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Weekly Update

September 12 - 16, 2016

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Latest News

- The House and Senate are in session this week. House and Senate leaders are continuing negotiations on legislation to fund the government before the start of the new fiscal year on October 1. Some progress is being made on a short-term three month extension at current funding levels. The House Homeland Security Committee will mark-up several bills on Tuesday that relate to cybersecurity, training, grants, and travel to Cuba. One bill that they are considering would ensure the dissemination of cybersecurity risk information with fusion centers.

ARTICLES OF INTEREST:

FirstNet Making Progress Towards Nationwide Public Safety Broadband Network

Homeland Security Today | Homeland Security Today Staff

The First Responder Network Authority (FirstNet) took another step closer to the implementation of the Nationwide Public Safety Broadband Network (NPSBN) with the approval of a budget package for Fiscal Year (FY) 2017. The FirstNet Board approved a \$6.585 billion budget to support the award of a Network contract and associated task orders in FY17, including \$85 million for FirstNet operations. The \$6.5 billion will be paid over the course of the contract as development and operational milestones are achieved. **Continue reading [here](#).**

Congress Turning a New Leaf on Marijuana Roll Call | Stephanie Akin

Just two years ago, pot lobbyist Michael Collins was a pariah on Capitol Hill. Marijuana reform was too much of a risk. Lawmakers wouldn't meet with him. Not anymore. "I've got offices reaching out to me," said Collins, the deputy director of national affairs at the Drug Policy Alliance, a nonprofit group that supports the legalization of marijuana. "It's definitely a big change." Marijuana-related legislation was on a fast track to nowhere until 2014. That was the year Republicans and Democrats alike approved a measure that kept federal authorities from interfering in states that allowed marijuana use for medical purposes. Since then, both houses of Congress have seen a flood of similar proposals. Lobbyists, policy experts and lawmakers who spoke to Roll Call said the trajectory is clear: Congress is leaning toward decriminalizing marijuana at the federal level — and it's going to happen soon. That could happen as early as the next Congress, to some time within the next 10 years. **Continue reading [here](#).**

Proponents look to lame duck for sentencing reform bill Washington Examiner | Joel Gehrke

Proponents of sentencing reform legislation are hoping the lame-duck session of Congress can be a real chance to pass bills and send them to President Obama's desk, after a summer setback in the Senate. "This is just good policy that should pass at some point and whether it happens in September or happens in December, I don't think it matters," Rep. Raul Labrador, R-Idaho, told the Washington Examiner on Thursday. Labrador is a conservative

supporter of sentencing reform bills that have been percolating in the House Judiciary Committee for months. As a leading member of the House Freedom Caucus, he could play a significant role in uniting a sometimes-fractious GOP conference in support of the proposals. **Continue reading [here](#).**

LAPD and L.A. County sheriff unveil phone app for reporting terrorist activity

Los Angeles Times | Cindy Chang

Los Angeles-area residents who witness potential terrorist activity can now report the details to law enforcement using their smartphones. On Thursday, the LAPD and the Los Angeles County Sheriff's Department unveiled a new phone app called iWATCHLA that makes filing a report as simple as a few keystrokes. The LAPD launched its "If you see something, say something" terrorism reporting program in 2009. But until now, in an age when making phone calls increasingly takes a back seat to tapping out messages, people had to dial 911 or their local police station to report suspicious activity. The app also provides a primer on what kind of behaviors to flag. **Continue reading [here](#).**

Hearings & Markups Happening This Week

House Energy & Commerce Committee - [Communications Subcommittee Markup](#) - September 12 @ 5:00 pm

[H.R. 2566 - Improving Rural Call Quality and Reliability Act of 2015](#)

Status: To be marked-up by the Communications Subcommittee on 9/12

Summary: Amends the Communications Act of 1934 to require an intermediate provider that offers the capability to transmit certain voice communications and signaling information from one destination to another, and that charges a rate to any other entity (including an affiliated entity) for the transmission, to: (1) register with the Federal Communications Commission (FCC), and (2) comply with service quality standards to be established by the FCC.

