



# BROOKS BAWDEN LLC

## Weekly Update

March 27 - 31, 2017

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### Latest News

- The House and Senate are in session this week. The Senate Judiciary Committee scheduled a business meeting Monday on several nominations including the Deputy Attorney General position, and Supreme Court, however, the vote has been pushed off until April 3. The House Judiciary Committee will hold a hearing on the state of forensic science, and enforcing our immigration laws. Additionally, the House Energy & Commerce Committee, will hold a hearing on the next generation 911.
- Uncertainty continues regarding grant penalties for sanctuary jurisdictions. ICE released a new weekly report on non-compliant jurisdictions yesterday and Attorney General Sessions led off the White House Press Briefing on Monday with strong statements on the issue and a threat of possible grant funding clawbacks. Law enforcement and state/local government groups continue to express opposition to penalizing front-line officers, anti-gang / anti-drug enforcement operations, and intelligence information sharing because of a perception of non-cooperation on detainers. The latest ICE report is [here](#).
- Our friend and veteran information sharing policy expert Meghann Peterlin is relentless in reminding people how important it is to not take our eye off the ball on intel/info sharing and collaboration. She's at it again - see her latest piece here. Our preventers, protectors, and responders are navigating an uncertain budget and policy environment while the threat environment remains very active. It is time to remind policy makers at all levels about the progress we have made and the need for resources to build on that progress. Every public safety voice matters, and that is especially true in the next few months. If you'd like to get more involved, call or email us to exchange ideas.

#### Information Sharing and the Post-9/11 Legislative Landscape

Meghann K. Peterlin | Mar 22, 2017

<https://www.dropbox.com/s/qjvpjkw2o55c23/Info%20Sharing%20Policy%20FINAL%20-%20Meghann%20K.%20Peterlin.pdf?dl=0>

- **DOJ IG Asset Forfeiture Report** - On March 29, the Department of Justice Inspector General released a report on the cash seizure and forfeiture activities of the agencies within DOJ. The report focused heavily on DEA seizures, as the DEA is responsible for most of the seizures that occur at the federal level. The report recommends that federal seizures and forfeitures should advance federal criminal investigations, be consistent with civil liberties, and facilitate cooperation among law enforcement. You can view the report [here](#).
- **ARTICLES OF INTEREST:**  
**DOJ, FBI Need To Take Actions To Ensure Privacy, Accuracy Of Facial Recognition System**  
**Homeland Security Today | Anthony Kimery**  
 As of a year ago, the FBI had not fully adhered to privacy laws and policies, and did not take sufficient action to help ensure the accuracy of its facial recognition technology, the Next

Generation Identification-Interstate Photo System (NGI-IPS), according to a new Government Accountability Office (GAO) audit report update based on its May 2016 audit of the FBI's use of facial recognition technology, Diana Maurer, Director, Homeland Security and Justice at GAO, told a House Committee on Oversight and Government Reform hearing Wednesday. The committee said it learned that, "Approximately half of adult Americans' photographs are in a FRT database" and "18 states each have a memorandum of understanding (MOU) with the FBI to share photos with the federal government, including from state departments of motor vehicles (DMV). The committee identified Maryland and Arizona as having MOUs with the FBI," and that the FBI intends to "continue to pursue MOUs with states to gain access to DMV images." **Continue reading [here](#).**

### **Hennepin County sheriff disputes inclusion on ICE inmate noncompliance list** **Star Tribune | David Chanen**

Demanding an apology from immigration officials, Hennepin County Sheriff Rich Stanek on Thursday disputed why his agency was listed on the first federal report publicizing jails that routinely deny requests to hold detainees. The weekly reports, a new requirement under President Donald Trump's executive order on immigration enforcement, list immigrants released after federal immigration officials asked that they be held until Immigration and Customs Enforcement (ICE) could take them into custody. The reports specify nationalities as well as charges or convictions, but not names. Continue Reading [here](#). View Sheriff Stanek's Press Conference [here](#).

