



BROOKS BAWDEN LLC

Weekly Update

December 12 - 16, 2016

Content in this Weekly Update:

- Highlighted Issues 1
- Legislation on the House & Senate Floor 2
- Previous Hearings/ Markups 2
- Previous Floor Actions 3
- Introduced Legislation 7

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 12/5/16](#)
- [Weekly 11/28/16](#)
- [Weekly 11/21/16](#)
- [Weekly 11/14/16](#)
- [Weekly 11/7/16](#)
- [Weekly 10/31/16](#)
- [Weekly 10/3/16](#)

Latest News

- The House and Senate are not in session this week. Both chambers will meet in pro forma sessions up until when they return on January 3, at which time the 115th Congress will convene and be sworn into office. It is expected that during the pro forma session, some of the bipartisan bills that were approved by unanimous consent during the waning hours last Friday by the Senate, may be approved by unanimous consent in the House this week.
- **21st Century Cures Act** - The 21st Century Cures Act was signed into law on December 13. This legislation goes a long way to tackle some of our major healthcare needs including cancer research, mental health treatment, and will provide approximately \$1 billion to fight Opioid abuse. Included within this bill is the Comprehensive Justice and Mental Health Act, which will help law enforcement and mental health professionals to increase public safety, reduce costs, and improve the prospects of recovery for justice-involved individuals. You can view the Major County Sheriffs' Association press release [here](#). Detailed information about the bill can be found below.
- **2016 National Drug Threat Assessment** - The DEA released the results from the 2016 National Drug Threat Assessment on December 6, which details the extent to which illicit drugs are affecting the United States. Most notably, the 2016 NDTA continues to illuminate the nationwide opioid epidemic, which is fueling a growing heroin user population and resulting in a greater amount of overdoses. You can view the report [here](#).
- **House Homeland Report on DHS Intelligence Enterprise** - The House Homeland Security Committee released a report titled, "Reviewing the Department of Homeland Security's Intelligence Enterprise: Fighting Terrorism by Addressing Key Gaps." This review is an in-depth analysis of the Department's intelligence structure and functions, and provides over 30 recommendations with regard to streamlining and enhancing DHS intelligence efforts. One of the key recommendations was that the CINT should ensure that the IE serves State, local, tribal, and territorial law enforcement authorities effectively, while at the same time benefiting from the unique information they can provide to the Department. You can view the report [here](#).
- **Nomination Hearing of Senator Jeff Sessions for AG** - Senate Judiciary Committee Chairman Chuck Grassley (R-IA) has scheduled the confirmation hearing for Senator Jeff Sessions to be the next Attorney General in the Trump Administration. The hearing has been scheduled to last two days, January 10 - 11, 2017. See the committee notice [here](#).
- **CDC Report on Mortality in the United States, 2015** - According to data released on December 8 by the Centers for Disease Control and Prevention, drug overdose deaths continued their rise in 2015, totaling more than 50,000. Heroin deaths rose 23 percent in one year, to 12,989, slightly higher than the number of gun homicides. You can view the report [here](#).

- **ARTICLES OF INTEREST:**

Suspected Terror Attack at OSU Launched Nationwide Dragnet for Information**ABC News | Mike Levine**

Brian Quinn was having a routine morning chat with a highway patrolman on Nov. 28 when one of his staffers interrupted: “Gentlemen, you need to know of a developing situation.” “There’s been a police shooting on the [Ohio State University] campus involving a car versus a crowd,” the staffer told Quinn, who runs the Ohio Strategic Analysis and Information Center in Columbus. It was the start of a nationwide dragnet for information. “We don’t know where the shoe may be falling next,” said Mike Hartzler, another senior homeland security official in Ohio. It’s a tough question to answer quickly, especially with new technologies allowing criminals and terrorists to increasingly operate in secret. So local authorities have developed a network of “fusion centers” in states and cities across the country, all looking to help each other compile, vet and swap information related to threats in their areas. **Continue reading [here](#).**

One-third of long-term opioid users become addicted**Washington Examiner | Paige Winfield Cunningham**

One-third of Americans using doctor-prescribed painkillers for at least two months say they became addicted to the drugs, according to a poll released Friday by the Washington Post and the Kaiser Family Foundation. The survey results highlight troubling questions about whether U.S. doctors are indirectly responsible for the opioid abuse crisis by over-prescribing powerful painkillers and failing to adequately warn patients about their dangers.

