



BROOKS BAWDEN LLC

Weekly Update



July 11 – 15, 2016

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

- The House and Senate are in session this week, with both chambers attempting to complete consideration on a number of bills before both chambers adjourn for the summer. The House will consider multiple bills that aim to assist the Treasury Department's efforts to combat money laundering and terrorist financing. In light of passage in the House of the conference report to address the opioid and heroin epidemic, the Senate may consider the conference report this week, as well as possible efforts to reconsider legislation to address the Zika virus.
- When the House and Senate return on September 6, they will have less than a month to come to an agreement to fund the government, given the end of the fiscal year on September 30.
- In response to the recent attack on law enforcement in Dallas, some Senators are expected to introduce legislation this week that would provide enhanced penalties for those who commits acts of violence, such as murder or assaults, against law enforcement officers and first responders. Other bills could be introduced that supporters content would enhance police accountability, including bills that would mandate law enforcement reporting to DOJ on all encounters with citizens by any law enforcement agency that receives any federal DOJ grant dollars.

- **Colorado Youth Marijuana Use- UPDATE:** The Denver Post recently published an article and editorial claiming Colorado youth marijuana use was "flat" based on the Healthy Kids Colorado Survey (HKCS). Since that time, Rocky Mountain HIDTA has been inundated with inquiries concerning the HKCS results and conclusions drawn from the survey. You can view their release [here](#).
- **DHS Announces the Countering Violent Extremism Grant Program:** On July 6, 2016, Secretary of Homeland Security Jeh Johnson announced the Fiscal Year (FY) 2016 Countering Violent Extremism (CVE) Grant Program, with \$10 million in available funds. This is the first federal assistance program devoted exclusively to providing local communities with the resources to counter violent extremism in the homeland. Funding will support training, community engagements, and activities that challenge violent extremist narratives used to recruit and radicalize individuals to violence. Further information [here](#).
- **Encryption -** On June 29, the House Homeland Security Committee released a new report entitled "Going Dark, Going Forward: A Primer on the Encryption Debate." This report describes important themes and considerations surrounding the widespread use of encryption technologies—including the practical and economic value encryption brings to certain industries and the wider market; the impact ubiquitous encryption is having on law enforcement; the ways in which various governments around the world are responding to this challenge; and a discussion of some existing legislative proposals. You can view the report [here](#).

- **FY 2017 ONDCP Appropriations** - Last week, the House approved its version of the FY 2017 Financial Services Appropriations bill, which includes funding for the Office of National Drug Control Policy. During the amendment process , the House approved three amendments that increased funding in the bill for drug control programs. You can view the updated ONDCP funding chart [here](#).
- **ARTICLES OF INTEREST:**

House panel seeks to increase police accountability, ease racial tensions

Washington Examiner | Joel Gehrke

House Judiciary Committee lawmakers plan to unveil a bipartisan bill to encourage "police accountability" and protect law enforcement in the wake of viral videos of police shootings of black men and an ambush that killed several Dallas police officers. "The ongoing racial tensions in our nation must be addressed so that we all respect one another as fellow human beings made in the image of God," House Judiciary Committee chairman Bob Goodlatte, R-Va., said in a Friday statement. "All life is precious. Our nation needs to come together and address these tensions so that we can overcome unjustified acts of violence." [Continue reading here](#).

Justice Department Cuts Off Federal Law Enforcement Grants To Sanctuary Cities

The Daily Caller | Chuck Ross

In a surprise move on Thursday, the Obama Justice Department adopted new policies that will deny federal law enforcement grants to some "sanctuary cities." According to guidance issued by the DOJ's Office of Justice Programs, cities that refuse to honor Section 1373 of the United States Code will no longer be eligible for the Edward Byrne Justice Assistance Grant Program (JAG) and the State Criminal Alien Assistance Program (SCAAP) grants. Section 1373 prohibits "government entities and officials from taking action to prohibit or in any way restrict the maintenance or intergovernmental exchange of [immigration status] information, including through written or unwritten policies or practices." [Continue reading here](#).