### **Cops praise Trump after meeting on violent crime**

#### **Washington Examiner | Gabby Morrongiello**

Law enforcement officials emerged from a White House meeting on Tuesday praising President Trump for seeking their input on an array of issues, including the groundswell of violent crime in Chicago. "It's just a real pleasure to have a president in the White House who cares about law enforcement's concerns," Chuck Canterbury, the national president of the Fraternal Order of Police, told reporters. Canterbury and nine other law enforcement officials met with Trump, Vice President Mike Pence, Attorney General Jeff Sessions and several White House senior aides on Tuesday for what he described as a "refreshing" 45-minute discussion about violence against police and the nation's opioid epidemic, among other issues. **Continue reading [here](#).**

### **Christie joins Trump's opioid task force: 'This is an epidemic'**

#### **The Hill | Mark Hensch**

New Jersey Gov. Chris Christie (R) says President Trump's commission for combating America's opioid abuse will consider addiction as a disease. "This is an epidemic in our country," he said Wednesday on Fox News's "Fox & Friends." "Addiction is a disease." "We need to treat it that way, and we need to get people the help that they need to renew their lives and help become productive members of society and our families." Christie added that Trump's opioid task force would focus on drug addiction, prevention and treatment before suggesting new policies to the president. **Continue reading [here](#).**

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## **Hearings & Markups Happening This Week**

Senate Judiciary Committee - [Full Committee Markup](#) - March 27 @ 12:00 pm - 226 Dirksen

### **[Nomination of Neil Gorsuch](#), to be an Associate Justice of the Supreme Court**

**Status:** Possible consideration in the Senate Judiciary Committee on 3/27

### **[Nomination of Rod J. Rosenstein](#), to be Deputy Attorney General**

**Status:** Possible consideration in the Senate Judiciary Committee on 3/27

### **[Nomination of Rachel L. Brand](#), to be Associate Attorney General**

**Status:** Possible consideration in the Senate Judiciary Committee on 3/27

Senate Judiciary Committee - Full Committee Hearing

### **[Protecting Young Athletes From Sexual Abuse](#)**

March 28 @ 10:00 am - 226 Dirksen

House Homeland Security Committee - Cybersecurity Subcommittee Hearing  
[The Current State of DHS' Efforts to Secure Federal Networks](#)  
March 28 @ 10:00 am - HVC 2010

House Judiciary Committee - Immigration Subcommittee Hearing  
[Restoring Enforcement of our Nation's Immigration Laws](#)  
March 28 @ 10:30 am - 2141 Rayburn

House Judiciary Committee - Crime Subcommittee Hearing  
[State of Forensic Science](#)  
March 28 @ 3:00 pm - 2141 Rayburn

House Homeland Security Committee - Counterterrorism Subcommittee Hearing  
[Terrorism in North Africa: An Examination of the Threat](#)  
March 29 @ 10:00 am - HVC 210

House Energy & Commerce Committee - Communications Subcommittee Hearing  
[Realizing Nationwide Next-Generation 911](#)  
March 29 @ 10:00 am - 2123 Rayburn

House Judiciary Committee - Constitution Subcommittee Hearing  
[H.R.1689, the "Private Property Rights Protection Act"](#)  
March 30 @ 9:00 am - 2237 Rayburn

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## Legislation on the Floor This Week

### House:

**[H.R. 1117](#) - To require the Administrator of the Federal Emergency Management Agency to submit a report regarding certain plans regarding assistance to applicants and grantees during the response to an emergency or disaster.**

**Status:** To be considered in the House on 3/27

**Summary:** This bill directs the Federal Emergency Management Agency (FEMA) to report to Congress regarding its plans to provide: (1) consistent guidance to applicants on FEMA disaster funding procedures during the response to an emergency or disaster, (2) appropriate record maintenance and transfer of documents to new teams during staff transitions, and (3) accurate assistance to applicants and grantees to ease the administrative burden throughout the process of obtaining and monitoring assistance. The report must: (1) include a plan for implementing operating procedures and document retention requirements to ensure the maintenance of appropriate records throughout the life cycle of the emergency or disaster; and (2) identify new technologies to aid the disaster workforce in partnering with state, local, and tribal governments and private nonprofits in the wake of a disaster or emergency to educate, assist, and inform applicants on the status of their applications and projects.