Continue reading [here](#).

Legislation on the Floor This Week

The House and Senate are meeting in pro forma sessions this week, with the possibility of consideration of various bipartisan bills to be considered by unanimous consent.

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 Oversight Committee - Full Committee Hearing - December 7

[Examining the Costs of Overclassification on Transparency and Security](#)

Summary: This hearing examined overclassification of national security information and other government information, including controlled unclassified information and other designations. The Committee discussed how overclassification and excessive secrecy can have negative effects on national security and government accountability. One of the key findings from the hearing was that the federal government spent more than \$100 billion during the last 10 years on security classification activities, and yet, it is estimated 50 to 90 percent of classified material is not properly labeled. Concerns with overclassification has been lingering for years, and calls for action to address this problem has only increased in light of the revelations of Secretary Clinton’s use of an unsecured email server.

Senate Commerce Committee - Surface Transportation Subcommittee Hearing - December 7

[Assessing the Security of Our Critical Transportation Infrastructure](#)

Summary: This hearing examined security vulnerabilities in the U.S. transportation system and efforts to guard against the threat of terrorism targeting surface transportation infrastructure. The hearing looked at TSA’s surface transportation programs and its cooperation with other government agencies and private industry. Additionally, witnesses testified regarding the TWIC program, and the continued need to improve, and streamline the program, as well as decrease its costs. Also, cybersecurity concerns surrounding our nation’s critical infrastructure was examined.

Legislation Considered Last Week

House:

H.R. 6130 - Holocaust Expropriated Art Recovery Act of 2016

Status: Approved by the Senate on 12/10; Approved by the House on 12/7

Summary: This bill allows civil claims or causes of action for the recovery of artwork or certain other property lost between January 1, 1933, and December 31, 1945, because of Nazi persecution to be commenced within six years after the claimant's actual discovery of: (1) the identity and location of the artwork or other property, and (2) a possessory interest in the artwork or property.

H.R. 4919 - Kevin and Avonte's Law of 2016

Status: Approved by the House on 12/8

Summary: 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.

H.R. 6431 - Promoting Travel, Commerce, and National Security Act of 2016

Status: Approved by the Senate on 12/10; Approved by the House on 12/7

Summary: To ensure United States jurisdiction over offenses committed by United States personnel stationed in Canada in furtherance of border security initiatives.

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

Status: Approved by the Senate on 12/10; Approved by the House on 12/7

Summary: This bill permanently reauthorizes the Emmett Till Unsolved Civil Rights Crime Act of 2007 (Emmett Till Act) 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 should: (1) coordinate information sharing; (2) support the full accounting of all victims whose deaths or disappearances were the result of racially motivated crimes; (3) hold accountable under federal and state law individuals who were perpetrators of, or accomplices in, unsolved civil rights murders and disappearances; (4) keep families regularly informed about the status of the investigations; and (5) expeditiously comply with Freedom of Information Act requests and develop a singular, publicly accessible repository of these disclosed documents.

H.R. 5790 - FBI Whistleblower Enhancement

Status: Approved by the Senate on 12/10; Approved by the House on 12/7

Summary: To provide adequate protections for whistleblowers at the Federal Bureau of Investigation.

S. 2971 - National Urban Search and Rescue Response System Act of 2016

Status: Approved by the Senate on 12/10; Approved by the House on 12/7

Summary: This bill amends the Robert T. Stafford Disaster Relief and Emergency Assistance Act to direct the Federal Emergency Management Agency (FEMA) to: (1) continue to administer the National Urban Search and Rescue Response System; (2) provide for a national network of standardized search and rescue resources to assist states and local governments in responding to hazards; (3) designate urban search and rescue teams to participate in the system, determine participation criteria, and enter into an agreement with the state or local government agency sponsoring each team with respect to such participation; and (4) maintain management and technical teams necessary to administer the system.

H.R. 2028 - Continuing Resolution for FY 2017 Appropriations

Status: Signed into law by the President on 12/10; Approved by the Senate on 12/9; Approved by the House on 12/8

Summary: This legislation will continue funding for federal programs and services until April 28, 2017. It maintains the current budget cap level of \$1.07 trillion put into place under the Budget Control Act of 2011. This legislation includes an additional \$7 million for Byrne JAG, to be used for providing reimbursement to state and local law enforcement overtime costs directly and solely associated with protecting the President-elect. Additionally, the legislation includes a provision that lays out the debate parameters for when the Senate considers the waiver for retired General James Mattis to become the next Secretary of Defense.

