



BROOKS BAWDEN LLC

Weekly Update

September 26 - 30, 2016

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Links to Previous Updates:

- [Draft FY 2017 Homeland Appropriations](#)
- [Draft FY 2017 CJS Appropriations](#)
- [Draft FY 2017 ONDCP Funding](#)
- [FY 2016 Homeland Grants Allocations](#)
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Latest News

- The House and Senate are in session this week. The Senate is expected to consider a continuing resolution to fund the government at current spending levels this week, which is expected to last until December 9. Sticking points over funding to combat the Zika virus, and disaster assistance for victims of the recent flooding in Louisiana and elsewhere have been worked out, however additional point of contention surrounding funding to address the Flint, Michigan water crisis, and a couple other issues continue to persist. Should the Senate and House approve a CR this week, they are expected to adjourn until after the November elections.
- **PCAST Meeting** - The Presidents Council of Advisors on Science and Technology will hold its next meeting on Friday, September 30 to discuss its studies on forensics, biodefense, and water science and technology. They will also hear from speakers who will remark on agriculture preparedness and soil sciences and others who will speak on data and justice. Additionally, PCAST may hold a closed meeting with the President afterwards. You can view the agenda [here](#).
- **DEA Officer Safety Alert: Carfentanil: A Dangerous New Factor in the U.S. Opioid Crisis** - Carfentanil is a synthetic opioid approximately 10,000 times more potent than morphine and 100 times more potent than fentanyl. The presence of carfentanil in illicit U.S. drug markets is cause for concern, as the relative strength of this drug could lead to an increase in overdoses and overdose-related deaths, even among opioid-tolerant users. The presence of carfentanil poses a significant threat to first responders and law enforcement personnel who may come in contact with this substance. In any situation where any fentanyl-related substance, such as carfentanil, might be present, law enforcement should carefully follow safety protocols to avoid accidental exposure. **Read the DEA alert [here](#).**
- **FBI Releases 2015 Crime Statistics** - On September 26, the FBI released its annual compilation of crimes reported to its Uniform Crime Reporting (UCR) Program by law enforcement agencies from around the nation. Crime in the United States, 2015 reveals a 3.9 percent increase in the estimated number of violent crimes and a 2.6 percent decrease in the estimated number of property crimes last year when compared to 2014 data. According to the report, there were an estimated 1,197,704 violent crimes committed around the nation. While that was an increase from 2014 figures, the 2015 violent crime total was 0.7 percent lower than the 2011 level and 16.5 percent below the 2006 level. You can view the report [here](#).
- **OJP Grant Awards to Help Reduce Prescription Drug Abuse, Misuse, Diversion** - On September 23, the Bureau of Justice Assistance announced funding of more than \$8.8 million in 20 separate awards to 19 state health and pharmacy boards and departments to better track and share prescription drug information to help reduce drug abuse, misuse, and diversion. These awards support collaboration between law enforcement, prosecu-

tors, public health, treatment professionals, pharmacies, and the medical community to promote strategies that inform effective policies, support investigations, and offer treatment intervention and prevention efforts for at-risk individuals and communities. Read the announcement [here](#).

