



# BROOKS BAWDEN LLC

## Weekly Update

April 10 - 14, 2017

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### Latest News

- The House and Senate are not in session this week, and are expected to return the week of April 24. When they return, they will have until April 28 to pass some form of spending bill to keep the federal government operating. It has yet to be determined what the bill will look like and how it may affect law enforcement and homeland security programs.
- On April 10, Elaine Duke was sworn in as the next Deputy Secretary for the Department of Homeland Security. You can view the press release [here](#).
- **ONDCP Director Announcement** - According to news reports, President Trump is expected to announce shortly the selection of Congressman Tom Marino (R-PA) as the next Director of the Office of Drug Control Policy. Marino is a former prosecutor, who authored the Transnational Drug Trafficking Act, which was signed into law by President Obama in 2016.
- **Rocky Mountain HIDTA Supplement Report** - Recently, the Rocky Mountain HIDTA released a supplement to its September 2016 report showing updated additional information on the use of marijuana in Colorado. This report shows trends/statistics in marijuana use, marijuana related incidences, and other marijuana related statistics. You can view the supplement report [here](#).
- **DOJ Crime Reduction Task Force** - Last week, Attorney General Sessions sent out an update memo on the new DOJ Task Force on Crime Reduction and Public Safety initiative. Task Force subcommittees will undertake a review of existing policies in all areas to advance the Administration's goal of reducing violent crime and other priorities. The Task Force has been directed to hold a National Summit on Crime Reduction and Public Safety, so that they can learn from federal, state, local, and tribal law enforcement agencies, victims' advocacy organizations, and community advocacy organizations about how they can best support and replicate successful local violent crime reduction efforts. You can view the memo [here](#).
- **DOJ Initiatives to Advance Forensic Science and Help Counter the Rise in Violent Crime** - The Attorney General announced that upon the expiration of the National Commission on Forensic Science, the new Task Force on Crime Reduction and Public Safety Subcommittee on Forensics will undertake an initiative to increase the capacity of forensic science providers, improve the reliability of forensic analysis, and permit reporting of forensic results with greater specificity. You can view the release [here](#).
- **ICE Declined Detainer Weekly Report** - Last week, ICE released its third declined detainer report on non-Federal jurisdictions that do not honor detainers issued by ICE to that jurisdiction. Due to intense criticism by state and local law enforcement officials regarding the inaccuracy and mischaracterizations of information within the previous reports, ICE will be suspending the future release of these reports until further review of its data collection methodology is completed. You can view the most recent weekly report [here](#). The Major

County Sheriffs of America released a press release expressing their outrage of the inaccuracies of the report, which can be found [here](#).

- **Tracking of key positions filled by President Trump** - The Washington Post has compiled a chart tracking 554 key administration positions that require Senate confirmation. The chart shows whether a position remains vacant, a nominee has been named, or whether they have been confirmed. You can view the chart [here](#).

- **ARTICLES OF INTEREST:**

- **How Jeff Sessions wants to bring back the war on drugs**

- **The Washington Post | Sari Horwitz**

- When the Obama administration launched a sweeping policy to reduce harsh prison sentences for nonviolent drug offenders, rave reviews came from across the political spectrum. Civil rights groups and the Koch brothers praised Obama for his efforts, saying he was making the criminal justice system more humane. But there was one person who watched these developments with some horror. Steven H. Cook, a former street cop who became a federal prosecutor based in Knoxville, Tenn., saw nothing wrong with how the system worked — not the life sentences for drug charges, not the huge growth of the prison population. And he went everywhere — Bill O'Reilly's show on Fox News, congressional hearings, public panels — to spread a different gospel. "The federal criminal justice system simply is not broken. In fact, it's working exactly as designed," Cook said at a criminal justice panel at The Washington Post last year. **Continue reading [here](#).**

- **Ginger Katz: America, don't go to pot**

- **The Hour | Ginger Katz**

- I want to urge you to consider the potentially dangerous effects of the legalization of marijuana in Connecticut. I lost my beloved son, Ian James Eaccarino, on Sept. 10, 1996 to drugs. Ian was a college student and a talented athlete. He had a bright future ahead of him, but it turned out he had started using marijuana at the age of 14. By the time he was 18, he was using cocaine, and at age 19, heroin. We are now more commonly finding out that youth are starting with marijuana and moving on to other drugs. In Ian's sophomore year of college, he called me in tears, begging for help. He was using heroin and didn't know how to stop. Only a few months later, Ian died in his sleep of a drug overdose. When I found him, my cries for help were heard two blocks away. Ian was only 20 years old.