[H.R. 2669 - Anti-Spoofing Act of 2015](#)

Status: To be marked-up by the Communications Subcommittee on 9/12

Summary: Amends the Communications Act of 1934 to expand the prohibition on the provision of inaccurate caller identification information (which makes it unlawful to cause a caller identification service to knowingly transmit misleading or inaccurate caller identification information with the intent to defraud, cause harm, or wrongfully obtain anything of value) to persons outside the United States if the recipient is within the United States. Revises the definitions of "caller identification information" and "caller identification service" to include text messages sent using a text messaging service.

Senate Armed Services Committee - Full Committee Hearing

[Encryption and Cyber Matters](#)

September 13 @ 9:30 am - 216 Hart

House Homeland Security Committee - Border Security Subcommittee Hearing

[Moving the Line of Scrimmage: Re-Examining the Defense-In-Depth Strategy](#)

September 13 @ 10:00 am - 311 Cannon

House Homeland Security Committee - [Full Committee Markup](#) - September 13 @ 2:00 pm - 311 Cannon

[H.R. 5065 - Bottles and Breastfeeding Equipment Screening Act](#)

Status: To be marked-up by the House Homeland Security Committee on 9/13

Summary: This bill directs the Department of Homeland Security to: notify air carriers and Transportation Security Administration (TSA) security screening personnel of TSA's 3-1-1 Liquids Rule Exemption guidelines allowing baby formula, breast milk, and juice on airlines; and include training on all special procedures under TSA's travel guidelines for TSA security screening personnel.

[H.R. 5346 - Securing our Agriculture and Food Act](#)

Status: To be marked-up by the House Homeland Security Committee on 9/13

Summary: This bill amends the Homeland Security Act of 2002 to direct the Assistant Secretary for Health Affairs to carry out a program to coordinate Department of Homeland Security (DHS) efforts related to defending the food, agriculture, and veterinary systems against terrorism and other high-consequence events that pose a high risk to homeland security. Such program shall include: (1) providing oversight and integration of DHS activities related to veterinary public health, food defense, and agricultural security; and (2) leading DHS policy initiatives relating to food, animal, and agricultural incidents and to overall domestic preparedness for, and collective response to, agricultural terrorism.

H.R. 5459 - Cyber Preparedness Act of 2016

Status: To be marked-up by the House Homeland Security Committee on 9/13

Summary: This bill amends the Homeland Security Act of 2002 to expand the responsibilities of the Department of Homeland Security's State, Local, and Regional Fusion Center Initiative to include serving as a point of contact to ensure the dissemination of cybersecurity risk information within the scope of its information sharing environment with state, local, and regional fusion centers. (A fusion center serves as a focal point within the state and local environment for the receipt, analysis, gathering, and sharing of threat-related information between the federal government and state, local, tribal, territorial, and private sector partners.)

H.R. 5460 - First Responder Access to Innovative Technologies Act

Status: To be marked-up by the House Homeland Security Committee on 9/13

Summary: This bill amends the Homeland Security Act of 2002 to direct the Federal Emergency Management Agency (FEMA) to implement a uniform process for reviewing applications that contain explanations to use grants provided under the Urban Area Security Initiative or the State Homeland Security Grant Program to purchase equipment or systems that do not meet or exceed any applicable national voluntary consensus standards developed under the Post-Katrina Emergency Management Reform Act of 2006.

H.R. 5728 - Cuban Airport Security Act of 2016

Status: To be marked-up by the House Homeland Security Committee on 9/13

Summary: 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.

H.R. 5843 - United States-Israel Cybersecurity Cooperation Enhancement Act of 2016

Status: To be marked-up by the House Homeland Security Committee on 9/13

Summary: 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.

H.R. 5859 - Community Counterterrorism Preparedness Act

Status: To be marked-up by the House Homeland Security Committee on 9/13

Summary: To amend the Homeland Security Act of 2002 to establish the major metropolitan area counterterrorism training and exercise grant program, and for other purposes.