**Schedule Note:** House leadership has advised that additional legislation may be added to the schedule this week.

### Senate:

**Note:** Due to Senate scheduling and rules, additional items not listed may be added to the calendar for consideration.

Nothing affecting the law enforcement or homeland security community.

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## Recap of Last Week's Hearings & Markups

**Note:** For more details on any of the following hearings, we can provide access to hearing transcripts upon request.

Senate Judiciary Committee - Full Committee Nomination Hearing - March 20 - 24

[Nomination of Neil Gorsuch](#), to be an associate justice of the Supreme Court - [Day 1](#), [Day 2](#), [Day 3](#), [Day 4](#)

**Summary:** The Judiciary Committee held four days worth of hearings on the nomination of Neil Gorsuch to serve on the Supreme Court. Senators sought input from Mr. Gorsuch on his opinions on the role of precedents, interpretation of the Constitution, his past judicial opinions, and specific policy issues. In many instances, as is the practice in these confirmations, he did not answer policy or political questions, and instead deferred to Congress on those decisions.

House Energy & Commerce Committee - Oversight Subcommittee Hearing - March 21

[Fentanyl: The Next Wave of the Opioid Crisis](#)

**Summary:** This hearing examined the growing overdose deaths from fentanyl, and the increase in seizures of fentanyl laced narcotics, carfentanil, and other issues surrounding the current opioid epidemic. According to witnesses, opioid overdose deaths continue to rise, with fentanyl overdose is hitting 25- to 44-year-olds and men the hardest. Most of the illicit fentanyl in the U.S. has come from China. Illicit fentanyl comes across legal points of entry from Mexico to the U.S., with much of the illegal material being sent by regular postal mail or express delivery services.

House Judiciary Committee - Full Committee Hearing - March 21

[Examining Systemic Management and Fiscal Challenges within the Department of Justice](#)

**Summary:** This hearing examined waste and duplication within the Department of Justice, and explored ways to increase efficiency and reduce waste within the department. DOJ has not been reauthorized since 2005, and nearly all of the agency's authorizations for appropriations have expired in 2009. This hearing touched on grant programs, the use of mandatory donation terms in settlements, asset forfeiture issues, the use of facial recognition technology, and other oversight issues affecting the various agencies under DOJ.

House Oversight Committee - Full Committee Hearing - March 22

[Law Enforcement's Use of Facial Recognition Technology](#)

**Summary:** This hearing examined the FBI's use of facial recognition technology. Members of the committee expressed grave concerns over the program, and the FBI failed to assuage those concerns and objections. Additionally, the FBI failed to adequately explain how facial recognition is used during an investigation, dispel the myths about the technology that many members of the committee seemed to have, and adequately respond to concerns about the program that were brought up in a GAO report. Some members of the committee expressed the need to further legislate on the use of the technology, including some calling for a warrant requirement for its use.

House Homeland Security Committee - Full Committee Hearing - March 22

[A Borderless Battle: Defending Against Cyber Threats](#)

**Summary:** This hearing examined the continuing cyber threats facing our nation, and the Department of Homeland Security's civilian cyber defense mission. Witnesses expressed support for a congressional proposal to elevate the DHS's cyber mission, stating that structural barriers currently hinder the department from doing its best to defend government networks. Additionally, panelists discussed the importance of focusing on protecting the most critical infrastructure, including energy, communications, water and transportation.

