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Weekly Update



July 18 – 22, 2016

Latest News

- The House and Senate are not in session this week, and will return on September 6. When Congress returns, they will have four weeks to decide the path forward on funding the federal government. It is expected that some form of a short-term continuing resolution will be considered. Additionally, House Speaker Paul Ryan has stated that the House intends to consider a package of criminal justice reform bills at some point after they return (see story below).
- **House Working Group on Policing Strategies** - House Judiciary Committee Chairman Bob Goodlatte and Ranking Member John Conyers announced on July 13 the establishment of a working group to examine police accountability, aggression towards law enforcement, and public safety concerns related to these issues. The bipartisan working group will hold a series of roundtables, starting with a private roundtable in Washington, D.C., to discuss the issues fueling excessive force used by law enforcement and attacks against police officers and will invite outside leaders on this issue to meet with the working group. Read the press release [here](#).
- The Department of Justice is formally studying technology and methods for “safe gun” technology for law enforcement officers. DOJ is currently seeking public comment on the effort. See brief story and detailed Federal Register notice below.
⇒ News story: [here](#)
⇒ Federal Register details: [here](#)

- **ARTICLES OF INTEREST:**

In first, U.S. judge throws out cell phone 'stingray' evidence

Reuters | Nate Raymond

For the first time, a federal judge has suppressed evidence obtained without a warrant by U.S. law enforcement using a stingray, a surveillance device that can trick suspects' cell phones into revealing their locations. U.S. District Judge William Pauley in Manhattan on Tuesday ruled that defendant Raymond Lambis' rights were violated when the U.S. Drug Enforcement Administration used such a device without a warrant to find his Washington Heights apartment. The DEA had used a stingray to identify Lambis' apartment as the most likely location of a cell phone identified during a drug-trafficking probe. Pauley said doing so constituted an unreasonable search. [Continue reading here.](#)

Court: US Government Can't Make Microsoft Reveal Cloud Data

Associated Press | Larry Neumeister

A federal appeals court delivered a victory to U.S. companies housing customer data overseas, ruling Thursday that prosecutors cannot force Microsoft to reveal content from a customer's email account stored in Ireland. The 2nd U.S. Circuit Court of Appeals in Manhattan overturned a lower court order finding the company in civil contempt for not handing over the data. Microsoft offers storage through its "public cloud," which places data

from over 1 billion customers and over 20 million businesses on servers in over 40 countries, the court noted.

Continue reading [here](#).

House to Take Up Criminal Justice Overhaul in September

Roll Call | Lindsey McPherson

The House will take up legislation to overhaul the criminal justice system in September, Speaker Paul D. Ryan said. The Wisconsin Republican said in an interview with NPR's Steve Inskeep aired Friday that the House Judiciary Committee has already reported four bills out of committee and that they're looking to mark up two more. The plan is to bring all six measures to the floor in September, he said. Inskeep asked Ryan about whether there's been a double standard in the war on drugs with the crack cocaine problems in the black community in the 1980s leading to tougher criminal sentences, while the response to the opioid crisis in the white community has focused on treatment and public health. **Continue reading [here](#).**

Getting smart about crowdsourced terror: What the U.S. should learn from Nice

NY Daily News | Michael Chertoff

The horrific attack this past week in Nice, which resulted in over 80 dead and 200 seriously injured, underscores the challenge all societies now face at a time of ever more frequent terrorist incidents. Americans have been attacked in Orlando and San Bernardino. Brussels, Paris and now Nice have been the scenes of bloodshed. And, as tragically, Turkey, Bangladesh and Saudi Arabia have suffered carnage at the hands of violent jihadis. Yet no two of these attacks are alike, which is why they pose such a challenge to free societies. When we faced Al Qaeda 15 years ago, we confronted a terrorist organization that was relatively hierarchical and centrally managed, and that focused on large-scale plots. **Continue reading [here](#).**

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 Judiciary Committee - Full Committee Hearing - July 12

[Oversight of the Justice Department](#)

Summary: This oversight hearing focused extensively on the DOJ decision not to bring charges in the email scandal involving former Secretary of State Hillary Clinton. The Attorney General declined to answer most questions regarding the case involving Clinton's emails, citing that it would not be appropriate to discuss in details the investigation. Additionally this hearing also discussed gun violence issues and criminal justice reform. Democrats on the committee used their time to discuss various legislative proposals to place restrictions on the sale of certain firearms, as well as proposals to ease police and community tensions.

