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H.R. 510 – Rapid DNA Act of 2017 (Rep. Sensenbrenner, R-WI)

CONTACT: [Jennifer Weinhart](#), 202-226-0706

FLOOR SCHEDULE:

Scheduled for consideration on May 16, 2017 under suspension of the rules, which requires 2/3 vote for passage.

TOPLINE SUMMARY:

[H.R. 510](#) would direct the FBI to create a system for integration of DNA analysis conducted with Rapid DNA instruments, so law enforcement can work to reduce the DNA analysis backlog.

COST:

The Congressional Budget Office (CBO) [estimates](#) “that implementing the bill would cost less than \$500,000 annually; such spending would be subject to the availability of appropriated funds.”

CONSERVATIVE CONCERNS:

- **Expand the Size and Scope of the Federal Government?** No.
- **Encroach into State or Local Authority?** No.
- **Delegate Any Legislative Authority to the Executive Branch?** No.
- **Contain Earmarks/Limited Tax Benefits/Limited Tariff Benefits?** No.

DETAILED SUMMARY AND ANALYSIS:

Section 210304 of the [DNA Identification Act of 1994](#) created Federal DNA labs, authorizing the FBI to compile DNA information into a central database called the National DNA Index System (NDIS). The 1994 legislation [allowed](#) DNA testing to be performed by state labs, with the information then uploaded into the Combined DNA Index System (CODIS). Although DNA testing can be done in a matter of hours, law enforcement is unable to take advantage of Rapid DNA analysis, because only state labs have access to CODIS. Therefore, they must ship samples to state labs for analysis and wait for results. This has contributed to the DNA analysis backlog.

This legislation would allow DNA records obtained through Rapid DNA analysis performed at outside accredited labs to be uploaded to NDIS. It would require the FBI Director to issue standards and procedures for Rapid DNA instruments and analyses, recommending that independently accredited labs be used, subject to audit at least every two years. It would also amend the DNA Analysis Backlog Elimination Act of 2000 to allow the FBI Director to waive certain requirements if the results are obtained through Rapid DNA procedures and the results are included in CODIS.

A committee report for H.R. 510 can be found [here](#). Additional information on Rapid DNA analysis is available from the FBI [here](#).

COMMITTEE ACTION:

H.R. 510 was introduced on January 12, 2017 and was referred to the House Committee on the Judiciary, where it was ordered to be reported on April 27, 2017 by voice vote.

ADMINISTRATION POSITION:

A Statement of Administration Policy is not available.

CONSTITUTIONAL AUTHORITY:

According to the bill's sponsor: Congress has the power to enact this legislation pursuant to the following:
"Article I, Section 8, Clause 3 of the United States Constitution."

H.R. 1892 – Honoring Hometown Heroes Act (Rep. Larson, D-CT)

CONTACT: [Jennifer Weinhart](#), 202-226-0706

FLOOR SCHEDULE:

Scheduled for consideration on May 16, 2017 under suspension of the rules, which requires 2/3 vote for passage.

TOPLINE SUMMARY:

[H.R. 1892](#) would authorize the governors of states, territories, and U.S. possessions, and the Mayor of the District of Columbia to proclaim that the American flag be flown at half-staff in the event of the death of a first responder who dies while serving in the line of duty.

COST:

The Congressional Budget Office (CBO) [estimates](#) “that implementing H.R. 1892 would have no effect on the federal budget.”

CONSERVATIVE CONCERNS:

- **Expand the Size and Scope of the Federal Government?** No.
- **Encroach into State or Local Authority?** No.
- **Delegate Any Legislative Authority to the Executive Branch?** No.
- **Contain Earmarks/Limited Tax Benefits/Limited Tariff Benefits?** No.

DETAILED SUMMARY AND ANALYSIS:

While federal [law](#) provides [guidance](#) on how one can handle and display a flag, these guidelines currently do not include a provision allowing for the American flag be flown at half-staff in the event of a death of a first responder in the line of duty. This legislation would amend the flag code, allowing governors and the Mayor of the District of Columbia to order the flag be flown at half-staff after such an occurrence.

COMMITTEE ACTION:

H.R. 1892 was introduced on April 4, 2017 and was referred to the House Committee on the Judiciary, where it was ordered to be reported on May 3, 2017 by voice vote.

ADMINISTRATION POSITION:

A Statement of Administration Policy is not available.

CONSTITUTIONAL AUTHORITY:

According to the bill’s sponsor: Congress has the power to enact this legislation pursuant to the following: “Article I, Section 8, Clause 18, of the United States Constitution.” No specific enumerating clause was cited.

H.R. 1428 – American Law Enforcement Heroes Act of 2017 (Rep. Hurd, R-TX)

CONTACT: [Jennifer Weinhart](#), 202-226-0706

FLOOR SCHEDULE:

Scheduled for consideration on May 16, 2017 under suspension of the rules, which requires 2/3 vote for passage.

TOPLINE SUMMARY:

[H.R. 1428](#) would amend the [Omnibus Crime Control and Safe Streets Act of 1968](#) to state that the prioritized hiring and training of additional career law enforcement officers that are veterans is permitted as an allowable use of grant funds under the Community Oriented Policing Services ([COPS](#)) Program.