- **OJP Awards Over \$13.6 Million to Expand Sexual Assault Kit Testing** - On September 26, BJA awarded more than \$13.6 million to help nine state, tribal, and local government agencies to process sexual assault kits in law enforcement custody that have not been submitted to forensic laboratories. You can view the announcement [here](#).
- **DOJ Awards Over \$20 Million to Law Enforcement Body-Worn Camera Programs** - On September 26, the DOJ awarded over \$20 million to 106 state, city, tribal and municipal law enforcement agencies to establish and enhance law enforcement body-worn camera programs across the United States. BJA expects award recipients to create programs that will be integrated as part of individual jurisdictions' holistic problem-solving and community-engagement strategies. You can view the announcement [here](#).
- **OJP Awards More Than \$5.6 Million to Enable Information, Technology Sharing to Reduce Crime** - On September 26, BJA announced funding of more than \$5.6 million through two separate programs. One is a new initiative designed to help communities reduce and prosecute gun crime; the other is an annual grant that enables jurisdictions to leverage technology and information sharing to enhance criminal justice operations. You can view the announcement [here](#).
- **Mutualink Use During September 2016 Explosion in New Jersey** - Atlantic City, NJ was host to a 70.3 mile Ironman Triathlon swim-bike-run event on Sunday Sept 18, culminating in a 13 mile run along the world famous boardwalk. The event occurred on the day after an improvised explosive device was detonated in nearby Seaside Park, NJ and then another explosion in New York City. Immediately following these attacks, New Jersey law enforcement officials recognized the vulnerability to race participants and spectators and set in motion an enhanced security plan that involved the cooperation of Federal, State, and Local first responders and the vast video surveillance resources of the Atlantic City Casino Industry. By late Saturday evening, the New Jersey State Police established a collaborative network connection with all of its local community partners using Mutualink, the only nationwide communications platform that allows public and private entities to share their radio, telephone and closed circuit television systems in a secure, invitation-only environment. Incident Command Personnel had instant access to thousands of surveillance cameras that covered a substantial percentage of the race route, giving first responders real-time information on suspicious individuals or packages. **View the story [here](#).**
- **ARTICLES OF INTEREST:**
Ryan pushes sentencing reform in face of skeptical GOP
Politico | Rachel Bade
House Speaker Paul Ryan is facing a major obstacle in his months-long quest to pass criminal justice reform: unenthused House Republicans still skittish about looking soft on crime. The Wisconsin Republican for weeks has repeated his personal desire to move a bipartisan package that would include allowing well-behaved nonviolent prisoners to be eligible for early release and easing some drug-related sentencing requirements. It would mark a major accomplishment for the speaker, and a chance for Republicans to show racial minorities they care about issues of social justice — plus a salient, positive message countering Donald Trump's racially charged bid for the White House. **Continue reading [here](#).**

Hearings & Markups Happening This Week

Senate Homeland Security Committee - Full Committee Hearing
[Fifteen Years After 9/11: Threats to the Homeland](#)

September 27 @ 10:00 am - 342 Dirksen

House Judiciary Committee - Immigration Subcommittee Hearing

[New Orleans: How the Crescent City Became a Sanctuary City](#)

September 27 @ 10:00 am - Dirksen

House Oversight Committee - Full Committee Hearing

[Department of Justice and Witness Immunity](#)

September 27 @ 11:00 am - 2154 Rayburn

House Judiciary Committee - Full Committee Hearing

[Oversight of the Federal Bureau of Investigation](#)

September 28 @ 9:00 am - 2237 Rayburn

Senate Judiciary Committee - Immigration Subcommittee Hearing

[Oversight of the Administration's FY2017 Refugee Resettlement Program](#)

September 28 @ 10:00 am - 226 Dirksen

House Oversight Committee - Information Technology Subcommittee Hearing

[Cybersecurity: Ensuring the Integrity of the Ballot Box](#)

September 28 @ 2:00 pm - 2154 Rayburn

Legislation on the Floor This Week

House:

[H.R. 1877](#) - Mental Health First Aid Act of 2016

Status: To be considered in the House on Tuesday 9/26

Summary: Amends the Public Health Service Act to require the Substance Abuse and Mental Health Services Administration (SAMHSA) to award grants to initiate and sustain mental health first aid training programs. Requires such a program to include training on: (1) the skills, resources, and knowledge necessary to assist individuals in crisis to connect with appropriate local mental health care services; (2) mental health resources, including the location of community mental health centers; and (3) protocols for referral to mental health resources. Sets forth the categories of individuals to be trained under the program, including first responders, law enforcement personnel, teachers and school administrators, human resources professionals, faith community leaders, nurses and other primary care personnel, students enrolled in school, parents of students, and veterans. Requires such programs to train individuals to accomplish safe de-escalation of crisis situations, recognition of the signs and symptoms of mental illness, and timely referral to mental health services in the early stages of developing mental disorders. Requires SAMHSA to ensure that grants are equitably distributed geographically, and to pay particular attention to the mental health training needs of rural areas.

[H.R. 3537](#) - Dangerous Synthetic Drug Control Act of 2016

Status: To be considered in the House on 9/26

Summary: This bill amends the Controlled Substances Act (CSA) to modify the definition of "controlled substance analogue" to mean a substance that has a similar (previously, substantially similar) chemical structure and pharmacological effect to a schedule I controlled substance. The CSA's requirements, prohibitions, and restrictions with respect to schedule I controlled substances apply to the manufacture, importation, distribution, and sale (but not possession) of a controlled substance analogue. The bill amends the Controlled Substances Analogue Enforcement Act of 1986 to add certain synthetic substances to schedule I of the CSA.

