

# Secure Your Spot: NAPO's 35th Annual Pension & Benefits Seminar Registration Closing Soon! Plus, Mid-Term Review and Outlook on 118th Congress Sessions.

January 12, 2024

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## ***Last Chance! Register Now for NAPO's 35th Annual***

## **Pension & Benefits Seminar**

Register now 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 that will focus on the challenges and causes for concern in today's pension and benefits environment. Information regarding registration, hotel reservations and the full agenda on NAPO's website: [www.NAPO.org/PB24](http://www.NAPO.org/PB24).

PLEASE NOTE: NAPO's Executive Board Meeting will be held on Sunday, January 28 at 10:30am.

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@www.napo.org](mailto:eloranger@www.napo.org).

# **NAPO Priorities:**

## **118th Congress Mid-Term Review**

While 2023 was a challenging year, NAPO was successful in moving several of our legislative and policy priorities forward, including the enactment of the 9/11 Responder and Survivor Health Funding Correction Act and the overturning of the District of Columbia's (D.C.) Revised Criminal Code Act of 2022. These wins and others are highlighted below in our 2023 year in review.

### **NAPO Priority Legislation Signed into Law**

**9/11 Responder and Survivor Health Funding Correction Act.** This bill was included as part of the Fiscal 2024 National Defense Authorization Act (H.R. 2670) and will help to close the impending funding shortfall facing the World Trade Center Health Program (WTCHP) by providing an additional \$444 million over the next ten years. It also provides \$232 million for the newly created Pentagon and Shanksville Fund to cover active-duty Department of Defense military or civilians, along with other Federal employees, who responded to the Pentagon and Shanksville, Pennsylvania sites on September 11, 2001.

Joint Resolution Disapproving of the Action of the District of Columbia Council in Approving the Revised Criminal Code Act of 2022. This Joint Resolution revoked the District of Columbia's (D.C) Revised Criminal Code Act of 2022, which would have lowered penalties for the crimes most impacting the City and its residents, including carjacking, illegal firearm possession, and robbery, and it would have eliminated almost all mandatory minimum sentences at a time when D.C.'s violent crime rate is soaring. It also would have significantly changed the law of self-defense for law enforcement officers and considerably constrain an officer's ability to protect themselves and the public when confronted with imminent death.

#### NAPO Priority Legislation Passed by the House or the Senate

S. 645, Fighting PTSD Act. Passed by the Senate on March 2, 2023. This bill would require the Attorney General to propose a program for making treatment for post-traumatic stress disorder and acute stress disorder available to public safety officers.

H.J.Res. 42, Joint Resolution Disapproving of the Action of the District of Columbia Council in Approving the Comprehensive Policing and Justice Reform Act of 2022. Passed the House on April 19, 2023, passed by the Senate on May 16, 2023, and then vetoed by the President on May 25, 2023. This Joint Resolution would have revoked the District of Columbia's (D.C.) Comprehensive Policing and Justice Reform Act, which stripped the officers of the Metropolitan Police Department of their right to bargain over accountability or disciplinary issues, amongst many other concerning provisions.

H.R. 467, Halt All Lethal Trafficking (HALT) Fentanyl Act. Passed by the House on May 25, 2023. This bill would make permanent the current classwide scheduling of all fentanyl-related substances as Schedule 1 drugs under the Controlled Substances Act, giving law enforcement the

tools and resources necessary to combat and deter fentanyl in our nation's communities.

S. 546, Recruit and Retain Act. Passed by the Senate on July 26, 2023. This bill would boost recruitment opportunities for state and local law enforcement agencies by expanding the Department of Justice's Community Oriented Policing Services (COPS) Program to help agencies that are understaffed and struggling to attract new applicants. It would also create a new program to encourage partnerships between schools and police departments to foster a stronger local pipeline for law enforcement careers.

S. 1387, Project Safe Neighborhoods Reauthorization Act of 2023. Passed by the Senate on July 26, 2023. This bill would reauthorize the Project Safe Neighborhood (PSN) Program for five years, ensuring that state and local law enforcement can continue to fight gang and firearms-related violent crimes in our cities and our communities in the most efficient and effective manner. It also expands the allowable uses of the grant funding to include overtime costs for officers and the hiring of crime analysts and law enforcement assistants to aid agencies participating in the program.

S. 994, Strong Communities Act. Passed by the Senate on July 26, 2023. This bill would allow for COPS Hiring Program funds to be used to pay for local law enforcement recruits to attend schools or academies if the recruits agree to serve in the communities in which they live.

S. 1271, Fentanyl Eradication and Narcotics Deterrence (FEND) Off Fentanyl Act. Passed by the Senate as part of its version of the Fiscal Year 2024 National Defense Authorization Act (S. 2226) on July 27, 2024. This bill would impose sanctions on foreign persons involved in fentanyl trafficking and codify existing sanctions targeting illicit drug trafficking established under President Trump's Executive Order 14509.

