



BROOKS BAWDEN LLC

Weekly Update



May 15 - 19, 2017



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Latest News

- This week, we celebrate National Police Week, with the House and Senate considering a handful of pro-law enforcement bills. On Tuesday, the House considered the Rapid DNA Act, legislation to authorize the National Computer Forensics Institute, a bill to improve the Public Safety Officers' Benefits program process, and a handful of other pro-law enforcement bills. The House also considered a handful of homeland security related bills on Wednesday, including legislation to encourage access to various federally managed databases and systems for state and local fusion centers. The Senate followed suit with similar pro-law enforcement legislation. Additionally, they are considering the nomination of Rachel Brand to be the Associate Attorney General.

The House Judiciary Crime Subcommittee held a hearing on challenges facing law enforcement, which featured testimony from law enforcement officials, including Sheriff Jim McDonnell of the Los Angeles County Sheriff's Department, on behalf of the Major County Sheriffs of America.



Sheriff Jim McDonnell, LASD; Chief Alonzo Thompson, Spartanburg PD; President Chuck Canterbury, FOP; Chief Art Acevedo, Houston PD

- **Update to Charging and Sentencing Guidelines** - On Friday, May 12, Attorney General Sessions issued a memorandum to federal prosecutors updating charging and sentencing guidelines. The new guidelines urges federal prosecutors to seek maximum sentences, including mandatory minimum sentences if the offense warrants those charges. You can view the memo [here](#).
- **Opioid Commission** - On May 10, President Trump announced appointments to the Commission on Combating Drug Addiction and the Opioid Crisis: Governor Chris Christie of New Jersey to be designated chair, Governor Roy Cooper of North Carolina, Governor Charlie Baker of Massachusetts, Former U.S. Representative Patrick J. Kennedy of Rhode Island, Bertha K. Madras of Massachusetts.
- **Letter to DEA on Drug Diversions** - On May 9, Senate Homeland Security & Governmental Affairs Committee Chairman Ron Johnson (R-WI) and Ranking Member Claire McCaskill (D-MO), sent a letter Monday to Drug Enforcement Administration Acting Administrator Chuck Rosenberg requesting information regarding anti-diversion investigations conducted by the agency since 2011 in the wake of the opioid crisis. You can view the letter [here](#).

- **Terror Threat Snapshot** - The House Homeland Security Committee released its May terror threat snapshot which is an assessment of the growing threat America, the West, and the world face from ISIS and other Islamist terrorists. Key takeaways from the snapshot are: the Trump administration authorized an operation against a Syrian military airfield this month, marking the United States' first military action against Bashar al Assad and his troops since the beginning of the Syrian civil war; the U.S. continues its diligent fight against ISIS' branch in Afghanistan, as it dropped its most powerful non-nuclear bomb on a network of underground tunnels used by ISIS Khorasan this month, killing 36 fighters in the bomb's first ever combat use; and the days before crucial national elections in France were marked by an ISIS-claimed attack and foiled ISIS terror plot. You can view the May snapshot [here](#).

- **ARTICLES OF INTEREST:**

- **LA sheriff says feds should restore military gear for police**

- **Houston Chronicle | Michael Balsamo, Associated Press**

- The leader of the nation's largest sheriff's department said Wednesday that federal officials should restore the flow of surplus military equipment to local law enforcement agencies to ensure officers aren't put in danger when responding to active shooter calls and terrorist attacks. Los Angeles County Sheriff Jim McDonnell told members of the House Judiciary Committee that it was critical for the federal government to reconsider the curtailment of a program that provided military-style equipment, including military grenade launchers, bayonets, armored vehicles and high-powered firearms and ammunition, to state and local police departments.

