



# BROOKS BAWDEN LLC

## Weekly Update

May 9 – 13, 2016

### Content in this Weekly Update:

- Highlighted Issues 1
- This Week's Hearings/ Markups 2
- Legislation on the House & Senate 3
- Previous Hearings/ Markups 6
- Previous Floor Actions 6
- Introduced Legislation 6

### Links to Previous Updates:

- [Senate Draft FY 2017 CJS Appropriations](#)
- [Equitable Sharing Update Fact Sheet & Letter](#)
- [Homeland Grants in FY 2017 Budget](#)
- [FirstNet RFP](#)
- [Weekly 5/2/16](#)
- [Weekly 4/25/16](#)
- [Weekly 4/18/16](#)
- [Weekly 4/11/16](#)
- [Weekly 3/28/16](#)
- [Weekly 3/21/16](#)
- [Weekly 3/14/16](#)

### Latest News

- This week is the start of [National Police Week activities](#), with National Peace Officers Memorial Day on Sunday, May 15. The House and Senate are in session this week, and both chambers will consider multiple pieces of legislation during Police Week that benefit the law enforcement community. Additionally, the House is expected to consider a number of bills that seek to address the growing opioid epidemic.

#### ARTICLES OF INTEREST:

#### **New Jersey Takes Consolidated, Fusion Center-Style Approach to Cybersecurity**

##### **Government Technology | Eyragon Eidam**

In post-9/11 America, states have accepted more responsibility in protecting their citizens. And as the firm grip of technology tightens around our daily lives and the most basic operations of government, one state is stepping up to the proverbial plate as a leader in the cybersecurity field. New Jersey is perhaps best known for the “Parkway” and former presidential hopeful Gov. Chris Christie. But some might argue that it should be getting attention for its novel fusion center approach to cybersecurity. **Continue reading [here](#).**

#### **The Future of Intelligence Sharing Is Coming Together in the Syrian War Defense One | Frank Konkel**

In August 2013, a chemical weapons attack in Syria’s capital, Damascus, killed some 1,500 civilians and left two sides – the Syrian government and the rebels opposing President Bashar al-Assad’s regime – blaming each other for the destruction. Within just nine days, that confusion ended when the White House released an intelligence assessment unequivocally linking the Syrian government to the attack, highlighting communications and other intercepts by U.S. spy agencies used to make the assessment. Two weeks later, the United Nations reached the same conclusion in its own report. How was the intelligence community able to reach such a rapid, accurate analysis of such an attack on foreign soil? The answer, according to Beth Flanagan of the National Geospatial-Intelligence Agency, is integrated intelligence, or the increased ability for the 17 intelligence agencies to develop and share data and work on problems using the same platforms and environments. **Continue reading [here](#).**

#### **Legislatures seek limits on phone-tracking technology**

##### **AP | Ivan Moreno**

Law enforcement departments’ powerful devices that mimic cell towers and track phone locations are raising privacy concerns and inspiring legislation to restrict how police can use the technology in criminal investigations. Illinois is among states around the country trying to set rules for the suitcase-sized cell-site simulators, also known as Stingrays, which have the capability to capture data for hundreds or thousands of cellphones in a particular neighborhood — not just the cellphone police are after. **Continue reading [here](#).**

### Experts meet in NJ to address domestic terrorism — nation's greatest threat

#### New Jersey 101.5 | David Matthau

Terrorism and intelligence experts from across the Mid-Atlantic region are gathering Friday in New Jersey, for a special conference on domestic terrorism sponsored by the state Office of Homeland Security and Preparedness. Director Chris Rodriguez said because terrorism doesn't conform to state borders it's important to meet with experts from neighboring states "to focus on domestic terrorism and domestic extremism, and try to share best practices, get to know each other, look at what we're doing in our respective states and see if there are things we can learn from each other." **Continue reading [here](#).**

### Police and Tech Giants Wrangle Over Encryption on Capitol Hill

#### NY Times | Cecilia Kang

Cyrus R. Vance Jr., the district attorney of Manhattan, visited Washington late last month to argue his case on a pressing issue: encryption. In a string of meetings with members of Congress, Mr. Vance told central lawmakers that encryption needed to be diminished during criminal investigations. During a 45-minute session with Senator Angus King, an independent from Maine who is on the Senate Intelligence Committee, Mr. Vance said his office had 230 iPhones that might contain crucial information for cases but were useless because Apple refused to help the police break the encryption on the devices. Continue reading [here](#).

