by Michael McMahon (D-NY) on December 20, 2010. Supported by nine cosponsors.
- **S. 657**, “National Blue Alert Act of 2010.” Introduced by Benjamin Cardin (D-MD) on November 18, 2010. Supported by three cosponsors.

NAPO Position: NAPO is a strong and active supporter of the Blue Alert System. Creating a nationwide system that responds to criminal action against law enforcement officers will ensure the safety of the officers and the public.

NAPO plans to continue to work with other law enforcement stakeholders to pass this important bill during the 114th Congress.

MENTAL HEALTH TREATMENT FOR OFFENDERS & TRAINING FOR LAW ENFORCEMENT OFFICERS

Background: Individuals with mental illnesses are significantly overrepresented in the prison and jail population. State and local governments are increasingly finding the need for greater collaboration between criminal justice, juvenile justice, and mental health and substance abuse treatment systems to better allocate resources across systems, increase connections to needed services, and reduce recidivism.

The Mentally Ill Offender Treatment and Crime Reduction Act (MIOTCRA) was signed into law by President George W. Bush in 2004, and authorized a \$50 million grant program to be administered by the U.S. Department of Justice. The law created the Justice and Mental Health Collaboration Program (JMHCP) to help states and counties design and implement collaborative efforts between criminal justice and mental health systems.

In 2008, Congress reauthorized the MIOTCRA for an additional five years. The reauthorization bill expanded training for law enforcement to identify and respond appropriately to individuals with mental illnesses. It also supported the development of law enforcement receiving centers to assess individuals in custody for mental health and substance abuse treatment needs, as an alternative to jail booking.

The Justice and Mental Health Collaboration Act (JMHCA) would reauthorize the successful MIOTCRA and extends the JMHCP for five years.

Recent Legislative History:

114th Congress (2015-2017)

- **H.R. 731**, “Justice and Mental Health Collaboration Act.” Introduced by Richard Nugent (R-FL) on February 4, 2015. Supported by 17 cosponsors.

113th Congress (2013-2015)

- **S.162**, “Justice and Mental Health Collaboration Act of 2013.” Introduced by Al Franken (D-MN) on January 28, 2013. Supported by 23 cosponsors.
- **H.R.401**, “Justice and Mental Health Collaboration Act of 2013.” Introduced by Richard Nugent (R-FL) on January 23, 2013. Supported by 21 cosponsors.

NAPO Position: NAPO is a strong supporter of the JMHCP. This important program helps criminal justice and mental health agencies work collaboratively towards better outcomes. The JMHCP can help law enforcement agencies across the United States in their responsibilities in assisting citizens with mental health conditions.

NAPO continues to support efforts to improve access to mental health services for people who come into contact with the criminal justice system, and to provide law enforcement officers the tools and training they need to identify and respond to mental health issues in the communities they serve.

NAPO plans to continue to work with fellow stakeholders to pass this important legislation during the 114th Congress.

ELECTRONIC COMMUNICATIONS PRIVACY ACT AMENDMENTS

Background: The Electronic Communications Privacy Act (ECPA) was established in 1986 to provide Internet users who store data on third-party servers with greater protection against government intrusions. Efforts

have been made to update this legislation to reflect technological advancements.

The Electronic Communications Privacy Act Amendments Act proposes changes to ECPA, which would establish a search warrant requirement for the government to obtain Americans' e-mails and other electronic communications from third-party service providers.

Recent Legislative History:

114th Congress (2015-2017)

- **S. 365**, "Electronic Communications Privacy Act Amendments Act." Introduced by Mike Lee (R-UT) on February 4, 2015. Supported by 12 cosponsors.
- **H.R. 699**, "E-mail Privacy Act." Introduced by Kevin Yoder (R-KS) on February 4, 2015. Supported by 244 cosponsors.
- **H.R. 283**, "Electronic Communications Privacy Act Amendments Act." Introduced by Matt Salmon (R-AZ) on January 12, 2015. Supported by three cosponsors.

113th Congress (2013-2015)

- **S. 607**, "Electronic Communications Privacy Act Amendments Act of 2013." Introduced by Patrick Leahy (D-VT) on May 19, 2013. Supported by six cosponsors.
- **H.R. 1847**, "Electronic Communications Privacy Act Amendments Act of 2013." Introduced by Matt Salmon (R-AZ) on May 7, 2013. Supported by 24 cosponsors.