Senate Homeland Security Committee - Full Committee Hearing - March 22

[Perspectives from the DHS Frontline: Evaluating Staffing Resources and Requirements](#)

**Summary:** This hearing heard from officials representing officers who are on the front lines enforcing our immigration laws. This hearing discussed what is needed to secure the border, including staffing resources, proposed border wall imitative, the use of technology, and other issues. Witnesses discussed the low moral within their ranks, the pay disparity among agencies, management retaliations, and general attacks on officers, all contributing to the difficulty in hiring and retention. Additionally, it was stated that a wall is not needed across the entire border, but in strategic locations, and one that is not easy to breach. Also, increasing worksite enforcement was discussed, not only to target those who are illegally in the country, but going after employers who hire those illegally in the country.

House Judiciary Committee - [Full Committee Markup](#) - March 22

**[H.R. 695](#) - Child Protection Improvements Act of 2017**

**Status:** Approved by the House Judiciary Committee on 3/22

**Summary:** Amends the National Child Protection Act of 1993 to establish a national criminal history background check system and criminal history review program for certain individuals who, related to their employment, have access to children, the elderly, or individuals with disabilities.

**[H.R. 883](#) - Targeting Child Predators Act of 2017**

**Status:** Approved by the House Judiciary Committee on 3/22

**Summary:** Amends title 18, United States Code, to provide a certification process for the issuance of nondisclosure requirements accompanying certain administrative subpoenas, to provide for judicial review of such nondisclosure requirements.

**[H.R. 1188](#) - Adam Walsh Reauthorization of 2017**

**Status:** Approved by the House Judiciary Committee on 3/22

**Summary:** Reauthorizes certain programs established by the Adam Walsh Child Protection and Safety Act of 2006.

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## Legislation Considered Last Week

### **House:**

**[H.R. 1309](#) - TSA Administrator Modernization Act of 2017**

**Status:** Approved by the House on 3/20; Approved by the House Homeland Security Committee on 3/8

**Summary:** This legislation would streamline the office and term of the Administrator of the Transportation Security Administration.

**[H.R. 1353](#) - Transparency in Technological Acquisitions Act of 2017**

**Status:** Approved by the House on 3/21; Approved by the House Homeland Security Committee on 3/8

**Summary:** Amends the Homeland Security Act of 2002 to require certain additional information to be submitted to Congress regarding the strategic 5-year technology investment plan of the Transportation Security Administration.

**[H.R. 1294](#) - Reducing DHS Acquisition Cost Growth Act**

**Status:** Approved by the House on 3/20; Approved by the House Homeland Security Committee on 3/8

**Summary:** Amends the Homeland Security Act of 2002 to provide for congressional notification regarding major acquisition program breaches.

**[H.R. 1297](#) - Quadrennial Homeland Security Review Technical Corrections Act of 2017**

**Status:** Approved by the House on 3/21; Approved by the House Homeland Security Committee on 3/8

**Summary:** Amends the Homeland Security Act of 2002 to make technical corrections to the requirement that the Secretary of Homeland Security submit quadrennial homeland security reviews.

**[H.R. 1249](#) - DHS Multiyear Acquisition Strategy Act of 2017**

**Status:** Approved by the House on 3/20; Approved by the House Homeland Security Committee on 3/8

**Summary:** Amends the Homeland Security of 2002 to require a multiyear acquisition strategy of the Department of Homeland Security.

**[H.R. 1252](#) - DHS Acquisition Authorities Act of 2017**

**Status:** Approved by the House on 3/20; Approved by the House Homeland Security Committee on 3/8

**Summary:** Amends the Homeland Security of 2002 to provide for certain acquisition authorities for the Under Secretary of Management of the Department of Homeland Security.