[H.R. 5943](#) - Transit Security Grant Program Flexibility Act

Status: To be considered in the House on 9/26

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.

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

Status: To be considered in the House on 9/26

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. 5459 - Cyber Preparedness Act of 2016

Status: To be considered in the House on 9/26

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. 5346 - Securing our Agriculture and Food Act

Status: To be considered in the House on 9/21

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. 5065 - Bottles and Breast-feed-ing Equipment Screening Act

Status: To be considered in the House on 9/27

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. 5391 - Gains in Global Nuclear Detection Architecture Act

Status: To be considered in the House on 9/27

Summary: The Homeland Security Department's Domestic Nuclear Detection Office would have to document how the research it supports aligns with the high-level goals of a global program to improve nuclear detection architectures.

H.R. 5325 - Legislative Vehicle for the Continuing Resolution to Fund the Federal Government

Status: Consideration in the House this week.

Summary: This bill extends government funding at current levels until December 9, and also includes funding to combat the Zika virus, and provide disaster relief for Louisiana and other areas.

Senate:

H.R. 5325 - Legislative Vehicle for the Continuing Resolution to Fund the Federal Government

Status: Continued consideration in the Senate this week.

Summary: This bill extends government funding at current levels until December 9, and also includes funding to combat the Zika virus, and provide disaster relief for Louisiana and other areas.

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 Homeland Security Committee - Full Committee Hearing - September 21

[Stopping the Next Attack: How to Keep Our City Streets from Becoming the Battleground](#)

Summary: This hearing focused on the local law enforcement perspective of the challenges that local law enforcement officials face, to prevent a future terrorist attack. Witnesses testified that state and local funding is crucial to ensuring that localities have the needed resources to prepare, prevent, and respond to a major incident. Sheriff Bouchard stated that greater communication by federal officials needs to occur when resettling refugees to ensure the safety of the refugees and the general public. Additionally, Bouchard discussed the importance of the 1033 surplus military equipment program, and why the current Executive Order restrictions on certain pieces of equipment is harmful. There was also discussions about the access to and the sharing of classified information. Sheriff Demings discussed the importance of fusion centers, in particular the role they played in Orlando following the Pulse night club attack. Congresswoman Jackson Lee (D-TX) specifically asked about what resources are needed for fusion centers, and responses consisted of ensuring funding. Chief Acevedo and Sheriff Demings discussed UASI funding, and their concerns with losing this crucial funding.

House Homeland Security Committee - Oversight Subcommittee Hearing - September 22

[Identifying the Enemy: Radical Islamist Terror](#)

Summary: This hearing examined the threat of radical Islamist terrorism, the importance of identifying the threat for what it is, and ways to defeat it. Committee members repeatedly asked George Selim, director of the Office of Community Partnerships at DHS, why he could not provide a document outlining the organization's \$10 million plans for countering the spread of terrorism. Some members were concerned that despite the program being up and running for a year, there was little to no evidence presented to show that the program has made any positive effects. Additionally, members asked whether DHS could prove that the money is not being sent to terrorist or terrorist-affiliated groups, DHS stated that there is no blacklist of non-governmental organizations prohibited from applying for federal funding in the government.

House Judiciary Committee - Full Committee Hearing - September 22

[Oversight of U.S. Immigration and Customs Enforcement](#)

Summary: This hearing examined the administration's immigration enforcement efforts, and what they are doing to address various enforcement concerns. Recently, DHS Secretary Johnson directed a review to determine if private detention facilities used to detain the vast majority of unlawful and criminal aliens should continue to be used. Director Saldaña stated that if private detention facilities were closed, they would not be able to meet its mandate of maintaining 34,000 detention beds. Members of the committee also expressed concerns with the number of criminal aliens who have been released from custody, being rearrested for crimes after their release. Additionally, members pressed ICE Director Saldaña on why DHS has not put pressure on the State Department to exercise its authority to stop issuing visas to nationals from countries that refuse to accept the return of their citizens who have been ordered removed from the United States.