Cincinnati Fusion Center acts as information hub

WLWT NBC 5 Cincinnati

Even as responders were being called to the shooting scene in Dallas, a national line of communication was being calmly opened to provide critical information to police around the country, including Cincinnati. [Watch the video here](#).

Hearings & Markups Happening This Week

House Judiciary Committee - Full Committee Hearing

[Oversight of the Justice Department](#)

July 12 @ 10:00 am - 2237 Rayburn

House Homeland Security Committee - Cybersecurity Subcommittee Hearing

[The Value of DHS's Vulnerability Assessments in Protecting Our Nation's Critical Infrastructure](#)

July 12 @ 10:00 am - 311 Cannon

Senate Foreign Relations Committee - Full Committee Hearing

[Review of the 2016 Trafficking in Persons Report](#)

July 12 @ 10:15 am - 419 Dirksen

House Foreign Affairs Committee - Africa Subcommittee Hearing

[Accountability Over Politics: Scrutinizing the Trafficking in Persons Report](#)

July 12 @ 2:00 pm - 2200 Rayburn

House Homeland Security Committee - Counterterrorism Subcommittee Hearing
[Counterintelligence and Insider Threats: How Prepared is the Department of Homeland Security?](#)
July 13 @ 10:00 am - 311 Cannon

House Judiciary Committee - [Full Committee Markup](#) - July 13 @ 11:00 am - 2237 Rayburn
H.R. 68 - Juvenile Accountability Block Grant Reauthorization and the Bullying Prevention and Intervention Act of 2015

Status: To be marked-up by the House Judiciary Committee on 7/13

Summary: Amends the Omnibus Crime Control and Safe Streets Act of 1968 to: (1) expand the juvenile accountability block grant program with respect to programs for the prevention of bullying to include intervention programs, and (2) authorize appropriations for such grant program for FY2016-FY2020. Encourages the use of best practices for all activities under such grant program.

[H.R. 4602 - Justice for All Reauthorization Act of 2016](#)

Status: To be marked-up by the House Judiciary Committee on 7/13

Summary: To protect crime victims' rights, to eliminate the substantial backlog of DNA and other forensic evidence samples to improve and expand the forensic science testing capacity of Federal, State, and local crime laboratories, to increase research and development of new testing technologies, to develop new training programs regarding the collection and use of forensic evidence, to provide post-conviction testing of DNA evidence to exonerate the innocent, to support accreditation efforts of forensic science laboratories and medical examiner offices, to address training and equipment needs, to improve the performance of counsel in State capital cases, and for other purposes.

House Oversight Committee - Information Technology Subcommittee
[Digital Acts of War: Evolving the Cybersecurity Conversation](#)
July 13 @ 1:00 pm - 2154 Rayburn

Senate Judiciary Committee - Crime Subcommittee Hearing
[Researching the Potential Medical Benefits and Risks of Marijuana](#)
July 13 @ 2:30 pm - 226 Dirksen

Senate HELP Committee - Full Committee Hearing
[Campus Safety: Improving Prevention and Response Efforts](#)
July 13 @ 2:30 pm - 106 Dirksen

Senate Armed Services Committee - Full Committee Hearing
[Cybersecurity and U.S. National Security](#)
July 14 @ 9:30 am - G50 Dirksen

House Homeland Security Committee - Full Committee Hearing
[Worldwide Threats to the Homeland: ISIS and the New Wave of Terror](#)
July 14 @ 10:00 am - 311 Cannon

House Judiciary Committee - Constitution Subcommittee Hearing
[S.2040, the "Justice Against Sponsors of Terrorism Act."](#)
July 14 @ 10:00 am - 2237 Rayburn

Senate Judiciary Committee - [Full Committee Markup](#) - July 14 @ 10:00 am - 226 Dirksen
S. 247 - Expatriate Terrorist Act

Status: To be considered by the Senate Judiciary Committee on 7/14

Summary: Amends the Immigration and Nationality Act to include as grounds for losing U.S. nationality by a native-born or naturalized citizen taking an oath or making a declaration of allegiance to a foreign terrorist organization after becoming 18 years old. The bill would bar the secretary of state from issuing a passport

to anyone attempting to become a member of a terrorist group.

