



# BROOKS BAWDEN LLC

## Weekly Update

February 22-26, 2016

### Content in this Weekly Update:

- Highlighted Issues 1
- This Week's Hearings/ Markups 2
- Legislation on the House & Senate Floor 3

### Links to Previous Updates:

- [Homeland Grants in FY 2017 Budget](#)
- [DOJ Equitable Sharing Fact Sheet](#)
- [FirstNet RFP](#)
- [Omnibus Summary](#)
- [Weekly 2/15/16](#)
- [Weekly 2/8/16](#)
- [Weekly 2/1/16](#)
- [Weekly 1/25/16](#)
- [Weekly 1/18/16](#)
- [Weekly 1/11/16](#)

### Latest News

- The House and Senate are in session this week, with the Senate planning to hold a cloture vote on the nomination of the next head of the FDA. This is expected to spark some debate over the FDA's approval process of opioid painkillers, and the nominee's stance on ending what some believe is the FDA's role in the current epidemic. Additionally, the Senate could consider legislation this week that would authorize \$250 million to combat drug addiction and treat overdoses.
- The House and Senate Appropriations Committees will hear from many of the Administrations cabinet members this week to discuss their FY 2017 budget proposals. The Committee will hear from Attorney General Lynch, FBI Director Comey, and DHS Secretary Johnson.
- On February 16, Senator Chuck Grassley sent a letter to the Department of Justice and the Federal Bureau of Investigation requesting additional information on the "going dark" problem so that Congress can better understand the growing implications surrounding it. You can view the letter [here](#).

#### ARTICLES OF INTEREST:

##### **NSA chief: 'Paris would not have happened' without encrypted apps** **Yahoo News | Michael Isikoff**

National Security Agency Director Adm. Michael Rogers warns that encryption is making it "much more difficult" for the agency to intercept the communications of terrorist groups like the Islamic State, citing November's Paris attacks as a case where his agency was left in the dark because the perpetrators used new technologies to disguise their communications. **Continue reading [here](#).**

##### **Think different, Tim Cook: Apple is pretending the FBI's narrow encryption request is a frontal attack on everyone's privacy and security**

##### **NY Daily News | Editorial**

Tap by tap, swipe by swipe, Apple's refusal to help the FBI gain access to the contents of a dead terrorist's cell phone becomes more crassly commercial — or paranoid. The tech giant has marketed its devices as impervious to hacking or invasions of privacy, thanks to passcode security. **Continue reading [here](#).**

##### **Seeking iPhone Data, Through the Front Door**

##### **NY Times | William Bratton & John Miller**

The government and Apple have chosen interesting ground on which to contest the limits of government access to data on mobile devices. The case involves an F.B.I. request for Apple's assistance in opening a phone once carried by Syed Rizwan Farook, who with his wife was responsible for the terrorist attack in San Bernardino, Calif., that left 14 dead and 22 wounded. **Continue reading [here](#).**

## Hearings & Markups Happening This Week

Senate Judiciary Committee - Full Committee Hearing

[The Unaccompanied Children Crisis: Does the Administration Have a Plan to Stop the Border Surge and Adequately Monitor the Children?](#)

February 23 @ 10:00 am - 226 Dirksen

Senate Finance Committee - Full Committee Hearing

[Examining the Opioid Epidemic: Challenges and Opportunities](#)

February 23 @ 10:00 am - 215 Dirksen

Senate HELP Committee - Full Committee Hearing

[Zika Virus: Addressing the Growing Public Health Threat](#)

February 24 @ 10:00 am - 430 Dirksen

House Appropriations Committee - Homeland Security Subcommittee

[The Department of Homeland Security Budget](#)

February 24 @ 10:00 am - B-318 Rayburn

House Oversight Committee - Full Committee Hearing

[OPM Data Breach: Part III](#)

February 24 @ 10:00 am - 2154 Rayburn

House Foreign Affairs Committee - [Full Committee Markup](#) - February 24 @ 10:00 am

**[H.R. 4403 - Enhancing Overseas Traveler Vetting Act](#)**

**Status:** To be marked-up by the House Foreign Affairs Committee on 2/24; Approved by the House Homeland Security Committee on 2/2

**Summary:** This bill authorizes the Department of Homeland Security and the Department of State to: develop open-source software based on U.S. Customs and Border Protection's global travel targeting and analysis systems and the State Department's watchlisting, identification, and screening systems to facilitate the vetting of travelers against terrorist watchlists and law enforcement databases, enhance border management, and improve targeting and analysis; and make such software and any related technical assistance or training available to foreign governments or multilateral organizations for such purposes.

