



BROOKS BAWDEN LLC

Weekly Update

March 14–18, 2016

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Latest News

- Several law enforcement groups sent a letter to House Judiciary Committee Chairman Bob Goodlatte and Ranking Member John Conyers, expressing their concerns with [H.R. 699](#), the Email Privacy Act, which seeks to update the Electronic Communications Privacy Act. This legislation is expected to be marked up by the committee sometime in the near future. You can view the letter [here](#).
- The House and Senate are in session this week. On Tuesday, Mike Sena, President of the National Fusion Center Association, along with New York City Mayor Bill DeBlasio, and other law enforcement and emergency management stakeholders, will testify before the House Homeland Security Emergency Preparedness Subcommittee to discuss the Administration's proposed cuts to the FEMA emergency preparedness grants. Many Members of Congress have expressed opposition to the proposed cuts, and this hearing is expected to highlight those frustrations. The following day, the full committee will hear testimony from DHS Secretary Jeh Johnson to discuss the agency's budget.
- On March 11, the Obama Administration announced that it plans to spend approximately \$100 million to expand treatment for drug addiction amid soaring rates of overdoses nationwide. The funding was made available through the Affordable Care Act, and will go to 271 health centers in 45 states, the District of Columbia, and Puerto Rico to improve and expand the delivery of substance abuse services in health centers, with a specific focus on treatment of opioid use disorders in underserved populations. You can view the release [here](#).
- The Joint Counterterrorism Assessment Team recently released the 2016 Intelligence Guide for First Responders. The guide was produced for first responders to improve information sharing among state, local, tribal, and territorial jurisdictions and the federal government. You can view the report [here](#).
- The COPS Office released a new report titled, *Understanding Firearms Assaults against Law Enforcement Officers*, that addresses two primary safety concerns in law enforcement, injuries and deaths among officers and premeditated and unprovoked ambushes of officers. It examines the differential risks thought to influence the use of deadly force against police officers in the United States through a literature review and survey analysis. You can view the report [here](#).
- The Department of Justice announced on Monday resources to assist state and local reform of fine and fee practices aimed at finding alternatives to jail time for defendants who fail to pay fines or fees. DOJ sent a letter to state and local court systems outlining their legal obligations with respect to the enforcement of court fines and fees. Additionally, BJA will issue \$2.3 million in competitive grants to state and local jurisdictions that want to test strategies to restructure the assessment and enforcement of fines and fees. You can view the release [here](#).

- **ARTICLES OF INTEREST:**

Disruptive by Design: Cybersecurity Challenges Present Opportunities for State and Local Fusion Centers | Andrew F. Coffey, Ph.D.

Rapidly evolving cyberthreats challenge all levels of government, and recent incidents such as the Office of Personnel Management data breach illustrate the importance of shielding public and private-sector organizations from such attacks. The speed at which threats evolve strains existing capabilities. Take, for example, the Internet of Things (IoT), which encompasses a growing ecosystem of devices and applications that collect and share information with each other via the Internet. These devices range from smartphones to surveillance cameras and Bluetooth-enabled cars. While highly efficient, the IoT comes with an entirely new family of vulnerabilities that public agencies are expected to comprehend and address. **Continue reading [here](#).**

**Fusion Center helps police solve crimes and protect against terrorism
WLBZ2 | Don Carrigan**

In one of the long, wide hallways of the state's Public Safety building, a pass card opens an unmarked door. When it shuts behind us, Lt. Scott Ireland opens a second door. This one has a sign reading Maine Information and Analysis Center. In some police circles, it's known by a shorter name: Fusion Center. This is one of 70 Fusion Centers, one in each state and others in big cities. The centers were created in the wake of the 9/11 attacks, to help law enforcement agencies do a better job of sharing information. **Continue reading [here](#).**

Hearings & Markups Happening This Week

House Homeland Security Committee - Emergency Preparedness Subcommittee Hearing
[State of Emergency: The Disaster of Cutting Preparedness Grants](#)
March 15 @ 10:00 am - 311 Cannon

Senate Homeland Security Committee - Full Committee Hearing
[The Security of U.S. Visa Programs](#)
March 15 @ 10:00 am - 342 Dirksen

House Appropriations Committee - Homeland Security Subcommittee Hearing
[Budget for the U.S. Secret Service](#)
March 15 @ 10:00 am - 2359 Rayburn

House Homeland Security Committee - Full Committee Hearing
[DHS in Today's Dangerous World: Examining The Department's Budget and Readiness to Counter Homeland Threats](#)
March 16 @ 10:00 am - 311 Cannon

House Appropriations Committee - Homeland Security Subcommittee Hearing
[Budget for the Federal Emergency Management Agency](#)
March 16 @ 10:00 am - 2362B Rayburn

Senate HELP Committee - [Full Committee Markup](#) - March 16 @ 10:00 am - 106 Dirksen
S. XXXX - Mental Health Reform Act of 2016
Status: To be marked-up by the HELP Committee on 3/16
Summary: Summary will be available once the bill has bill introduced.

[S. 1455](#) - The Recovery Enhancement for Addiction Treatment Act

Status: To be marked-up by the HELP Committee on 3/16

Summary: Amends the Controlled Substances Act to increase the number of patients that a qualifying

practitioner dispensing narcotic drugs for maintenance or detoxification treatment is initially allowed to treat from 30 to 100 patients per year.

S. 2256 - Co-Prescribing Saves Lives Act of 2015

Status: To be marked-up by the HELP Committee on 3/16

Summary: To establish programs for health care provider training in Federal health care and medical facilities, to establish Federal co-prescribing guidelines, to establish a grant program with respect to naloxone, and for other purposes.