112th Congress (2011-2013)

- **S. 1011**, "Electronic Communications Privacy Act Amendments Act of 2011." Introduced by Patrick Leahy (D-VT) on May 17, 2011. Supported by zero cosponsors.

NAPO Position: NAPO strongly opposes this legislation, which would add unnecessary and impractical warrant requirements. Innovations in communications and machinery should not adversely affect law enforcement's ability to protect communities. Timely access to electronic evidence is often a critical law enforcement aid. Warrants take much longer to secure as compared with the current practice of officers obtaining a court order. This is of particular concern in time-critical cases.

Moreover, warrants require an affidavit, which generally becomes public. These documents have the potential to expose law enforcement and informant identities and methods.

There are effective law enforcement procedures already in place on these issues at the state and local level. The warrant requirement included in this legislation would present a huge obstacle to legitimate law enforcement needs.

As Congress moves forward with reform, NAPO will reaffirm that law enforcement's investigative timelines should not be lengthened by more stringent restrictions on the ability to obtain communications information.

EFFORTS TO END HUMAN TRAFFICKING

Background: There are thousands of trafficking victims across the country. The most vulnerable populations, including children, are at risk of being targeted by traffickers. Many members of Congress have come together to address this growing issue.

The Justice for Victims of Trafficking Act would boost support for and protection of victims of human trafficking by increasing law enforcement resources, enhancing victims' services, and increasing penalties in an effort to combat child sex trafficking, child pornography, sexual exploitation, and human trafficking.

The End Sex Trafficking Act targets the predators that purchase trafficking victims for sex. This legislation would strengthen and clarify the Trafficking Victims Protection Act to ensure that sex trafficking perpetrators are prosecuted for contributing to modern-day slavery.

Recent Legislative History:

114th Congress (2015-2017)

- **S. 178**, "Justice for Victims of Trafficking Act." Introduced by John Cornyn (R-TX) on January 13, 2015. Supported by 26 cosponsors.
- **H.R. 181**, "Justice for Victims of Trafficking Act." Introduced by Ted Poe (R-TX) on January 17, 2015. Supported by 16 cosponsors. **Passed by the House on January 27, 2015.**

113th Congress (2013-2015)

- **S. 1354**, “End Sex Trafficking Act of 2013.” Introduced by John Cornyn (R-TX) on June 24, 2013. Supported by one cosponsor.
- **H.R. 2805**, “End Sex Trafficking Act.” Introduced by Ted Poe (R-TX) on June 24, 2013. Supported by 51 cosponsors.
- **S. 1738**, “Justice for Victims of Trafficking Act.” Introduced by John Cornyn (R-TX) on November 19, 2013. Supported by 27 cosponsors.
- **H.R. 3530**, “Justice for Victims of Trafficking Act.” Introduced by Ted Poe (R-TX) on November 19, 2013. Supported by 119 cosponsors. **Passed by the House on May 20, 2014.**

NAPO Position: NAPO will continue to pursue legislation, including the Justice for Victims of Trafficking Act and End Sex Trafficking Act, to ensure law enforcement officers have the necessary tools and resources to rescue trafficking victims, track down their exploiters, and prosecute every criminal responsible for modern-day slavery.

METAL THEFT PREVENTION ACT

Background: The Metal Theft Prevention Act would address the growing problem of metal theft and the risk such theft poses to critical infrastructure.

During the 113th Congress, NAPO worked with the legislation’s sponsors to add text to the legislation to ensure law enforcement officers are able to access necessary information to solve metal theft cases.

Recent Legislative History:

113th Congress (2013-2015)

- **S. 394**, “Metal Theft Prevention Act of 2013.” Introduced by Amy Klobuchar (D-MN) on February 27, 2013. Supported by five cosponsors.
- **H.R. 867**, “Metal Theft Prevention Act of 2013.” Introduced by Erik Paulsen (R-MN) on February 27, 2013. Supported by four cosponsors.

112th Congress (2011-2013)

- **S. 3631**, “Metal Theft Prevention Act of 2012.” Introduced by Amy Klobuchar (D-MN) on November 15, 2012. Supported by two cosponsors.