- **Legal Weed's No. 1 Enemy**

- **The Daily Beast | Ricardo Baca**

- Kevin Sabet is courting billionaires. "Our competition has done a lot better in the billionaire department than we have, but I'm working on it," he says of his nonprofit, which is a leading opponent to legalized marijuana in the United States. A three-time White House adviser, Sabet was recently flying to New Hampshire, where he would debate the merits of drug legalization with Harvard professor Jeffrey Miron at Dartmouth College. The evening's Ivy League debate, with Miron advocating for the legalization of all drugs and Sabet warning against ever-expanding legalization efforts, was representative of a significantly larger conversation now happening all over the world. **Continue reading [here](#).**

- **Attorney General Jeff Sessions enacts harsher charging, sentencing policy**

- **USA Today | Kevin Johnson**

- Attorney General Jeff Sessions is directing federal prosecutors to seek "the most serious" criminal charges against suspects, a move that would result in severe prison sentences – and is expected to reverse recent declines in the overcrowded federal prison system. The brief, two-page directive, issued to the 94 U.S. attorneys offices across the country late Thursday, replaces a 2013 memo put in place by then-Attorney General Eric Holder that sought to limit the use of mandatory-minimum sentencing rules that had condemned some non-violent offenders to long prison terms – that proved to be expensive for taxpayers. **Continue reading [here](#).**

Hearings & Markups Happening This Week

House Judiciary Committee - Crime Subcommittee Hearing

[Challenges Facing Law Enforcement in the 21st Century](#)

May 17 @ 10:00 am - 2141 Rayburn

House Energy & Commerce Committee - Communications Subcommittee Hearing

[Future of Emergency Alerting](#)

May 17 @ 10:00 am - 2123 Rayburn

Senate Homeland Security Committee - [Full Committee Markup](#) - May 17 @ 10:00 am - 342 Dirksen

S. 1103 - Department of Homeland Security Blue Campaign Authorization Act of 2017

Status: To be considered by the Senate on 5/17

Summary: A bill to amend the Homeland Security Act of 2002 to require the Secretary of Homeland Security to issue Department-wide guidance and to develop training programs as part of the Department of Homeland Security Blue Campaign.

[S. 829](#) - AFG and SAFER Program Reauthorization Act of 2017

Status: To be considered by the Senate Homeland Security Committee on 5/17

Summary: This bill amends the Federal Fire Prevention and Control Act of 1974 to: (1) repeal the expiration dates of, and to reauthorize through FY2023, the Assistance to Firefighters Grants (AFG) Program and the Staffing for Adequate Fire and Emergency Response Grant (SAFER) Program; and (2) authorize the use of AFG Program grants, instead of SAFER Program grants, to provide specialized training to first responders on how to recognize and properly intervene with individuals with mental illness.

[S. 595](#) - Boots on the Border Act of 2017

Status: To be considered by the Senate Judiciary Committee on 5/17

Summary: To provide U.S. Customs and Border Protection with additional flexibility to expedite the hiring process for applicants for law enforcement positions.

[S. 842](#) - Fair Chance Act

Status: To be considered by the Senate Homeland Security Committee on 5/17

Summary: To prohibit Federal agencies and Federal contractors from requesting that an applicant for employment disclose criminal history record information before the applicant has received a conditional offer.

House Appropriations Committee - Homeland Security Subcommittee Hearing

[Coast Guard Requirements, Priorities, and Future Acquisition Plans](#)

May 18 @ 8:00 am - 2007 Rayburn

House Judiciary Committee - [Full Committee Markup](#) - May 18 @ 10:00 am - 2141 Rayburn

[H.R. 1973](#) - Protecting Young Victims from Sexual Abuse Act

Status: To be considered by the House Judiciary Committee on 5/18

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

[H.R. 2473](#) - Enforcing Justice for Victims of Trafficking Act

Status: To be considered by the House Judiciary Committee on 5/18

Summary: To ensure compliance with the Justice for Victims of Trafficking Act of 2015, to make strides toward eradicating human trafficking.

[H.R. 2431](#) - Michael Davis, Jr. and Danny Oliver in Honor of State and Local Law Enforcement Act

Status: To be considered by the House Judiciary Committee on 5/18

Summary: To amend the Immigration and Nationality Act to improve immigration law enforcement within the interior of the United States.

