



BROOKS BAWDEN LLC

Weekly Update

April 17 - 28, 2017

Content in this Weekly Update:

- Highlighted Issues 1
- This Week's Hearings/ Markups 3
- Legislation on the House & Senate Floor 4
- Previous Hearings/ Markups 5
- Previous Floor Actions 5
- Introduced Legislation 6

Links to Previous Updates:

- [115 Congress Chairs](#)
- [Trump FY18 Skinny Budget](#)
- [Weekly 4/10/17](#)
- [Weekly 4/3/17](#)
- [Weekly 3/27/17](#)
- [Weekly 3/20/17](#)
- [Weekly 3/13/17](#)
- [Weekly 3/6/17](#)
- [Weekly 2/27/17](#)
- [Weekly 2/20/17](#)
- [Weekly 2/13/17](#)

Latest News

- The House and Senate are back in session this week, returning from a two week recess. The top priority will be to consider an appropriations bill to keep the federal government running past April 28. It has yet to be announced what the bill will look like and how it may affect law enforcement and homeland security programs. On Thursday, the House Judiciary Committee will hold a markup on a handful of pro-law enforcement bills that law enforcement groups have been advocating for to be considered during National Police Week in May. In the Senate, the nomination of Rod Rosenstein, to be the next Deputy Attorney General, is expected to be voted on this week.
- **DHS Secretary Kelly raised eyebrows** over the weekend when he acknowledged on CBS Face the Nation the difficulty of detecting and preventing home-grown terrorism: "I don't know how to do that." While he obviously should not be taken literally, there are some critical pieces in place today that are helping DHS and the rest of the federal government address the challenge. And they need to be strengthened. That includes the Criminal Intelligence Coordinating Council (CICC) where a deep reservoir of expertise exists to advise DOJ and DHS executive leadership on these issues. National assets like the National Network of Fusion Centers and its fusion liaison officer programs, the Regional Information Sharing Systems (RISS) program, and the Nationwide Suspicious Activity Reporting (SAR) Initiative are critical to any effort to detect, prevent, and investigate threats to public safety. Yet the policy and budget support for some of these efforts has leveled off or declined in recent years. It is imperative that these efforts are not just supported, but significantly strengthened in this complex and decentralized threat environment. One of the central information sharing lessons of 9/11 - and one of the key recommendations of the 9/11 Commission - still holds today: a decentralized, distributed threat requires a decentralized, distributed, and networked infrastructure to confront it. And that requires constant engagement with all levels of public safety stakeholders, constant reinvestment in critical partnerships, and consistent policy emphasis. The story from the weekend can be viewed [here](#).
- **DOJ Sends Letter to Nine Jurisdictions Requiring Proof of Compliance with Immigration Laws** - Last week, the Department of Justice sent letters to nine jurisdictions who have been identified as having enacted statues or ordinances that potentially violate 8 U.S.C. § 1373. The letters remind the recipient jurisdictions that, as a condition for receiving certain financial year 2016 funding from the Department of Justice, each of these jurisdictions agreed to provide documentation and an opinion from legal counsel validating that they are in compliance with Section 1373. Those jurisdictions identified have until June 30, to submit documentation showing compliance with grant requirements. You can view the letters sent to the nine jurisdictions [here](#).
- **DOJ Support for Law Enforcement in Indian Country** - Last week, the Department of Justice announced new actions to support law enforcement and maintain public safety in Indian Country. The department will deploy the Tribal Access Program for National Crime Information to 10 tribal sites; coordinate a series of listening sessions with tribal law enforcement officials and tribal leaders to ensure the unique perspective of law enforcement in Indi-

an Country is taken into account; and create the Indian Country Federal Law Enforcement Coordination Group, that will increase collaboration and coordination with the goal of enhancing the response to violent crime in Indian country. You can view the release [here](#).

- **Secretary Kelly remarks at George Washington University Center for Cyber and Homeland Security** - Secretary Kelly gave a speech at GW University on April 28 on the threats to the U.S., and how the Department of Homeland Security is responding to those threats. Secretary discussed threats from transnational criminal organizations, human smuggling, the drug trade, homegrown terrorism, cyber threats, and other threats. You can watch Secretary Kelly's remarks and Q&A [here](#).

