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Latest News

- The House and Senate are in session this week. On Tuesday, the House Energy & Commerce Subcommittee on Oversight will hear from various law enforcement and technology interests on encryption. The Senate Appropriations Committee is expected to markup the FY 2017 Commerce, Justice, Science Appropriations bill this week. This bill contains funding for most of the law enforcement grant programs. Once details of the bill are released, we will send out an update.
- On April 13, the House Judiciary Committee marked-up H.R. 699, the Email Privacy Act, which updates ECPA to eliminate the 180 day rule, and other changes. Law Enforcement groups have expressed concerns with this legislation, because it does not address long standing complaints by law enforcement with regards to service providers' responsiveness to warrants. You can view a letter signed by most law enforcement groups expressing their concerns with the amended version of the bill [here](#). You can view the amended version of H.R. 699 [here](#).

• **ENCRYPTION:**

Burr-Feinstein Legislation - On April 13, Senate Intelligence Committee Chairman Richard Burr and Vice Chairman Dianne Feinstein officially released their discussion draft legislation to compel tech companies to help law enforcement with encrypted data when presented with a court order. You can view the discussion draft [here](#).

Encryption Briefing on the Hill - On April 13, IACP and NDAA hosted House and Senate briefings for hill staff to discuss the challenges faced by law enforcement agencies with encrypted data on a daily basis during an investigation. Congressional staffers were able to learn first-hand how encryption has stifled investigations, learned about the legal processes that law enforcement goes through and must obtain before attempting to gain access to a device, and discussed potential paths forward on resolving this ever growing dilemma.



• **ARTICLES OF INTEREST:**

Microsoft sues DOJ over secrecy orders

The Hill | Mario Trujillo

Microsoft sued the Justice Department on Thursday, asking a federal court to strike down a law that gives the government the authority to prevent technology companies from telling their customers when their data is handed over to authorities. The tech giant is chal-

lenging the so-called gag orders that can be placed on technology companies when they receive subpoenas, warrants or other court orders demanding a customer's emails or records stored in the cloud. The technology company argues the law violates the Fourth Amendment and the First Amendment. The gag orders are not a rare occurrence. Microsoft said it has received 2,576 of them in the past 18 months, and about 70 percent did not have a fixed date when they would be lifted. **Continue reading [here](#).**

Device used to trick cellphones into revealing location raises legal issue, lawmaker says

Fox News | Cristina Corbin

An electronic device that tricks cellphones into revealing a user's location is becoming a key weapon for law enforcement in its battle against drug traffickers, terror suspects and other dangerous criminals -- but its potential misuse against innocent Americans and the secrecy surrounding which agencies have the devices is of growing concern by civil liberties watchdogs and lawmakers. Cellular site simulators — known as "StingRay tracking" — basically are fake cell towers that use digital signals to trick a cellphone into revealing its location and other information. Law enforcement typically places the device near the location of a known suspect -- but they also have been used at large gatherings such as rallies, where the digital information of hundreds, even thousands, is scooped up. **Continue reading [here](#).**

Senators close to 'Willie Horton' fix in criminal justice bill

Washington Examiner | Joel Gehrke

A bipartisan group of Senate negotiators has reached an agreement they believe will alleviate Republican fears that violent criminals will benefit from a bill to reform criminal sentences, a change some are calling a "Willie Horton" fix. Horton was the felon who was furloughed in Massachusetts in 1986, after which he raped a woman in Maryland and killed her fiancé. The event became part of the 1988 presidential campaign, and part of the Republican argument against Massachusetts Gov. Michael Dukakis. **Continue reading [here](#).** (Background memo on changes [here](#))

Hearings & Markups Happening This Week

House Energy & Commerce Committee - [Communications Subcommittee Markup](#) - April 18 @ 5:00 pm

[H.R. 4889](#) - Kelsey Smith Act

Status: To be marked-up in the House E&C Communications Subcommittee on 4/18

Summary: To amend the Communications Act of 1934 to require providers of a covered service to provide call location information concerning the telecommunications device of a user of such service to an investigative or law enforcement officer in an emergency situation involving risk of death or serious physical injury or in order to respond to the user's call for emergency services.

