



BROOKS BAWDEN LLC

Weekly Update

June 27 – July 1, 2016

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Links to Previous Updates:

- [Draft FY 2017 Homeland Appropriations](#)
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Latest News

- The Senate is in session this week, while the House is on break, and expected to return on July 5. The Senate is expected to consider a recently approved House passed conference report of the FY 2017 Military Construction/ Veterans Appropriations bill this week, which also includes a measure to address the Zika virus outbreak. President Obama has threatened to veto the measure. Additionally, the Senate has shelved continued consideration of its FY 2017 CJS Appropriations bill, which provides funding for various law enforcement grant programs, until an unknown future date.
- **HSIN FY 2015 Annual Report Now Available** - Effective information sharing is fundamental to fulfilling the homeland security mission. As a user-driven program, the Department of Homeland Security (DHS) Homeland Security Information Network (HSIN) continues to develop new tools to support the mission's evolving operational requirements. Using HSIN, professionals across the homeland security enterprise are able to maintain situational awareness and access the information they need to support effective collaboration and decision making. The FY 2015 HSIN Annual Report, provides a detailed analysis of HSIN's accomplishments in the last fiscal year to help agencies and organizations more effectively and efficiently achieve their mission objectives. View the report [here](#).

ARTICLES OF INTEREST:

New Yorkers Need Ability to Text 911 Messages: Schumer NBC 4 News - New York

Orlando's nightclub massacre demonstrates the need to enable 911 emergency call centers to receive text messages, New York's senior senator said Sunday. Moments before the start of New York City's Gay Pride Parade, Sen. Charles Schumer urged the Federal Communications Commission to allow residents to text 911 dispatchers during emergencies. People trapped inside the Pulse nightclub in Orlando on June 12 were unable to text messages to 911 dispatchers. Speaking on the phone risked drawing the attention of the shooter. **Continue reading [here](#).**

Building Bridges to Counter Violent Extremism

ISO Blog | George Selim

The attack in Orlando underscores the importance of advancing our efforts to empower local communities to prevent violent extremism in the United States. Preventing and countering violent extremism, often referred to as "CVE," is a priority in our work to secure the United States and build community resilience. CVE encompasses policies and programs to prevent individuals or groups from radicalizing to violence. Our approach to CVE is outlined in the 2011 White House CVE strategy, Empowering Local Partners to Prevent Violent Extremism in the United States, and the subsequent roadmap for whole-of-government CVE efforts called the Strategic Implementation Plan. **Continue reading [here](#).**

Supreme Court allows searches based on outstanding arrest warrants**USA Today | Richard Wolf**

The Supreme Court divided largely along ideological lines Monday in ruling that police can seize evidence from an unconstitutional search if they first discover the suspect has one or more outstanding arrest warrants. The court's four conservative justices, joined by Justice Stephen Breyer, ruled that even if police violate the Constitution by stopping someone without suspicion, an arrest warrant entitles them to conduct a search. In that circumstance, they said, there is no "flagrant police misconduct." "Evidence is admissible when the connection between unconstitutional police conduct and the evidence is remote or has been interrupted by some intervening circumstance," Justice Clarence Thomas wrote. The vote was 5-3. **Continue reading [here](#).**

Hearings & Markups Happening This Week

Senate Judiciary Committee - Full Committee Hearing

[One Year After Enactment: Implementation of the Justice for Victims of Trafficking Act of 2015](#)

June 28 @ 10:00 am - 226 Dirksen

Senate Judiciary Committee - Oversight Subcommittee Hearing

[Willful Blindness: Consequences of Agency Efforts To Deemphasize Radical Islam in Combating Terrorism](#)

June 28 @ 2:30 pm - 226 Dirksen

Senate Homeland Security Committee - Full Committee Roundtable Discussion

[Preparing for and Protecting the Nation from Zika](#)

June 29 @ 10:00 am - 342 Dirksen

Senate Commerce Committee - [Full Committee Markup](#) - June 29 @ 10:00 am - 253 Russell**[S. 2770 - Kelsey Smith Act](#)****Status:** To be marked-up by the Senate Commerce Committee on 6/29**Summary:** To amend the Communications Act of 1934 to require providers of a covered service to provide call location information concerning the telecommunications device of a user of such service to an investigative or law enforcement officer in an emergency situation involving risk of death or serious physical injury or in order to respond to the user's call for emergency services.**[S. 2997 - Securing Access to Networks in Disasters Act of 2016](#)****Status:** To be marked-up by the Senate Commerce Committee on 6/29**Summary:** To direct the Federal Communications Commission to commence proceedings related to the resiliency of critical telecommunications networks during times of emergency.

Senate Judiciary Committee - Full Committee Hearing

[Oversight of the Department of Homeland Security](#)

June 30 @ 9:45 am - 226 Dirksen

Legislation on the Floor This Week

House:

The House is not in session this week, and will return on July 5.