H.R. 5877 - United States-Israel Advanced Research Partnership Act of 2016

Status: To be marked-up by the House Homeland Security Committee on 9/13

Summary: 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.

H.R. 5943 - Transit Security Grant Program Flexibility Act

Status: To be marked-up by the House Homeland Security Committee on 9/13

Summary: To amend the Implementing Recommendations of the 9/11 Commission Act of 2007 to clarify certain allowable uses of funds for public transportation security assistance grants and establish periods of performance for such grants, and for other purposes.

House Homeland Security Committee - Full Committee Hearing
[Shutting Down Terrorist Pathways into America](#)
September 14 @ 10:00 am - 311 Cannon

House Education and the Workforce Committee - [Full Committee Markup](#) - September 14 @ 10:00 am
[H.R. 5963](#) - Supporting Youth Opportunity and Preventing Delinquency Act of 2016
Status: To be marked-up by the Education Committee on 9/14
Summary: To reauthorize and improve the Juvenile Justice and Delinquency Prevention Act of 1974, and for other purposes.

House Oversight Committee - National Security Subcommittee Hearing
[Radicalization in the U.S. and the Rise of Terrorism](#)
September 14 @ 2:00 pm - 2154 Rayburn

Senate Judiciary Committee - [Full Committee Markup](#) - September 15 @ 10:00 am - 226 Dirksen
[S. 2763](#) - Holocaust Expropriated Art Recovery Act of 2016
Status: To be marked-up in the Senate Judiciary Committee on 9/15
Summary: This bill allows civil claims or causes of action to recover artwork or other cultural property unlawfully lost because of persecution during the Nazi era, or for damages for the taking or detaining of such artwork or cultural property, to be commenced within six years after the claimant's actual discovery of: (1) the identity and location of the artwork or cultural property, and (2) information or facts sufficient to indicate that the claimant has a claim for a possessory interest in the artwork or cultural property that was unlawfully lost.

[S. 3155](#) - Foreign Cultural Exchange Jurisdictional Immunity Clarification Act
Status: To be marked-up in the Senate Judiciary Committee on 9/15
Summary: This bill amends the federal judicial code with respect to denial of a foreign state's sovereign immunity from the jurisdiction of U.S. or state courts in commercial activity cases where rights in property taken in violation of international law are in issue and that property, or any property exchanged for it, is: (1) present in the United States in connection with a commercial activity carried on by the foreign state in the United States, or (2) owned by an agency or instrumentality of the foreign state and that agency or instrumentality is engaged in a commercial activity in the United States.

[S. 3270](#) - Elder Abuse Prevention and Prosecution Act
Status: To be marked-up in the Senate Judiciary Committee on 9/15
Summary: To prevent elder abuse and exploitation and improve the justice system's response to victims in elder abuse and exploitation cases.

Legislation on the Floor This Week

House:

[H.R. 5484](#) - State Sponsors of Terrorism Review Enhancement Act
Status: To be considered in the House on 9/12
Summary: To modify authorities that provide for rescission of determinations of countries as state sponsors of terrorism, and for other purposes.

[H.R. 5104](#) - BOTS Act
Status: To be considered in the House on 9/12
Summary: This bill prohibits: (1) intentionally using or selling software to circumvent a security measure, access control system, or other control or measure on a ticket seller's Internet website that is used by the seller to ensure equitable consumer access to tickets for any given event; or (2) selling any ticket in interstate commerce

knowingly obtained in violation of such prohibition.

[H.R. 5351](#) - To prohibit the transfer of any individual detained at U.S. Naval Station, Guantanamo Bay, Cuba

Status: To be considered in the House this week.

Summary: This bill prohibits U.S. agency funds from being used until the earlier of the enactment date of an Act authorizing FY2017 appropriations for military activities of the Department of Defense (DOD) or January 1, 2017, for the transfer or release to or within the United States, its territories, or possessions or to any foreign country or entity of an individual detained at Naval Station, Guantanamo Bay, Cuba.

[Senate:](#)

Nothing affecting the law enforcement or homeland security community.