[H.R. 4167](#) - Kari's Law Act of 2015

Status: To be marked-up in the House E&C Communications Subcommittee on 4/18

Summary: This bill amends the Communications Act of 1934 to require multi-line telephone systems to have a default configuration that allows users to directly initiate a call to 9-1-1 (without dialing any additional digit, code, prefix, or post-fix, including any trunk-access code such as the digit "9") from any station equipped with dialing facilities. Businesses installing such systems must configure the systems to provide a notification to a central location at the facility where the system is installed when a person at the facility initiates a call to 9-1-1 using the system, provided that the system is able to be so configured without an improvement to the hardware.

[H.R. 4884](#) - Controlling the Unchecked and Reckless Ballooning of Lifeline Act of 2016

Status: To be marked-up in the House E&C Communications Subcommittee on 4/18

Summary: This bill prohibits the total amount of annual support that may be provided through the Lifeline program of the Federal Communications Commission from exceeding \$1.5 billion. Support provided through the Lifeline program may not be applied to: (1) any amount charged to a consumer for the sale, lease, or other provision of a mobile telephone or similar device; or (2) mobile service if the service offer-

ing is limited to voice communications service.

H.R. 4190 - Spectrum Challenge Prize Act of 2015

Status: To be marked-up in the House E&C Communications Subcommittee on 4/18

Summary: his bill requires the National Telecommunications and Information Administration to conduct prize competitions to accelerate the development and commercialization of technology that improves spectrum efficiency and is capable of cost-effective deployment. Not more than \$5 million, in the aggregate, may be awarded to prize competition winners. The Federal Communications Commission must publish a technical paper providing criteria that may be used for the design of such competitions.

H.R. 3998 - Securing Access to Networks in Disasters Act

Status: To be marked-up in the House E&C Communications Subcommittee on 4/18

Summary: This bill requires the Federal Communications Commission (FCC) to commence proceedings on the provision of roaming agreements between mobile service providers to: (1) allow for mobile service at reasonable rates during emergencies when there is a mobile service outage lasting longer than 24 hours, and (2) provide for roaming agreements at no charge for communications during emergencies to or from 911 services. The types of emergencies subject to this Act are: (1) occasions or instances under the Robert T. Stafford Disaster Relief and Emergency Assistance Act for which the President determines that federal assistance is needed to supplement state and local efforts and capabilities to save lives and to protect property and public health and safety, or to lessen or avert the threat of a catastrophe in any part of the United States; or (2) an emergency declared by the governor of a state or U.S. territory.

H.R. 2031 - Anti-Swatting Act of 2015

Status: To be marked-up in the House E&C Communications Subcommittee on 4/18

Summary: Amends the Communications Act of 1934 to provide for enhanced penalties for the transmission of misleading or inaccurate caller identification information with the intent to trigger a response by a law enforcement agency. Directs the court to order a defendant who has been convicted of such an offense to reimburse any law enforcement agencies or any government agencies or private not-for-profit organizations that provide fire, rescue, or emergency medical services for expenses incurred in responding to such conduct. Treats such an order of reimbursement as a civil judgment.

House Energy & Commerce Committee - Oversight Subcommittee Hearing

[Deciphering the Debate Over Encryption: Industry and Law Enforcement Perspectives](#)

April 19 @ 10:00 am - 2123 Rayburn

House Judiciary Committee - Immigration Subcommittee Hearing

[The Real Victims of a Reckless and Lawless Immigration Policy: Families and Survivors Speak Out on the Real Cost of This Administration's Policies](#)

April 19 @ 10:00 am - 2141 Rayburn

House Homeland Security Committee - Border Subcommittee Hearing

[Keeping Pace with Trade, Travel, And Security: How Does CBP Prioritize and Improve Staffing and Infrastructure?](#)

April 19 @ 10:00 am - 311 Cannon

Senate Judiciary Committee - Full Committee Hearing

[Ensuring Accountability for Crime Survivors: Assessing The Crime Victims Fund After Three Decades](#)

April 19 @ 10:00 am - 226 Dirksen

Senate Homeland Security Committee - Full Committee Roundtable

[Preventing Drug Trafficking Through International Mail](#)

April 19 @ 10:00 am - 342 Dirksen

House Homeland Security Committee - Transportation Security Subcommittee Hearing
[Pipelines: Securing the Veins of the American Economy](#)
April 19 @ 2:00 pm - 311 Cannon

Senate Appropriations Committee - [CJS Subcommittee Markup](#) - March 19 @ 2:30 pm
S. XXXX - Commerce, Justice, Science, and Related Agencies Appropriations Act for Fiscal Year 2017

