



# BROOKS BAWDEN LLC

## Weekly Update

December 5 - 9, 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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- [Weekly 11/7/16](#)
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- [Weekly 10/3/16](#)
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### Latest News

- The House and Senate are in session this week. The current continuing resolution that funds the government expires on December 9. The House and Senate will consider a CR this week that is expected to last through April. Once the House and Senate finalizes work this week, they are expected to adjourn until January 3, upon which the new Congress will be sworn in.
- **DHS Secretary Nominee** - President-elect Trump has tapped retired Marine General John Kelly to lead the Department of Homeland Security. Kelly is the former head of U.S. Southern Command, and will bring four decades of military experience with him to DHS.
- **Terror Threat Snapshot** - The House Homeland Security Committee released its monthly snapshot of the terror threat that shows the that the U.S. is facing its highest Islamist terror threat environment since 9/11, and much of the threat now stems from individuals who have been radicalized at home. You can view the snapshot [here](#).
- **Commission on Enhancing National Cybersecurity** - The White House Commission on Enhancing National Cybersecurity released its final report on December 1, with its recommendations on what steps the government, private sector, and the nation can take to bolster cybersecurity in today's digital world. The Commission identified six priority imperatives under which 16 recommendations appear. You can view the report [here](#).
- **DOJ Report on Policing** - The Department of Justice's COPS Office released a report on December 5 titled, "The State of Policing in the United States." This report provides an overview of law enforcement and changes in policing and practices in the U.S. Divided into three sections, the first part identifies the many ways in which the field was tested, including topics such as excessive use of force. The second section discusses community policing approaches and other strategies that police used to engage their communities and enhance public safety. The third section examines the impact of events and policies on law enforcement officers and their work. You can view the report [here](#).
- **Transition Update** - Last week, law enforcement groups met with the President-elect's Department of Justice transition team to discuss the issues facing the law enforcement community. The groups outlined their priorities, highlighted inefficiencies within DOJ and DHS, and discussed ways to help foster greater working relationships between DOJ and state and local law enforcement.
- **ARTICLES OF INTEREST:**  
**FBI and NSA Poised to Gain New Surveillance Powers Under Trump**  
**Bloomberg | Chris Strohm**  
 The FBI, National Security Agency and CIA are likely to gain expanded surveillance powers under President-elect Donald Trump and a Republican-controlled Congress, a prospect

that has privacy advocates and some lawmakers trying to mobilize opposition. Trump's first two choices to head law enforcement and intelligence agencies -- Republican Senator Jeff Sessions for attorney general and Republican Representative Mike Pompeo for director of the Central Intelligence Agency -- are leading advocates for domestic government spying at levels not seen since the aftermath of the Sept. 11, 2001, terrorist attacks. The fights expected to play out in the coming months -- in Senate confirmation hearings and through executive action, legislation and litigation -- also will set up an early test of Trump's relationship with Silicon Valley giants including Apple Inc. and Alphabet Inc.'s Google. Trump signaled as much during his presidential campaign, when he urged a consumer boycott of Apple for refusing to help the FBI hack into a terrorist's encrypted iPhone. **Continue reading [here](#).**

### **Law enforcement endorsements pile up for Sessions**

#### **The Hill | Jonathan Swan**

Law enforcement endorsements are rushing in for Jeff Sessions, the Alabama senator picked by President-elect Donald Trump to be the nation's next attorney general. In the 10 days since Trump announced Sessions for the top legal post, at least nine law enforcement groups have come out in support of the senator. The list includes two of the major police unions in the country, the Fraternal Order of Police — the biggest police union in the country — and the AFL-CIO's International Union of Police Associations. Other groups supporting Sessions are the Major Cities Chiefs Association, National Narcotic Officers' Associations' Coalition, National Sheriffs' Association, National Association of Assistant U.S. Attorneys, Major County Sheriffs' Association, National District Attorneys Association and the National Association of Police Organizations. **Continue reading [here](#).**

### **Return White House Drug Czar to Cabinet**

#### **Townhall | Robert Charles**

Many critical issues tied to fundamental bureaucratic reform and redirection of federal policies await the Trump/Pence cabinet. But one cabinet pick, often forgotten and vital to redirecting national policy at a time of crisis, is the so-called "Drug Czar." Formally, this post is known as the White House Director of the Office of National Drug Control (ONDCP). This position has never been more important, nor has any president been better positioned to shape the future with such an appointment. Opiate addiction has skyrocketed, leading to a breathtaking loss of 47,055 lives last year. Deaths by synthetic drugs quintupled in some categories. Marijuana use, the number one basis for drug treatment, has jumped by 27 percent (during Obama's years). Drugged driving has risen by roughly 20 percent, and 80 percent of men arrested for property and personal crime in major cities test positive for drugs. This is a genuine crisis enveloping the country. **Continue reading [here](#).**