---

## Hearings & Markups Happening This Week

House Homeland Security Committee - Border Subcommittee Field Hearing

[Life on the Border: Examining Border Security through the Eyes of Local Residents and Law Enforcement](#)

May 9 @ 1:00 pm - Sahuarita, AZ

Senate Judiciary Committee - Full Committee Hearing

[Oversight and Reauthorization of the FISA Amendments Act: The Balance between National Security, Privacy and Civil Liberties](#)

May 10 @ 10:00 am - 226 Dirksen

Senate Finance Committee - Full Committee Hearing

[Oversight of the U.S. Customs and Border Protection Agency](#)

May 11 @ 10:00 am - 215 Dirksen

House Oversight Committee - Full Committee Hearing

[Examining Management Practices and Misconduct at TSA \(Transportation Security Administration\): Part II](#)

May 12 @ 9:00 am - 2154 Rayburn

Senate Homeland Security Committee - Regulatory Affairs Subcommittee Hearing

[Examining Due Process in Administrative Hearings](#)

May 12 @ 9:00 am - 342 Dirksen

House Homeland Security Committee - Counterterrorism Subcommittee Hearing

[Following the Money: Examining Current Terrorist Financing Trends and the Threat to the Homeland](#)

May 12 @ 10:00 am - 311 Cannon

Senate Judiciary Committee - [Full Committee Markup](#) - May 12 @ 10:00 am - 226 Dirksen

#### **S. 247 - Expatriate Terrorist Act**

**Status:** To be marked up by the Senate Judiciary Committee on 5/12

**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. 2348](#) - Rapid DNA Act of 2015**

**Status:** To be marked-up by the Senate Judiciary Committee on 5/12

**Summary:** To implement the use of Rapid DNA instruments to inform decisions about pretrial release or detention and their conditions, to solve and prevent violent crimes and other crimes, to exonerate the innocent, to prevent DNA analysis backlogs, and for other purposes.

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

**Status:** To be marked-up by the Senate Judiciary Committee on 5/12

**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.

**[S. 2840](#) - POLICE Act**

**Status:** To be marked-up by the Senate Judiciary Committee on 5/12

**Summary:** This bill amends the Omnibus Crime Control and Safe Streets Act of 1968 to expand the allowable use of grant funds under the Community Oriented Policing Services (COPS) program to include participation in active shooter training programs.

---

## Legislation on the Floor This Week

**House:****[S. 2755](#) - Fallen Heroes Flag Act of 2016**

**Status:** To be considered in the House on 5/10; Approved by the Senate on 4/19

**Summary:** This bill allows the Representative or Senator of an immediate family member of a deceased firefighter, law enforcement officer, member of a rescue squad or ambulance crew, or public safety officer who died in the line of duty to give the family, on request, a Capitol-flown flag, together with a certificate, signed by the Speaker of the House of Representatives and the Representative, or the President pro tempore of the Senate and the Senator, providing the flag, which contains an expression of sympathy for the family.

**[H.R. 4063](#) - Jason Simcakoski PROMISE Act**

**Status:** To be considered in the House on 5/10; Approved by the House Veterans' Affairs Committee on 2/25

**Summary:** The VA would be required to maximize the availability to veterans of drugs that counteract the effects of opioid overdoses. The bill would mandate updates to guidance on pain management and require VA employees who prescribe opioids to undergo education and training on pain management and safe prescribing practices.

**[H.R. 4985](#) - Kingpin Designation Improvement Act of 2016**

**Status:** To be considered in the House on 5/10; Approved by the House Judiciary Committee on 4/20

**Summary:** Courts hearing a challenge to the designation of an alleged drug trafficker under the Kingpin Act would be allowed to receive and consider classified information.

**[S. 32](#) - Transnational Drug Trafficking Act of 2015**

**Status:** To be considered in the House on 5/10; Approved by the Senate on 10/7/15

**Summary:** Would make it illegal to manufacture or distribute chemical components of controlled substances outside the U.S. if there is "reasonable cause to believe" that they will be illegally imported. The change would also apply to Schedule I and II drugs and flunitrazepam, also known as Rohypnol.

**[H.R. 5048](#) - Good Samaritan Assessment Act of 2016**

**Status:** To be considered in the House on 5/10; Approved by the House Judiciary Committee on 4/27

**Summary:** The GAO would be required to study state and local good Samaritan laws that protect individuals attempting to save others from an opioid overdose.

**[H.R. 5052](#) - OPEN Act**

**Status:** To be considered in the House on 5/10; Approved by the House Judiciary Committee on 4/27

**Summary:** The Justice Department and HHS would be required to work with the National Academy of Sciences to evaluate the effectiveness of federal grant programs relating to opioid abuse, collect information from grant recipients and share it with the public.

**[S. 125](#) - Bulletproof Vest Partnership Grant Program Reauthorization Act of 2015**

**Status:** To be considered in the House on 5/10; 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.

**[H.R. 2137](#) - Federal Law Enforcement Self-Defense and Protection Act of 2015**

**Status:** To be considered in the House on 5/10; Approved by the House Judiciary Committee on 4/27

**Summary:** Federal law enforcement officers would be permitted to carry a government-issued firearm during a furlough or lapse in appropriations.