[H.R. 3842](#) - Federal Law Enforcement Training Centers Reform and Improvement Act of 2015

Status: Approved by the Senate as amended on 12/10; Approved by the House on 12/8

Summary: This bill amends the Homeland Security Act of 2002 to codify the establishment of the Federal Law Enforcement Training Center (FLETC) within the Department of Homeland Security (DHS). The FLETC must be headed by a director who reports directly to the DHS Secretary. The bill sets forth functions of the director and training responsibilities of the FLETC. Additionally, it codifies existing contracting, purchasing, and spending authorities of the FLETC. Individuals who attend FLETC training must reside in FLETC housing, to the extent practicable.

Senate:

[H.R. 34](#) - 21st Century Cures Act

Status: Approved by the Senate on 12/7; Approved by the House on 11/30

Section by section summary: [here](#)

Summary: This bill combines the legislation known as the 21st Century Cures Act with a reauthorization of programs to deal with mental illness, plus grants to address opioid addiction. The package seeks to address foster care, Temporary Assistance for Needy Families, FDA review of new drugs and medical devices, as well as research on cancer and other diseases via the National Institutes of Health.

Conference Report to [S. 2943](#) - National Defense Authorization Act for Fiscal Year 2017

Status: Consideration in the Senate this week; Approved by the House on 12/2

Summary: This bill authorizes FY2017 appropriations and sets forth policies regarding the military activities of the Department of Defense (DOD), military construction, and the national security programs of the Department of Energy (DOE).

[H.R. 2028](#) - Continuing Resolution for FY 2017 Appropriations

Status: Signed into law by the President on 12/10; Approved by the Senate on 12/9; Approved by the House on 12/8

Summary: This legislation will continue funding for federal programs and services until April 28, 2017. It maintains the current budget cap level of \$1.07 trillion put into place under the Budget Control Act of 2011. This legislation includes an additional \$7 million for Byrne JAG, to be used for providing reimbursement to state and local law enforcement overtime costs directly and solely associated with protecting the President-elect. Additionally, the legislation includes a provision that lays out the debate parameters for when the Senate considers the waiver for retired General James Mattis to become the next Secretary of Defense.

[S. 546](#) - RESPONSE Act of 2016

Status: Approved by the Senate on 12/10; Approved by the House on 11/29

Summary: This bill amends the Homeland Security Act of 2002 to direct the Federal Emergency Management Agency to establish the Railroad Emergency Services Preparedness, Operational Needs, and Safety Evaluation (RESPONSE) Subcommittee of the National Advisory Council. The RESPONSE Subcommittee shall develop recommendations, as appropriate, for improving emergency first responder training and resource allocation for hazardous materials (hazmat) incidents involving railroads after evaluating the following topics: the quality and application of training for local emergency first responders related to rail hazmat incidents, with a particular focus on local emergency responders and small communities near railroads; the effectiveness of funding levels related to training local emergency first responders for rail hazmat incidents, with a particular focus on local emergency first responders and small communities near railroads; and the strategy for integrating commodity flow studies, mapping, rail and hazmat databases and other relevant data for local emergency first responders and increasing the rate of access to the individual responder in existing or emerging communications technology.

S. 2781 - Federal Law Enforcement Training Centers Reform and Improvement Act of 2016

Status: Approved by the Senate on 12/10

Summary: To improve homeland security, including domestic preparedness and response to terrorism, by reforming Federal Law Enforcement Training Centers to provide training to first responders, and for other purposes.

H.R. 3842 - Federal Law Enforcement Training Centers Reform and Improvement Act of 2015

Status: Approved by the Senate as amended on 12/10; Approved by the House on 12/8

Summary: This bill amends the Homeland Security Act of 2002 to codify the establishment of the Federal Law Enforcement Training Center (FLETC) within the Department of Homeland Security (DHS). The FLETC must be headed by a director who reports directly to the DHS Secretary. The bill sets forth functions of the director and training responsibilities of the FLETC. Additionally, it codifies existing contracting, purchasing, and spending authorities of the FLETC. Individuals who attend FLETC training must reside in FLETC housing, to the extent practicable.