House Oversight Committee - Information Technology Subcommittee Hearing
[Federal Cybersecurity Detection, Response, and Mitigation](#)
April 20 @ 9:30 am - 2154 Rayburn

Senate Appropriations Committee - [Full Committee Markup](#) - April 21 @ 10:30 am
S. XXXX - Fiscal 2017 Transportation-HUD Appropriations Act
S. XXXX - Fiscal 2017 Commerce, Justice, Science and Related Agencies Appropriations Act

Senate Homeland Security Committee - Field Hearing
[Examining the Impact of the Opioid Epidemic](#)
April 22 @ 10:00 am - University Hospitals of Cleveland

Legislation on the Floor This Week

House:

[S. 1638](#) - Department of Homeland Security Headquarters Consolidation Accountability Act of 2015

Status: To be considered in the House on 4/18; Approved by the Senate on 4/6; Approved by Senate Homeland Security Committee on 3/14.

Summary: Directs the Department of Homeland Security (DHS), in coordination with the General Services Administration (GSA), to submit information on the implementation of the enhanced plan for the DHS headquarters consolidation project within the National Capital Region, approved by the Office of Management and Budget and included in the budget of the President for FY2016.

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 - Federal Spending Oversight Subcommittee Hearing - April 12

[FEMA: Assessing Progress, Performance and Preparedness](#)

Summary: This hearing examined FEMA's overall efforts to assist states in preparing for terrorism and natural disasters, to evaluate its progress in improving the management and coordination of grants, training and exercises, and to better understand the metrics used by the agency to measure overall progress toward the National Preparedness Goal. The general consensus was that FEMA needs to do more to develop metrics to gauge the effectiveness of grant dollars to ensure they are being distributed and spent wisely. Some Senators are concerned that FEMA has not done enough to consider recommendations made by various GAO and IG reports.

Senate Homeland Security Committee - Full Committee Hearing - April 13

[America's Insatiable Demand for Drugs](#)

Summary: This hearing examined America's drug demand and its effect on border and national security. Some concerns were raised as to whether money being spent in Latin America to combat drug production activities are being spent appropriately and achieving any positive results. Additionally, Senators expressed concerns that not enough is being done to secure the borders to keep out the illegal narcotics, especially heroin, of which the purity level has been increasing drastically.

House Energy & Commerce Committee - Communications Subcommittee Hearing - April 13

[H.R.4111, the "Rural Health Care Connectivity Act of 2015"; H.R.4167, the "Kari's Law Act of 2015"; H.R.4884, the "Controlling the Unchecked and Reckless Ballooning \(CURB\) Lifeline Act of 2016"; H.R.3998, the "Securing Access to Networks in Disasters \(SANDY\) Act"; H.R.2031, the "Anti-Swatting Act of 2015"; and H.R.4889, the "Kelsey Smith Act."](#)

Summary: This hearing discussed a range of communications bills that the subcommittee will be marking-up on April 18. These bills include requiring a service provider to provide call location information concerning the telecommunications device of a user during an emergency, anti-swatting legislation, ensuring the ability of multi-line phones to easily dial 911, and other communication bills.

House Judiciary Committee - [Full Committee Markup](#) - April 13

H.R. 699 - Email Privacy Act

Status: Approved by the House Judiciary Committee on 4/13

Summary: Amends the Electronic Communications Privacy Act of 1986 to prohibit a provider of remote computing service or electronic communication service to the public from knowingly divulging to a governmental entity the contents of any communication that is in electronic storage or otherwise maintained by the provider, subject to exceptions. Revises provisions under which the government may require a provider to disclose the contents of such communications. Eliminates the different requirements applicable under current law depending on whether such communications were: (1) stored for fewer than, or more than, 180 days by an electronic communication service; or (2) held by an electronic communication service as opposed to a remote computing service. Requires the government to obtain a warrant from a court before requiring providers to disclose the content of such communications regardless of how long the communication has been held in electronic storage by an electronic communication service or whether the information is sought from an electronic communication service or a remote computing service.