- **Continue reading [here](#).**

- **ICE suspends weekly detainer report of uncooperative law enforcement agencies**

- **Star Tribune | David Chanen**

- After weeks of pushback alleging inaccuracies, U.S. Immigration and Customs Enforcement is suspending its weekly list of law enforcement agencies it claims do not cooperate with requests to detain immigrants living here illegally. Hennepin County Sheriff Rich Stanek said his office was advised Monday by ICE Regional Field Office Director Scott Baniecek that they will not publish a Declined Detainer Outcome Report for the week of Feb. 18-24, citing inaccuracies from the previous three weeks — including one Stanek publicly challenged. Stanek is demanding an apology for what he called "a pattern of significant errors." **Continue reading [here](#).**

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## Hearings & Markups Happening This Week

The House and Senate are not in session, and will return the week of April 24.

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## Legislation on the Floor This Week

### **House:**

The House is not in session, and will return on April 25.

**Senate:**

The Senate is not in session, and will return on April 24.

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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 Markup](#) - April 3

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

**Status:** Approved by the Senate Judiciary Committee on 4/3

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

**Status:** Approved by the Senate Judiciary Committee on 4/3

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

**Status:** Approved by the Senate Judiciary Committee on 4/3

Senate Homeland Security Committee - Full Committee Hearing - April 4

**[Fencing Along the Southwest Border](#)**

**Summary:** This hearing examined the issue of fencing along the southwest border. Witnesses testified that fencing can play an important factor in preventing and deterring individuals from illegally crossing the southern border, along with stemming the tide of drugs and human trafficking. However, a border wall alone is not the solution to the problem. A mix of increased use of technology, manpower, and fencing are all needed to help secure the border more effectively. Additionally, eminent domain concerns will be an issue with building a wall on private land, and will be very costly, and take time to work its way through legal challenges.

House Judiciary Committee - Crime Subcommittee Hearing - April 4

**[Oversight of the DEA & ATF](#)**

**Summary:** This oversight hearing of the DEA and ATF examined current activities and priorities of the agencies, along with how they have addressed management concerns and past controversies. DEA Administrator Rosenberg explained what the agency is doing to combat the current opioid epidemic, and actions to stem the flow of drugs into the U.S. Additionally, he explained steps that the agency has taken in response to various GAO and IG reports outlining misconduct and mismanagement concerns within the agency, and how they have sought to remedy those problems. In particular, Administrator Rosenberg was asked how the agency has changed their practices with regards to the use of confidential informants. ATF Director Brandon also discussed changes within his agency, and new policies to ensure greater transparency, and prevent future abuses.

House Oversight Committee - Full Committee Hearing - April 4

**[Use of Confidential Informants at ATF and DEA](#)**

**Summary:** This hearing examined the ATF and DEA's use of confidential informants. Concerns have been raised by the DOJ IG regarding past mismanagement of the CI program, lack of accountability, and lack of transparency. The DOJ IG found incomplete and inaccurate tracking of money or amounts paid to CIs at both agencies. Committee members asked DEA to turn over its new policy on its use of CIs, however, the agency declined at the advise of DOJ, of which the Committee then issued a subpoena for the information. The agencies stated that they have since corrected past mistakes with the program, and have instituted new policy changes to ensure greater accountability.

House Education & Workforce Committee - [Full Committee Markup](#) - April 4

**[H.R. 1808 - Improving Support for Missing and Exploited Children Act of 2017](#)**

**Status:** Approved by the E&C Committee on 4/4.

**Summary:** Amends and improve the Missing Children's Assistance Act.

**[H.R. 1809](#) - Juvenile Justice Reform Act of 2017****Status:** Approved by the E&C Committee on 4/4.**Summary:** Reauthorizes and improve the Juvenile Justice and Delinquency Prevention Act of 1974.