House Homeland Security Committee - Cybersecurity Subcommittee Hearing - July 12

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

Summary: This hearing examined threats to our nation's critical infrastructure, and what is being done to protect these assets, engagement activities with the private sector, and how we can improve upon these actions. Chairman Ratcliffe asked about the Cybersecurity Advisor program, and what developmental and training programs are available to ensure that they have a diverse knowledge base. It was explained that they look to existing training programs in the private sector that help ensure people have the best risk management knowledge. Congressman Payne asked about resiliency, and the training programs available to help an organization increase its resiliency capabilities. Additionally, members asked about what is being done to develop metrics, as well as whether critical infrastructure owners and operators are taking advantage of vulnerability assessments and heeding their recommendations.

House Homeland Security Committee - Counterterrorism Subcommittee Hearing - July 13

[Counterintelligence and Insider Threats: How Prepared is the Department of Homeland Security?](#)

Summary: This hearing examined the counterintelligence and insider threats to DHS and its personnel, as well as programs to address those threats. The first part of this hearing was open to the public, while the second session members met behind closed doors. Members asked the panel about two instances where DHS personnel brought

weapons to work, as well as the implementation of continuous evaluation programs in the wake of the OPM breach. DHS is currently investigating both weapons instances, however they feel that they have not detected anything that would lead them to believe that these individuals were planning any sort of workplace violence or conspiring with others to commit workplace violence. Additionally, with regards continuous evaluation programs, DNI has the lead and is working to automate the process, and when it's implemented, there will be seven authoritative databases that individuals that have national security determinations or possess secret or above clearances will be vetted against. Congressman Katko focused his concerns on airport security, in particular past instances where airport personnel snuck weapons into the secured areas. He also expressed concerns with permitting flights to Cuba.

House Judiciary Committee - [Full Committee Markup](#) - July 13

H.R. 68 - Juvenile Accountability Block Grant Reauthorization and the Bullying Prevention and Intervention Act of 2015

Status: Approved 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: Consideration by the House Judiciary Committee on 7/13 POSTPONED

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.

Senate Judiciary Committee - Crime Subcommittee Hearing - July 13

[Researching the Potential Medical Benefits and Risks of Marijuana](#)

Summary: This hearing examined potential medical benefits and risks of marijuana. The DEA is currently in the process of reexamining the scheduling of marijuana, and should be making a determination some time in the near future as to whether it should remain in schedule I or be moved to schedule II. Members heard testimony from officials stating that they are looking at ways to ensure access to marijuana for research, and that there is some promising work being done with regards to cannabinoids, however, officials were hesitant to endorse further growing usage without research, and ensuring that products goes through the proper approval process. Additionally, panelists agreed that more research should be done before rescheduling occurs, in part because the psychological affect with the change making people believe that it is safe for recreational use, as well as understanding the long-term affects of certain compounds of the plant.

House Homeland Security Committee - Full Committee Hearing - July 14

[Worldwide Threats to the Homeland: ISIS and the New Wave of Terror](#)

Summary: This hearing heard from DHS Secretary Johnson, FBI Director Comey, and NCTC Director Rasmussen on the terror threats we face to the homeland, what is being done to counter those threats, and also discussed some of the concerns surrounding the most recent attacks in Orlando and San Bernardino. Secretary Johnson discussed the recently announced FY 2016 Countering Violent Extremism (CVE) Grant Program, which will provide \$10 million in available funds devoted exclusively to providing local communities with the resources to counter violent extremism in the homeland. Congressman King asked Director Comey about what more can be done to bring to the attention of state and local law enforcement officials that a particular individual is or has been under investigation for potential radicalization, aside from participating in JTTF's. Director Comey explained that they are currently working through those issues, especially in light of the fact that the shooter in Orlando had been previously a focus of a FBI preliminary investigation. Additionally, other discussions surrounded what is being done to counter radicalization through the use of social media, community engagement activities, and concerns with cyber threats.