House Oversight Committee - Government Operations Subcommittee Hearing
[Examining Mismanagement in Office of Justice Programs Grantmaking](#)
July 14 @ 2:00 pm - 2154 Rayburn

House Oversight Committee - Full Committee Hearing
[Oversight of the Urban Area Security Initiative Grant Program](#)
July 15 @ 9:00 am - 2154 Rayburn

Legislation on the Floor This Week

House:

H.R. 5594 - National Strategy for Combating Terrorist, Underground, and Other Illicit Financing Act

Status: To be considered in the House on 7/11

Summary: The Treasury Department would lead an annual effort to develop a national strategy for combating the financing of terrorism and related forms of illicit finance.

H.R. 5606 - Anti-terrorism Information Sharing Is Strength Act

Status: To be considered in the House on 7/11

Summary: Provisions of the USA PATRIOT Act that allow financial institutions to share information with one another regarding terrorist and money laundering activities would be expanded to cover information about a “specified unlawful activity” under financial crime laws. The measure would require a report on the risks and benefits of information sharing between U.S. and foreign financial institutions.

H.R. 5607 - Enhancing Treasury's Anti-Terror Tools Act

Status: To be considered in the House on 7/11

Summary: The Treasury Department would conduct three studies relating to its efforts to combat terrorism financing. It would change the types of financial transactions that could be covered by a geographic targeting order.

H.R. 5602 - To amend title 31, United States Code, to authorize the Secretary of the Treasury to include all funds when issuing certain geographic targeting orders, and for other purposes

Status: To be considered in the House on 7/11

Summary: The Treasury Department would be authorized to include more types of financial transactions, including those made electronically, when requiring financial institutions within a designated location to temporarily disclose or keep additional data on specific transactions.

H.R. 5385 - Quadrennial Homeland Security Review Technical Correction Act of 2016

Status: To be considered in the House on 7/11

Summary: DHS would be required to conduct a risk assessment to inform the Quadrennial Homeland Security Review.

H.R. 5056 - Airport Perimeter and Access Control Security Act of 2016

Status: To be considered in the House on 7/11

Summary: The Transportation Security Administration would be required to update several airport security risk assessments.

H.R. 4404 - Terrorist and Foreign Fighter Travel Exercise Act of 2016

Status: To be considered in the House on 7/11

Summary: The Homeland Security Department would be required to develop and conduct an exercise designed

to reduce terrorist and foreign fighter threats.

Senate:**H.R. 5293 - legislative vehicle for the Senate's FY 2017 Defense Appropriations Act**

Status: Continued consideration in the Senate this week; Motion to invoke cloture to proceed Failed in the Senate on 7/7

Summary: Making appropriations for the Department of Defense for the fiscal year ending September 30, 2017

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-Senate Conference [Committee Meeting](#) - July 6

[S.524, the Comprehensive Addiction and Recovery Act of 2016](#)

Status: Approved by the House on 7/8; Reported out of the conference committee on 7/6

Senate Homeland Security Committee - Investigations Subcommittee Hearing - July 6

[ISIS Online: Countering Terrorist Radicalization & Recruitment On the Internet & Social Media](#)

Summary: This hearing examined the threat posed by terrorist propaganda and governments efforts to counter it, with a particular focus on ISIL and other terrorist network's use of online communications to radicalize and recruit within the United States. Senators stated that the social media fight against ISIL is just as important as the military operations in Iraq and Syria. While al Qaida used social media to help spread its message as well, ISIL is much more efficient and better able to get its message across. Additionally, Senator McCaskill expressed concerns that with all the different government groups that have been tasked to combat the ISIL threat, information sharing amongst agencies may be an issue that needs to be examined.

House Judiciary Committee - [Full Committee Markup](#) - July 7

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

Status: Approved by the House Judiciary Committee on 7/7

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.

[H.R. 5578 - Survivors' Bill of Rights Act of 2016](#)

Status: Approved by the House Judiciary Committee on 7/7

Summary: To establish certain rights for sexual assault survivors, and for other purposes.

