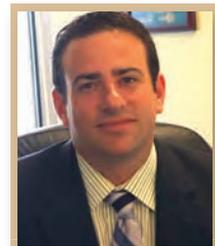


# CAPITAL

## *Perspective*

By Jason Baker, Director of Government Affairs



JASON BAKER

**AFTER SEVERAL MONTHS** of what you could consider a “feeling out” period for President Barack Obama and his administration with congressional leadership, it looks as if our president is beginning to push his agenda in Congress. With June living up to the hype during an extremely busy legislative session of Congress, here is a quick rundown of issues of importance currently being considered by Congress and a snapshot of what to expect in the coming weeks.

### *Appropriations*

When the news came in that the Senate included only \$250,000 for NDAA’s National Advocacy Center (NAC) in FY’10 CJS Appropriations, an “all hands on deck” call was made to prosecutors across the country to begin an all-out grassroots letter-writing campaign to Congress. The membership of NDAA has stepped up; with letters still coming in daily, we currently have letters of support from over 950 prosecutors in 43 states. Armed with these letters, we are planning to storm Capitol Hill over the next few weeks to advocate for a substantial increase in funding for the NAC during CJS conference negotiations. While we face an uphill battle to restore funding for the NAC, the John R. Justice Loan Repayment Program received \$10 million in funding in the Senate’s FY’10 CJS Appropriations bill, which is a major victory for NDAA. We continue to work closely with House and Senate Appropriators to ensure that this program survives during conference negotiations this fall.

### *Crack Cocaine/Powder Cocaine Mandatory Minimum Sentencing*

A major issue the House Judiciary Committee addressed in July is the mandatory minimum sentencing disparity between powder cocaine and crack cocaine. Several bills

have recently passed out of the House Judiciary Committee on this subject, including a bill that would disallow mandatory minimum sentencing altogether, which NDAA opposes. While NDAA testified in May on this issue before the House Judiciary Committee, there may be upcoming hearings in the Senate on the crack/powder disparity issue and/or mandatory minimums in general. Although NDAA has not taken an official stance on how the 100:1 ratio should be adjusted, NDAA would not support a 1:1 ratio change to the current mandatory minimum disparity, as has been proposed by several members of the House and members of the Senate. However, NDAA does recognize that a change needs to be made to the current sentencing guidelines and is working with Congress and other criminal justice groups to address this issue.

### *National Academy of Sciences Report*

As our executive director described in his report, 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 prosecutors did not agree with the entire report, there are many worthwhile proposals that deserve discussion and vetting by stakeholders, Congress, and the Administration. While negotiations have been preliminary in nature, a hearing on the possible drafting of legislation

based on this report was held September 9. NDAA had two representatives who presented oral statements during this hearing.

## *Other Legislation*

Here is a list of legislation which NDAA has taken an official position with over the past several months:

**July 21, 2009** – support for an amendment offered by Rep. Patrick Murphy (D-PA) to H.R. 3200, requiring providers and suppliers who participate in Medicare and Medicaid to send payments directly to participants' bank accounts to prevent fraud.

**July 29, 2009** – opposition to H.R. 3327, the Ramos-Compean Justice Act of 2009, which would eliminate mandatory minimum sentencing guidelines.

**September 16, 2009** – support for H.R. 1741, the Witness Security and Protection Grant Program Act of 2009, which would create a grant program for additional witness protection and relocation efforts for state and local governments

## *Moving Forward*

While there are other issues of importance to NDAA that come up daily, these are the issues that are receiving the most attention on Capitol Hill during the next few months. 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: Jason Baker, 703.519.1666, [jbaker@ndaa.org](mailto:jbaker@ndaa.org).

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### **Message from the Executive Director**

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enhance the ability to protect the innocent, bring the guilty to justice, and support the efficient and fair administration of justice.

- The study also recommends additional training of all those involved in forensic evidence (from police officers to prosecutors and judges), accreditation of all labs conducting forensic sciences, certification of forensic scientist, and a variety of other positive measures. NDAA agrees with the NAS study that there are many things that can be done surrounding forensic evidence that will make our justice system better and allow prosecutors to continue to ensure that the truth is always the goal of a trial and the evidence that supports the case.
- NDAA has been working closely with stakeholder groups (Consortium of Forensic Science Organizations(CFSO) 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. The most likely next step is additional

congressional hearings and the development of draft legislation. NDAA has been grateful and impressed with Congress and the Justice Department's level of engagement and the willingness to take input from state and local stakeholders. Ultimately, the findings of the report will require congressional and executive action and, as importantly, the funding to implement the legislation. The response to the NAS study will have a major impact on state and local prosecutors, considering their involvement in over 95 percent of all criminal prosecutions in the United States, and we intend to stay involved.

- To learn more about the NAS study and NDAA's efforts, please visit the NDAA Web site at [www.ndaa.org](http://www.ndaa.org) or call 703.549.9222. Additional testimony from stakeholders such as the CFSO and DOJ can be found at: [http://judiciary.house.gov/hearings/hear\\_090513.html](http://judiciary.house.gov/hearings/hear_090513.html)

Please know that everyone at NDAA (in Alexandria and Columbia) is working very hard to respond to your requests for technical assistance, to put on incredible trainings at the NAC and across the country, and to represent your interests on crucial issues we all face. As always, if you have any questions or if we can do anything for you, pick up the phone and call me at 703.549.9222 or e-mail me at [sburns@ndaa.org](mailto:sburns@ndaa.org).