S. 125 - Bulletproof Vest Partnership Grant Program Reauthorization Act of 2015

Status: This bill was pulled from consideration due to concerns over potential violations of House rules on 4/13; Approved by the Senate on 5/6/15

Summary: Amends the Omnibus Crime Control and Safe Streets Act of 1968 to extend through FY2020 the authorization of appropriations for the Bulletproof Vest Partnership Grant Program. Allows preferential consideration in Program grant awards to jurisdictions that provide armor vests to law enforcement officers that are uniquely fitted for such officers, including individual female officers.

Senate Homeland Security Committee - Full Committee Hearing - April 14

[The Federal Perspective on the State of Our Nation's Biodefense](#)

Summary: This hearing examined our nation's biodefense preparedness including from natural outbreaks from infectious diseases, as well as accidental or purposeful release of high-risk pathogens. Since 9/11, the 2001 anthrax attacks, and other incidences, the federal government has taken a number of steps to prepare for a bio-attack and biological outbreak, including providing more and better resources to state and local agencies. Many Senators had questions regarding the current Zika virus outbreak, and what the government is doing to fight the spread of the virus, and combat it.

Senate Judiciary Committee - [Full Committee Markup](#) - April 14

S. 2390 - Federal Bureau of Investigation Whistleblower Protection Enhancement Act of 2015

Status: Approved by the Senate Judiciary Committee on 4/14

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

[S. 2613](#) - Adam Walsh Reauthorization Act of 2016

Status: Approved by the Senate Judiciary Committee on 4/14

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: Approved by the Senate Judiciary Committee on 4/14

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.

Senate Homeland Security Committee - Field Hearing - April 15

[Border Security and America's Heroin Epidemic: The Impact of the Trafficking and Abuse of Heroin and Prescription Opioids in Wisconsin](#)

Summary: This field hearing continued upon previous discussions during the week on the heroin and prescription opioid epidemic that is weeping the nation. Senator Johnson placed emphasis on the need to secure the borders to keep out the flow of drugs from Central America. Senator Baldwin exclaimed that there needs to be better understanding of the root causes of the issue, ranging from the drug cartels, to the prescribing of unsafe levels of prescription opioids. Additionally, the WI AG stated that he has seen the purity and potency of heroin drastically increase over the years, leading to deadlier results.

Legislation Considered Last Week

House:

[H.R. 3586](#) – Border and Maritime Coordination Improvement Act

Status: Approved by the House on 4/13; Approved by the House Homeland Security Committee on 9/30/15

Summary: Amends the Homeland Security Act of 2002 to improve border and maritime security coordination in the Department of Homeland Security.

[H.R. 4482](#) - Southwest Border Security Threat Assessment Act of 2016

Status: Approved by the House on 4/13; Approved by the House Homeland Security Committee on 3/23

Summary: This bill directs the Secretary of Homeland Security (DHS) to submit a southwest border threat analysis that includes an assessment of: terrorism and criminal threats posed by individuals and organized groups seeking to unlawfully enter the United States through the southwest border or seeking to exploit border vulnerabilities along such border; improvements needed at and between ports of entry along such border to prevent terrorists and instruments of terror from entering the United States; gaps in law, policy, cooperation between state, local, or tribal law enforcement, international agreements, or tribal agreements that hinder effective and efficient border security, counterterrorism, anti-human smuggling and trafficking efforts, and the flow of legitimate trade along such border; and the current percentage of situational awareness and of operational control of U.S. borders achieved by DHS of the international land and maritime borders of the United States.

[H.R. 4509](#) - State and High-Risk Urban Area Working Group Act

Status: Approved by the House on 4/13; Approved by the House Homeland Security Committee on 3/23

Summary: Clarifies membership of State planning committees or urban area working groups for the Homeland Security Grant Program.

- Require any State or high-risk urban area receiving funding under the State Homeland Security Grant Program or the Urban Area Security Initiative to establish a State planning committee or urban area working group to assist the State in preparation and revision of threat and hazard identification and risk assessments and determining effective funding priorities for grant funds.
- Require State planning committees and high-risk urban area working groups to include representatives from each of the following stakeholder communities: (1) local and tribal government officials; (2) emergen-

cy response providers (fire service, law enforcement, emergency medical services and emergency managers); (3) public health officials and appropriate medical practitioners; (4) individuals representing educational institutions, including elementary schools, community colleges, and other institutions of higher learning; (5) State and regional interoperable communications coordinators, as appropriate; and (6) State and major urban area fusion centers, as appropriate.

