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Weekly Update

May 1 - 5, 2017

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Latest News

- The House and Senate are in session this week. An agreement was reached on the fiscal year 2017 Omnibus Appropriations bill, which will fund the federal government through the end of the fiscal year. The House approved the legislation on Wednesday, followed by the Senate Thursday, and now awaits the signature of the President. You can view an overview of the omnibus bill [here](#).
- On Wednesday, the House Judiciary Committee marked-up several pro-law enforcement bills that law enforcement groups have been advocating for to be considered during National Police Week in May. Additionally, the House Homeland Security Committee marked-up multiple bills, including legislation to encourage access for fusion centers to certain federal databases. The Senate Judiciary Committee held a markup on the Rapid DNA Act, which passed the House Judiciary Committee last week, and several other bills. Though as is custom practice in the Senate, those bills were held over and will be voted on by the Committee next week.
- **Rep. Marino Turning Down Drug Czar Position** - Congressman Tom Marino (R-PA-10) released the following statement withdrawing from consideration for the appointment as Director of the Office of National Drug Control Policy: "Due to a critical illness in my family, I have, with regret and the utmost respect, informed the White House that I must withdraw my name from consideration for Director of the Office of National Drug Control Policy. I thank the President for the enormous honor of considering me for this lead role in the effort to address one of the most pressing issues facing our nation and my state today: the opioid epidemic. I will remain in Congress and continue to support President Trump in whatever way I can."
- **Facial Recognition** - Roger Rodriguez from Vigilant Solutions faced off with one of the leading critics of law enforcement's use of facial recognition technology on a panel at the Connect:ID conference this week in Washington, DC (<http://www.connectidexpo.com/>). Roger - retired from NYPD where he ran the facial recognition unit - injected some much-needed reality into the discussion, which recently has been dominated by wild rhetoric based on incorrect assumptions by privacy alarmists and academics. Here is a good overview of Roger's views that anyone can use to help push back against anti-facial recognition claims: <https://www.vigilantsolutions.com/facing-the-facts-about-biometric-facial-recognition-technology/>.
- **ARTICLES OF INTEREST:**
Study finds increase in illicit pot use, abuse in states that allow medical marijuana
The Washington Times | Laura Kelly
 Illicit marijuana use and cannabis-use disorders increased in states with medical marijuana laws, according to a study published Wednesday in the Journal of the American Medical Association Psychiatry. Researchers across the country examined data from three cross-

sectional U.S. adult studies between the periods of 1991-1992, 2001-2002 and 2012-2013. In the study, illicit use was defined as “getting high” with no medicinal purpose. Cannabis-use disorders were classified as substance abuse disorders under the Diagnostic and Statistical Manual of Mental Disorders. The time periods were significant in that no states had marijuana medical laws between 1991 and 1992. In 2001-2002, 18.9 percent of Americans lived in states with medical marijuana laws, and one-third of Americans lived in states with medical marijuana laws between 2012 and 2013. **Continue reading [here](#).**

Study: Drivers killed in crashes more likely to be on drugs than alcohol

The Hill | Melanie Zanona

Drivers who are killed in car crashes are now more likely to be on drugs than alcohol, according to a new report from the Governors Highway Safety Association (GHSA). In 2015, the most recent year for which national data were available, drugs were present in 43 percent of drivers who were involved in fatal crashes, compared to 37 percent of drivers who had above the legal limit of alcohol in their system. Thirty-six percent of drivers who tested positive for drugs had marijuana in their system, while 9 percent tested positive for amphetamines. In 2005, only 28 percent of drivers tested positive for drugs after dying in a crash. **Continue reading [here](#).**

Encryption keeping FBI from accessing thousands of lawfully seized smartphones: Comey

The Washington Times | Andrew Blake

Nearly half of all smartphones and other digital devices lawfully seized by the FBI are useless to federal investigators because they're protected with encryption, FBI Director James B. Comey told the Senate Judiciary Committee on Wednesday. Of more than 6,000 devices obtained by the FBI between Oct. 1 and March 31, Mr. Comey said 46 percent were safeguarded by strong encryption that renders them unreadable to authorities. “That means half of the devices that we encounter in terrorism cases, in counterintelligence cases, in gang cases, in child pornography cases, cannot be opened with any technique,” Mr. Comey told the Senate panel. “That is a big problem,” he added. “And so the shadow continues to fall.” **Continue reading [here](#).**