**[H.R. 3209](#) - Recovering Missing Children Act**

**Status:** To be considered in the House on 5/10; Approved by the House Ways & Means Committee on 4/28

**Summary:** The Internal Revenue Service would be allowed to share tax-return information with law enforcement agencies conducting a missing or exploited child investigation.

**[H.R. 4843](#) - Infant Plan of Safe Care Improvement Act**

**Status:** To be considered in the House on 5/11; Approved by the House E&W Committee on 4/28

**Summary:** HHS and states that receive grants for child protective services would be required to take additional steps to ensure infants born addicted to an illegal drug are protected and given access to services.

**[H.R. 3680](#) - Co-Prescribing to Reduce Overdoses Act of 2016**

**Status:** To be considered in the House on 5/11; Approved by the House E&C Committee on 4/28

**Summary:** HHS would be authorized to provide grants to increase prescriptions for naloxone and other drugs used to reverse the effects of an opioid overdose.

**[H.R. 3691](#) - Improving Treatment for Pregnant and Postpartum Women Act of 2016**

**Status:** To be considered in the House on 5/11; Approved by the House E&C Committee on 4/28

**Summary:** Federal support for residential substance abuse treatment programs for pregnant and postpartum women would be reauthorized from fiscal 2017 through 2021. The bill would authorize \$15.9 million a year to support the programs, and create a pilot program to treat women -- including those in nonresidential programs -- who have an opioid or other substance use disorder.

**[H.R. 4969](#) - John Thomas Decker Act of 2016**

**Status:** To be considered in the House on 5/11; Approved by the House E&C Committee on 4/27

**Summary:** HHS would be required to distribute informational materials and resources about the use of opioid painkillers to treat youth sports injuries.

**[H.R. 4586](#) - Lali's Law**

**Status:** To be considered in the House on 5/11; Approved by the House E&C Committee on 4/28

**Summary:** HHS could provide grants to states to allow naloxone and other opioid overdose reversal drugs to be

dispensed under a standing order, which permits another person to acquire, dispense or administer a drug without a prescription.

**[H.R. 4599](#) - Reducing Unused Medications Act of 2016**

**Status:** To be considered in the House on 5/11; Approved by the E&C Committee on 4/27

**Summary:** Prescriptions for certain opioid painkillers and similar drugs could be partially filled to reduce the volume of unused drugs.

**[H.R. 4976](#) - Opioid Review Modernization Act of 2016**

**Status:** To be considered in the House on 5/11; Approved by the House E&C Committee on 4/27

**Summary:** The Food and Drug Administration would be required to consult with an advisory panel before approving a new opioid drug that doesn't have abuse-deterrent properties. The FDA also would be directed to develop recommendations for opioid prescriber education programs and to finalize guidance on abuse-deterrent opioid products.

**[H.R. 4982](#) - Examining Opioid Treatment Infrastructure Act of 2016**

**Status:** To be considered in the House on 5/11; Approved by the House E&C Committee on 4/27

**Summary:** To direct the Comptroller General of the United States to evaluate and report on the in-patient and outpatient treatment capacity, availability, and needs of the United States.

**[H.R. 4981](#) - Opioid Use Disorder Treatment Expansion and Modernization Act**

**Status:** To be considered in the House on 5/11; Approved by the House E&C Committee on 4/27

**Summary:** Doctors would be authorized to write more prescriptions for buprenorphine and other medications used to treat an opioid use disorder. The bill would also authorize a qualified nurse practitioner or physician assistant to write prescriptions.

**[H.R. 4641](#) - To provide for the establishment of an inter-agency task force to review, modify, and update best practices for pain management and prescribing pain medication, and for other purposes**

**Status:** To be considered in the House on 5/11

**Summary:** The Health and Human Services Department would be required to convene an inter-agency task force to provide updated guidance for doctors on prescribing opioid painkillers.

**[H.R. 5046](#) - Comprehensive Opioid Abuse Reduction Act of 2016**

**Status:** To be considered in the House on 5/12

**Summary:** Justice Department grants of \$103 million a year would be authorized for the next five fiscal years to states and local governments to respond to the opioid addiction crisis. Grants would fund law enforcement, prevention and treatment programs.

**Consideration of House Amendment to S. 524 - Comprehensive Addiction and Recovery Act of 2016 Motion to go to Conference on S. 524, and Possible Democrat Motion to Instruct Conferees**

**Status:** The House is also scheduled to consider an as-yet-unreleased substitute to the Senate-passed opioid bill, S. 524, as well as a motion to send the bill to conference.

**Summary:** Substitute TBD

**[Senate:](#)**

The Senate is likely to consider a few yet to be determined bills affecting the law enforcement community this week in light of National Police Week.

## 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.

The House & Senate were not in session.

---

## Legislation Considered Last Week

**House:**

The House was not in session.

**Senate:**

The Senate was not in session.

---

## Legislation Introduced Last Week

Nothing introduced affecting the law enforcement or homeland security communities.