House Homeland Security & House T&I Committee - Joint Subcommittee Hearing - July 7

[An Examination of the Maritime Nuclear Smuggling Threat and Other Port Security and Smuggling Risks in the U.S.](#)

Summary: This hearing examined what is being done to prevent the smuggling of nuclear material into the U.S. through our ports. CBP testified that while all cargo containers are scanned for radiation, only a select few are x-rayed due to the slow process that it entails. By law, CBP was supposed to begin screening all cargo by 2012, but has been delayed repeatedly. Additionally, it was explained that there is technology that can rapidly scan all cargo for weapons-grade nuclear material, but it is not as good finding the lower level radiological material.

House Homeland Security Committee - Oversight Subcommittee Hearing - July 7

[How Pervasive is Misconduct at TSA: Examining Findings from a Joint Subcommittee Investigation](#)

Summary: This hearing examined the findings of a joint majority subcommittee [investigation](#), including the extent to which misconduct occurs by TSA employees, how effectively TSA headquarters and airport management address misconduct issues, and opportunities to improve the integrity of TSA's workforce. Concerns have been raised in this

new report that details the failure in some instances to follow-through on reforms that have been promised, including addressing issues of misconduct.

Legislation Considered Last Week

House:

H.R. 2646 - Helping Families in Mental Health Crisis Act of 2016

Status: Approved in the House on 7/6

Summary: Medicaid coverage of mental health services would be expanded and a new assistant secretary for mental health and substance use would be created in the Health and Human Services Department. The bill would direct the department to issue regulations regarding when a health-care provider can disclose the protected health records of a patient with severe mental illness, and it would reauthorize and modify several mental health programs

H.R. 5611 - Homeland Safety and Security Act

Status: Pulled from the House schedule

Summary: Under this bill, the attorney general would be given three days to seek a court injunction to block the sale of weapons to people under investigation as a suspected or known terrorist or people who had been under such investigation during the previous five years. Courts would be empowered to halt such sales if the Justice Department provided probable cause to believe that the prospective buyer will wage an act of terrorism. The bill would require the Homeland Security Department to devise a strategy for countering “radical Islamist terrorism” in the U.S. and to set grant program for local organizations to help counter radicalization and recruitment by terrorist organizations.

H.R. 5485 - Financial Services and General Government Appropriations Act, 2017

Status: Approved by the House on 7/7 (239-185)

Summary: Making appropriations for financial services and general government for the fiscal year ending September 30, 2017, and for other purposes. This legislation funds the Office of National Drug Control Policy, which includes for the HIDTA and other drug control programs. (ONDCP funding summary [here](#).)

Amendments:

Approved - Jenkins (R-WV) - [Amendment No. 58](#) – Increases funding for the High Intensity Drug Trafficking Areas (HIDTA) by \$2 million with an offset

Approved - Comstock (R-VA) - [Amendment No. 59](#) – Increases resources for the High Intensity Drug Trafficking Areas (HIDTA) Program, offset by resources for GSA rental space

Approved - Walberg (R-MI), Dingell (D-MI) - [Amendment No. 64](#) – Increases funding for the High Intensity Drug Trafficking Area program (HIDTA) by \$2 million

Conference Report to Accompany S. 524 - Comprehensive Addiction and Recovery Act of 2016

Status: Approved in the House on 7/8 (407-5)

Summary: Authorizes the Attorney General and Secretary of Health and Human Services to award grants to address the national epidemics of prescription opioid abuse and heroin use, and to provide for the establishment of an inter-agency task force to review, modify, and update best practices for pain management and prescribing pain medication.

Senate:

H.R. 5293 - legislative vehicle for the Senate's FY 2017 Defense Appropriations Act

Status: Motion to invoke cloture to proceed Failed on 7/7

Summary: Making appropriations for the Department of Defense for the fiscal year ending September 30, 2017

S. 3100 - Stop Dangerous Sanctuary Cities Act

Status: Motion to invoke cloture to proceed Failed on 7/6 (53-44)

Summary: To ensure that State and local law enforcement may cooperate with Federal officials to protect our communities from violent criminals and suspected terrorists who are illegally present in the United States. Federal money would be withheld from municipalities or states with laws barring police from turning over undocumented immigrants to U.S. authorities.