House Judiciary Committee - Regulatory Reform Subcommittee - September 22

[Treating the Opioid Epidemic: The State of Competition in the Markets for Addiction Medicine](#)

Summary: This hearing examined the opioid epidemic, specifically focusing on prescription opioid abuses. Witnesses testified that more needs to be done to require ongoing prescriber education and training to ensure appropriate prescribing of controlled substances, effective pain management and identification of patients at risk for prescription drug abuse and overdose, as well as those in need of treatment. Additionally, doctor-shopping continues to remain a problem with opioid abuse.

Legislation Considered Last Week

House:

[H.R. 5963](#) - Supporting Youth Opportunity and Preventing Delinquency Act

Status: Approved by the House on 9/22 (382-29)

Summary: To reauthorize and improve the Juvenile Justice and Delinquency Prevention Act of 1974, and for other purposes. Federal programs to prevent juvenile delinquency and provide services to young offenders would be reauthorized through fiscal 2022. The bill would authorize a total of \$855.2 million from fiscal 2018 through 2022 for state, local and American Indian tribal programs.

[H.R. 6004](#) - MGT Act

Status: Approved by the House on 9/22

Summary: This bill allows large federal agencies to obtain more financial support to update and improve their information technology (IT) and cybersecurity systems. The bill would establish IT modernization funds and create a board to oversee improvement projects. Funds could be used to replace legacy systems, move to cloud computing platforms, respond to cybersecurity threats, and procure IT products and services.

[H.R. 5859](#) - Community Counterterrorism Preparedness Act

Status: Approved by the House on 9/21 (395-30)

Summary: Emergency response agencies in major urban areas could receive grants from the Federal Emergency Management Agency for training and exercises to prevent, prepare for and respond to potential terrorist attack scenarios, including active shooters. The measure would authorize \$39 million annually for grants from fiscal 2017 through 2022.

[H.Con.Res. 122](#) - PROTECT Patrimony Resolution

Status: Approved by the House on 9/21

Summary: Congress would condemn the theft, illegal possession, sale, transfer and export of tribal cultural items. It would call on the heads of the Interior, State, Commerce, Homeland Security and Justice departments to consult with tribes and American Indian religious leaders to take action to stop illegal activity and secure repatriation. The measure would support the development of explicit restrictions on the export of tribal cultural items and encourage states, local governments and interested groups to work cooperatively.

[H.R. 4712](#) - Strengthening the Department of Homeland Security Secure Mail Initiative Act

Status: Approved by the House on 9/21

Summary: Recipients of documents under the Homeland Security Department's Secure Mail Initiative could require that the U.S. Postal Service obtain a signature when the document is delivered. DHS would have to require that a fee be paid, and that the amount of the fee be enough to cover the costs.

[H.R. 5523](#) - Clyde-Hirsch-Sowers RESPECT Act

Status: Approved by the House on 9/22 (415-0)

Summary: This bill revises the authority and procedures that the Internal Revenue Service (IRS) uses to seize property that has been structured to avoid Bank Secrecy Act (BSA) reporting requirements. The IRS may only seize property it suspects has been structured to avoid BSA reporting requirements if the property was derived from an illegal source or the funds were structured for the purpose of concealing the violation of a criminal law or regulation other than structuring transactions to evade BSA reporting requirements. Within 30 days of seizing property, the IRS must: (1) make a good faith effort to find all owners of the property, and (2) notify the owners of the post-seizure hearing rights established by this bill. The IRS may apply to a court for one 30-day extension of the notice requirement if it can establish probable cause of an imminent threat to national security or personal safety. If the owner of the property requests a court hearing within 30 days after the date on which notice is provided, the property must be returned unless the court holds a hearing within 30 days after notice is provided and finds that there is

probable cause to believe that the property was derived from an illegal source or the funds were structured to conceal the violation of a criminal law or regulation other than a structuring violation. The bill amends the Internal Revenue Code to exclude from gross income any interest received from the federal government in connection with an action to recover property seized by the IRS pursuant to a claimed violation of the structuring provisions of the BSA.

Senate:

H.R. 5325 - Legislative Vehicle for the Continuing Resolution to Fund the Federal Government

Status: Consideration in the Senate on 9/19

Summary: This bill extends government funding at current levels until December 9, and also includes funding to combat the Zika virus, and provide disaster relief for Louisiana and other areas.