House Oversight Committee - Government Operations Subcommittee Hearing - July 14

[Examining Mismanagement in Office of Justice Programs Grantmaking](#)

Summary: This hearing examined grant-making decisions at the Office of Justice Programs. Some concerns identified by the Inspector General in the past resulted around breakdowns in monitoring at the subgrantee level, when grant recipients distributed funds to third parties and did not adequately ensure that these subgrantees fulfilled the grant conditions. Additionally, another challenge that the IG raised was its ability to measure and evaluate the performance of grant recipients. In response, OJP is continuing to develop results-oriented performance measures. Congressman Meadows, focused his concerns on a couple of prisons built on tribal land. He expressed concerns about the failures to properly examine the current and potential future needs of such facilities. Additionally, members of the committee expressed the importance of OJP continuing to improve upon the monitoring of grants to ensure recipients are fulfilling their obligations under the grant.

House Oversight Committee - Full Committee Hearing - July 15

[Oversight of the Urban Area Security Initiative Grant Program](#)

Summary: This hearing on the allocation UASI program, sought answers on three main issues. Members of the Committee discussed a review of the assessment process, and greater flexibility to include more factors in determining which major areas are eligible for funds, what to do with money that has failed to have been spent by a locality, and concerns with wasteful spending and ways to better track how funds are being spent. The Committee will be sending a letter to FEMA seeking detailed responses to these three questions. This hearing was initiated by Members representing the Orlando region, who had concerns that Orlando did not make the cut for funds this fiscal year, especially in light of the recent Orlando terror attack.

Legislation Considered Last Week

House:

[H.R. 5594 - National Strategy for Combating Terrorist, Underground, and Other Illicit Financing Act](#)

Status: Approved by 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: Failed to be approved in the House under the suspension of the rules on 7/11 (229-117)

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: Approved by 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: Approved by 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: Approved by 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: Approved by 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: Approved by 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: Motion to invoke cloture to proceed Failed in the Senate on 7/14; 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

H.R. 2577 - FY 2017 MilCon-VA Appropriations Conference Report/ Zika Virus response funding

Status: Failed cloture motion in the Senate on 7/14; Failed cloture motion in the Senate on 6/28; 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.

S. 2854 - Emmett Till Unsolved Civil Rights Crimes Reauthorization Act of 2016

Status: Approved by the Senate on 7/14

Summary: This bill permanently reauthorizes the Emmett Till Unsolved Civil Rights Crime Act of 2007 and expands the responsibilities of the DOJ and the FBI to include the investigation and prosecution of criminal civil rights statutes violations that resulted in a death, regardless of when the violations occurred. The bill expresses the sense of Congress that all authorities with jurisdiction, including the FBI and other DOJ entities, should: (1) coordinate information sharing between the FBI, the civil rights community, and other entities; (2) hold accountable individuals who were perpetrators of, or accomplices in, unsolved civil rights murders; and (3) comply with Freedom of Information Act requests.

S. 2614 - Kevin and Avonte's Law of 2016

Status: Approved by the Senate on 7/14

Summary: A bill to amend the Violent Crime Control and Law Enforcement Act of 1994, to reauthorize the Missing Alzheimer's Disease Patient Alert Program, and to promote initiatives that will reduce the risk of injury and death relating to the wandering characteristics of some children with autism.

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

Status: Approved in the Senate on 7/13 (92-2); 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.