[H.R. 2407](#) - U.S. Citizenship and Immigration Services Reauthorization Act

Status: To be considered by the House Judiciary Committee on 5/18

Summary: To amend the Homeland Security Act of 2002 to establish United States Citizenship and Immigration Services.

[H.R. 2406](#) - U.S. Immigration and Customs Enforcement Authorization Act

Status: To be considered by the House Judiciary Committee on 5/18

Summary: To amend section 442 of the Homeland Security Act of 2002 to authorize United States Immigration and Customs Enforcement.

House Homeland Security Committee - Oversight Subcommittee Hearing

[From the Border to Disasters and Beyond: Critical Canine Contributions to the DHS Mission](#)

May 18 @ 2:00 pm - HVC 210

Legislation on the Floor This Week

House:

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

Status: Approved by the House on 5/16; 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. 1892 - Honoring Hometown Heroes Act](#)

Status: To be considered by the House on 5/16; Approved 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.

[H.R. 1428 - American Law Enforcement Heroes Act of 2017](#)

Status: Approved by the House on 5/16

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.

[H.R. 1616 - Strengthening State and Local Cyber Crime Fighting Act of 2017](#)

Status: Approved by the House on 5/16

Summary: Amends the Homeland Security Act of 2002 to authorize the National Computer Forensics Institute.

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

Status: Awaits signature of the President; Approved by the House on 5/17; Approved by the Senate on 5/16; Approved by the Senate Judiciary Committee on 5/11.

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.

[S. 419 - Public Service Officers Benefits Improvement](#)

Status: Awaiting signature of the President; Approved by the House on 5/17; Approved by the Senate on 5/16

Summary: To require adequate reporting on the Public Safety Officers' Benefits program

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

Status: Approved by the House on 5/17; Approved 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. 2213 - Anti-Border Corruption Reauthorization Act of 2017](#)

Status: Approved by the House on 5/17; Approved 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. 2283](#) - Border Enforcement Security Task Force Reauthorization Act of 2017

Status: Approved by the House on 5/17; Approved 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.

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

Status: To be considered by the House on 5/18; 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. 1039](#) - Probation Officer Protection Act

Status: To be considered by the House on 5/19; Approved 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.

[Senate:](#)

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

[S. 867](#) - Law Enforcement Mental Health and Wellness Act of 2017

Status: Approved by the Senate on 5/16

Summary: To provide support for law enforcement agency efforts to protect the mental health and well-being of law enforcement officers.

[S. 419](#) - Public Service Officers Benefits Improvement

Status: Awaiting signature of the President; Approved by the House on 5/17; Approved by the Senate on 5/16

Summary: To require adequate reporting on the Public Safety Officers' Benefits program

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

Status: Awaits signature of the President; Approved by the House on 5/17; Approved by the Senate on 5/16; Approved by the Senate Judiciary Committee on 5/11.

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.

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

Status: Approved by the Senate on 5/16; Approved by the Senate Judiciary Committee on 5/11.

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.

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

Status: Expected to be considered in the Senate this week; Approved by the Senate Judiciary Committee on 4/3.

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 Hearing - May 8

[Russian Interference in the 2016 United States Election](#)

Summary: This hearing continued upon previous hearings on the investigation of Russian interference in the 2016 presidential election. Former Director of National Intelligence James Clapper, and former acting Attorney General Sally Yates testified on what they saw at the time, and warnings to the previous and current administrations. At the hearing, Clapper discussed the difference between “unmasking” the name of an American in an intelligence report, and instances of leaking classified information and documents. Additionally, he stated that Russia now feels emboldened to interfere in future elections within the U.S. and around the world, and more of a response needs to occur. Yates testified about the concerns that she raised with regards to former national security advisor Michael Flynn. Yates stated that she warned the Trump Administration about potential blackmail concerns with Flynn given his past history with Russia.