NAPO Position: NAPO will ensure that the modified text, which will enable law enforcement officers to access necessary information to solve metal theft cases, is included in future versions of the bill.

NAPO plans to continue to work with key stakeholders to pass this important legislation during the 114th Congress.

SENTENCING REFORM

Background: Sentencing reform efforts continue to receive much attention from members of Congress on both sides of the aisle. Reform efforts include reducing certain mandatory drug sentences and promoting alternatives to incarceration.

Recent Legislative History:

114th Congress (2015-2017)

- **S. 502**, “Smarter Sentencing Act of 2015.” Introduced by Mike Lee (R-UT) on February 12, 2015. Supported by eight cosponsors.
- **H.R. 920**, “Smarter Sentencing Act of 2015.” Introduced by Raul Labrador (R-ID) on February 15, 2015. Supported by eight cosponsors.

113th Congress (2013-2015)

- **S. 1410**, “Smarter Sentencing Act of 2014.” Introduced by Richard Durbin (D-IL) on July 31, 2013. Supported by 31 cosponsors.
- **H.R. 3382**, “Smarter Sentencing Act of 2013.” Introduced by Raul Labrador (R-ID) on October 30, 2013. Supported by 55 cosponsors.
- **S.1675**, “Recidivism Reduction and Public Safety Act.” Introduced by Sheldon Whitehouse (D-RI) on November 7, 2013. Supported by eight cosponsors.

NAPO Position: NAPO will continue to review and stay engaged on legislation that would impact federal sentencing guidelines.

NAPO also urges the U.S. Sentencing Commission and Congress to review the application of “firearm enhancement” sentencing guidelines, to clarify that these enhancements should not automatically apply when a

law enforcement officer is prosecuted and he/she is routinely carrying his/her duty weapon.

DRONE POLICIES IMPACTING LAW ENFORCEMENT

Background: Law enforcement has increased the use of Remotely Piloted Vehicles (RPVs) to fight crime. Officers must be able to effectively use these tools to keep our communities safe.

NAPO Position: NAPO urges the Federal Aviation Administration (FAA) to exempt law enforcement drones from regulation. If the aforementioned proposal proves unlikely to proceed, NAPO will request that the FAA at least recognize law enforcement exigent circumstances as an exception to normal FAA regulations and requirements.

GANG DETERRENCE AND PREVENTION

Background: Recent studies have indicated that approximately 20,000 violent street gangs, with nearly one million members, are criminally active in the United States today. Gang members are responsible for as much as 80 percent of the crime in some communities. Compounding this problem, gangs have been directly linked to narcotics trade, human trafficking, identification document falsification, violent maiming, assault, and murder.

Recent Legislative History:

112th Congress (2011-2013)

- **H.R. 928**, “National Safe Streets Gang Crime Prevention Act of 2011.” Introduced by Jerry McNerney (D-CA) on March 3, 2011.

111th Congress (2009-2011)

- **S. 132**, “Gang Abatement and Prevention Act of 2009.” Introduced by Dianne Feinstein (D-CA) on January 6, 2009. Supported by 17 cosponsors.
- **H.R. 1022**, “Gang Prevention, Intervention, and Suppression Act.” Introduced by Adam Schiff (D-CA) on February 19, 2009. Supported by three cosponsors.

110th Congress (2007-2009)

- **S. 456**, “Gang Abatement and Prevention Act of 2007.” Introduced by Dianne Feinstein (D-CA) on January 31, 2007.

Supported by 44 cosponsors. **Passed by the Senate on September 21, 2007.**

- **H.R. 3547**, “Gang Prevention, Intervention, and Suppression Act.” Introduced by Adam Schiff (D-CA) and Mary Bono (R-CA) on February 7, 2007. Supported by 25 cosponsors.

NAPO Position: NAPO supports Congressional efforts to address the growing problem of gang violence. NAPO looks forward to continuing to work with key members of Congress to ensure that law enforcement is given the support it needs in the fight against gang violence.