H.R. 5065 – Bottles and Breastfeeding Equipment Screening Act

Status: Approved by the Senate on 12/10; Approved by the Senate on 9/27

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

H.R. 5790 – FBI Whistleblower Enhancement

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H.R. 6431 - Promoting Travel, Commerce, and National Security Act of 2016

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Summary: To ensure United States jurisdiction over offenses committed by United States personnel stationed in Canada in furtherance of border security initiatives.

H.R.6302 - A bill to provide an increase in premium pay for protective services during 2016, and for other purposes.

Status: Approved by the Senate as amended on 12/10; Approved by the House on 11/30

Summary: This bill provides an increase in premium pay for United States Secret Service agents performing protective services during 2016.

S. 2971 - National Urban Search and Rescue Response System Act of 2016

Status: Approved by the Senate on 12/10; Approved by the House on 12/7

Summary: This bill amends the Robert T. Stafford Disaster Relief and Emergency Assistance Act to direct the Federal Emergency Management Agency (FEMA) to: (1) continue to administer the National Urban Search and Rescue Response System; (2) provide for a national network of standardized search and rescue resources to assist states and local governments in responding to hazards; (3) designate urban search and rescue teams to participate in the system, determine participation criteria, and enter into an agreement with the state or local government agency sponsoring each team with respect to such participation; and (4) maintain management and technical teams necessary to administer the system.

H.R. 710 - Essential Transportation Worker Identification Credential Assessment Act

Status: Approved by the Senate as amended on 12/10; Approved by the House on 2/10/15

Summary: This bill directs the Department of Homeland Security (DHS) to commission a national laboratory or a university-based center within the DHS centers of excellence network to conduct a two-phase comprehensive assessment of the effectiveness of the Transportation Worker Identification Credential (TWIC) Program at enhancing security and reducing security risks for maritime facilities and vessels that pose a high risk of being involved in a transportation security incident.

H.R. 6130 - Holocaust Expropriated Art Recovery Act of 2016

Status: Approved by the Senate on 12/10; Approved by the House on 12/7

Summary: This bill allows civil claims or causes of action for the recovery of artwork or certain other property lost between January 1, 1933, and December 31, 1945, because of Nazi persecution to be commenced within six years after the claimant's actual discovery of: (1) the identity and location of the artwork or other property, and (2) a possessory interest in the artwork or property.

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Legislation Introduced Last Week

Date Introduced	Bill Number	Sponsor	Description
12/12/2016	HR 6527	Stephen Fincher (R-TN-8)	To provide for a supplemental award of funds under the Byrne JAG program to States that report DUI convictions to the Attorney General, and for other purposes.
12/12/2016	HR 6526	Tom Emmer (R-MN-6)	To eliminate the discretion of the Secretary of Homeland Security regarding the definition of the term "official purpose" as it applies to drivers' licenses and personal identification cards, and for other purposes.
12/9/2016	S 3545	Dan Sullivan (R-AK)	A bill to protect Federal, State, and local public safety officers.
12/9/2016	S 3546	Jeff Flake (R-AZ)	A bill to provide provisional protected presence to qualified individuals who came to the United States as chil-
12/9/2016	S 3542	Lindsey Graham (R-SC)	A bill to provide provisional protected presence to qualified individuals who came to the United States as chil-
12/9/2016	S 3541	Orrin Hatch (R-UT)	A bill to require States and units of local government receiving funds under grant programs operated by the Department of Justice that use such funds for pretrial services programs to submit to the Attorney General a report relating to such programs, and for other purposes.
12/9/2016	SRes 634	Steve Daines (R-MT)	A resolution affirming the importance of the security and privacy of the people of the United States.
12/8/2016	HR 6519	Mike Quigley (D-IL-5)	To protect any State or local authority that limits or restricts compliance with an immigration detainer request remains eligible for grants and appropriated funds.
12/8/2016	HR 6505	Alan Grayson (D-FL-9)	To require that jurisdictions receiving Byrne JAG funds have in place an independent civilian review board for the purpose of reviewing allegations of brutality and civil rights violations made against law enforcement officers of the law enforcement agency of that jurisdiction.
12/8/2016	HR 6499	Danny Davis (D-IL-7)	To permit the expungement of records of certain nonviolent criminal offenses.
12/8/2016	HR 6497	Buddy Carter (R-GA-1)	To require screening transparency and accountability of the TSA, and for other purposes.
12/8/2016	HR 6495	Marc Veasey (R-TX-33)	To require the Secretary of Homeland Security, with respect to individuals who have timely filed a DACA renewal request, to provide a short-term, interim grant of deferred action and employment authorization when there is a delay in processing the renewal request because of a service disruption or other technical problem that causes adjudications to stop or stall.