S. 2193 - Kate's Law

Status: Motion to invoke cloture to proceed Failed on 7/6 (55-42)

Summary: This bill amends the Immigration and Nationality Act to increase from two years to five years the maximum prison term for an alien who reenters after being denied admission, excluded, deported, or removed. It establishes: a 10-year maximum prison term for an alien who reenters after being denied admission, excluded, deported, or removed on 3 or more prior occasions; and a 5-year mandatory minimum prison term for an alien who reenters after being removed following a conviction for an aggravated felony or following 2 or more prior convictions for illegal reentry.

Legislation Introduced Last Week

Date Introduced	Bill Number	Sponsor	Description
7/8/2016	HR 5705	Filemon Vela	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.
7/7/2016	HR 5675	Martha McSally	To provide for the conversion of temporary judgeships to permanent judgeships, and for other purposes.
7/7/2016	HR 5671	Robin Kelly	To expand economic opportunities, improve community policing, and promote common-sense gun violence prevention in underserved communities, and for other purposes. eliminate the requirement that a firearms dealer transfer a firearm if the national instant criminal background check system has been unable to complete a background check of the prospective transferee within 3 business days.
7/7/2016	HR 5666	Sam Graves	To limit the authority of States and local governments to impose taxes payable with respect to the sale of certain firearms or ammunition, or to impose new or increased taxes payable for background checks incident to sales of firearms or ammunition.
7/7/2016	HR 5662	Michaael Burgess	To provide an exception to certain mandatory minimum sentence requirements for a person employed outside the United States by a Federal agency, who uses, carries, or possesses the firearm during and in relation to a crime of violence committed while on-duty with a firearm issued by the agency.
7/7/2016	HR 5655	Matt Cartwright	To establish programs related to prevention of prescription opioid misuse, and for other purposes.
7/7/2016	HR 5654	Diane Black	To ensure that State and local law enforcement may cooperate with Federal officials to protect our communities from violent criminals and suspected terrorists who are illegally present in the United States.
7/7/2016	S 3145	Cory Booker	A bill to amend title 18, United States Code, to establish a corporation to advocate on behalf of individuals in non-capital criminal cases before the Supreme Court of the United States, and for other purposes.

7/7/2016	<u>S 3144</u>	Cory Booker	A bill to enforce the Sixth Amendment right to the assistance of effective counsel at all stages of the adversarial process, to confer jurisdiction upon the district courts of the United States to provide declaratory and injunctive relief against systemic violations of such right, and for other purposes.
7/6/2016	<u>HR 5646</u>	Steve King	Sarah's Law - To require U.S. Immigration and Customs Enforcement to take into custody certain aliens who have been charged in the United States with a crime that resulted in the death or serious bodily injury of another person, and for other purposes.
7/6/2016	<u>HR 5644</u>	French Hill	Shift Back to Society Act of 2016 - To authorize the Attorney General, in consultation with the Secretary of Education, to establish a pilot program to make grants to historically Black colleges and universities to provide educational programs to offenders who have recently been, or will soon be, released from incarceration, and for other purposes.
7/6/2016	<u>HR 5643</u>	Tammy Duckworth	Active Shooter Preparedness Enhancement Act of 2016 - To amend the Homeland Security Act of 2002 to provide for active shooter and mass casualty incident response assistance, and for other purposes.
7/6/2016	<u>HR 5642</u>	Tammy Duckworth	Counterterrorism Enhancement Act of 2016 - To provide adequate resources for the Federal Bureau of Investigation and the VALOR Officer Safety Initiative.
7/6/2016	<u>S 3135</u>	Cory Gardner	Taking Responsibility Using Secured Technologies Act of 2016 - To prohibit any officer or employee of the Federal Government who has exercised extreme carelessness in the handling of classified information from being granted or retaining a security clearance.
7/6/2016	<u>S 3133</u>	Robert Casey	Juvenile Fee Transparency Act - To amend the Juvenile Justice and Delinquency Prevention Act of 1974 to require States to report on the administration of certain fees.
7/5/2016	HR 5619	Daivd Young	Sarah's Law - To require U.S. Immigration and Customs Enforcement to take into custody certain aliens who have been charged in the United States with a crime that resulted in the death or serious bodily injury of another person, and for other purposes.