EXTRADITION OF COP- KILLERS

Background: Under the U.S. – Mexico Extradition Treaty, enacted in 1980, both countries may refuse to extradite their nationals, unless the country seeking extradition assures that the death penalty will not be imposed. In 2001, the Mexican Supreme Court ruled that this language encompasses the extradition of anyone who faces the possibility of the death penalty *or* life in prison. This ruling requires the United States to assure a sentence of a fixed number of years in order to prosecute a criminal who has fled to Mexico, which is impossible as neither a judge nor a prosecutor can make such a judgment in advance of a trial. Since 2001, many violent felons have fled to Mexico to evade prosecution under the auspices of this ruling.

NAPO Position: NAPO continues to lobby the Administration and Congress to reconsider the U.S. – Mexico Extradition Treaty and to encourage the Mexican government to work with the Mexican Supreme Court to reconsider its 2001 decision blocking extradition to the United States.

Federal action will ensure that this growing issue of the United States Government’s inability to extradite violent criminals who flee to Mexico is rightly addressed.

NAPO will also continue to work to ensure that all criminals who flee the United States are promptly returned.

PUBLIC SAFETY OFFICERS' BENEFITS & HEALTHCARE

PUBLIC SAFETY OFFICERS' BENEFITS

Background: The Public Safety Officers' Benefits (PSOB) Act was designed to offer peace of mind to men and women seeking careers in public safety and to make a strong statement about the value that American society places on the contributions of those who serve their communities in potentially dangerous circumstances. The families of public safety officers who have fallen or have become completely and permanently disabled in the line of duty rely on the benefits promised to them by the PSOB Act to continue on with their lives.

The PSOB Act not only provides death benefits to the eligible survivors of public safety officers, but also offers financial assistance for higher education for the spouses and children of federal, state, and local public safety officers through the Public Safety Officers' Educational Assistance (PSOEA) Act.

In addition, healthcare coverage as an included benefit is now becoming increasingly necessary, given the continuously escalating costs of healthcare. Healthcare coverage as an included benefit would remove a great financial burden from the loved ones of those who so selflessly gave their lives for the safety of our communities.

Recent Legislative History:

114th Congress (2015-2017)

- **S. 322**, “Don’t Tax Our Fallen Public Safety Heroes Act.” Introduced by Kelly Ayotte (R-NH) on January 29, 2015. Supported by five cosponsors.
- **H.R. 606**, “Don’t Tax Our Fallen Public Safety Heroes Act.” Introduced by Erik Paulsen (R-MN) on January 28, 2015. Supported by nine cosponsors.

113th Congress (2013-2015)

- **S. 2912**, “Don’t Tax Our Fallen Public Safety Heroes Act.” Introduced by Kelly Ayotte (R-NH) on September 18, 2014. Supported by two cosponsors. **Passed by the Senate on September 18, 2014.**

- **H.R. 5767**, “Don’t Tax Our Fallen Public Safety Heroes Act.” Introduced by Erik Paulsen (R-MN) on November 20, 2014. Supported by one cosponsor.

112th Congress (2011-2013)

- **H.R. 4018**, “Public Safety Officers’ Benefits Improvements Act of 2012.” Introduced by Michael Fitzpatrick (R-PA) on February 14, 2012. Supported by 18 cosponsors.
- **S. 1696**, “Public Safety Officers’ Benefits Improvements Act of 2011.” Introduced by Patrick Leahy (D-VT) on October 12, 2011. Supported by eight cosponsors.

NAPO Position: NAPO continues to actively work on improvements to PSOB Program. During this Congress, NAPO will work to incentivize the PSOB death benefit program, so that if an officer loses his/her life in the line of duty, the benefit amount to the survivors would be *increased* by \$25,000 if the officer was wearing his/her seatbelt/body armor, instead of the current system where there is a risk of complete denial of benefits to survivors if an officer was not wearing his/her seatbelt/body armor.

NAPO will also continue to work with fellow stakeholders to pursue passage of the “Don’t Tax Our Fallen Public Safety Heroes Act.” This legislation would clarify that both federal and state death benefits for the survivors of law enforcement officers killed in the line of duty should be treated the same and not be subjected to federal income tax. Survivor benefits for federal law enforcement officers are currently not subject to federal income tax, but there is some ambiguity about the treatment of these benefits for similar state-based programs.

Finally, NAPO will work to ensure that survivors of an officer whose death was the result of Post Traumatic Stress Disorder, including suicide, receive PSOB death benefits.