12/8/2016	HR 6486	Bobby Rush (D-IL-1)	To require, as a condition on the receipt of Federal funds, that States require law enforcement agencies to have in effect a policy regarding the use of body-worn cameras and dashboard cameras.
12/8/2016	HR 6484	Bobby Rush (D-IL-1)	To acknowledge the fundamental injustice and the subsequent de jure and de facto racial and economic discrimination against those African-Americans impacted by the "War on Drugs" and the subsequent disparate and discriminatory mass incarceration, to determine the role that private corporations played in the prison industrial complex, to determine the impact of these forces on their families, to make recommendations to the Congress on appropriate remedies, and for other purposes.
12/8/2016	HR 6480	Devin Nunes (R-CA-22)	Intelligence Authorization Act for Fiscal Year 2017 - To authorize appropriations for fiscal year 2017 for intelligence and intelligence-related activities of the United States Government, the Intelligence Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes.
12/8/2016	HR 6478	Katherine Clark (D-MA-5)	To amend title 18, United States Code, to provide criminal and civil remedies for publication of personally identifiable information with the intent to do harm.
12/8/2016	S 3524	Jeff Flake (R-AZ)	A bill to amend Rule 611 of the Federal Rules of Evidence to prohibit cross-examination by the accused of minor victims of sexual assault.
12/8/2016	S 3523	Al Franken (D-MN)	A bill to amend the Indian Civil Rights Act of 1968 to extend the jurisdiction of tribal courts to cover crimes involving sexual violence, and for purposes.
12/8/2016	S 3520	Robert Menendez (D-NJ)	A bill to amend the Trafficking Victims Protection Act of 2000 to clarify report dates, modify the criteria for determinations of whether countries are meeting the minimum standards for elimination of trafficking, and highlight the importance of concrete actions by countries to eliminate trafficking, and for other purposes.
12/7/2016	HR 6468	Andy Harris (R-MD-1)	To prohibit any entity that receives Federal funds and does not comply with a lawful request for information or detainment of an alien made by any officer or employee of the Federal government who is charged with enforcement of the immigration laws from receiving additional funding.
12/7/2016	HConRes 180 / SConRes 58	Bobby Rush (D-IL-1) / Cory Booker (D-NJ)	Expressing the sense of Congress that rates for inmate calling service should not exceed the affordable modified rates adopted by the Federal Communications Commission.

12/7/2016	S 3515	Joe Donnelly (D-IN)	Investing in Neighborhood-focused, Vital, Evidence-based Strategies and Trust to Prevent Crime Act of 2016 - To authorize previously appropriated resources for communities to address persistent or historical crime through collaborative cross-sector partnerships.
12/6/2016	HR 6443	Michelle Lujan Grisham (D-NM-1)	Heroin and Opioid Abuse Prevention and Treatment Act of 2016 - To amend the Internal Revenue Code to impose an excise tax on opioid manufacturers, to make the funds collected through such tax available for opioid (including heroin) abuse prevention and treatment programs, and for oth-
12/6/2016	HR 6441	Tammy Duckworth (D-IL-8)	Video Visitation in Prisons Act of 2016 - To provide for the regulation of video visitation services by the Federal Communications Commission generally, to establish criteria for the provision of video visitation services by the Bureau of Prisons, and for other purposes.
12/6/2016	HR 6440	Trey Gowdy (R-SC-4)	Justice for Child Victims Act of 2016 - To amend title 18, United States Code, to provide for new procedures regarding the payment of restitution by defendants convicted of child pornography offenses, and for other purposes.
12/6/2016	S 3507 / HR 6483	John Cornyn (R-TX) / Sam Johnson (R-TX-3)	A bill to extend the waiver of limitations with respect to excluding from gross income amounts received by wrongfully incarcerated individuals.
12/5/2016	S 3494	Jeff Flake (R-AZ)	CBP HiRe Act - To provide U.S. Customs and Border Protection with adequate flexibility in its employment authorities



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