Hearings & Markups Happening This Week

Senate Judiciary Committee - Full Committee Hearing

[Responses to the Increase in Religious Hate Crimes](#)

May 2 @ 10:30 am - 226 Dirksen

Senate Judiciary Committee - Full Committee Hearing

[Oversight of the Federal Bureau of Investigation](#)

May 3 @ 10:00 am - 226 Dirksen

House Judiciary Committee - [Full Committee Markup](#) - May 3 @ 10:00 am - 2141 Rayburn

[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 - [Full Committee Markup](#) - May 3 @ 10:30 am - 210 HVC

[H.R. 625](#) - Reporting Efficiently to Proper Officials in Response to Terrorism Act of 2017

Status: To be considered by the House Homeland Security Committee on 5/3

Summary: This bill requires the Department of Homeland Security, in coordination with the Department of Justice, the Federal Bureau of Investigation (FBI), and, as appropriate, the National Counterterrorism Center, to submit to Congress an unclassified report on an incident of terrorism in the United States as soon as the investigation of such incident is completed by the primary government agency. Such report shall contain: (1) a statement of the facts of the incident; and (2) any recommendations for changes in practices or law, consistent with the Constitution, that could help prevent future attacks.

[H.R. 1351](#) - Strengthening Oversight of TSA Employee Misconduct Act

Status: To be considered by the House Homeland Security Committee on 5/3

Summary: Amends title 49, United States Code, to direct the Administrator of the Transportation Security Administration (TSA) to make certain improvements in managing TSA's employee misconduct.

[H.R. 2131](#) - Fixing Internal Response to Misconduct Act

Status: To be considered by the House Homeland Security Committee on 5/3

Summary: Amends the Homeland Security Act of 2002 to direct the Chief Human Capital Officer of the Department of Homeland Security to improve consistency regarding discipline and adverse actions in the Department's workforce.

[H.R. 2132](#) - Traveler Redress Improvement Act of 2017

Status: To be considered by the House Homeland Security Committee on 5/3

Summary: Requires the implementation of a redress process and review of the Transportation Security Administration's intelligence-based screening rules for aviation security.

[H.R. 2169](#) - Improving Fusion Centers' Access to Information Act

Status: To be considered by the House Homeland Security Committee on 5/3

Summary: Amends the Homeland Security Act of 2002 to enhance information sharing in the Department of Homeland Security State, Local, and Regional Fusion Center Initiative.

[H.R. 2188](#) - Community Counterterrorism Preparedness Act

Status: To be considered by the House Homeland Security Committee on 5/3

Summary: Amends the Homeland Security Act of 2002 to establish the major metropolitan area counterterrorism training and exercise grant program.

[H.R. 2190](#) - Streamlining DHS Overhead Act

Status: To be considered by the House Homeland Security Committee on 5/3

Summary: Amends the Homeland Security Act of 2002 to direct the Under Secretary for Management of the Department of Homeland Security to make certain improvements in managing the Department's real property portfolio.

[H.R. 2213](#) - Anti-Border Corruption Reauthorization Act of 2017

Status: To be considered by the House Homeland Security Committee on 5/3

Summary: Amends the Anti-Border Corruption Act of 2010 to authorize certain polygraph waiver authority.

[H.R. 2281](#) - Department of Homeland Security Morale, Recognition, Learning and Engagement Act of 2017

Status: To be considered by the House Homeland Security Committee on 5/3

Summary: Amends the Homeland Security Act of 2002 to reauthorize the Border Enforcement Security Task Force program within the Department of Homeland Security.

[H.R. 2283](#) - Border Enforcement Security Task Force Reauthorization Act of 2017

Status: To be considered by the House Homeland Security Committee on 5/3

Summary: Amends the Homeland Security Act of 2002 to improve morale within the Department of Homeland Security workforce by conferring new responsibilities to the Chief Human Capital Officer, establishing an employee engagement steering committee, requiring action plans, and authorizing an annual employee award program.