NAPO will continue to actively work on improvements to the PSOB Program to ensure that survivors of law enforcement officers killed in the line of duty are provided every available resource.

HEALTH & COMPENSATION FOR 9/11 FIRST RESPONDERS

Background: The James Zadroga 9/11 Health and Compensation Reauthorization Act would ensure the continuation of the World Trade Center (WTC) Health Program and the September 11th Victim Compensation Fund (VCF).

Housed within the National Institute for Occupational Safety and Health (NIOSH), the WTC Health Program provides medical monitoring and treatment for 9/11-related conditions to the over 70,000 9/11 First Responders and to the more than 7,000 injured and ill 9/11 Survivors.

This legislation would continue the access to treatment and benefits in all 50 states for over 7,600 9/11 responders, including those who came to help in the aftermath of 9/11 or have since moved from the New York area, and live across the country.

Additionally, the VCF would ensure continued compensation for economic damages and loss for individuals who become ill from the toxins at Ground Zero.

Recent Legislative History:

113th Congress (2013-2015)

- **S. 2844**, “James Zadroga 9/11 Health and Compensation Reauthorization Act.” Introduced by Kirsten Gillibrand (D-NY) on September 17, 2014. Supported by nine cosponsors.
- **H.R. 5503**, “James Zadroga 9/11 Health and Compensation Reauthorization Act.” Introduced by Carolyn Maloney (D-NY) on September 17, 2014. Supported by 43 cosponsors.

NAPO Position: 9/11 first responders and survivors continue to suffer from serious health conditions from their contact with toxic substances at Ground Zero. These heroes put their lives on the line to serve us, and must be afforded every resource available as they cope with chronic health conditions caused by exposure to toxic chemicals at the World Trade Center.

NAPO plans to expend all available efforts to pass the James Zadroga 9/11 Health and Compensation Reauthorization Act. (This bill was

named after a New York City Police Department Detective and member of NAPO, who died of respiratory disease caused by his exposure to toxic chemicals at Ground Zero).

This important bill will ensure 9/11 heroes and their families continue to receive critical medical treatment and compensation.

FLEXIBLE SPENDING ARRANGEMENTS

Background: Congress amended the Patient Protection and Affordable Care Act of 2010 by passing the Patient Protection and Affordable Care Act during the 111th Congress. This legislation negatively impacts Flexible Spending Arrangements (voluntarily created accounts funded by pre-tax earnings, designed to cover qualified medical expenses).

Beginning in 2013, the amount an officer could contribute to a Flexible Spending Arrangements was decreased from \$5,000 per year to \$2,500 per year. These accounts' end-of-year balances do not roll over from year to year, and the remaining funds are forfeited. Many law enforcement officers currently contribute more than \$2,500 into these accounts.

Recent Legislative History:

114th Congress (2015-2017)

- **H.R. 1185**, “Responsible Additions and Increases to Sustain Employee Health Benefits Act of 2015.” Introduced by Steve Stivers (R-OH) on February 27, 2015. Supported by 23 cosponsors.

NAPO’s Position: In today’s economic climate, it is important to maximize personal savings, especially in regard to an officer’s annual healthcare expense. Officers use Flexible Spending Arrangements to fund expenses that are unlikely to decrease. Therefore, NAPO is committed to increasing the limit on what an officer may contribute.

HEALTH SAVINGS ACCOUNTS

Background: The Health Savings Act would expand the use of Health Savings Accounts (HSAs), which allow Americans to put aside money for themselves and their children to help mitigate the rising cost of deductibles and out-of-pocket healthcare expenses.

Current law only allows HSAs to be purchased for certain health insurance plans, and contributions are restricted to levels that are often substantially lower than deductibles. The Health Savings Act would ensure HSAs may be used more broadly, thereby increasing patient choice in how their healthcare dollars are spent.

In addition to making HSAs more accessible, the Health Savings Act would allow parents to set up an HSA for their child, while allowing the contributor to claim an after-tax deduction. The bill would also raise the contribution limit to match the maximum out-of-pocket limit. Finally, the Health Savings Act would provide bankruptcy protections to HSAs in the same way retirement accounts are currently protected.

