

RECOGNIZING THE DEDICATED
SERVICE OF PENSACOLA CHIEF
OF POLICE CHIP W. SIMMONS

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 15, 2015

Mr. MILLER of Florida. Mr. Speaker, I rise to recognize Pensacola Chief of Police Chip W. Simmons on the occasion of his retirement after nearly 30 years on the force serving the people of Florida's Gulf Coast.

Shortly after his graduation from Pine Forest High School, in Pensacola, Chief Simmons started his career in law enforcement at the Escambia County Sheriff's Department as a Corrections Officer. Upon his graduation from the Pensacola Police Academy, Chief Simmons joined the Pensacola Police Department in October 1986. Like so many other dedicated law enforcement officers, he entered the force looking to serve the community that he loved, and after less than 10 years on the force, during which Chief Simmons served on numerous state and federal task forces and completed both Bachelors' and Masters' degrees, he received a promotion to Sergeant. This promotion, a reflection of Chief Simmons assiduous work ethic and unquestioned commitment to excellence, would portend many future promotions to come.

In 1997, Chief Simmons was appointed the city's SWAT Commander, a position he held for four years, and in 1998 he received yet another promotion to Lieutenant. During this period, Chief Simmons also graduated from the FBI National Academy in Quantico, VA, while also serving as a member of the U.S. Customs Blue Lighting Strike Force. In 2002, Chief Simmons was promoted to Captain, before being appointed Assistant Chief of Police in 2005. Following the retirement of his predecessor, Chief John W. Mathis, Chief Simmons was nominated and chosen to serve as the Chief of Police for the Pensacola Police Department.

During Chief Simmons' years at the helm, the Pensacola Police Department has worked tirelessly to protect and serve the local citizens, and Chief Simmons has overseen several impressive accomplishments. Most importantly, under his leadership, the City of Pensacola has recorded the lowest crime rate in recorded history, while also pursuing a rigorous accreditation process from the Commission for Florida Law Enforcement Accreditation, Inc. certifying the department's professional excellence.

Given Chief Simmons' dedication to his community and the department, it should come as no surprise that he is one of the most decorated officers in Pensacola Police Department history. While his full list of awards and commendations is too numerous to mention, he has received the department's highest award for heroism—the Gold Medal of Valor—and numerous merit awards from both the department and the city. In addition, Chief Simmons has been recognized by state and local law enforcement bodies on several occasions, receiving both the Drug Enforcement Administration's Achievement Award and induction into the Police and Firefighters Heroes Hall of Fame.

Chief Simmons is also a true leader in the Northwest Florida civic community, and, in ad-

dition to his service as a police officer, he has also served in many leadership capacities at civic organizations. Among these positions, he currently serves on the Board of Trustees of Pensacola State College, a position appointed by the Governor of Florida, and he has served on the Board of Directors of Ronald McDonald House, Favorhouse of Northwest Florida, the Community and Alcohol Commission, as well as the Pensacola Chamber of Commerce's Military Affairs Committee.

As a former Deputy Sheriff, I understand the important and sometimes underappreciated role of law enforcement officers. Each and every day, dedicated law enforcement officers put themselves in danger to protect and serve their community as an officer of the law. Chief Simmons exemplifies all of the qualities of a world-class law enforcement officer, and his decades of service are a testament to his commitment to our Nation and the law enforcement community.

Mr. Speaker, on behalf of the United States Congress, I am privileged to recognize Chief Simmons for his service to the people of Northwest Florida. My wife Vicki and I congratulate him on his retirement and wish him all the best in his future endeavors.

FEDERAL DISASTER ASSISTANCE
NONPROFIT FAIRNESS ACT OF 2015

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 15, 2015

Mr. SMITH of New Jersey. Mr. Speaker, over two years ago the House came together in the wake of Superstorm Sandy and overwhelmingly supported and passed the Federal Disaster Assistance Nonprofit Fairness Act. Because the Senate failed to take action before the close of the 113th Congress, the Federal Emergency Management Agency (FEMA) has continued to deny houses of worship access to otherwise generally available disaster relief funds.

Today, along with my colleagues GRACE MENG and PETE KING, I am reintroducing this important legislation to achieve fairness and nondiscrimination in the manner by which FEMA distributes federal disaster assistance.

Houses of worship are foundational pillars of our communities. In the aftermath of disasters, they help feed, comfort, clothe, and shelter thousands of victims—yet when it comes to federal relief, they continue to be left out and left behind. While FEMA has a policy in place to aid nonprofit facilities damaged in disasters, it has excluded houses of worship from such support. This policy is patently unfair, unjustified, and discriminatory and may even suggest hostility to religion.

Plain and simple, it is wrong—and it is time that Congress ensures fundamental fairness for these essential private nonprofits. The bipartisan Federal Disaster Assistance Nonprofit Fairness Act of 2015 will ensure that houses of worship are eligible for federal disaster aid administered by FEMA. It is important to note that FEMA's discriminatory policy of exclusion is not prescribed by any law. There is nothing in the Stafford Act that precludes funds to repair, replace, or restore houses of worship.

Further, congressional precedent favors enactment of this legislation, as there are several

pertinent examples of public funding being allocated to houses of worship. In 1995, federal grants were explicitly authorized and provided to churches damaged by the Oklahoma City terrorist attack. The Department of Homeland Security's (DHS) Urban Area Security Initiative (UASI) provides funding to houses of worship for security upgrades. The Department of the Interior (DOI) proves funding to grants for historically significant properties, including active churches and active synagogues. The Small Business Administration (SBA) provides low-interest loans to houses of worship.

A controlling Department of Justice (DOJ) Office of Legal Counsel (OLC) memorandum explains in detail the legal principles that make the Federal Disaster Assistance Nonprofit Fairness Act constitutional. In a 2002 written opinion, the OLC concluded it was constitutional for Congress to provide disaster relief and reconstruction funds to a religious Jewish school, along with all sorts of other organizations, following a devastating earthquake. The same principles apply to protect religious organizations following other natural disasters, such as devastating hurricanes or tornadoes.

As the OLC memo concluded, "we believe that provision of disaster assistance to the religious school cannot be materially distinguished from aid programs that are constitutional under longstanding Supreme Court precedent establishing that religious institutions are fully entitled to receive generally available government benefits and services, such as fire and police protection."

This bipartisan legislation exhibits no government preference for or against religion, or any particular religion, as it merely permits houses of worship to receive the same type of generally available assistance. It not only passes the test of constitutionality, but the test of basic decency—permitting houses of worship to receive the same type of generally available assistance as many other similarly situated nonprofits in picking up the pieces after devastation.

As Professor Alan Dershowitz of Harvard Law School concluded in his 2013 analysis of the bill, "once FEMA has the policy in place to aid various nonprofit organizations with their building repairs, houses of worship should not be excluded from receiving this aid on the same terms. This is all the more appropriate given the neutral role we have witnessed houses of worship play, without regard to the religion of those affected, in the wake of Sandy and countless previous disasters. Federal disaster relief aid is a form of social insurance and a means of helping battered communities get back on their feet. Churches, synagogues, mosques, and other houses of worship are an essential part of the recovery process."

Similarly, Professor Douglas Laycock of the University of Virginia School of Law concluded that "charitable contributions to places of worship are tax deductible, without significant controversy, even though the tax benefits to the donor are like a matching grant from the government. These deductions have been uncontroversial because they are included without discrimination in the much broader category of all not-for-profit organizations devoted to charitable, educational, religious, or scientific purposes. The neutral category here is equally broad. To include houses of worship in disaster relief is neutral; to exclude them would be affirmatively hostile. There is no constitutional obstacle to including them."