



# BROOKS BAWDEN LLC

## Weekly Update

September 6 - 9, 2016

### Content in this Weekly Update:

- Highlighted Issues 1
- This Week's Hearings/ Markups 3
- Legislation on the House & Senate Floor 3
- Previous Hearings/ Markups 4
- Previous Floor Actions 4
- Introduced Legislation 5

### Links to Previous Updates:

- [Draft FY 2017 Homeland Appropriations](#)
- [Draft FY 2017 CJS Appropriations](#)
- [Draft FY 2017 ONDCP Funding](#)
- [FY 2016 Homeland Grants Allocations](#)
- [Weekly 8/1/16](#)
- [Weekly 7/18/16](#)
- [Weekly 7/11/16](#)
- [Weekly 7/4/16](#)
- [Weekly 6/27/16](#)
- [Weekly 6/20/16](#)
- [Weekly 6/13/16](#)

### Latest News

- Congress returns this week to a long list of agenda items before adjourning for the November elections. Congress has until September 30 to pass all of the appropriations bills or pass a continuing resolution. Most expect a continuing resolution to be the most viable path forward, with sticking points related to Zika funding, the duration of a CR, and defense spending. The House Homeland Security Committee will hold a hearing this week on the progress of information sharing amongst federal, state, and local partners, and next week will hold a hearing on the state of security to the homeland 15 years after 9/11.
- **Criminal Justice Reform:** Before the House adjourned in July, Speaker Ryan indicated that the House may consider a package of bills to address various aspects of criminal justice reform in September. This could include front and back end sentencing reforms, civil asset forfeiture reform, policing reforms, and other items, with rapid DNA possibly tacked on. House Majority Leader Kevin McCarthy recently released a [memo to Members](#) outlining the September priorities, which did not include criminal justice reform. However, it appears that leadership will be holding member briefings to gauge support within the conference on how to proceed, and votes could be scheduled for November after the elections.
- **Rocky Mountain HIDTA Report: The Legalization of Marijuana in Colorado** - The Rocky Mountain HIDTA recently released its most recent report examining the impact of the legalization of marijuana for medical and recreational use in Colorado. Colorado has served as an experimental lab for the nation to determine the impact of legalizing marijuana. This is the fourth annual report on the impact of Colorado legalizing marijuana. It is divided into ten sections with each providing data on the impact of legalization prior to and during the creation of the marijuana industry in Colorado. You can view the report [here](#).
- **PM-ISE Reports Accomplishments, Identifies Goals in 2016 Annual Report** - The Information Sharing Environment (ISE) reported the continued progress of terrorism-related information sharing and identified goals for the coming year in the recently released "2016 ISE Annual Report to the Congress." Over the past year, information sharing has advanced across state and regional ISEs; cybersecurity information sharing; domain awareness; interoperability; sensitive but unclassified information sharing; identity, credential, and access management; and countering violent extremism. While the federal government has made significant progress to advance responsible information sharing, more work remains to ensure implementation of the best mechanisms to effectively share terrorism-related information to protect the homeland. [Download Full Report](#); [Online Full Report](#)
- **IACP Presidential Candidate Response:** The International Association of Chiefs of Police recently released a 10 question survey on criminal justice issues, completed by the 2016 U.S. presidential nominees. The survey was designed to gain a better understanding of the candidates criminal justice related policy positions and philosophy. You can view the

responses from the candidates [here](#).

- **DEA Announces Actions Related to Marijuana and Industrial Hemp** - On August 11, the Drug Enforcement Administration announced several marijuana related actions, including actions regarding scientific research and scheduling of marijuana, as well as principles on the cultivation of industrial hemp under the Agricultural Act of 2014. The DEA has denied two petitions to reschedule marijuana under the Controlled Substances Act. The DEA and the FDA continue to believe that scientifically valid and well-controlled clinical trials conducted under investigational new drug applications are the most appropriate way to conduct research on the medicinal uses of marijuana. Additionally, the DEA announced a policy change designed to foster research by expanding the number of DEA- registered marijuana manufacturers. You can read the announcement [here](#).
- **Bureau of Prisons to Reduce Use of Private Prisons** - On August 18, Deputy Attorney General Sally Q. Yates directed the Bureau of Prisons to reduce and ultimately eliminate the use of privately operated prisons. In a memorandum to Acting Director Thomas Kane, Deputy Attorney General Yates indicated that as each contract with private prison companies reaches the end of its term, "the Bureau should either decline to renew that contract or substantially reduce its scope in a manner consistent with law and the overall decline of the Bureau's inmate population." View the memorandum [here](#).
- **Presidential Commutations** - On August 3, President Obama commuted the sentences of 214 individuals, including 67 individuals serving life sentences. Then on August 30, President Obama commuted the sentences of 111 additional individuals. President Obama has granted 673 commutations since taking office, more commutations than the previous nine presidents combined and more commutations than any individual president in nearly a century, including 232 individuals serving a life sentence. You can view the White House release [here](#) & [here](#). The Major County Sheriffs' Association released a statement on both of the recent commutations, which you can find [here](#) & [here](#).