Recent Legislative History:

114th Congress (2015-2017)

- **H.R. 1196**, “Health Savings Act of 2015.” Introduced by Michael Burgess (R-TX) on March 2, 2015.

113th Congress (2013-2015)

- **H.R. 4777**, “Health Savings Act of 2014.” Introduced by Michael Burgess (R-TX) on May 30, 2014. Supported by three cosponsors.

NAPO Position: NAPO is a strong supporter of the Health Savings Act. Public safety officers have been impacted by the current law, which only allows HSAs to be purchased for certain health insurance plans, and contributions are restricted to levels that are often substantially lower than deductibles.

NAPO supports making HSAs more accessible and plans to continue to work with Congressman Burgess to pass the Health Savings Act during the 114th Congress.

“CADILLAC” HEALTH INSURANCE PLAN TAX

Background: A “Cadillac” or “gold-plated” health insurance plan is a high cost policy. Beginning in 2018, the Patient Protection and Affordable Care Act, (Public Law 111-148), imposes a new 40% annual excise tax on taxpayers who are covered by high-cost health insurance plans, (with premiums at or above \$10,200 for an individual or \$27,500

for a family), including worker and employer contributions to flexible spending or healthcare savings accounts. (Higher thresholds are set for workers in high-risk professions, such as public safety officers (\$11,850 for an individual and \$30,950 for a family plan)).

Recent Legislative History:

114th Congress (2015-2017)

- **H.R. 879**, “Ax the Tax on Middle Class Americans’ Health Plans Act.” Introduced by Frank Guinta (R-NH) on February 11, 2015.

NAPO Position: NAPO has fought against the “Cadillac” health insurance plan tax, as the new tax will negatively impact public safety officers.

NAPO plans to expend all available efforts to pass the “Ax the Tax on Middle Class Americans’ Health Plans Act,” which will completely repeal the “Cadillac” tax.

ADDITIONAL ISSUES OF INTEREST TO LAW ENFORCEMENT

FEDERAL CONSENT DECREES

Background: Consent decrees are used to remedy violations of rights and protect the party that faces injury. Consent decrees should not be used to further any policy extraneous to the protection of those rights or be expanded to apply to parties not involved in the litigation.

State and local governments have often found their interests and judgments in managing their own affairs vitiated by the federal courts' structuring of consent decrees. The Federal Consent Decree Fairness Act would amend United States Code Title 28, Chapter 111, to limit the duration of federal consent decrees to which state and local governments are party.

Recent Legislative History:

112th Congress (2011-2013)

- **H.R. 3041**, "Federal Consent Decree Fairness Act of 2012." Introduced by Jim Cooper (D-TN) on September 23, 2011. Supported by three cosponsors.

NAPO Position: There is a tendency for consent decrees to last longer than the period of time required to rectify the original problem. NAPO will work to seek a mandatory time limit/timeframe for monitoring programs instituted under federal consent decrees. This will protect the interests of state and local governments in managing their own affairs.

DRIVER'S PRIVACY PROTECTION ACT

Background: The Driver's Privacy Protection Act (DPPA), (Public Law 103-322), was originally enacted in 1994 to protect the privacy of personal information assembled by the State Department of Motor Vehicles (DMV). The DPPA prohibits the release or use by any DMV (or any officer, employee, or contractor) of personal information about an individual obtained by the department in connection with a motor vehicle record.

The latest amendment to the DPPA requires state motor vehicle departments to receive permission from individuals before their personal motor vehicle record may be sold or released to third-party marketers.

The DPPA amendment is a major concern for the law enforcement community. The recent amendment authorizes a private right of action for knowing violations and a court may award damages in the amount of \$2,500 for each time a record is accessed, as well as attorney fees and other litigation costs. Law enforcement officers are subject to these stringent punishments, even if they did not review files with criminal intent.

NAPO Position: NAPO is working with our counterparts to urge that the recent DPPA amendment be modified to include language that will not preclude law enforcement officials from carrying out their daily duties.

NAPO language proposals include adding a clause that explains penalties will be applied only if persons access information with the specific intent to secure an economic benefit. Also, NAPO proposes removing the mandatory minimum \$2,500 penalty for a violation of this act, as well as adding a statement that explains there must be repeated disregard for this law for penalties to be imposed, and that monetary recovery shall only be for actual damages.