House Homeland Security Committee - Task Force on Denying Terrorists Entry into the U.S. Hearing
[Denying Terrorists Entry to the United States: Examining Visa Security](#)
May 3 @ 2:00 pm - 210 HVC

Senate Judiciary Committee - [Full Committee Markup](#) - May 4 @ TBD - US Capitol

[S. 139 - Rapid DNA Act of 2017](#)

Status: To be considered by the Senate Judiciary Committee on 5/4

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.

[S. 534 - Protecting Young Victims from Sexual Abuse Act of 2017](#)

Status: To be considered by the Senate Judiciary Committee on 5/4

Summary: To prevent the sexual abuse of minors and amateur athletes by requiring the prompt reporting of sexual abuse to law enforcement authorities.

[S. 583 - American Law Enforcement Heroes Act of 2017](#)

Status: To be considered by the Senate Judiciary Committee on 5/4

Summary: This bill amends the Omnibus Crime Control and Safe Streets Act of 1968 to specify that hiring and training additional career law enforcement officers, as an allowable use of grant funds under the Community Oriented Policing Services program, includes prioritizing the hiring and training of veterans.

Legislation on the Floor This Week

House:

Concurring in the Senate Amendment to [H.R. 244 - Consolidated Appropriations Act, 2017](#)

Status: To be considered in the House on 5/3.

Summary: This legislation provides for full Appropriations legislation and funding for the remaining 11 annual Appropriations bills through the end of the fiscal year, September 30, 2017. You can view a summary of the bill [here](#).

Senate:

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

Concurring in the Senate Amendment to [H.R. 244 - Consolidated Appropriations Act, 2017](#)

Status: To be considered in the Senate this week.

Summary: This legislation provides for full Appropriations legislation and funding for the remaining 11 annual Appropriations bills through the end of the fiscal year, September 30, 2017. You can view a summary of the bill [here](#).

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.

House Judiciary Committee - Crime Subcommittee Hearing - April 26

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

Summary: This oversight hearing examined operations within the Bureau of Prisons, as well as the US Marshals Service. Members discussed the important role of reentry programs, and the concern with the recent drop in the number of those participating in those programs. Discussions also surrounded issues the Marshals Service is facing, and what can be done to aid the agency in its mission. Many questions also surrounded the use of private prisons, and the oversight by the Marshals Service of those privately ran prisons. Additionally, scrutiny of the use of private prisoner transport services was discussed.

House Judiciary Committee - [Full Committee Markup](#) - April 27

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

Status: Approved 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: Approved 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: Approved 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.

House Homeland Security Committee - Transportation Subcommittee Hearing - April 27

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

Summary: This hearing examined the TSA's Innovation Task Force initiative which seeks to demonstrate new and innovative security technologies at our nation's airports. Members and witnesses discussed innovative ways to address long lines at security screening checkpoints, and how to better screen individuals while not sacrificing screening. Some of the initiatives discussed were the use of automated screening lanes, biometric authentication technology, and other technology. Additionally, members discussed the use of canines at airport screening, as well as different processes to screen airport personnel.

Legislation Considered Last Week

House:

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

Status: Approved by 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: Approved by 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.J.Res 99 - Consideration of Legislation Making Further Appropriations for FY 2017

Status: Signed by the President on 4/28; Approved by the House on 4/28; Approved by the Senate on 4/28.

Summary: Provides for a one week continued appropriations for federal agencies.

Senate:

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

Status: Approved by the Senate on 4/25; Approved by the Senate Judiciary Committee 4/3

H.J.Res 99 - Consideration of Legislation Making Further Appropriations for FY 2017

Status: Signed by the President on 4/28; Approved by the House on 4/28; Approved by the Senate on 4/28.

Summary: Provides for a one week continued appropriations for federal agencies.