Senate Homeland Security Committee – Full Committee Hearing - May 10

[Cyber Threats Facing America: An Overview of the Cybersecurity Threat Landscape](#)

Summary: This hearing examined cyber threats facing our nation, and what we are doing to counter these threats. Witnesses discussed the need to create a new cyber command that would consolidate military, government, and the private sector efforts on internet security. This would enable a single entity to provide the needed focus on recruiting, training, doctrine, retention and care for its service members. Additionally, more needs to be done to counter a cyber threat, as well as holding hackers accountable. One challenge to countering cyber threats is our ability to hire and retain cyber professionals.

Senate Judiciary Committee - Full Committee [Nomination Hearing](#) - May 10

Steven A. Engel, to be an Assistant Attorney General, Office of Legal Counsel

[Noel J. Francisco](#), to be Solicitor General of the United States

[Makan Delrahim](#), to be an Assistant Attorney General, Antitrust Division

Senate Judiciary Committee - Crime Subcommittee Hearing - May 10 - Hearing POSTPONED

[Law Enforcement Access to Data Stored Across Borders: Facilitating Cooperation and Protecting Rights](#)

Summary: Hearing POSTPONED to a later date.

Senate Judiciary Committee - [Full Committee Markup](#) - May 11

S. 139 - Rapid DNA Act of 2017

Status: Approved by the Senate Judiciary Committee on 5/11

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: Approved by the Senate Judiciary Committee on 5/11

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: Approved by the Senate Judiciary Committee on 5/11

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 Communi-

ty Oriented Policing Services program, includes prioritizing the hiring and training of veterans.

S. 867 - Law Enforcement Mental Health & Wellness Act

Status: Held over by the Senate Judiciary Committee on 5/11

Summary: To provide support for law enforcement agency efforts to protect the mental health and well-being of law enforcement officers.

Legislation Considered Last Week

House:

The House was not in session.

Senate:

Nothing affecting the law enforcement or homeland security community.

Legislation Introduced Last Week

Date Introduced	Bill Number	Sponsor	Description
5/11/2017	HR 2407	Bob Goodlatte (R-VA-6)	To amend the Homeland Security Act of 2002 to establish United States Citizenship and Immigration Services, and for other purposes.
5/11/2017	HR 2406	Bob Goodlatte (R-VA-6)	To amend section 442 of the Homeland Security Act of 2002 to authorize United States Immigration and Customs Enforcement, and for other purposes.
5/11/2017	S 1108	Jon Tester (D-MT)	A bill to amend 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.
5/11/2017	S 1103	Ron Johnson (R-WI)	A bill to amend the Homeland Security Act of 2002 to require the Secretary of Homeland Security to issue Department-wide guidance and to develop training programs as part of the Department of Homeland Security Blue Campaign, and for other purposes.
5/10/2017	S 1087	Pat Toomey (R-PA)	A bill to ensure America's law enforcement officers have access to lifesaving equipment needed to defend themselves and civilians from attacks by terrorists and violent criminals.
5/10/2017	S 1085	Pat Toomey (R-PA)	A bill to amend title 18, United States Code, to provide enhanced penalties for convicted murderers who kill or target America's public safety officers.
5/10/2017	S 1084	Pat Toomey (R-PA)	A bill to amend title 18, United States Code, to require that the Director of the Bureau of Prisons ensure that each chief executive officer of a Federal penal or correctional institution provides a secure storage area located outside of the secure perimeter of the Federal penal or correctional institution for firearms carried by certain employees of the Bureau of Prisons, and for other purposes.
5/9/2017	S 1079	Joe Manchin (D-WV)	A bill to require the Food and Drug Administration to revoke the approval of one opioid pain medication for each new opioid pain medication approved.
5/9/2017	S 1078	Joe Manchin (D-WV)	A bill to establish procedures regarding the approval of opioid drugs by the Food and Drug Administration.
5/8/2017	HRes 318	Tim Walberg (R-MI-7)	Promoting awareness of motorcycle profiling and encouraging collaboration and communication with the motorcycle community and law enforcement officials to prevent instances of profiling.



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