If the language is not modified, law enforcement officers will continue to be subject to large fines, and even the loss of their licenses, for *de minimis* actions.

OFFICER WORN BODY CAMERA POLICIES

Background: Members of Congress and the Administration have expressed interest in requiring police officers across the nation to wear body cameras.

NAPO Position: As policies and legislation regarding officer-worn body cameras are considered, NAPO will continue to stress the importance of including law enforcement leadership in such discussions.

NAPO will also continue to emphasize that decisions regarding officer-worn body cameras must be made on an agency-by-agency basis due to

the many details and technical aspects that must be considered when implementing body camera requirements. Details to consider when considering officer worn body camera policies include: privacy concerns, storage costs, Freedom of Information Act requests, public expectations of this technology, and much more.

NAPO will stay engaged on this issue to ensure our officers' voices are heard and strongly considered.

DEPARTMENT OF DEFENSE EQUIPMENT FOR STATE & LOCAL LAW ENFORCEMENT AGENCIES

Background: The Administration and members of Congress continue to advocate for restrictions and transparency measures to be placed on the Department of Defense's (DoD) program that transfers surplus military equipment to state and local law enforcement agencies, also known as the 1033 Program.

Recent Legislative History:

113th Congress (2013-2015)

- **S. 2904**, “Stop Militarizing Law Enforcement Act.” Introduced by Tom Coburn (R-OK) on September 18, 2014. Supported by one cosponsor.
- **H.R. 5478**, “Stop Militarizing Law Enforcement Act.” Introduced by Hank Johnson (D-GA) on September 16, 2014. Supported by 49 cosponsors.

NAPO Position: NAPO continues to stress that the vast majority of equipment provided under the 1033 Program is defensive in nature. Furthermore, the program enables law enforcement departments to garner equipment that they would otherwise be unable to afford. Changing the 1033 Program to limit the equipment available to law enforcement agencies across the nation would limit officers' ability to keep our communities safe.

NAPO will continue to engage the Administration and members of Congress on this issue to ensure law enforcement agencies have all necessary tools to protect our citizens.

POSTAL POLICE OFFICERS' DUTIES

Background: There are over 600 Postal Police Officers (PPOs) that patrol in and around select Postal Service facilities in the United States and Puerto Rico. These uniformed officers protect the public by making arrests for crimes committed on property controlled by the Postal Service.

These officers have not been appropriately and fully utilized by the United States Postal Service.

NAPO Position: NAPO plans to continue to work with the Postal Police Officers' Association to develop legislative strategies to ensure PPOs are properly utilized, compensated, and protected.

EMPLOYER SUPPORT OF THE GUARD AND RESERVE & UNIFORMED SERVICES EMPLOYMENT AND REEMPLOYMENT RIGHTS ACT

Background: Law enforcement officers make up one of the largest employer segments of the National Guardsmen and Reservists in the country. The Employer Support of the Guard and Reserve (ESGR) is a Department of Defense operational committee, (established in 1972), which promotes cooperation and understanding between Reserve Component Service members and their civilian employers, and assists in the resolution of conflicts arising from an employee's military commitment.

The Uniformed Services Employment and Reemployment Rights Act (USERRA) is a federal law intended to ensure that persons who serve or have served in the Armed Forces, Reserves, National Guard, or other uniformed services: (1) are not disadvantaged in their civilian careers because of their service; (2) are promptly reemployed in their civilian jobs upon their return from duty; and (3) are not discriminated against in employment based on past, present, or future military service.

NAPO Position: NAPO recognizes the Guard and Reserve are essential to the strength of our nation and the well-being of our communities, and honors our country's service members and their families. In the highest American tradition, the patriotic men and women of the Guard and Reserve serve voluntarily in an honorable and vital profession. They

train to respond to their communities and their country in a time of need. They deserve the support of every segment of society. If volunteer forces are to continue to serve our nation, increased public understanding is required of the essential role of the Guard and Reserve in preserving our national security.

NAPO signed a statement of support for the Guard and Reserve in May, 2011, and pledged to fully recognize, honor, and enforce the USERRA; provide managers and supervisors the tools they need to effectively manage those employees who serve in the Guard and Reserve; and to continually recognize and support our country's service members and their families in peace, in crisis, and in war.