- Require members of the State planning committee or urban area working group to be from the counties, cities, towns, and Indian tribes within the State or high-risk urban area, including rural, high-population, and high-threat jurisdictions.
- Clarify that States or high-risk urban areas that already use a multi-jurisdictional planning committee or commission that meets the requirements of this act are not required to create a new State Planning Committee or urban area working group.

H.R. 4549 - Treating Small Airports with Fairness Act of 2016

Status: Approved by the House on 4/13; Approved by the House Homeland Security Committee on 3/23

Summary: Requires the Transportation Security Administration to conduct security screening at certain airports.

H.R. 4403 - Enhancing Overseas Traveler Vetting Act

Status: Approved by the House on 4/13; Approved 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.

Senate:

Nothing affecting the law enforcement or homeland security community.

Legislation Introduced Last Week

Date Introduced	Bill Number	Sponsor	Description
4/15/2016	HR 4963	Peter King	To better protect, serve, and advance the rights of victims of elder abuse and exploitation by establishing a program to encourage States and other qualified entities to create jobs designed to hold offenders accountable, enhance the capacity of the justice system to investigate, pursue, and prosecute elder abuse cases, identify existing resources to leverage to the extent possible, and assure data collection, research, and evaluation to promote the efficacy and efficiency of the activities described in this Act.
4/14/2016	HR 4952	Steve Russell	To impose a deadline by which a person whose Federal firearms license has expired, or is surrendered, or revoked, must liquidate the firearms inventory of any business subject to the license, and for other purposes.
4/14/2016	HR 4951	Steve Russell	To amend chapter 44 of title 18, United States Code, to allow the importation of certain foreign-manufactured firearms components.
4/14/2016	S 2802	Rand Paul	A bill to provide adequate protections for gun owners.
4/13/2016	HR 4932	Jackie Speier	To amend the Communications Act of 1934 to expand and clarify the prohibition on inaccurate caller identification information and to require providers of telephone service to offer technology to subscribers to reduce the incidence of unwanted telephone calls, and for other purposes.
4/13/2016	HR 4931	Louise Slaughter	To direct the Attorney General to establish a national pharmaceutical stewardship program to facilitate the collection and disposal of prescription medications.
4/13/2016	HR 4930	John Ratcliffe	To ensure appropriate protections and redress for travelers, consistent with the transportation security and national security of the United States, and for other purposes.
4/13/2016	HR 4928	Frank Guinta	To amend chapter 44 of title 18, United States Code, to amend the requirement that interstate firearms sales by Federal firearms licensees be made in accordance with the State law where the transaction occurs.
4/13/2016	SRes 422	Chuck Grassley	A resolution supporting the mission and goals of 2016 "National Crime Victims' Rights Week", which include increasing public awareness of the rights, needs, concerns of, and services available to assist victims and survivors of crime in the United States.

4/12/2016	HR 4919	Chris Smith	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.
4/12/2016	HR 4918	Louise Slaughter	To direct the Secretary of Health and Human Services to issue guidance for the safe prescribing of opioids for the treatment of acute pain.
4/12/2016	HR 4914	Jerrold Nadler	To amend title 18, United States Code, to place limitations on the possession, sale, and other disposition of a firearm by persons convicted of misdemeanor sex offenses against children.
4/12/2016	HR 4911	James Langevin	Drone Operator Safety Act - To impose criminal penalties for the unsafe operation of unmanned aircraft.
4/12/2016	HR 4905	Don Beyer	ATF Enforcement Act - To restore the ability of law enforcement authorities to enforce gun safety laws, and for other
4/12/2016	HR 4902	Will Hurd	To amend title 5, United States Code, to expand law enforcement availability pay to employees of U.S. Customs and Border Protection's Air and Marine Operations.
4/12/2016	HRes 675	Tom Reed	Supporting the goals and ideals of Sexual Assault Awareness and Prevention Month.
4/12/2016	S 2781	David Perdue	A bill 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.
4/11/2016	S 2772	Tammy Baldwin	A bill to eliminate the requirement that veterans pay a co-payment to the Department of Veterans Affairs to receive opioid antagonists or education on the use of opioid antagonists.
4/11/2016	S 2770	Pat Roberts	Kelsey Smith Act - To amend the Communications Act of 1934 to require providers of a covered service to provide call location information concerning the telecommunications device of a user of such service to an investigative or law enforcement officer in an emergency situation involving risk of death or serious physical injury or in order to respond to the user's call for emergency services.