- **ARTICLES OF INTEREST:**

Jurisdictional issues tie up cyber efforts on Capitol Hill

The Washington Examiner | Charlie Mitchell

Congressional committees continue to lock horns over who has jurisdiction over cybersecurity, a recurring problem and frustration for lawmakers trying to deal in this policy space. Congress is in the middle of a two-week recess, but during the last legislative session, the House Science Committee passed a bill directing the National Institute of Standards and Technology to audit other agencies' cyber practices. The bill was opposed by all but one Science panel Democrat, but its real problem is the intense opposition it has drawn from the House Oversight and Government Reform and other committees, according to congressional and industry sources. **Continue reading [here](#).**

Tribes as Equal Partners in Homeland Security

PA Times | Lorinda Riley

In recent months, there has been much discussion about illegal immigration in the United States. Concepts such as "extreme vetting," patriotism tests and travel bans have emerged onto the national stage as tools to protect U.S. sovereignty and security. And while that conversation will likely continue, one piece in this dialogue is missing – tribal borders, which constitutes hundreds of miles of international borders. Tribal nations pre-exist the formation of the US and must defend their own safety, security and sovereignty. Often the issue of border security is framed as would-be immigrants entering illegally to stay long term, but there are a significant number of border incursions that occur on a near daily basis. One needs only a little creativity to imagine the types of nefarious industries that require people to enter the United States only to return to their home country in a few days, weeks or months. Regardless of the type of border incursions we contemplate, these types of illegal activities constitute serious security breaches. **Continue reading [here](#).**

Drug-related deaths overburden Maryland medical examiner's office

The Baltimore Sun | Meredith Cohn

The opioid epidemic that has claimed so many lives in Maryland is overwhelming the state medical examiner's office. The agency has exceeded national caseload standards — the number of autopsies a single pathologist should perform in a year — in each of the past four years. The office now risks losing its accreditation. "Everyone continues to add on work hours and work faster and hopefully not take short cuts," said Dr. David R. Fowler, Maryland's chief medical examiner. "They absorb this extra load. But there is a point where they can't continue to add to that and expect the system will function." **Continue reading [here](#).**

Thousands of Massachusetts drug cases to be dismissed after lab scandal

Reuters | Scott Malone

Close to 20,000 Massachusetts criminal drug cases are set to be dismissed because of a scandal involving a former state chemist who admitted faking tests, civil liberties activists and prosecutors said on Tuesday. It will mean the largest number of drug cases tossed out in U.S. history due to one person, according to the American Civil Liberties Union. Rogue chemist Annie Dookhan pleaded guilty in 2013 to tampering with evidence during her nine years working at a state crime lab in Boston. The scandal shook the foundation of the state's criminal justice system. The Massachusetts Supreme Judicial Court in January ordered prosecutors across the state to dismiss the vast majority of convictions tied to that lab, where Dookhan identified evidence as illegal narcotics even without testing it, in an effort to make herself seem more efficient. **Continue reading [here](#).**

Local police don't go after most cybercriminals. We need better training.**The Washington Post | Nick Selby**

Imagine calling your local police after you've been mugged and being told, "Sorry, muggings are complicated. We don't handle those. Try the FBI." That's exactly what happens every day when Americans call their local police to report online bank fraud, tax-return fraud and other crimes committed via the Internet. I work on this a lot as a police detective. From what I've seen, outside of a few cutting-edge offices like Manhattan's district attorney and some computer crime task forces that work with the FBI or the Secret Service, the vast majority of American police and prosecutors have received precious little training in how to investigate and prosecute cybercrimes. This must change. All policing — even a fair amount of cyberpolicing — is local. Many of the cybercrimes that hit people in the wallet aren't complex, cross-jurisdictional hacks by Ukrainian ninjas. Instead, Internet-enabled cons like card-skimming, business email compromise, tax-return refund fraud and electronic fund transfer fraud often begin and end locally. The perpetrators are frequently small-time crooks known to the cops for other types of crime. **Continue reading [here](#).**

Hearings & Markups Happening This Week

House Judiciary Committee - Crime Subcommittee Hearing

[Oversight of the Federal Bureau of Prisons and the U.S. Marshals Service](#)

April 26 @ 10:00 am - 2141 Rayburn

House Oversight Committee - National Security Subcommittee

[The Border Wall: Strengthening Our National Security](#)

April 26 @ 10:00 am - 2154 Rayburn

House Judiciary Committee - [Full Committee Markup](#) - April 27 @ 10:00 am - 2141 Rayburn

[H.R. 115](#) - Thin Blue Line Act

Status: To be considered by the House Judiciary Committee on 4/27.

Summary: This bill amends the federal criminal code to expand the list of statutory aggravating factors in death penalty determinations to also include the killing or attempted killing of a law enforcement officer, firefighter, or other first responder.

[H.R. 510](#) - Rapid DNA Act

Status: To be considered by the House Judiciary Committee on 4/27.

Summary: This bill amends the DNA Identification Act of 1994 to require the Federal Bureau of Investigation (FBI) to issue standards and procedures for using Rapid DNA instruments to analyze DNA samples of criminal offenders. Rapid DNA instruments carry out a fully automated process to create a DNA analysis from a DNA sample. DNA samples prepared by criminal justice agencies using Rapid DNA instruments in compliance the FBI -issued standards and procedures may be included in the Combined DNA Index System (CODIS). The bill amends the DNA Analysis Backlog Elimination Act of 2000 to allow the FBI to waive certain existing requirements if a DNA sample is analyzed using Rapid DNA instruments and the results are included in CODIS.