*For information on the legislative history of these issues,
please contact the NAPO office at (800) 322-NAPO (6276)
or 703-549-0775.*

SAMPLE LETTER

(Date)

The Honorable _____
United States Senate
Washington, D.C. 20510

Dear Senator _____:

OR

The Honorable _____
United States House of Representatives
Washington, D.C. 20515

Dear Representative _____:

On behalf of the (*your association or union*), representing (# of officers) from (*your state or city*), I would like to bring to your attention an issue of extreme importance to the law enforcement community. As Congress considers the (*name of issue and/or bill number*), I respectfully ask that you (*support or oppose*) passage of this legislation.

(*In this paragraph, discuss reasons for supporting or opposing the legislation*).

I hope that you will (*support or oppose*) passage of (*name of issue and/or bill number*). Thank you for your consideration. I look forward to hearing your views on this matter and would be happy to provide any further information you may need.

Sincerely,

(*Your name and address*)

Please send a copy of your Congressional correspondence and any responses you receive to the NAPO office to assist our legislative efforts.

KEY CONTACTS

Capitol Switchboard: 202-224-3121

Department of Justice: 202-514-2000

Bureau of Justice Assistance: 202-616-6500

COPS Office: 1-800-421-6770

Department of Labor: 1-866-487-2365

Department of Homeland Security: 202-282-8000

Senate

Republicans

Majority Leader—Senator Mitch McConnell (R-KY) 202-224-2541

Majority Whip—Senator John Cornyn (R-TX) 202-224-2934

Democrats

Minority Leader—Senator Harry Reid (D-NV) 202-224-3542

Minority Whip—Senator Richard Durbin (D-IL) 202-224-2152

Senate Committee on the Judiciary - Full Committee

202-224-5225

Chairman—Senator Charles Grassley (R-IA) 202-224-3744

Ranking Member—Senator Patrick Leahy (D-VT) 202-224-4242

Senate Committee on Homeland Security - Full Committee

202-224-4751

Chairman—Senator Ron Johnson (R-WI) 202-224-5323

Ranking Member—Senator Tom Carper (D-DE) 202-224-2441

Senate Committee on Appropriations - Full Committee

202-224-7257

Chairman—Senator Thad Cochran (R-MS) 202-224-5054

Ranking Member—Senator Barbara Mikulski (D-MD) 202-224-4654

Senate Subcommittee on Commerce, Justice, Science, and Related Agencies

202-224-5202

Chairman—Senator Richard Shelby (R-AL) 202-224-5744

Ranking Member—Senator Barbara Mikulski (D-MD) 202-224-4654

House of Representatives

Republicans

Speaker of the House—Congressman John Boehner (R-OH)
202-225-6205

Majority Leader—Congressman Kevin McCarthy (R-CA)
202-225-2915

Majority Whip—Congressman Steve Scalise (R-LA) 202-225-3015

Democrats

Democratic Leader—Congresswoman Nancy Pelosi (D-CA)
202-225-4965

Democratic Whip—Congressman Steny Hoyer (D-MD) 202-225-4131

Co-Chairs of the House Law Enforcement Caucus

Congressman Dave Reichert (R-WA) 202-225-7761

Congressman Bill Pascrell, Jr. (D-NJ) 202-225-5751

House Committee on the Judiciary - Full Committee

202-225-3951

Chairman—Congressman Bob Goodlatte (R-VA) 202-225-5431

Ranking Member—Congressman John Conyers (D-MI) 202-225-5126

House Committee on Homeland Security - Full Committee

202-226-8417

Chairman—Congressman Michael McCaul (R-TX) 202-225-2401

Ranking Member—Congressman Bennie Thompson (D-MS)
202-225-5876

House Appropriations Committee - Full Committee

202-225-2771

Chairman—Congressman Harold Rogers (R-KY) 202-225-4601

Ranking Member—Congresswoman Nita Lowey (D-NY) 202-225-6506

House Subcommittee on Commerce, Justice, Science, and Related Agencies

(202) 225-3351

Chairman—Congressman John Culberson (R-TX) 202-225-2571

Ranking Member—Congressman Chaka Fattah (D-PA) 202-225-4001

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