House Homeland Security Committee - Border Security Subcommittee hearing - April 4

**[Defeating a Sophisticated and Dangerous Adversary: Are the New Border Security Task Forces the Right Approach?](#)****Summary:** This hearing examined the DHS' counter network strategy and the recently authorized border security joint task forces that aim to better coordinate efforts to secure the border. Members questioned witnesses on duplication of task force activities, and whether some responsibilities could be combined with others, or if the current model made more sense. Witnesses explained that they feel the various task forces have worked well, and that coordination has improved, doing a better job on identifying threats and sharing of intelligence than they did in the past. Additionally, resource issues for the Coast Guard was discussed, with some members of the Committee concerned with proposed cuts to the agency.

Senate Homeland Security Committee - Full Committee Hearing - April 5

**[Improving Border Security and Public Safety](#)****Summary:** This hearing heard testimony from Secretary Kelly on border security issues. The issue of the border wall was discussed, where Kelly stated a wall will not be built along the entire southern border, but a combination of a wall where it makes geographic sense, increased border agents, and increased use of sensors and other technology. Kelly was also asked about the practice of examining the phones and electronics of individuals going through customs, as well as what is being done to stop the flow of drugs from coming over the border.

House Appropriations Committee - Labor HHS Subcommittee Hearing - April 5

**[Federal Response to the Opioid Abuse Crisis](#)****Summary:** This hearing examined the federal response to the nation's opioid abuse epidemic, and how federal funds are being coordinated to combat this problem. It was noted that arrests alone will not solve the problem, and short term treatment also will not work. Evidence based treatment is important to combating the epidemic, along with the importance of resources for state prescription drug monitoring programs, which has been effective at decreasing the supply of prescription opioids. Additionally, members of the Committee heard about best practices from state efforts, and learned about what has worked and what has not.House Judiciary Committee - **[Full Committee Markup](#)** - April 5**[H.R. 1842](#) - Strengthening Children's Safety Act****Status:** Approved by the Judiciary Committee on April 5**Summary:** Amends title 18, United States Code, to include State crimes of violence as grounds for an enhanced penalty when sex offenders fail to register or report certain information as required by Federal law, to include prior military offenses for purposes of recidivist sentencing provisions.**[H.R. 1761](#) - Protecting Against Child Exploitation Act****Status:** Held by the Judiciary Committee on April 5**Summary:** Amends title 18, United States Code, to criminalize the knowing consent of the visual depiction, or live transmission, of a minor engaged in sexually explicit conduct.**[H.R. 1862](#) - Global Child Protection Act****Status:** Approved by the Judiciary Committee on April 5**Summary:** Amends title 18, United States Code, to expand the scope of certain definitions pertaining to unlawful sexual conduct.

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## Legislation Considered Last Week

**House:**

Nothing affecting the law enforcement or homeland security community.

**Senate:**

**Nomination of Elaine Duke, to be Deputy Secretary of Homeland Security**

**Status:** Confirmed by the Senate on 4/4

**Nomination of Rod J. Rosenstein, to be Deputy Attorney General**

**Status:** By unanimous consent agreement, debate and vote in the Senate scheduled 4/24; Approved by the Senate Judiciary Committee 4/3