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 - Constitution Subcommittee Hearing - September 7

[Oversight of the Judgment Fund: Iran, Big Settlements, and the Lack of Transparency](#)

Summary: This hearing examined concerns by some members of the committee with regards to payments from the Judgment Fund being used to fund activities without being appropriated by Congress. Concerns were raised that aside from compensating victims, agencies shouldn't be using mandatory donations during a settlement to fund various pet causes. Settlements should be turned over to the treasury, and be left to Congress to determine appropriations of that money.

Senate Judiciary Committee - **[Full Committee Markup](#)** - September 8

Nominations:

Danny C. Reeves, to be a Member of the United States Sentencing Commission

Status: Voice Vote - Reported

Charles R. Breyer, to be a Member of the United States Sentencing Commission (Reappointment)

Status: Voice Vote - Reported

House Homeland Security Committee - Counterterrorism Subcommittee Hearing - September 8

[State and Local Perspectives on Federal Information Sharing](#)

Summary: This hearing was a follow-up hearing from February 2015, on the state and local perspective of the current status of information sharing with federal agencies. Mike Sena, President of the National Fusion Center Association, explained that progress has been made since the last hearing in the analysis and sharing of information related to threats to the homeland, however, challenges still remain. Some of these challenges includes obtaining appropriate security clearances, the inappropriate dissemination of law enforcement sensitive information, and access to certain federal criminal justice information databases. Additionally, panelists discussed the importance of grant funding, training programs, and addressing cyber threats. This hearing generated great interest from multiple committee members, to work on trying to solve some of these barriers to ensuring state and local entities have access to critical information.

House Oversight Committee - Transportation Subcommittee Hearing - September 9

[Oversight of the Federal Emergency Management Agency's Response to the Baton Rouge Flood Disaster](#)

Summary: This hearing examined FEMA's response and recovery efforts following severe flooding in Louisiana, as well as how to more effectively provide disaster assistance. The hearing focused on improving communication between FEMA and local government leaders, expediting the delivery of disaster assistance, and removing regulatory

barriers to allow for a more robust response effort. Some members expressed some frustration with the lack of coordination and efficiency in delivering disaster assistance.

Legislation Considered Last Week

House:

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

Status: Approved by the House on 9/6 (399-0)

Summary: This legislation seeks to ensure that sexual assault survivors in federal criminal cases have a right to: a sexual assault evidence collection kit; be notified in writing before the kit is destroyed; request preservation of the kit; and be informed of important results from a forensic examination. The Survivors' Bill of Rights Act will also require the Attorney General and the United States Department of Health and Human Services to convene a joint working group on best practices regarding the care and treatment of sexual assault survivors and the preservation of forensic evidence.

[H.R. 5063](#) - Stop Settlement Slush Funds Act of 2016

Status: Approved by the House on 9/7 (241-174)

Summary: This bill prohibits government officials from entering into a settlement agreement resolving a civil action on behalf of the United States, or from enforcing such a settlement agreement, if that agreement requires a donation to be made to any person by any party (other than the United States) to such agreement. Government officials or agents who violate this prohibition may be removed from office or required to forfeit to the government any money they hold for such purposes to which they may otherwise be entitled. The term "donation" excludes a payment by a party to provide restitution for or otherwise remedy the actual harm caused by the alleged conduct that is the basis for the settlement agreement.

Senate:

[H.R. 2577](#) - Military Construction, Veterans Affairs, and Related Agencies Appropriations Act, 2017

Status: Second cloture on the conference report not invoked in Senate on 9/6 (52-46)

Summary: This bill provides FY2017 appropriations for military construction, the Department of Veterans Affairs, and related agencies. It also provides FY2016 supplemental appropriations to respond to the Zika virus and modifies permit requirements for the discharge of pesticides into navigable waters.

[H.R. 5293](#) - Department of Defense Appropriations Act, 2017

Status: Second cloture on the motion to proceed to the measure not invoked in Senate on 9/6 (55-43)

Summary: This bill provides FY2017 appropriations to the Department of Defense for military activities, including appropriations for Overseas Contingency Operations / Global War on Terrorism. The House's defense spending bill, H.R. 5293, will serve as the vehicle for the Senate Appropriations Committee's version of fiscal 2017 defense appropriations, [S. 3000](#).