Legislation Introduced Last Week

Date Introduced	Bill Number	Sponsor	Description
4/28/2017	HR 2228	Susan Broks (R-IN-5)	To provide support for law enforcement agency efforts to protect the mental health and well-being of law enforcement officers, and for other purposes.
4/27/2017	HR 2219	Ed Royce (R-CA-39)	To increase the role of the financial industry in combating human trafficking.
4/27/2017	HR 2215	Ed Perlmutter (D-CO-7)	To create protections for depository institutions that provide financial services to cannabis-related legitimate businesses, and for other purposes.
4/27/2017	HR 2213	Martha McSally (R-AZ-2)	To amend the Anti-Border Corruption Act of 2010 to authorize certain polygraph waiver authority, and for other purposes.
4/27/2017	HR 2200	Chris Smith (R-NJ-4)	To reauthorize the Trafficking Victims Protection Act of 2000, and for other purposes.
4/27/2017	HR 2190	John Rutherford (R-FL-4)	Streamlining DHS Overhead Act - amends the Homeland Security Act of 2002 to direct the Under Secretary for Management of the Department of Homeland Security to make certain improvements in managing the Department's real property portfolio.
4/27/2017	HR 2188	Mike McCaul (R-TX-10)	Community Counterterrorism Preparedness Act - amends the Homeland Security Act of 2002 to establish the major metropolitan area counterterrorism training and exercise grant program.
4/27/2017	HR 2186	Mo Brooks (R-AL-5)	EL CHAPO Act - To reserve any amounts forfeited to the United States Government as a result of the criminal prosecution of Joaquin Archivaldo Guzman Loera (commonly known as "El Chapo"), or of other felony convictions involving the transportation of controlled substances into the United States, for security measures along the Southern border, including the completion of a border wall.
4/27/2017	S 982	Bob Casey (D-PA)	A bill to amend the Child Abuse Prevention and Treatment Act to require mandatory reporting of incidents of child abuse or neglect, and for other purposes.
4/27/2017	S 954 / HR 2151	Patty Murray (D-WA) / Mark Pocan (D-WI-2)	Tyler Clementi Higher Education Anti-Harassment Act of 2017 - To prevent harassment at institutions of higher education, and for other purposes.
4/26/2017	HR 2169	John Katko (R-NY-24)	Improving Fusion Centers' Access to Information Act - amends the Homeland Security Act of 2002 to enhance information sharing in the Department of Homeland Security State, Local, and Regional Fusion Center Initiative.
4/26/2017	HR 2165	Mike Gallagher (R-WI-8)	TSA Misconduct Accountability Act of 2017 - amend title 49, United States Code, to direct the Administrator of the Transportation Security Administration (TSA) to make certain improvements in managing TSA employee conduct.
4/26/2017	HR 2152	Ted Poe (R-TX-2)	Citizens' Right to Know Act of 2017 - To require States and units of local government receiving funds under grant programs operated by the Department of Justice, which use such funds for pretrial services programs, to submit to the Attorney General a report relating to such program.

4/26/2017	HR 2146	David Roe (R-TN-1)	Unaccompanied Alien Children Placement Transparency Act of 2017 - amend the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 to require the Secretary of Homeland Security to provide notice to State authorities when unaccompanied alien children are placed in that State.
4/26/2017	HRes 285	Scott Taylor (R-VA-2)	Expressing the sense of the United States House of Representatives that Congress and the President should empower the creation of police and community alliances designed to enhance and improve communication and collaboration between members of the law enforcement community and the public they serve.
4/26/2017	S 952	Elizabeth Warren (D-MA)	End Banking for Human Traffickers Act of 2017 - To increase the role of the financial industry in combating human trafficking.
4/25/2017	HR 2142	Niki Tsongas (D-MA-3)	INTERDICT Act - 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.
4/25/2017	HR 2132	John Katko (R-NY-24)	Traveler Redress Improvement Act of 2017 - To require the implementation of a redress process and review of the Transportation Security Administration's intelligence-based screening rules for aviation security, and for other purposes.
4/25/2017	HR 2131	Clay Higgins (R-LA-3)	DHS FIRM Act - To amend the Homeland Security Act of 2002 to direct the Chief Human Capital Officer of the Department of Homeland Security to improve consistency regarding discipline and adverse actions in the Department's workforce, and for other purposes.
4/25/2017	S 939	Ted Cruz (R-TX)	EL CHAPO Act - To reserve any amounts forfeited to the United States Government as a result of the criminal prosecution of Joaquin Archivaldo Guzman Loera (commonly known as "El Chapo"), or of other felony convictions involving the transportation of controlled substances into the United States, for security measures along the Southern border, including the completion of a border wall.



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