

CAPITAL

Perspective

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AS WE APPROACH THE HOLIDAY SEASON and the end of 2009, much work remains to be done by Congress before year's end, including several must-pass spending bills for FY'10. While health care reform seems to be the lead story on the nightly news in America, there is plenty more happening behind-the-scenes on Capitol Hill. Here is a snapshot of what's been happening with programs and policy discussions involving NDAA, in addition to an update on this winter's Capital Conference.

Appropriations Update

With the Senate's FY'10 Commerce-Justice-Science (C-J-S) Appropriations bill passing through the Senate in early November, all indications were positive for the bill going to Conference Committee negotiations to iron out the differences between the House and Senate versions, then voted upon a final time and sent to President Obama to be signed into law. However, politics—as it often does—has entered into the mix, which has caused a delay in final passage: An amendment is being pushed onto this bill by House and Senate Republicans prohibiting the transfer or release of prisoners held at Guantanamo Bay, Cuba, into the United States, including for purposes of prosecution. Democratic leaders are still deciding when to name C-J-S conferees, with Republicans charging that Democrats are delaying naming conferees to protect their members from taking difficult votes.

NDAA has worked hard to bolster support for the National Advocacy Center (NAC) and the John R. Justice Prosecutors and Defenders Loan Repayment Program. With your help, NDAA was able to secure the signature of over 1200 members of NDAA from all 50 states supporting increasing funding for the NAC in FY'10, which raised the eyebrows of several Appropriations staffers. Additionally, while working closely with the office of Senate Majority Whip Richard Durbin (D-IL), NDAA was able to send a letter signed by 26 U.S. senators supporting funding for

John R. Justice to the C-J-S Conference Committee—including Senate Majority Leader Harry Reid (D-NV) and several prominent members of the Senate Judiciary Committee.

Sources on Capitol Hill have indicated that the C-J-S bill has gone through pre-conferencing between House and Senate Appropriations staff, and they have also indicated there could be good news ahead for both the National Advocacy Center and the John R. Justice Prosecutors and Defenders Loan Repayment Program. However, because of this amendment hurdle, final passage of C-J-S could either be delayed or the bill may be rolled into an "Omnibus" measure, which would include the seven remaining spending bills that need to pass before adjournment in December. Stay tuned.

Racial Disparities in the Criminal Justice System

On October 29, the House Judiciary Committee's Crime, Terrorism and Homeland Security Subcommittee held a hearing on perceived racial disparities contained within the criminal justice system, specifically relating to a bill introduced by Rep. Steve Cohen (D-TN), H.R. 1412—the Justice Integrity Act of 2009. NDAA was asked to testify during this hearing by the House Judiciary Committee. Jim Reams, NDAA's president-elect and county attorney for Rockingham County, NH, did an outstanding job on behalf of NDAA testifying at this important hearing, responding in great detail to several questions posed to him by the subcommittee.

National Academy of Sciences Report/Forensics Reform

As outlined in previous reports, the National Academy of Sciences released a report on the Strengthening of Forensic Sciences in the United States this past February. The study

was ordered by Congress at the request of the forensic science community. The NAS chose to interpret the charge from Congress in a different manner than intended, but ultimately many of the recommendations have merit and deserve consideration by Congress and the Administration. NDAA has been working closely with stakeholder groups (Consortium of Forensic Science Organizations and IACP particularly), Congress and the Administration since the report was released to ensure that the concerns of the nation's state and local prosecutors are heard. While the nation's prosecutors did not agree with the entire report, there are many worthwhile proposals that deserve discussion and vetting by stakeholders, Congress and the Administration. On September 9, NDAA did testify on the NAS report before the Senate Judiciary Committee. NDAA was represented by Barry Matson, deputy director of the Alabama District Attorneys Association and Matt Redle, NDAA board member and county attorney for Sheridan County, WY, who both did an outstanding job outlining NDAA's positions on forensics reform to the committee.

Additionally, on November 10, Pat Lykos, NDAA board member and district attorney for Harris County, TX, and Barry Matson, deputy director of the Alabama District Attorneys Association testified before the Senate Judiciary Committee on the Reauthorization of the Innocence Protection Act. Both spoke for the need of additional training resources in areas of forensic science for prosecutors to prevent further unintended injustices from happening. Each of them testified passionately and were well-received by the committee.

Webb Crime Commission Bill

Since my last report, a lot has been happening with S. 714, the National Criminal Justice Commission Act of 2009. As far as bills are concerned, S. 714 was put on a "fast track" of sorts at the urging of Senator Jim Webb (D-VA), the bill's sponsor. When NDAA and other law enforcement and criminal justice groups learned the bill was scheduled for mark-up in late October, several high-profile meetings were immediately scheduled between law enforcement advocacy groups—including NDAA, the Fraternal Order of Police, International Association of Chiefs of Police, National Sheriffs' Association, National Narcotic Officers' Associations' Coalition, National Troopers Coalition and

others—with Vice President Biden's policy staff in addition to Senator Webb's Judiciary Counsel and several staff from Senate Judiciary Committee members to voice law enforcement's concerns with S. 714. Ever since these meetings, literally dozens of amendments voicing the concerns of law enforcement have been introduced during the attempted mark-up of S. 714, forcing the bill to be delayed coming out of Committee. Law enforcement advocacy groups have also met personally with Rep. William Delahunt (D-MA), who serves on the House Judiciary Committee and is interested in introducing a companion bill to S. 714 in the House. Rep. Delahunt pledged during the meeting that law enforcement would be heavily involved in any Criminal Justice Commission and pledged to work closely with law enforcement groups while drafting his bill.

A Look Ahead

December promises to be a busy month in DC, with Senate leaders pledging a health care reform bill to the President by Christmas. However, other business remains to be completed before the current Continuing Resolution (C.R.)—a bill passed to keep the government funded at FY'09 levels—expires on December 18. We do expect the C-J-S bill to pass, either as a part of a massive Omnibus spending bill or on its own, before the end of the year.

Although we're still not finished with FY'10, the FY'11 budget cycle has already begun. We are working closely with the Department of Justice, the White House and the Office of Management and Budget (OMB) to schedule meetings with NDAA's leadership to discuss programs like the NAC and John R. Justice and to make sure they are contained in President Obama's FY'11 Budget. Additionally, we are working hard to identify House and Senate "champions" for these programs.

As NDAA's Capital Conference approaches, we continue to reach out to prominent administration officials, members of President Obama's Cabinet and Congressional leaders to address NDAA during the Capital Conference. Also, we are hoping to have NDAA's Congressional Reception in the brand new U.S. Capitol Visitors' Center.

As always, we will be sure to keep you up-to-date on all major developments. If you have any questions on any of these topics, please feel free to contact me directly: 703.519.1666 or jbaker@ndaa.org. Happy Holidays!