House Appropriations Committee - CJS Subcommittee Hearing

[The Department of Justice Budget](#)

February 24 @ 10:30 am - 2358-C Rayburn

House Oversight Committee - Full Committee Hearing

[The Zika Virus: Coordination of a Multi-Agency Response](#)

February 24 @ 2:00 pm - 2154 Rayburn

Senate Aging Committee - Full Committee Hearing

[Opioid Use Among Seniors - Issues and Emerging Trends](#)

February 24 @ 2:30 pm 562 Dirksen

Senate Appropriations Committee - Homeland Security Subcommittee Hearing

[FY2017 budget request and funding justification for the Homeland Security Department](#)

February 24 @ 2:30 pm - 192 Dirksen

House Intelligence Committee - Full Committee Hearing

[World Wide Threats](#)

February 25 @ 9:00 am - HVC 210

House Homeland Security Committee - Oversight Subcommittee Hearing  
[Probing DHS's Botched Management of the Human Resources Information Technology Program](#)  
February 25 @ 10:00 am - 311 Cannon

House Judiciary Committee - Full Committee Hearing  
[International Conflicts of Law Concerning Cross Border Data Flow and Law Enforcement Requests](#)  
February 25 @ 10:00 am - 2141 Rayburn

House Oversight Committee - Full Committee Hearing  
[Security Clearance Reform: The Performance Accountability Council's Path Forward](#)  
February 25 @ 10:00 am - 2154 Rayburn

Senate Appropriations Committee - CJS Subcommittee Hearing  
[FY2017 budget request and funding justification for the Justice Department](#)  
February 25 @ 10:00 am - 192 Dirksen

House Appropriations Committee - CJS Subcommittee Hearing  
[The Federal Bureau of Investigation Budget](#)  
February 25 @ 2:00 pm - H-309 Capitol

House Homeland Security Committee - Cybersecurity Subcommittee hearing  
[Emerging Cyber Threats to the United States](#)  
February 25 @ 2:00 pm - 311 Cannon

Senate Judiciary Committee - Immigration Subcommittee Hearing  
[The Impact of High-Skilled Immigration on U.S. Workers](#)  
February 25 @ 2:30 pm - 226 Dirksen

House Homeland Security Committee - Emergency Preparedness Subcommittee Hearing  
[Food for Thought: Efforts to Defend the Nation's Agriculture and Food](#)  
February 26 @ 9:00 am - 311 Cannon

---

## Legislation on the Floor This Week

### House:

#### **[H.R. 3584](#) – Transportation Security Administration Reform and Improvement Act of 2015**

**Status:** To be considered in the House under the suspension of the rules on 2/23; Approved by the House Homeland Security Committee 9/30/15

**Summary:** This legislation authorizes, streamlines, and identifies efficiencies within the Transportation Security Administration. TSA would be required to establish an automated, biometric-based system to verify the identity of travelers enrolled in the PreCheck program. The agency would develop an automated system at certain airports to verify travel documents for passengers who aren't enrolled in the program. The bill also would require inspectors assessing the security of mass transit agencies and over-the-road bus operators to have relevant surface transportation experience and inspection qualifications.

#### **[H.R. 4408](#) - National Strategy to Combat Terrorist Travel Act of 2016**

**Status:** To be considered in the House under the suspension of the rules on 2/23; Approved by the House Homeland Security Committee on 2/2

**Summary:** DHS would be required to develop a national strategy to intercept and constrain international and

domestic travel by terrorists and foreign fighters. The president would submit an initial strategy to Congress within 180 days of enactment, followed by an update 180 days after a new president enters office. Subsequent updates would be provided, as appropriate, until seven years after enactment. Each strategy would include goals to identify and eliminate travel security vulnerabilities that could be exploited by terrorists and foreign fighters. DHS would develop implementation plans and provide them to Congress annually for 10 years.

**H.R. 4398 - DHS Acquisition Documentation Integrity Act of 2016**

**Status:** To be considered in the House under the suspension of the rules on 2/23; Approved by the House Homeland Security Committee on 2/2

**Summary:** DHS would be required to maintain complete and accurate documentation for major acquisition programs with total expenditures exceeding \$300 million. Documentation would include operational requirements, lifecycle cost estimates and schedules. Components of DHS would submit the documents as part of the department's annual Comprehensive Acquisition Status Report.

**H.R. 4402 - Foreign Fighter Review Act of 2016**

**Status:** To be considered in the House under the suspension of the rules on 2/23; Approved by the House Homeland Security Committee on 2/2

**Summary:** DHS would be required to review known instances of individuals who, since 2011, have traveled or attempted to travel from the U.S. to join or support terrorist organizations in Syria and Iraq. The bill would require the president, acting through DHS, to initiate the review within 30 days of enactment. It would include operational issues, security vulnerabilities, and systemic challenges that undermined efforts to prevent the foreign fighters from traveling. DHS would report the results of the review, including the travel routes of greatest concern, lessons learned, and recommendations for improvement, within 120 days of enactment.

**S.238 - Eric Williams Correctional Officer Protection Act of 2015**

**Status:** To be considered in the House under the suspension of the rules on 2/24; Approved by the Senate on 12/16/15

**Summary:** Amends the federal criminal code to require the Director of the Bureau of Prisons to issue oleoresin capsicum spray to: (1) any Bureau officer or employee employed in a prison that is not a minimum or low security prison who may respond to an emergency situation in such prison; and (2) such additional prison officers and employees as the Director deems appropriate, subject to specified requirements.

**Senate:**

**S. 524 - Comprehensive Addiction and Recovery Act of 2015**

**Status:** Possible consideration in the Senate this week; Approved by the Senate Judiciary Committee on 2/11

**Summary:** Directs the Department of Health and Human Services to convene a Pain Management Best Practices Inter-Agency Task Force to develop: (1) best practices for pain management and prescribing pain medication, and (2) a strategy for disseminating such best practices. Additionally, the legislation amends the Omnibus Crime Control and Safe Streets Act of 1968 to authorize the Attorney General to make various grants.