[H.R. 613](#) - Lieutenant Osvaldo Albarati Correctional Officer Self-Protection Act

Status: To be considered by the House Judiciary Committee on 4/27.

Summary: This bill amends the federal criminal code to require the Bureau of Prisons (BOP) to allow a correctional officer at a federal prison or correctional institution to: (1) store firearms on BOP premises in a secure storage area outside the security perimeter of the institution or in a vehicle lockbox, and (2) carry a concealed firearm on BOP premises outside the security perimeter of the institution.

[H.R. 1039](#) - Probation Officer Protection Act

Status: To be considered by the House Judiciary Committee on 4/27.

Summary: This bill amends the federal criminal code to authorize a probation officer to arrest a person (i.e., a person other than the probationer) without a warrant if there is probable cause to believe the person forcibly

assaulted or obstructed a probation officer engaged in the performance of official duties.

[H.R. 1761](#) - Protecting Against Child Exploitation Act

Status: To be considered by the House Judiciary Committee on 4/27.

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. 1892](#) - Honoring Hometown Heroes Act

Status: To be considered by the House Judiciary Committee on 4/27.

Summary: Amends title 4, United States Code, to provide for the flying of the flag at half-staff in the event of the death of a first responder in the line of duty.

House Homeland Security Committee - Transportation Subcommittee Hearing

[Checkpoint of the Future: Evaluating TSA's Innovation Task Force Initiative](#)

April 27 @ 2:00 pm - HVC 210

Legislation on the Floor This Week

House:

[H.Con.Res. 35](#) - Authorizing the use of the Capitol Grounds for the National Peace Officers Memorial Service and the National Honor Guard and Pipe Band Exhibition

Status: To be considered in the House on 4/25

Summary: Permits the Grand Lodge of the Fraternal Order of Police and its auxiliary to sponsor as free public events on the Capitol grounds: the 36th Annual National Peace Officers' Memorial Service, on May 15, 2017, to honor the law enforcement officers who died in the line of duty during 2016; and the National Honor Guard and Pipe Band Exhibition, on May 14, 2017, to allow law enforcement representatives to exhibit their ability to demonstrate Honor Guard programs and provide for a bag pipe exhibition.

[H.R. 876](#) - Aviation Employee Screening and Security Enhancement Act of 2017

Status: To be considered in the House on 4/25

Summary: TSA would be directed to ensure that security procedures for airline and airport employees are sufficiently rigorous.

[H.R. 1372](#) - Homeland Security for Children Act

Status: To be considered in the House on 4/25.

Summary: Amends the Homeland Security Act of 2002 to ensure that the needs of children are considered in homeland security planning.

H.R. XXXX - Consideration of Legislation Making Further Appropriations for FY 2017

Status: To be considered this week.

Summary: Bill text to be released later this week.

Senate:

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

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

Status: To be considered in the Senate this week; Approved by the Senate Judiciary Committee 4/3

H.R. XXXX - Consideration of Legislation Making Further Appropriations for FY 2017

Status: To be considered this week.

Summary: Bill text to be released later this week.

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.

The House and Senate was not in session.

Legislation Considered Last Week

House:

The House was not in session.

Senate:

The Senate was not in session.

Legislation Introduced Last Week

Date Introduced	Bill Number	Sponsor	Description
4/20/2017	HR 2109	Luke Messer (R-IN-6)	National Strategy for School Security Act of 2017 - To require the development of a national strategy to secure schools against terrorism nationwide, and ensure domestic preparedness for and the response to terrorism.
4/14/2017	HR 2098	Scott Perry (R-PA-4)	This bill prohibits a federal government officer or employee from taking an action that limits an individual's conduct related to firearms or ammunition that is more restrictive than limitations in effect as of January 3, 2016.
4/14/2017	HR 2097	Scott Perry (R-PA-4)	To prevent the reclassification of certain ammunition as armor piercing ammunition.
4/14/2017	HR 2096	Eleanor Holmes Norton (D-DC-AL)	To amend the Juvenile Justice and Delinquency Prevention Act of 1974 to require the publication of certain demographic data regarding missing children, and for other purposes.
4/12/2017	HR 2089	Eliot Engel (D-NY-16)	To protect the Nation's law enforcement officers by regulating the sale of the Five-seveN pistol and its variants, testing handguns for capability to penetrate body armor, and regulating the manufacture, importation, sale, or purchase of such handguns by civilians.



BROOKS BAWDEN, LLC

Office Address:

300 M Street, SE
Suite 402
Washington, DC 20003

Mailing Address:

401 Massachusetts Ave, NW
Suite 509
Washington, DC 20001

Phone: (202) 350-0103
Fax: (202) 629-4528

Email:

rbrooks@brooksawden.com
bbawden@brooksawden.com
jledden@brooksawden.com
lcooper@brooksawden.com
fscalera@brooksawden.com



Visit us at:

www.brooksawden.com

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jledden@brooksawden.com**