Legislation Introduced Last Week

| Date Introduced | Bill Number | Sponsor | Description |
|-----------------|-----------------------------|---------------------------|--|
| 9/9/2016 | HR 5988 | Joe Courtney (D-CT-2) | To provide penalties for countries that systematically and unreasonably refuse or delay repatriation of certain nation- |
| 9/9/2016 | HConRes 150 | Ted Poe (R-TX-2) | Expressing the sense of Congress that child safety is the first priority of custody and visitation adjudications, and that state courts should improve adjudications of custody where family violence is alleged. |
| 9/8/2016 | HR 5975 | Mark Walker (R-NC-6) | To amend title 18, United States Code, to provide mandatory minimum terms of imprisonment for certain trafficking |
| 9/8/2016 | HR 5972 | Jackie Speier (D-CA-14) | To amend the Higher Education Act of 1965 to provide protection for students that report sexual assault, and for oth- |
| 9/8/2016 | HR 5970 | Ted Poe (R-TX-2) | To amend title 18, United States Code, to permit sentencing judges in child sex trafficking cases to order the Attorney General to publicize the name and photograph of the convicted defendants, and for other purposes. |
| 9/8/2016 | HR 5965 | Keith Ellison (D-MN-5) | To amend the Higher Education Act of 1965 to require institutions of higher education to disclose their concealed carry or open carry policies with respect to firearms, and for other purposes. |
| 9/8/2016 | HR 5963 | Carlos Curbelo (R-FL-26) | To reauthorize and improve the Juvenile Justice and Delinquency Prevention Act of 1974, and for other purposes. |
| 9/8/2016 | HR 5959 | Matt Cartwright (D-PA-17) | BRAVE Act - To require reporting of bullying to appropriate authorities and assist with equal protection claims against entities who fail to respond appropriately to bullying, and for other purposes. |
| 9/8/2016 | HR 5956 | Katherine Clark (D-MA-5) | YOUTH Act - To amend the Public Health Service Act to better address substance use and substance use disorders |
| 9/8/2016 | S 3303 | Pat Toomey (R-PA) | A bill to exempt firefighters and police officers from the government pension offset and windfall elimination provi- |
| 9/8/2016 | S 3302 | Barbara Boxer (D-CA) | A bill establishing the Centers for Disease Control and Prevention Emergency Response Fund for the Director of the Centers for Disease Control and Prevention to provide assistance for a public health emergency, and for other purposes. |

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|----------|-------------------------|-----------------------|---|
| 9/8/2016 | S 3299 | Kelly Ayotte (R-NH) | A bill to direct the Secretary of Homeland Security to notify air carriers and security screening personnel of the Transportation Security Administration of the guidelines of the Administration regarding permitting baby formula, breast milk, and juice on aircraft, and for other purposes. |
| 9/7/2016 | HR 5943 | Dan Donovan (R-NY-11) | Transit Security Grant Program Flexibility Act - To amend the Implementing Recommendations of the 9/11 Commission Act of 2007 to clarify certain allowable uses of funds for public transportation security assistance grants and establish periods of performance for such grants, and for other purposes. |
| 9/7/2016 | S 3298 | Jeanne Shaheen (D-NH) | A bill to amend the Federal Food, Drug, and Cosmetic Act to require the label of any drug containing an opiate to prominently state that addiction is possible. |
| 9/7/2016 | S 3295 | John Cornyn (R-TX) | National Cybersecurity Preparedness Consortium Act of 2016 - To authorize the Secretary of Homeland Security to work with cybersecurity consortia for training, and for other purposes. |
| 9/6/2016 | HR 5934 | John Katko (R-NY-24) | Dangerous Synthetic Drug Control Act of 2016 - To amend the Controlled Substances Act to add certain synthetic substances to schedule I, and for other purposes. |