S. 480 - National All Schedules Prescription Electronic Reporting

Status: To be marked-up by the HELP Committee on 3/16

Summary: Amends the National All Schedules Prescription Electronic Reporting Act of 2005 to include as a purpose of state-administered controlled substance monitoring systems ensuring access to prescription history information for the investigative purposes of appropriate law enforcement, regulatory, and state professional licensing authorities. Amends the Public Health Service Act to revise and reauthorize through FY2020 the controlled substance monitoring program, including to: allow grants to be used to maintain and operate existing state controlled substance monitoring programs, require the Department of Health and Human Services (HHS) to redistribute any funds that are returned among the remaining grantees, require a state to provide HHS with aggregate data and other information to enable HHS to evaluate the success of the state's program, and expand the program to include any commonwealth or territory of the United States.

S. XXXX - Plan of Safe Care Improvement Act

Status: To be marked-up by the HELP Committee on 3/16

Summary: Summary will be available once the bill has been introduced.

Senate Homeland Security Committee - Full Committee Hearing

[DHS Management and Acquisition Reform](#)

March 16 @ 2:00 pm - 342 Dirksen

House Appropriations Committee - Homeland Security Subcommittee Hearing

[Budget for U.S. Immigration and Customs Enforcement](#)

March 17 @ 10:00 am - 2359 Rayburn

Senate Judiciary Committee - [Full Committee Markup](#) - March 17 @ 10:00 am - 226 Dirksen

S. 247 - Expatriate Terrorist Act

Status: To be marked up by the Senate Judiciary Committee on 3/17

Summary: Amends the Immigration and Nationality Act to include as grounds for losing U.S. nationality by a native-born or naturalized citizen taking an oath or making a declaration of allegiance to a foreign terrorist organization after becoming 18 years old. The bill would bar the secretary of state from issuing a passport to anyone attempting to become a member of a terrorist group.

S. 2390 - Federal Bureau of Investigation Whistleblower Protection Enhancement Act

Status: To be marked up by the Senate Judiciary Committee on 3/17

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

S. 2613 - Adam Walsh Reauthorization Act of 2016

Status: To be marked up by the Senate Judiciary Committee on 3/17

Summary: To reauthorize certain programs established by the Adam Walsh Child Protection and Safety Act of 2006.

S. 2614 - Kevin and Avonte's Law of 2016

Status: To be marked up by the Senate Judiciary Committee on 3/17

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.

Legislation on the Floor This Week

House:

Nothing affecting the law enforcement or homeland security community.

Senate:

Nothing affecting the law enforcement or homeland security community.

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 - March 8

[FY2017 budget for the Homeland Security Department](#)

Summary: This hearing examined the Administration's budget request for the Department of Homeland Security. Once again, multiple Senators expressed concerns with the budget request that included significant cuts to various FEMA preparedness grants. Senator Baldwin expressed concerns that these cuts will pose a significant threat to state and local law enforcement and emergency responders, including to our fusion centers, in their ability to prepare, prevent, and respond to an incident. Secretary Johnson stated that due to the budget constraints, hard choices were made to live within the budget caps. With regards to encryption, Secretary Johnson stressed the importance of bringing in all stakeholders into the debate, including state and local law enforcement. He expressed concerns that the pendulum has swung too far in the direction of privacy, putting our security at risk. Some Senators also discussed the influx of unaccompanied alien children crossing the border, and the Administration's response to this crisis. Chairman Johnson expressed concerns that DHS is not doing enough to discourage and prevent this influx, as well as concerns with recent reports that not enough is being done to ensure the safety of these children when they are placed in temporary homes.

Senate Appropriations Committee - Homeland Security Subcommittee Hearing - March 8

[FY2017 budget for Customs and Border Protection and Immigration and Customs Enforcement](#)

Summary: This hearing examined the budget request for CBP & ICE. Senator Hoeven expressed concerns that there is a lack of good metrics to determine how effectively money is being spent with corresponding results. Senator Hoeven stated that he believed that the department is doing less with more resources. Additionally, concerns have been raised with additional funding being provided over the past several years for increase hiring of new investigators despite the fact that these positions still remain unfilled.

Senate Judiciary Committee - Full Committee Hearing - March 9

[Oversight of the Justice Department](#)

Summary: This hearing examined the Department of Justice. AG Lynch was asked about the current battle between the FBI and Apple over the "going dark" issue. Lynch stated that it isn't their intention to create a backdoor, but ensure that law enforcement has a way to attempt to break into a device with a court order, without the device erasing itself. AG Lynch was also asked questions ranging from SWATing incidences, what the department is doing to address sanctuary city policies, and prosecuting climate change skeptics. Additionally, Senator Tillis asked about the PSOB backlog, with AG Lynch acknowledging the problem, and they are working to reduce those delays.

Legislation Considered Last Week

House:

The House was not in session.

Senate:

S. 524 - Comprehensive Addiction and Recovery Act of 2015

Status: Approved by the Senate on 3/10 (94-1); 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.

Legislation Introduced Last Week

Date Introduced	Bill Number	Sponsor	Description
3/10/2016	HR 4726	Sam Graves	Preventing Illegal Visa Overstays Act of 2016 - To prohibit the obligation of funds to pay the salary of the Secretary of Homeland Security until a biometric entry and exit data system has been fully implemented, and for other purposes.
3/10/2016	S 2665	Gary Peters	A bill to amend the Homeland Security Act of 2002 to require State and local coordination on cybersecurity with the national cybersecurity and communications integration center, and for other purposes.