Legislation Introduced Last Week

Date Introduced	Bill Number	Sponsor	Description
9/22/2016	HR 6158	Tom Reed (R-NY-23)	Provides for enhanced penalties for certain offenses relating to controlled substances containing fentanyl.
9/22/2016	HR 6152	Dan Kildee (D-MI-5)	Provides funding for Violent Crime Reduction Partnerships in the most violent communities in the United States.
9/22/2016	HR 6149	Joe Kennedy (D-MA-4)	To promote pro bono legal services as a critical way in which to empower survivors of domestic violence.
9/22/2016	HR 6133	Jim Sensenbrenner (R-WI-5)	To reauthorize certain programs established by the Adam Walsh Child Protection and Safety Act of 2006
9/22/2016	HRes 889	Al Green (D-TX-9)	Supporting the goals and ideals of October as National Domestic Violence Awareness Month and expressing the sense of the House of Representatives that Congress should continue to raise awareness of domestic violence and its devastating effects on individuals, families, and communities, and support programs designed to end domestic violence in the United States.
9/21/2016	HR 6113	Bonnie Watson Coleman (D-NJ-12)	End For-Profit Prisons Act of 2016 - To restrict the authority of the Attorney General to enter into contracts for Federal correctional facilities and community confinement facilities
9/21/2016	HR 6110	Scott Perry (R-PA-4)	Allow State Sovereignty Upon Refugee Entry (ASSURE) Act - To amend section 412(a)(2) of the Immigration and Nationality Act to require ratification of a plan with respect to a refugee by the legislature of a State before the refugee may be initially placed or resettled in the State.
9/21/2016	HR 6097	Jose Serrano (D-NY-15)	Immigration Courts Bail Reform Act - To amend section 236 of the Immigration and Nationality Act to modify the conditions on the detention of aliens.
9/21/2016	S 3369	John McCain (R-AZ)	A bill to amend section 2709 of title 18, United States Code, to clarify that the Government may obtain a specified set of electronic communication transactional records under that section, and to make permanent the authority for individual terrorists to be treated as agents of foreign powers under the Foreign Intelligence Surveillance Act of 1978.
9/20/2016	HR 6087	Martha McSally (R-AZ-2)	IDENT Fingerprint Digitization Completion Act of 2016 - To require the completion of the digitization of all remaining paper-based fingerprint records for inclusion in the Automated Biometric Identification System (IDENT) of the Department of Homeland Security.

9/20/2016	HR 6080	Mark DeSaulnier (D-CA-11)	Modernizing Firearm Technology Act - To provide for the availability of personalized handguns from federally licensed firearms dealers, and for other purposes.
9/20/2016	HR 6073	Hank Johnson (D-GA-4)	Election Infrastructure and Security Promotion Act of 2016 - To direct the Secretary of Homeland Security to conduct research and development to mitigate the consequences of threats to voting systems, to amend the Help America Vote Act of 2002 to require the voting systems used in elections for Federal office to comply with national standards developed by the National Institute of Standards and Technology for operational security and ballot verification, to establish programs to promote research in innovative voting system technologies, and for other purposes.
9/20/2016	HR 6072	Hank Johnson (D-GA-4)	Election Integrity Act of 2016 - To amend the Help America Vote Act of 2002 to promote accuracy, integrity, and security in the administration of elections for Federal office, and for other purposes.
9/20/2016	S 3359	Patrick Leahy (D-VT)	A bill to amend title I of the Omnibus Crime Control and Safe Streets Act of 1968 to authorize grants for heroin and methamphetamine task forces.
9/19/2016	HR 6066	Ralph Abraham (R-LA-5)	Cybersecurity Responsibility and Accountability Act of 2016 - sets a number of directives for federal agencies to strengthen their cybersecurity protocols, and the bill brings a new level of accountability for agency heads that fail to implement the security measures necessary to prevent against cyber attacks.
9/19/2016	S 3351	Marco Rubio (R-FL)	Keep Terrorists Off the Battlefield Act - To prohibit certain transfers of individuals detained at United States Naval Station, Guantanamo Bay, Cuba, to prohibit funds from being made available for the closure of that Naval Station, and for other purposes.
9/19/2016	SRes 570	Chris Murphy (D-CT)	A resolution recognizing the importance of substance abuse disorder treatment and recovery in the United States.