Senate:

[H.R. 2577 - FY 2017 MilCon-VA Appropriations Conference Report/ Zika Virus response funding](#)

Status: To be considered by the Senate this week; Approved by the House on 6/23

Summary: \$84 billion conference report to H.R. 2577, which includes \$1.1 billion to fight Zika. Zika funding offsets include: \$543 million from the Obamacare fund to help territories set up health-care exchanges; \$107 million from the Economic Support Fund provided in the Ebola supplemental; and \$100 million from the Department of Health and Human Services contingency fund.

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 Oversight Committee - Information Technology Subcommittee Field Hearing - June 20

[Federal Efforts to Improve Cybersecurity](#)

Summary: This field hearing heard from private sector witnesses on cyber threats, priority issues for cybersecurity strategy, implementation of the Cybersecurity Act of 2015, and issues the Commission on Enhancing National Cybersecurity should consider.

Senate Commerce Committee - Communications Subcommittee Hearing - June 21

[FirstNet Oversight: An Update on the Status of the Public Safety Broadband Network](#)

Summary: This hearing examined the progress of FirstNet, including the viability of the network for the years to come, and the cost and maintenance of the network. Concerns regarding future sustainment of the network, as well as network access in rural communities was discussed. Maximizing the full potential of the initial \$7 billion investment, as well as the investment made by commercial vendors will help to sustain the network. However, some have expressed concerns with user fees being a potential obstacle to future sustainment, requiring a careful balancing act of how high to set the fees to ensure sustainability, while not being too high, resulting in turning away potential users. FirstNet is expected to award commercial partnerships in November for the planned deployment of the network in 2018.

House Homeland Security Committee - Emergency Preparedness Subcommittee Field Hearing - June 21

[Protecting our Passengers: Perspectives on Securing Surface Transportation in New Jersey and New York](#)

Summary: This field hearing examined the preparedness and response capabilities of major surface transportation systems and first responders in the New York and New Jersey area. Given that the New Jersey-New York metropolitan area is one of the most high-risk urban areas in the country, the transit operators and first responders there are in a unique position to share their perspectives on what the federal government does well to keep our systems secure and what it can do better. This Members also discussed how the Homeland Security Grant Program and the Transit Security Grant Program helps to facilitate improved planning and coordination among transit operators and emergency responders.

Senate Homeland Security Committee - Full Committee Hearing - June 21

["The Ideology of ISIS," to examine ISIS ideology and how it relates to the most recent terror attack in Orlando](#)

Summary: This hearing looked at the ideology of ISIS, examine what is happening on the ground in the war on terror, and the threat that Islamic terrorism poses to the U.S. While there has been some small victories in the fight against ISIS in Iraq, CIA Director Brennan recently told Congress that our efforts have not reduced ISIS's terrorism capability and global reach. One witness described her capture and brutal attack on her village by ISIS. Another witness described the vicious nature of ISIS and the intimidation tactics used by the group against those who opposed them.

Senate Judiciary Committee - Full Committee Hearing - June 22

[Oversight of the Drug Enforcement Administration](#)

Summary: This oversight hearing of the DEA discussed issues ranging from access to information, general over-

sight of DEA policies, and enforcement priorities. Acting Administrator Rosenberg discussed several policy changes related to ensuring that oversight entities, such as the IG and GAO, receive documents that they request to ensure that proper oversight of the agency can occur. Additionally, Senators discussed ensuring access to marijuana for medical research, what the DEA is doing to combat the current opioid epidemic, as well as the status of various drug buyback programs. Senator Durbin expressed concern with the growth in the production of opioids by pharmaceutical companies, and wanted to know what the DEA is doing to rein this in.

House Appropriations Committee - Full Committee Markup - June 22

[H.R. XXXX](#) - FY 2017 Homeland Security Appropriations Act

Status: Approved by the House Appropriations Committee on 6/22

Summary: Making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2017, and for other purposes. (summary [here](#))

House Judiciary Committee - [Full Committee Markup](#) - June 23

[H.R. 320](#) - Rapid DNA Act of 2016

Status: POSTPONED - To be marked-up in the House Judiciary Committee on 6/23

Summary: This bill implements the use of Rapid DNA instruments to inform decisions about pretrial release or detention and their conditions, to solve and prevent violent crimes and other crimes, to exonerate the innocent, to prevent DNA analysis backlogs.

Legislation Considered Last Week

House:

[H.R. 5388](#) - Support for Rapid Innovation Act of 2016

Status: To be considered in the House on 6/21

Summary: The under secretary for science and technology at the Homeland Security Department (DHS) would support research, development, testing, evaluation and transition activities for cybersecurity technologies under H.R. 5388. The measure also would extend the department's authority to contract with the private sector to conduct basic, applied and advanced R&D projects, through Sept. 30, 2020.