**Nomination of Neil Gorsuch, to be an Associate Justice of the Supreme Court**

**Status:** Confirmed by the Senate on 4/7; Approved by the Senate Judiciary on 4/3

## Legislation Introduced Last Week

Date Introduced	Bill Number	Sponsor	Description
4/7/2017	<a href="#">S 904</a>	Chuck Grassley (R-IA)	A bill to amend the Homeland Security Act of 2002 to authorize the National Computer Forensics Institute, and for other purposes.
4/7/2017	<a href="#">S 892</a>	Kirsten Gillibrand (D-NY)	A bill to amend the Controlled Substances Act to establish additional registration requirements for prescribers of opioids, and for other purposes.
4/7/2017	<a href="#">SRes 131</a>	Chuck Grassley (R-IA)	A resolution supporting the mission and goals of National Crime Victims' Rights Week in 2017, which include increasing public awareness of the rights, needs, and concerns of, and services available to assist, victims and survivors of crime in the United States.
4/7/2017	<a href="#">SRes 122</a>	Amy Klobuchar (D-MN)	A resolution designating April 2017 as "National 9-1-1 Education Month".
4/6/2017	<a href="#">HR 2073</a>	Nydia Velazquez (D-NY-7)	To amend section 287 of the Immigration and Nationality Act to prohibit immigration officers or agents of the Department of Homeland Security from wearing clothing or other items bearing the word "police".
4/6/2017	<a href="#">HR 2063</a>	Brad Schneider (D-IL-10)	To amend the Controlled Substances Act to require certain training as a condition of registration to prescribe or dispense opioids for the treatment of pain or pain management, and for other purposes.
4/6/2017	<a href="#">HR 2043</a>	Zoe Lofgren (D-CA-19)	To provide access to counsel for children and other vulnerable populations.
4/6/2017	<a href="#">HR 2038</a>	John Larson (D-CT-1)	To amend the Internal Revenue Code of 1986 to establish a stewardship fee on the production and importation of opioid pain relievers, and for other purposes.
4/6/2017	<a href="#">HR 2033</a>	Ruben Kihuen (D-NV-4)	To modernize the Undetectable Firearms Act of 1988.
4/6/2017	<a href="#">HR 2020</a>	Matt Gaetz (R-FL-1)	To provide for the rescheduling of marijuana into schedule III of the Controlled Substances Act.
4/6/2017	<a href="#">HR 2007</a>	Chris Collins (R-NY-27)	To prohibit the awarding of Federal Pell Grants to incarcerated individuals, and for other purposes.
4/6/2017	<a href="#">HR 1983</a>	Sheila Jackson Lee (D-TX-18)	To enhance Federal enforcement of hate crimes, and for other purposes.
4/6/2017	<a href="#">HR 1982</a>	Sheila Jackson Lee (D-TX-18)	To authorize funding to increase access to mental health care treatment to reduce gun violence.
4/6/2017	<a href="#">HR 1981</a>	Sheila Jackson Lee (D-TX-18)	To codify an office within the Department of Homeland Security with the mission of strengthening the capacity of the agency to attract and retain highly trained computer and information security professionals, and for other purposes.
4/6/2017	<a href="#">HR 1980</a>	Sheila Jackson Lee (D-TX-18)	To require non-Federal prisons and detention facilities holding Federal prisoners under a contract with the Federal Government to make available to the public the same information pertaining to facility operations and to prisoners held in such facilities that Federal prisons and detention facilities are required to make available.