**H.R. 1365 - Department of Homeland Security Acquisition Innovation Act****Status:** Approved by the House on 3/24; Approved by the House Homeland Security Committee on 3/8**Summary:** Amends the Homeland Security Act of 2002 to require certain acquisition innovation.**H.R. 1238 - Securing our Agriculture and Food Act****Status:** Approved by the House on 3/22; Approved by the House Homeland Security Committee on 3/8**Summary:** Amends the Homeland Security Act of 2002 to make the Assistant Secretary of Homeland Security for Health Affairs responsible for coordinating the efforts of the Department of Homeland Security related to food, agriculture, and veterinary defense against terrorism.**H.R. 1302 - Terrorist and Foreign Fighter Travel Exercise Act of 2017****Status:** Approved by the House on 3/24; Approved by the House Homeland Security Committee on 3/8**Summary:** This legislation requires an exercise related to terrorist and foreign fighter travel. It requires a stress test of U.S. government protection and prevention programs against terrorist travel.**Senate:****Nomination of Charles R. Breyer, to be a Member of the United States Sentencing Commission****(Reappointment)****Status:** Approved by the Senate on 3/21; Approved by the Judiciary Committee on 3/9**Nomination of Danny C. Reeves, to be a Member of the United States Sentencing Commission****Status:** Approved by the Senate on 3/21; Approved by the Judiciary Committee on 3/9



## Legislation Introduced Last Week

Date Introduced	Bill Number	Sponsor	Description
3/24/2017	<a href="#">HR 1724</a>	Mark Takano (D-CA-41)	To amend title V of the Omnibus Crime Control and Safe Streets Act of 1968 to prohibit Edward Byrne Memorial Justice Assistance Grants from being made available to a State or unit of local government that has a contract with a person that charges a fee to pay-only probationers, and for other purposes.
3/23/2017	<a href="#">HR 1712</a>	Martha Roby (R-AL-2)	To direct the Secretary of Veterans Affairs to establish a grant program to improve the monitoring of mental health and substance abuse treatment programs of the Department of Veterans Affairs.
3/23/2017	<a href="#">HR 1708</a>	Carolyn Maloney (D-NY-12)	To prohibit the sale of a firearm to, and the purchase of a firearm by, a person who is not covered by appropriate liability insurance coverage.
3/23/2017	<a href="#">S 719</a>	Sheldon Whitehouse (D-RI)	A bill to establish a grant program at the Department of Homeland Security to promote cooperative research and development between the United States and Israel on cybersecurity.
3/23/2017	<a href="#">S 717</a>	Dan Sullivan (R-AK)	A bill to promote pro bono legal services as a critical way in which to empower survivors of domestic violence.
3/23/2017	<a href="#">S 709</a>	Bill Nelson (D-FL)	A bill to prohibit the Administrator of the Federal Emergency Management Agency from taking administrative action to recover certain payments for disaster or emergency assistance, and for other purposes.
3/23/2017	<a href="#">S 708</a>	Ed Markey (D-MA)	A bill to improve the ability of U.S. Customs and Border Protection to interdict fentanyl, other synthetic opioids, and other narcotics and psychoactive substances that are illegally imported into the United States, and for other purposes.
3/23/2017	<a href="#">S 705</a>	Orrin Hatch (R-UT)	A bill to amend the National Child Protection Act of 1993 to establish a national criminal history background check system and criminal history review program for certain individuals who, related to their employment, have access to children, the elderly, or individuals with disabilities, and for other purposes.
3/22/2017	<a href="#">HR 1692</a>	Norma Torres (D-CA-35)	To address the problem of illegal firearm trafficking to Mexico.
3/22/2017	<a href="#">HR 1684</a>	Jerry Nadler (D-NY-10)	To direct the Administrator of the Federal Emergency Management Agency to provide technical assistance to common interest communities regarding eligibility for disaster assistance, and for other purposes.
3/22/2017	<a href="#">HR 1679</a>	Garret Graves (R-LA-6)	FEMA Accountability, Modernization and Transparency Act of 2017 - To ensure that the Federal Emergency Management Agency's current efforts to modernize its grant management system includes applicant accessibility and transparency, and for other purposes.
3/20/2017	<a href="#">HR 1636</a>	Rick Larsen (D-WA-2)	School Safety Act of 2017 - To reauthorize the matching grant program for school security in the Omnibus Crime Control and Safe Streets Act of 1968.



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