[H.R. 5389](#) - Leveraging Emerging Technologies Act of 2016

Status: To be considered in the House on 6/21

Summary: The Homeland Security Department (DHS) would be directed to engage with "innovative and emerging" technology developers and firms, including small businesses and startup ventures, to address homeland security needs. The department could establish joint personnel and office space with developers and firms at existing DHS offices or other federal facilities.

[H.R. 4902](#) - To amend title 5, United States Code, to expand law enforcement availability pay to employees of U.S. Customs and Border Protection's Air and Marine Operations

Status: To be considered in the House on 6/21

Summary: Overtime pay for law enforcement officers working for Customs and Border Protection's Air and Marine Operations would be standardized under H.R. 4902. About 500 AMO officers are eligible for overtime pay under three different systems. The bill would make all AMO officers eligible for law enforcement availability pay.

Senate:

[H.R. 2578](#) / [S. 2837](#) - FY 2017 Commerce, Justice, Science, Appropriations Act

Status: Continued consideration in the Senate has been shelved for an unknown duration. (H.R. 2578 is expected to be the legislative vehicle to move this bill through the Senate)

Summary: Making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2017, and for other purposes. (see summary [here](#))

Amendments of Interest:

Failed (53-47) - Grassley [Amendment #4751](#) - would authorize annual appropriations of \$125 million from 2016 through 2020 to improve the nationwide system for instant criminal background checks of would-be gun buyers. It would aim to provide for prompt notification to federal and local law enforcement whenever somebody who has been investigated as a known or suspected terrorist in the previous five years tries to buy a firearm. It would require the attorney general to devise a plan for federal agencies to provide relevant records to the background-check system.

Failed - Murphy [Amendment #4750](#) - would set up procedures for improving the national instant background-check system and would penalize states for failure to meet annual benchmarks. It would tighten the definition of people deemed mentally incompetent to purchase a firearm.

Failed (53-47) - Cornyn [Amendment #4749](#) - would bar for 72 hours the sale of guns to someone who had been under investigation for terrorism in the previous five years. That three-day delay would aim to give the government time to obtain an injunction to permanently bar the purchase by showing a judge there is probable cause to believe the would-be purchaser has committed or attempted to commit an act of terrorism.

Failed (47-54) - Feinstein [Amendment #4720](#) - would prevent people from buying a gun if they'd been on the terror watch list in the past five years. Feinstein's amendment would empower the attorney general to deny the sale of a gun if there is a "reasonable suspicion" that the would-be purchaser has engaged in preparing for or assisting an act of terrorism.

Failed (58-38) - McCain [Amendment #4787](#) - To amend section 2709 of title 18, United States Code, to clarify that the Government may obtain a specified set of electronic communication transactional records under that section, and to make permanent the authority for individual terrorists to be treated as agents of foreign powers under the Foreign Intelligence Surveillance Act of 1978.

Legislation Introduced Last Week

Date Introduced	Bill Number	Sponsor	Description
6/24/2016	HR 5578	Mimi Walters	To establish certain rights for sexual assault survivors, and for other purposes.
6/24/2016	HR 5576	Carlos Curbelo	To authorize the Attorney General to deny the transfer of firearms and explosives and Federal firearms and explosives licenses and permits to known or suspected terrorists.
6/22/2016	HR 5571	Debbie Wasserman Schultz	To amend title 18, United States Code, to provide sexual assault survivors with certain rights, and for other purposes
6/21/2016	HR 5549	Andy Harris	Medical Marijuana Research Act of 2016 - To amend the Controlled Substances Act to make marijuana accessible for use by qualified medical marijuana researchers, and for other purposes.
6/21/2016	HR 5546	Robert Brady	To preempt State laws preventing a major city from regulating firearm-related conduct in the city that occurs in or affects interstate or foreign commerce.
6/21/2016	HR 5544	Daivd Jolly	Terrorist Screening Database Improvement Act - To amend title 18, United States Code, to prohibit the transfer of a firearm to a person whose name is in the Terrorist Screening Database, and for other purposes.
6/20/2016	HR 5534	Tammy Duckworth	TSA Workforce Flexibility Act - To amend the Homeland Security Appropriations Act, 2016 by repealing a limitation on the number of full-time equivalent screeners of the Transportation Security Administration.
6/20/2016	HR 5532	David Cicilline	Unlawful Gun Buyer Alert Act - To amend the NICS Improvement Amendments Act of 2007 to provide notification to relevant law enforcement agencies in the event that a background check conducted by the National Instant Criminal Background Check System determines that a person may not receive a firearm, and for other purposes.
6/20/2016	S 3077	Brian Schatz	MEDS Act- To improve medical research on marijuana.