### **Familial-DNA testing used for first time in Ohio in suspected serial-abductor case: Q&A**

#### **Cleveland.com | Adam Ferrise**

The state crime lab used a new kind of DNA testing for the first time in Ohio to help identify and arrest a Lorain man accused of being a serial abductor and child predator, officials said. Ohio Attorney General Mike DeWine said familial DNA testing led federal, state and local law enforcement officials to begin looking at Justin Christian, 29, as a suspect in the abduction and rape of a 6-year-old Cleveland girl and the attempted abduction of a 10-year-old Elyria girl. Investigators zeroed in on Christian and ended a months-long manhunt by arresting him about 9 p.m. Friday in Lorain, according to the FBI. Christian is now charged with rape, kidnapping and aggravated burglary in a 14-count indictment. **Continue reading [here](#).**

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## **Hearings & Markups Happening This Week**

House Oversight Committee - Full Committee Hearing

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

December 7 @ 9:00 am - 2154 Rayburn

Senate Commerce Committee - Surface Transportation Subcommittee Hearing

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

December 7 @ 2:30 pm - 253 Russell

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## Legislation on the Floor This Week

### House:

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

**Status:** To be considered in 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.

### Senate:

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

**Status:** To be considered in the Senate this week; 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

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**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.

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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.

Senate Homeland Security Committee - Full Committee Hearing - November 30

[Initial Observations of the New Leadership at the U.S. Border Patrol](#)

**Summary:** This hearing heard from the new leadership of the Border Patrol, and their thoughts on securing our borders. Questions were raised concerning the asylum process, whether individuals were being coached to ensure they go through the asylum process to stay in the U.S., and regarding the current policy of not detaining individuals

who are in the middle of going through the system. Additionally, concerns were raised regarding the amount of resources needed to care for unaccompanied children. Some Senators have expressed the need for more resources for our border agents including more personnel, greater use of technology, border walls, and expedited removal of those who are captured sneaking across the border.

House Oversight Committee - Full Committee Hearing - November 30

[Oversight of Drug Enforcement Administration's Confidential Source Program](#)

**Summary:** This hearing examined the recent audits and investigations conducted by the DEA's IG on the Confidential Source Program. Members discussed the current state of DEA's oversight and management of its CS program, changes it has made to the program, and DEA's response to the IG's recommendations. Concerns have arisen over the misuse of the program, and payments going to individuals for information that could have been obtained for free. The DEA stated that they are currently working to overhaul the program, and plans to keep better metrics to track exactly what the DEA is getting in return for the cash rewards.

#### Events off the Hill:

**Bipartisan Policy Center - [A Homeland Security Outlook for 2017](#)** - November 30

**Summary:** This briefing showcased Secretary of Homeland Security Jeh Johnson, House Homeland Security Committee Chairman Mike McCaul, and former Congresswoman Jane Harman. This discussion highlighted the need for congressional committee jurisdictional reforms, given that currently nearly 100 congressional committees and subcommittees have jurisdiction over DHS. This has made oversight of DHS burdensome, and difficult. Since the creation of DHS, the agency has not gone through a reauthorization. Chairman McCaul indicated that it would be a priority of his to seek changes to the structure of committee jurisdiction at the beginning of the new Congress. Border security, the use of social media in recruitment of extremists, building bridges among minority groups and those who may be prone for recruitment, and vetting of refugees was also discussed.

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## Legislation Considered Last Week

#### House:

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

**Status:** Amendment approved by the House on 11/29; Approved by the Senate on 5/9

**Summary:** The Federal Emergency Management Agency would have to establish a new panel to evaluate the ability of emergency response personnel to respond to hazardous material rail accidents.

##### [S. 2577](#) - **Justice for All Reauthorization Act of 2016**

**Status:** Approved by the Senate on 12/1; Amendment approved by the House on 11/29; Approved in the Senate on 6/16

**One-Pager:** [here](#)

**Summary:** To protect crime victims' rights, to eliminate the substantial backlog of DNA and other forensic evidence samples to improve and expand the forensic science testing capacity of Federal, State, and local crime laboratories, to increase research and development of new testing technologies, to develop new training programs regarding the collection and use of forensic evidence, to provide post-conviction testing of DNA evidence to exonerate the innocent, to support accreditation efforts of forensic science laboratories and medical examiner offices, to address training and equipment needs, to improve the performance of counsel in State capital cases, and for other purposes.

##### [H.R. 5422](#) - **To ensure funding for the National Human Trafficking Hotline, and for other purposes**

**Status:** Approved by the House on 11/29

**Summary:** This bill amends the Victims of Trafficking and Violence Protection Act of 2000 to eliminate the provision that specifies that Department of Health and Human Services national human trafficking hotline grants be funded by amounts made available to the Department of Justice for trafficking victim services grants.