COST:

The Congressional Budget Office (CBO) [estimates](#) “that the additional discretionary costs to implement H.R. 1428 would not be significant,” because “CBO expects that the increase in claims would not have a substantial effect on the workload of the federal courts.”

CONSERVATIVE CONCERNS:

- **Expand the Size and Scope of the Federal Government?** No.
- **Encroach into State or Local Authority?** Some conservatives may believe that the funding and management of local law enforcement is better addressed at the state and local level.
- **Delegate Any Legislative Authority to the Executive Branch?** No.
- **Contain Earmarks/Limited Tax Benefits/Limited Tariff Benefits?** No.

DETAILED SUMMARY AND ANALYSIS:

This legislation would include a provision allowing jurisdictions receiving COPS funding to use those funds for prioritizing the hiring and training of veterans.

The COPS office is responsible for advancing community policing by state, local, territorial, and tribal law enforcement agencies, through the provision of grant resources. These grants are geared at the hiring of community policing professionals.

COMMITTEE ACTION:

H.R. 1428 was introduced on March 8, 2017 and was referred to the House Committee on the Judiciary.

ADMINISTRATION POSITION:

A Statement of Administration Policy is not available.

CONSTITUTIONAL AUTHORITY:

According to the bill’s sponsor: Congress has the power to enact this legislation pursuant to the following: “Article I, Section 8, Clause 1, of the United States Constitution.”

H.R. 1616 – Strengthening State and Local Cyber Crime Fighting Act of 2017, as amended (Rep. Ratcliffe, R-TX)

CONTACT: [Jennifer Weinhart](#), 202-226-0706

FLOOR SCHEDULE:

Scheduled for consideration on May 16, 2017 under suspension of the rules, which requires 2/3 vote for passage.

TOPLINE SUMMARY:

[H.R. 1616](#) would amend the [Homeland Security Act of 2002](#) to create a National Computer Forensics Institute within the Department of Homeland Security (DHS) in order to provide for the dissemination of homeland security information pertaining to the prevention and investigation of cyber or electronic crime.

COST:

A Congressional Budget Office (CBO) estimate is not yet available.

Rule 28(a)(1) of the Rules of the Republican Conference prohibit measures from being scheduled for consideration under suspension of the rules without an accompanying cost estimate. Rule 28(b) provides that the cost estimate requirement may be waived by a majority of the Elected Leadership.

CONSERVATIVE CONCERNS:

- **Expand the Size and Scope of the Federal Government?** No. The institute is already functioning with federal funding in Alabama. The formal authorization would not expand current activities or expenditures.
- **Encroach into State or Local Authority?** No.
- **Delegate Any Legislative Authority to the Executive Branch?** No.
- **Contain Earmarks/Limited Tax Benefits/Limited Tariff Benefits?** No.

DETAILED SUMMARY AND ANALYSIS:

This legislation would authorize a National Computer Forensic Institute to provide education and training on investigation methods, device forensic examinations, methods for obtaining digital data, training on how to admit digital data into court, and on network intrusion cases.

H.R. 1616 would require the institute to: (1) educate state, local, and tribal law enforcement, judges, and prosecutors on current cyber threats, investigation methods for cyber-crime and on mobile devices, and prosecutorial and judicial challenges; (2) train state, local, and tribal law enforcement to conduct cyber-crime investigations, forensic examinations, and to respond to network intrusion incidents; and, (3) train state, local, and tribal law enforcement officers, judges, and prosecutors on how to obtain, process, store, and admit digital evidence in court. The Institute would be required to ensure that when possible, timely and actionable information pertaining to cyber and electronic crime is shared with state, local and tribal law enforcement, judges, and prosecutors.

H.R. 1616 would also provide the institute with special equipment, including computer hardware, software, manuals, and other tools necessary for investigations and mobile device forensic examinations, and would authorize the institute to provide the equipment to state, local, and tribal authorities.

This legislation would also direct the institute to expand the network of Electronic Crime Task Forces (ECTF) by providing task force officers from State, local and tribal prosecutors, law enforcement officers, and judges who have been appropriately trained at the institute.

Funds appropriated for the Secret Service, Operations and Support account would be available for use to carry out this bill for FY 2018-2022.

Cyber-crime is an increasingly dangerous threat to the United States with the nation having faced both large-scale attacks from foreign nations, to less sophisticated crimes that also have a cyber element.

According to a past [Committee Report](#), this legislation stems from a program developed by the state of Alabama in 2007, after the state approached the federal government to create a facility to train their local law enforcement, judges, and prosecutors on legal issues pertaining to cyber-crime. Under this agreement, the federal government provided a facility and the Secret Service provided training. The institute created in Alabama has trained officers and legal professionals from every state, providing them with the tools they need to train others within their agencies in areas pertaining to cyber-crime.

Similar [legislation](#) passed the House in the 114th Congress by voice vote on November 30, 2015. A past legislative bulletin can be found [here](#).

COMMITTEE ACTION:

H.R. 1616 was introduced on March 17, 2017 and was referred to the House Committee on the Judiciary.

ADMINISTRATION POSITION:

A Statement of Administration Policy is not available.

CONSTITUTIONAL AUTHORITY:

According to the bill's sponsor: Congress has the power to enact this legislation pursuant to the following: "Article I, Section 8, Clause 18--To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof." No specific enumerating clause was cited.