That EO authorizes the Department of the Treasury to seize assets and block transactions of any foreign persons who engage in or support those who engage in illicit drug trafficking.

S. 1170, Project Safe Childhood. Passed by the Senate on October 24, 2023. This bill would reauthorize and update the Project Safe Childhood initiative to modernize how online child exploitation crimes are investigated and prosecuted and it would make improvements to how federal prosecutors and federal, state, and local law enforcement work together and use new technology to go after predators. It would reauthorize the program for five years at \$62 million per year.

S. 2644, American Law Enforcement Sustaining Aid and Vital Emergency Resources (SAVER) Act. Passed by the Senate on November 29, 2023. This bill would establish baseline standards for trauma kits purchased through the Department of Justice's Byrne Justice Assistance Grant (Byrne JAG) Program, helping to ensure all officers have access to effective trauma kits that can save lives.

H.R. 5378, Lower Costs, More Transparency Act. Passed by the House on December 11, 2023. This bill would require hospitals, insurance companies, labs, imaging providers, and ambulatory surgical centers to publicly list the prices they charge patients, empowering patients to make educated choices on the treatment and services available. It would also provide for transparency in prescription drug costs to ensure patients and employer-sponsored health plans know the true cost of drugs and can get the best deal available.

NAPO looks forward to building on these victories and continuing to press our legislative agenda in 2023.

# 118<sup>th</sup> Congress, 2<sup>nd</sup> Session

## Outlook

2023 is an election year, which means a truncated calendar in which Congress can get things done. The House and Senate are scheduled to be on recess for the months of August and October in order to campaign and will return to a lame duck session after the November 5<sup>th</sup> elections. Presidential and election politics will certainly play a role in what gets accomplished this year. House Republicans will be down to just a two vote majority come January 21, with the retirement of Representative Bill Johnson (R-OH), making it even more difficult to move legislation.

House Speaker Mike Johnson (R-LA) and Senate Majority Leader Chuck Schumer (D-NY) announced an agreement on January 7 on the topline numbers for defense and non-defense spending levels for Fiscal 2024, allowing Congress to move forward on finalizing appropriations. The levels are nearly the same levels that were agreed to as part of the debt limit deal between President Biden and then-Speaker Kevin McCarthy. It was this spending agreement that helped oust McCarthy from the speakership. The House Freedom Caucus is angry that Speaker Johnson agreed to these levels and twelve Caucus members held up legislative action – on Republican led and supported bills – on January 10 in protest. With such a slim majority, this action is just an example of how difficult it will be for the Speaker to move bills that do not have 100 percent support from the Republican caucus without the help of Democrats.

In one week, on January 19, the first batch of government funding runs out, and only two weeks later on February 2, the second package of

fiscal 2024 appropriations bills expire. That leaves little time for House and Senate appropriators to come to an agreement on final appropriations for each of the twelve spending measures. Another short-term continuing resolution will most likely be needed to avoid a government shutdown. Appropriations work will drive the legislative agenda at least through March. Once Congress finally passes the final Fiscal 2024 appropriations, it will immediately begin work on Fiscal 2025 appropriations.

The House Homeland Security Committee on January 10 took the first official step forward on their impeachment of Homeland Security Secretary Alejandro Mayorkas. The House Judiciary Committee, which also has jurisdiction over immigration issues, is supporting the Homeland Security Committee in its impeachment investigations. The House Oversight and Accountability and Judiciary Committees are both investigating Hunter Biden. These investigations and the impeachment proceedings will eat up a lot of Committee and floor time this Congress.

NAPO is meeting with Judiciary Committee staff to discuss which of our priority bills have a chance of moving through the Committee this year. Given the condensed legislative calendar, we are mainly focusing on moving the legislation we successfully got passed by the Senate last year and bipartisan legislation that has a good chance of moving through both chambers.

## **Justice Department Launches National Accountability**

# Database for Federal LEOs

On December 18, 2023, pursuant to Executive Order 14074 on police reform, the U.S. Department of Justice (DOJ) launched the National Law Enforcement Accountability Database (NLEAD) for federal law enforcement officers. 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. IADLEST's requests for proposals for the NDI expansion project are due February 5.

Currently, NLEAD only includes officers who work or worked for the DOJ and its various law enforcement agencies and is initially limited to authorized DOJ users, with expansion to other federal law enforcement agencies to come. The database includes records for current and former DOJ officers who have instances of the following misconduct incidents over the past seven years:

- Criminal convictions;
- Suspensions of a law enforcement officer's enforcement authorities, such as de-certification;
- Terminations;
- Civil judgments, including amounts (if publicly available), related to official duties;
- Resignations or retirements while under investigation for serious misconduct; or
- Sustained complaints or records of disciplinary action based on findings of serious misconduct.