Legislation Introduced Last Week

Date Introduced	Bill Number	Sponsor	Description
7/14/2016	HR 5911	Todd Young	To require the Secretary of Homeland Security and Attorney General to submit a report on the Countering Violent Extremism Task Force, and for other purposes.
7/14/2016	HR 5905	Randy Weber	To require full staffing at certain U.S. Border Patrol sectors, amend the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 to provide for double-layered fencing along the entire southwest border, and for other purposes.
7/14/2016	HR 5896	Jackie Speier	To amend title 18, United States Code, to provide that it is unlawful to knowingly distribute a private, visual depiction of a person's intimate parts or of a person engaging in sexually explicit conduct, with reckless disregard for the person's lack of consent to the distribution, and for other purposes.
7/14/2016	HR 5881	David Roe	To amend the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 to require the Secretary of Homeland Security to provide notice to State authorities when unaccompanied alien children are placed in that State.
7/14/2016	HR 5877	John Ratcliffe	To amend the Homeland Security Act of 2002 and the United States-Israel Strategic Partnership Act of 2014 to promote cooperative homeland security research and antiterrorism programs relating to cybersecurity, and for other purposes.
7/14/2016	HR 5867	Luke Messer	To require the development of a national strategy to secure schools against terrorism nationwide, and ensure domestic preparedness for and the response to terrorism, and for other purposes.
7/14/2016	HR 5866	Grace Meng	To amend title 18, United States Code, to extend the coverage of the Federal prohibition against stalking in order to provide protection to friends and co-workers, and for other purposes.
7/14/2016	HR 5865	Patrick Meehan	To create penalties for massage establishment owners and employees who fail to report knowledge or reasonable suspicion of sexual assault.
7/14/2016	HR 5864	Jerry McNerney	To amend the Omnibus Crime Control and Safe Streets Act of 1968 to provide for mental health training for law enforcement, and for other purposes.
7/14/2016	HR 5863	Jerry McNerney	To amend the Omnibus Crime Control and Safe Streets Act to require that firearms purchased with Byrne JAG funds be SMART guns, and for other purposes.

7/14/2016	HR 5859	Mike McCaul	To amend the Homeland Security Act of 2002 to establish the major metropolitan area counterterrorism training and exercise grant program, and for other purposes.
7/14/2016	HR 5853	Blaine Luetkemeyer	To amend section 287(g) of the Immigration and Nationality Act to make mandatory agreements under such section, to require the Secretary of Homeland Security to provide certain identity information to the National Criminal Information Center and the Law Enforcement Support Center, and for other purposes.
7/14/2016	HR 5846	John Lewis	To authorize the Attorney General to award grants to eligible entities to prevent or alleviate community violence by providing education, mentoring, and counseling services to children, adolescents, teachers, families, and community leaders on the principles and practice of nonviolence.
7/14/2016	HR 5845	John Larson	To amend the Internal Revenue Code of 1986 to establish an excise tax on the production and importation of opioid pain relievers, and for other purposes.
7/14/2016	HR 5843	Jim Langevin	To establish a grant program at the Department of Homeland Security to promote cooperative research and development between the United States and Israel on cybersecurity.
7/14/2016	HR 5834	Eliot Engel	To amend the Communications Act of 1934 to prohibit mobile service providers from providing service on smart phones that have been reported stolen, to require smart phones to be equipped with anti-theft functionality and mobile device identification numbers, and to prohibit the alteration or removal of mobile device identification numbers of smart phones, and for other purposes.
7/14/2016	HR 5832	Dan Donovan	To amend title 18, United States Code, to provide for the option to use a diversion program to treat maternal drug abuse in a family-centered medical context, and for other purposes.
7/14/2016	HR 5826	Dave Brat	To clarify the authority of the Secretary of Homeland Security with respect to detainers, and for other purposes.
7/14/2016	HR 5825	Dave Brat	To amend section 642 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 with respect to communication between law enforcement agencies and the Secretary of Homeland Security about the immigration status of individuals.
7/14/2016	HR 5823	Dave Brat	To amend the Homeland Security Act of 2002 to prohibit provision of assistance to or engagement with the Muslim Brotherhood and associated persons.