4/6/2017	<a href="#">HR 1979</a>	Sheila Jackson Lee (D-TX-18)	To increase the evidentiary standard required to convict a person for a drug offense, to require screening of law enforcement officers or others acting under color of law participating in drug task forces, and for other purposes.
4/6/2017	<a href="#">HR 1978</a>	Sheila Jackson Lee (D-TX-18)	To establish a grant program to empower relatives, friends, and co-workers of domestic violence victims to create safety plans.
4/6/2017	<a href="#">HR 1976</a>	Evan Jenkins (R-WV-3)	To nullify any generalized, routine or ongoing reporting requirement imposed on a person licensed under section 923 of title 18, United States Code, that is based on the geographic location in which the licensee is located or on the sale of multiple rifles or shotguns, or any specific type of rifle or shotgun, to the same person.
4/6/2017	<a href="#">HR 1973</a>	Susan Brooks (R-IN-5)	To prevent the sexual abuse of minors and amateur athletes by requiring the prompt reporting of sexual abuse to law enforcement authorities, and for other purposes.
4/6/2017	<a href="#">HR 1970</a>	Don Bacon (R-NE-2)	To amend the Immigration and Nationality Act to provide for expedited naturalization processes for the alien spouses of first responders who die as a result of their employment, and for other purposes.
4/6/2017	<a href="#">HRes 269</a>	Tom Reed (R-NY-23)	Recognizing and supporting the goals and ideals of National Sexual Assault Awareness and Prevention Month.
4/6/2017	<a href="#">HRes 268</a>	David McKinley (R-WV-1)	Expressing the sense of the House of Representatives regarding the trafficking of illicit fentanyl into the United States from Mexico and China.
4/6/2017	<a href="#">HRes 257</a>	Barbara Comstock (R-VA-10)	Condemning hate crime and any other form of racism, religious or ethnic bias, discrimination, incitement to violence, or animus targeting a minority in the United States.
4/6/2017	<a href="#">S 887</a>	Steve Daines (R-MT)	DHS Multiyear Acquisition Strategy Act of 2017 - This legislation will require DHS to develop a multiyear acquisition plan to guide the overall direction of the Department's acquisitions, across all agencies, and include it annually in the Department's budget request to Congress. It will create a Departmentwide prioritized list of investment, to ensure limited resources are being directed to the highest valued use.
4/6/2017	<a href="#">S 886</a>	Steve Daines (R-MT)	DHS Acquisition Review Board Act of 2017 - This legislation will create a review board within the Department to strengthen accountability and uniformity across all agencies and the entire acquisition process, ensure long term strategic objectives are met, and ensure the use of industry-proven best practices.
4/6/2017	<a href="#">S 867</a>	Joe Donnelly (D-IN)	A bill to provide support for law enforcement agency efforts to protect the mental health and wellbeing of law enforcement officers, and for other purposes.
4/6/2017	<a href="#">S 866</a>	Bob Casey (D-PA)	A bill to amend the Juvenile Justice and Delinquency Prevention Act of 1974 to eliminate the use of valid court orders to secure lockup of status offenders, and for other purposes.
4/5/2017	<a href="#">HR 1963/</a> <a href="#">S 858</a>	Debbie Wasserman Schultz (D-FL-23)/ Jeanne Shaheen (D-NH)	To provide protection for survivors of domestic violence or sexual assault under the Fair Housing Act.

4/5/2017	<a href="#">HR 1949/ S 856</a>	Carolyn Maloney (D-NY-12)/ Claire McCaskill (D-MO)	To amend the Higher Education Act of 1965 and the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act to combat campus sexual assault, and for other purposes.
4/5/2017	<a href="#">HR 1926</a>	Tony Cardenas (D-CA-29)	To amend title 18, United States Code, to ensure that juveniles adjudicated in Federal delinquency proceedings are not subject to solitary confinement while committed to juvenile facilities.
4/5/2017	<a href="#">HR 1906/ S 827</a>	Elijah Cummings (D-MD-7)/ Rand Paul (R-KY)	To provide for the sealing or expungement of records relating to Federal nonviolent criminal offenses, and for other purposes.
4/5/2017	<a href="#">HRes 250</a>	Tony Cardenas (D-CA-29)	Expressing the need to eliminate life without parole for children.
4/5/2017	<a href="#">S 860</a>	Chuck Grassley (R-IA)	A bill to reauthorize and improve the Juvenile Justice and Delinquency Prevention Act of 1974, and for other purposes.
4/5/2017	<a href="#">S 845</a>	Richard Blumenthal (D-CT)	A bill to protect sensitive community locations from harmful immigration enforcement action, and for other purposes.
4/5/2015	<a href="#">S 834</a>	Ed Markey (D-MA)	A bill to authorize the appropriation of funds to the Centers for Disease Control and Prevention for conducting or supporting research on firearms safety or gun violence prevention.
4/5/2017	<a href="#">S 829</a>	John McCain (R-AZ)	A bill to reauthorize the Assistance to Firefighters Grants program, the Fire Prevention and Safety Grants program, and the Staffing for Adequate Fire and Emergency Response grant program, and for other purposes.
4/4/2017	<a href="#">HR 1892</a>	John Larson (D-CT-1)	Honoring Hometown Heroes Act - This bill authorizes the governor of a state, territory, or possession of the United States or the Mayor of the District of Columbia to proclaim that the U.S. flag shall be flown at half-staff in the event of the death of a first responder (public safety officer) working in such jurisdiction who dies while serving in the line of duty.
4/4/2017	<a href="#">HR 1886</a>	Ted Deutch (D-FL-22)	National Criminal Justice Commission Act of 2017 - To establish the National Criminal Justice Commission.
4/4/2017	<a href="#">HR 1885</a>	Tony Cardenas (D-CA-29)	Prohibiting Detention of Youth Status Offenders Act of 2017 - A bill to amend the Juvenile Justice and Delinquency Prevention Act of 1974 to eliminate the use of valid court orders to secure lockup of status offender
4/4/2017	<a href="#">HR 1870</a>	Steve Cohen (D-TN-9)	Police Training and Independent Review Act of 2017 - Requires states receiving funds under the Edward Byrne Memorial State and Local Law Enforcement Assistance Program, the Local Government Law Enforcement Block Grants Program, or the Edward Byrne Memorial Justice Assistance Grant Program to: (1) require all individuals enrolled in an academy of a law enforcement agency and all law enforcement officers of the state to fulfill a training session on sensitivity each fiscal year, including training on ethnic and racial bias, cultural diversity, and police interaction with the disabled, mentally ill, and new immigrants; and (2) certify to the Attorney General that such training sessions have been completed. Subjects a state that fails to comply to a reduction of up to 20% of such funds that would otherwise be allocated to the state. Authorizes the Attorney General to waive such requirements if compliance would violate a state's Constitution.