**[H.R. 5877](#) - United States-Israel Advanced Research Partnership Act of 2016**

**Status:** Approved by the House on 11/29

**Summary:** This bill amends the Homeland Security Act of 2002 and the United States-Israel Strategic Partnership Act of 2014 to allow the Department of Homeland Security (DHS), in coordination with the Department of State, to enter cooperative programs with Israel to enhance capabilities in cybersecurity through: the international cooperation program established by DHS's Under Secretary for Science and Technology to enter into cooperative research activities with foreign partner governments that are allies in the global war on terrorism, and the Homeland Security Advanced Research Projects Agency (HSARPA).

**[H.R. 5843](#) - United States-Israel Cybersecurity Cooperation Enhancement Act of 2016**

**Status:** Approved by the House on 11/29

**Summary:** This bill requires the Department of Homeland Security (DHS) to establish a grant program to support cybersecurity research and development, and the demonstration and commercialization of cybersecurity technology, in accordance with the Agreement between the Government of the United States of America and the Government of the State of Israel on Cooperation in Science and Technology for Homeland Security Matters, dated May 29, 2008, or a successor agreement. Grants may be awarded for social science research and technology intended to identify, protect against, respond to, and recover from cybersecurity threats.

**[H.R. 6302](#) - Overtime Pay for Secret Service Agents Act of 2016**

**Status:** Approved by the House on 11/29

**Summary:** To provide an increase in premium pay for United States Secret Service agents performing protective services during 2016.

**[H.R. 6393](#) - Intelligence Authorization Act for Fiscal Year 2017**

**Status:** Approved by the House on 11/30

**Summary:** To authorize appropriations for fiscal year 2017 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes.

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

**Status:** 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:** 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).

**Senate:****[S. 2974](#) - A bill to ensure funding for the National Human Trafficking Hotline, and for other purposes.**

**Status:** Approved by the Senate on 11/28

**Summary:** This bill amends the Victims of Trafficking and Violence Protection Act of 2000 to eliminate the provision that specifies that Department of Health and Human Services national human trafficking hotline grants be funded by amounts made available to the Department of Justice for trafficking victim services grants.

**[S. 2944](#) - Public Safety Officers' Benefits Improvement Act of 2016**

**Status:** Approved by the Senate on 11/29

**Summary:** This bill amends the Omnibus Crime Control and Safe Streets Act of 1968 to revise administrative requirements for the Public Safety Officers' Benefits (PSOB) program. Specifically, it authorizes the Department of Justice's Bureau of Justice Assistance (BJA) to establish PSOB program rules, regulations, and procedures based on standards developed by another federal agency. In determining eligibility for death or disability benefits, the BJA must give substantial weight to evidence and facts presented by a state, local, or federal agency. Additionally, the BJA must publish and update information on pending claims and report to Congress on submitted claims for death, disability, and educational benefits.

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

**Status:** Approved by the Senate on 11/30

**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.

#### **S. 2577 - Justice for All Reauthorization Act of 2016**

**Status:** Approved by the Senate on 12/1; Amendment approved by the House on 11/29; Approved in the Senate on 6/16

**One-Pager:** [here](#)

**Summary:** To protect crime victims' rights, to eliminate the substantial backlog of DNA and other forensic evidence samples to improve and expand the forensic science testing capacity of Federal, State, and local crime laboratories, to increase research and development of new testing technologies, to develop new training programs regarding the collection and use of forensic evidence, to provide post-conviction testing of DNA evidence to exonerate the innocent, to support accreditation efforts of forensic science laboratories and medical examiner offices, to address training and equipment needs, to improve the performance of counsel in State capital cases, and for other purposes.

## Legislation Introduced Last Week

Date Introduced	Bill Number	Sponsor	Description
12/1/2016	<a href="#">HR 6419</a>	John Lewis (D-GA-5)	Law Enforcement Inclusion Act of 2016 - To amend the Omnibus Crime Control and Safe Streets Act of 1968 to provide that COPS grant funds may be used to hire and train new, additional career law enforcement officers who are residents of the communities they serve, and for other purposes.
11/30/2016	<a href="#">S 3485</a>	Ron Wyden (D-OR)	Stalling Mass Damaging Hacking Act of 2016 - To delay the amendments to rule 41 of the Federal Rules of Criminal Procedure.





**BROOKS BAWDEN, LLC**

**Office Address:**

300 M Street, SE  
Suite 402-B  
Washington, DC 20003

**Mailing Address:**

401 Massachusetts Ave, NW  
Suite 509  
Washington, DC 20001

**Phone:** (202) 350-0103  
**Fax:** (202) 629-4528

**Email:**

rbrooks@brooksawden.com  
bbawden@brooksawden.com  
jledden@brooksawden.com  
lcooper@brooksawden.com  
fscalera@brooksawden.com



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