7/14/2016	HR 5816	Brian Babin	To suspend, and subsequently terminate, the admission of certain refugees, to examine the impact on the national security of the United States of admitting refugees, to examine the costs of providing benefits to such individuals, and for other purposes.
7/14/2016	HR 5809	Ted Poe	To protect law enforcement officers, and for other purposes.
7/14/2016	HR 5800	Bruce Poliquin	To amend title 18, United States Code, to provide criminal penalties for certain officials who mishandle classified information, and for other purposes.
7/14/2016	HR 5794	Dan Lipinski	To make certain improvements in the laws administered by the Secretary of Homeland Security relating to public transportation security, and for other purposes.
7/14/2016	HR 5787	Gwen Graham	To provide for grants from the Attorney General to local education agencies to purchase and install devices that would allow for the immediate notification of appropriate officials in case of emergency, and for other purposes.
7/14/2016	HConRes 148	Pete Sessions	Expressing the sense of Congress that the Second Amendment of the Constitution of the United States protects the individual right to keep and bear arms for the purpose of self-defense and that the Second Amendment right is fully applicable to the States.
7/14/2016	S 3286	Chuck Grassley	A bill to make habitual drunk drivers inadmissible and removable and to require the detention of any alien who is unlawfully present in the United States and has been charged with driving under the influence or driving while intoxicated.
7/14/2016	S 3269	Dianne Feinstein	A bill to require the Attorney General to make a determination as to whether cannabidiol should be a controlled substance and listed in a schedule under the Controlled Substances Act and to expand research on the potential medical benefits of cannabidiol and other marijuana components.
7/14/2016	S 3262	John Hoeven	A bill to treat all controlled substance analogues, other than chemical substances subject to the Toxic Substances Control Act, as controlled substances in schedule I regardless of whether they are intended for human consumption.
7/14/2016	S 3259	Richard Blumenthal	A bill to establish scientific standards and protocols across forensic disciplines, and for other purposes.

7/14/2016	S 3255	Pat Toomey	A bill to gather information about the illicit production of illicit fentanyl in foreign countries and to withhold bilateral assistance from countries that do not have emergency scheduling procedures for new illicit drugs, cannot prosecute criminals for the manufacture or distribution of controlled substance analogues, or do not require the registration of tabletting machines and encapsulating machines.
7/14/2016	S 3225	Ed Markey	A bill to amend the Controlled Substances Act to require the Attorney General to make procurement quotas for opioid analgesics publicly available, and for other purposes.
7/14/2016	S 3224	Chuck Grassley	A bill to amend the Controlled Substances Act to add certain synthetic substances to schedule I, and for other purposes.
7/14/2016	S 3223	Patty Murray	A bill to increase funding to reduce opioid use disorders and overdose, and for other purposes.
7/14/2016	SRes 535	Ed Markey	A resolution expressing the sense of the Senate regarding the trafficking of illicit fentanyl into the United States from Mexico and China.
7/13/2016	HR 5753	Garret Graves	To authorize the Attorney General to make grants to State and local law enforcement agencies for research, training, and acquiring non-lethal force methods.
7/13/2016	HRes 831	Reid Ribble	Promoting awareness of motorcycle profiling and encourage collaboration and communication with the motorcycle community and law enforcement officials to prevent instances of profiling.
7/13/2016	S 3209	Amy Klobuchar	A bill to require the use of prescription drug monitoring programs and to facilitate information sharing among States.
7/13/2016	S 3199	Mike Lee	A bill to require the appropriation of funds to use a fee, fine, penalty, or proceeds from a settlement received by a Federal agency, and for other purposes.
7/13/2016	S 3186	Tom Carper	A bill to amend the Homeland Security Act of 2002 to provide for active shooter and mass casualty incident response assistance, and for other purposes.
7/13/2016	S 3184	John Cornyn	Back the Blue Act of 2016 - a bill that would increase penalties against violent criminals who intentionally target law enforcement officers, provide new tools to help law enforcement protect themselves, and open up grant funding to strengthen relationships between law enforcement and their communities.
7/12/2016	HR 5743	Peter King	To require adequate reporting on the Public Safety Officers' Benefit program, and for other purposes.

7/12/2016	HR 5739/ S 3171	Ruben Gallego/ Ed Markey	To prohibit the transfer, loan, or other disposition of a machinegun or semiautomatic assault weapon to an individual under 16 years of age.
7/12/2016	HR 5728	John Katko	To prohibit scheduled passenger air transportation between the United States and Cuba until a study has been completed regarding security measures and equipment at Cuba's airports, to amend title 49, United States Code, to clarify the role of the Secretary of Homeland Security regarding security standards at foreign airports, and for other purposes.
7/12/2016	S 3164	Jeanne Shaheen	A bill to provide protection for survivors of domestic violence or sexual assault under the Fair Housing Act.
7/11/2016	HR 5720	Eliot Engel	Checkpoint Safety Act of 2016 - To amend title 49, United States Code, to require the deployment of law enforcement personnel at airport screening locations at very large airports, and for other purposes.