4/4/2017	<a href="#">S 814</a>	Tammy Duckworth (D-IL)	A bill to require that States receiving Byrne JAG funds to require sensitivity training for law enforcement officers of that State and to incentivize States to enact laws requiring the independent investigation and prosecution of the use of deadly force by law enforcement officers, and for other purposes.
4/3/2017	<a href="#">HR 1865</a>	Ann Wagner (R-MO-2)	Allow States and Victims to Fight Online Sex Trafficking Act of 2017 - To amend the Communications Act of 1934 to clarify that section 230 of such Act does not prohibit the enforcement against providers and users of interactive computer services of Federal and State criminal and civil law relating to sexual exploitation of children or sex trafficking
4/3/2017	<a href="#">HR 1857</a>	Stephen Lynch (D-MA-8)	Confidential Informant Accountability Act of 2017 - Directs the Departments of Justice, Homeland Security, and Treasury to report biannually to Congress on: (1) all serious crimes, authorized and unauthorized, committed by informants maintained by their respective law enforcement agencies (i.e., the Federal Bureau of Investigation, the Drug Enforcement Administration, the U.S. Secret Service, U.S. Immigration and Customs Enforcement, and the Bureau of Alcohol, Tobacco, Firearms and Explosives); and (2) the amounts expended by each of such agencies on payments to such informants.
4/3/2017	<a href="#">HR 1856</a>	Stephen Lynch (D-MA-8)	Justice for Victims of Confidential Informant Crime Act of 2017 - Amends the federal judicial code to extend to three years and six months the period within which a tort claim against the United States must be presented in writing to a federal agency when the claim arises out of a government employee's conduct with respect to the criminal misconduct of a government informant. (Current law bars all tort claims against the United States that are not presented within two years after the claim accrues.)
4/3/2017	<a href="#">HR 1854</a>	Evan Jenkins (R-WV-3)	Prescription Drug Monitoring Act of 2017 - A bill to require the use of prescription drug monitoring programs and to facilitate information sharing among States.
4/3/2017	<a href="#">HR 1853</a>	Joseph Crowley (D-NY-14)	Kalief's Law - This legislation amends the Omnibus Crime Control and Safe Streets Act of 1968 to reauthorize the Juvenile Accountability Block Grant (JABG) program. It requires a state or local government that receives JABG funding to implement policies that, with respect to youth: (1) provide a right to speedy trial; (2) provide a right to timely bail consideration; and (3) restrict solitary confinement. The term "youth" means an individual who is 21 years of age or younger.
4/3/2017	<a href="#">HJRes 93</a>	Trent Franks (R-AZ-8)	Proposing an amendment to the Constitution of the United States to protect the rights of crime victims.



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