- **ARTICLES OF INTEREST:**

- **DOJ to require tracking of fatal police encounters under new system**

- **PoliceOne.com | PoliceOne Staff**

The Justice Department announced this week that it is rolling out a new program that requires law enforcement agencies and medical examiner's offices to fill out forms tracking "arrest-related deaths" of civilians during police-citizen encounters. According to the Guardian, the proposed system, which would cover 19,450 state and local law enforcement agencies and about 685 medical examiner's or coroner's offices, will require them to submit one report this year and quarterly reports beginning next year. According to the New York Times, the existing system, the Arrest-Related Deaths Program, is intended to be a census of different causes of death, including suicides, accidents, and deaths from natural causes. But critics believe that it does not provide accurate data about fatal police encounters because it relies on self-reporting by agencies. **Continue reading [here](#).**

- **Federal Court Rules DOJ Can't Prosecute Medical Marijuana Cases**

- **Daily Caller | Craig Boudreau**

The U.S. Court of Appeals for the Ninth Circuit just affirmed a lower court ruling that the federal government can't prosecute medical marijuana cases in states where it is legal, as long as no laws were broken. Marijuana, medical or otherwise, still remains illegal under federal law. The three-judge panel on the Ninth Circuit has ordered the Department of Justice (DOJ) to provide evidence that 10 pending cases in California and Washington violated state medical marijuana laws before proceeding with the cases, ABC News reported Monday. "If DOJ wishes to continue these prosecutions, Appellants are entitled to evidentiary hearings to determine whether their conduct was completely authorized by state law," Judge Diarmuid F. O'Scannlain wrote in the decision. "[B]y which we mean that they strictly complied with all relevant conditions imposed by state law on the use, distribution, possession, and cultivation of medical marijuana." **Continue reading [here](#).**

- **Proposal to monitor social media comes under criticism**

- **The Hill | Ali Breland**

A coalition of 28 organizations including the ACLU and the Center for Democracy and Technology signed a

letter on Monday expressing opposition to the Department of Homeland Security's proposal to include social media in its review of visa-waiver applicants. The groups argued that such a proposal would not be effective, would cost too much and would impinge on privacy. The letter also expressed concern that Arab-Americans and Muslims could be unfairly targeted. "The risk of discrimination based on analysis of social media content and connections is great and will fall hardest on Arab and Muslim communities," the letter stated. "Cultural and linguistic barriers increase the risk that social media activity will be misconstrued." The Department of Homeland Security published the measure on June 23. **Continue reading [here](#).**

### **Unreliable Wireless Network Left First Responders High And Dry During Louisiana Floods** **Forbes | Ronnie Johnson**

Eleven years ago, I served as head of communications and later Brigade Commander of the Louisiana National Guard during Hurricanes Katrina and Rita. I saw firsthand what nature could do. Amid floods of Biblical proportions, cars, houses and all sorts of property were swept away by the rising waters. People either fled for their lives or clung to makeshift rafts made of anything that could float. And our troops, some of the best-equipped in the world, could not communicate with each other in the field. All of the commercial wireless networks went down amid the devastation, and were no more available for our first responders than they were for citizens trying to make and receive calls to loved ones. Today, Louisiana is once again under water. And while some commercial wireless networks have fared better than others, the communications failures during this month's flooding are a reminder, yet again, of why our first responders need a resilient, reliable and purpose-built wireless network. **Continue reading [here](#).**

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## Hearings & Markups Happening This Week

House Judiciary Committee - Constitution Subcommittee Hearing  
[Oversight of the Judgment Fund: Iran, Big Settlements, and the Lack of Transparency](#)  
September 7 @ 10:00 am - 2237 Rayburn

Senate Judiciary Committee - [Full Committee Markup](#) - September 8 @ TBD - Capitol S-216  
**S. 3270 - Elder Abuse Prevention and Prosecution Act**

**Status:** To be marked-up in Committee on 9/8

**Summary:** To prevent elder abuse and exploitation and improve the justice system's response to victims in elder abuse and exploitation cases.

**Nominations:**

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

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

House Homeland Security Committee - Counterterrorism Subcommittee Hearing  
[State and Local Perspectives on Federal Information Sharing](#)  
September 8 @ 10:00 am - 311 Cannon

House Oversight Committee - Transportation Subcommittee Hearing  
[Oversight of the Federal Emergency Management Agency's Response to the Baton Rouge Flood Disaster](#)  
September 9 @ 9:00 am - 2154 Rayburn

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## Legislation on the Floor This Week

**House:**

**H.R. 5578 - Survivors' Bill of Rights Act of 2016**

**Status:** To be considered in the House on 9/6

**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:** To be considered in the House on 9/7

**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:** Possible consideration in the Senate this week.

**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:** Possible consideration in the Senate this week.

**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](#).

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## 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.

- The House & Senate were not in session.

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## Legislation Considered Last Week

#### **House:**

The House was not in session

#### **Senate:**

The Senate was not in session.

## Legislation Introduced Last Week

Date Introduced	Bill Number	Sponsor	Description
7/25/2016	<a href="#">HR 5930</a>	Frederica Wilson (D-FL-24)	Commission on the Social Status of Black Men and Boys Act - To establish the Commission on the Social Status of Black Men and Boys, to study and make recommendations to address social problems affecting Black men and boys.
7/21/2016	<a href="#">HR 5923</a>	Steve Israel (D-NY-3)	School Protection Act of 2016 - This bill amends the Public Health Service Act to authorize the Department of Health and Human Services to make grants and enter contracts to train elementary and secondary school nurses to serve as first responders and crisis managers in the event of a biological or chemical attack at a school or an outbreak of pandemic illness among individuals under their care.