The Executive Order defines “serious misconduct” as “excessive force, bias, discrimination, obstruction of justice, false reports, false statements under oath, theft, or sexual misconduct.” Only final and adjudicated matters will be reported to the NLEAD, except for instances of resignations or retirements while under investigation for serious misconduct.

There are 65 federal law enforcement agencies that will eventually be included in the NLEAD. NAPO is working closely with our federal law enforcement partners to monitor the continued implementation of NLEAD and its impact on federal law enforcement officers.

## **NAPO’s Legislative Scorecard for the First Session of the 118<sup>th</sup> Congress Available**

Find out how your representatives and senators voted on NAPO’s priority legislation by reviewing NAPO’s Legislative Scorecard for the First Session of the 118th Congress, which is available on our [website](#) under Washington Report. The results include all recorded votes that impacted NAPO’s members during 2023. The Legislative Scorecard includes a description of the votes analyzed and NAPO’s stance on each of the votes as well as spreadsheets detailing how Members of Congress voted on each of our priority bills.

While there were only a few roll call votes in 2023, NAPO had numerous legislative victories in the Senate that were passed by unanimous consent, which does not record how each individual senator voted for the legislation. The purpose of the Scorecard is to only track yea/nay votes in order that we can attribute support or opposition to senators on NAPO's priority legislation and analyze their support for our positions in a meaningful way.

To get a fuller picture of individual representative's and senator's support for our issues, please see our [Sponsor/Cosponsor spreadsheet](#). This is a useful tool to check if your Members of Congress support pieces of legislation that have been introduced that will impact our members.

If you have any questions about the Legislative Scorecard or any of the legislation that NAPO is currently working on, please contact Andy Edmiston at [aedmiston@www.napo.org](mailto:aedmiston@www.napo.org).

## NAPO on the Hill: WEP & GPO

On January 10, NAPO met with staff of the sponsors of the Social Security Fairness Act (H.R. 82), Representatives Garret Graves (R-LA) and Abigail Spanberger (D-VA), to discuss next steps in our effort to pass this important bill. The Social Security Fairness Act would totally repeal the Windfall Elimination Provision (WEP) and the Government Pension Offset (GPO), which negatively impact public employees' Social Security benefits.

The response to NAPO's request for submitted comments to the House Ways and Means Committee regarding how our members are impacted

by the WEP and GPO was significant. We are grateful to everyone who took the time to write down their story. The Committee received a record 800-plus written submissions, which is hundreds more than they have received for any other Committee-related issue, and NAPO members were a large part of those numbers.

We continue to push the Committee to markup H.R. 82 and build on the momentum of the November 20, 2023 hearing. H.R. 82 currently has bipartisan 303 cosponsors. We are also doing outreach in the Senate to build support for the Senate version of the Social Security Fairness Act, S. 597, sponsored by Senators Sherrod Brown (D-OH) and Susan Collins (R-ME). S. 597 currently has 50 cosponsors, the highest number of cosponsors the bill has had in years. Our goal is to get the bill to 60 cosponsors, which is the number needed to overcome a filibuster in the Senate. To give us the best chance to finally get the Social Security Fairness Act across the finish line this Congress, which is a top priority for NAPO, we need both H.R. 82 and S. 597 to have significant bipartisan support that can overcome any efforts to stall movement of the bill.

You can check [here](#) to see if your Senators are cosponsors of S. 597. If they are not, please consider contacting them to urge them to cosponsor the bill. If you need any assistance, please reach out to NAPO's Director of Governmental Affairs, Andy Edmiston, at [aedmiston@www.napo.org](mailto:aedmiston@www.napo.org).

## **Senate Banking Holds Hearing on Fentanyl & Legislative Solutions**

On January 11, the Senate Banking Committee held a hearing on “Stopping the Flow of Fentanyl: Public Awareness and Legislative Solutions”, which focused largely on Ranking Member Tim Scott’s (R-SC) and Chairman Sherrod Brown’s (D-OH) Fentanyl Eradication and Narcotics Deterrence (FEND) Off Fentanyl Act (S. 1271). The Committee marked up and approved this important bill in July 2023 and NAPO worked to get it included as part of the Senate-passed Fiscal 2024 National Defense Authorization Act (NDAA) but, unfortunately, it was removed from the final bill. The Committee held this hearing to bring the issue and the bill back to the forefront in the hopes of quickly moving it through the Senate.

This bill 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. NAPO is a staunch supporter of this bill as we believe we cannot act only after this drug enters our country; we must fight it before it crosses our borders. We have sent letters and joined coalitions to call on Congress to pass the FEND Off Fentanyl Act. It currently has 67 bipartisan cosponsors, more than enough to overcome any filibuster.

The FEND Off Fentanyl Act will be a critical component in the fight against the spread of this deadly poison in our communities. It will sanction transnational organizations and cartels that traffic fentanyl and its precursors, helping to stop the flow of this deadly poison into our country. NAPO is working with the Committee and Senate leadership to move this bill forward.

# 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.