

PROVIDING FOR CONSIDERATION OF THE BILL (H.R. 51) TO PROVIDE FOR THE ADMISSION OF THE STATE OF WASHINGTON, D.C. INTO THE UNION; PROVIDING FOR CONSIDERATION OF THE BILL (H.R. 1425) TO AMEND THE PATIENT PROTECTION AND AFFORDABLE CARE ACT TO PROVIDE FOR A IMPROVE HEALTH INSURANCE AFFORDABILITY FUND TO PROVIDE FOR CERTAIN REINSURANCE PAYMENTS TO LOWER PREMIUMS IN THE INDIVIDUAL HEALTH INSURANCE MARKET; PROVIDING FOR CONSIDERATION OF THE BILL (H.R. 5332) TO AMEND THE FAIR CREDIT REPORTING ACT TO ENSURE THAT CONSUMER REPORTING AGENCIES ARE PROVIDING FAIR AND ACCURATE INFORMATION REPORTING IN CONSUMER REPORTS, AND FOR OTHER PURPOSES; PROVIDING FOR CONSIDERATION OF THE BILL (H.R. 7120) TO HOLD LAW ENFORCEMENT ACCOUNTABLE FOR MISCONDUCT IN COURT, IMPROVE TRANSPARENCY THROUGH DATA COLLECTION, AND REFORM POLICE TRAINING AND POLICIES; PROVIDING FOR CONSIDERATION OF THE BILL (H.R. 7301) TO PREVENT EVICTIONS, FORECLOSURES, AND UNSAFE HOUSING CONDITIONS RESULTING FROM THE COVID 19 PANDEMIC, AND FOR OTHER PURPOSES; PROVIDING FOR CONSIDERATION OF THE JOINT RESOLUTION (H.J. RES. 90) PROVIDING FOR CONGRESSIONAL DISAPPROVAL UNDER CHAPTER 8 OF TITLE 5, UNITED STATES CODE, OF THE RULE SUBMITTED BY THE OFFICE OF THE COMPTROLLER OF THE CURRENCY RELATING TO “COMMUNITY REINVESTMENT ACT REGULATIONS”; AND FOR OTHER PURPOSES

JUNE 24, 2020.—Referred to the House Calendar and ordered to be printed

Mr. HASTINGS, from the Committee on Rules,
submitted the following

R E P O R T

[To accompany H. Res. __]

The Committee on Rules, having had under consideration House Resolution __, by a record vote of 9 to 4, report the same to the House with the recommendation that the resolution be adopted.

SUMMARY OF PROVISIONS OF THE RESOLUTION

The resolution provides for consideration of H.R. 51, the Washington, D.C. Admission Act, under a closed rule. The resolution provides one hour of debate equally divided and controlled by the chair and ranking minority member of the Committee on Oversight and Reform. The resolution waives all points of order against consideration of the bill. The resolution provides that an amendment in the nature of a substitute consisting of the text of Rules Committee

Print 116–55, modified by the amendment printed in Part A of this report, shall be considered as adopted and the bill, as amended, shall be considered as read. The resolution waives all points of order against provisions in the bill, as amended. The resolution provides one motion to recommit with or without instructions. The resolution provides for consideration of H.R. 1425, the Patient Protection and Affordable Care Enhancement Act, under a closed rule. The resolution provides three hours of debate equally divided among and controlled by the respective chairs and ranking minority members of the Committees on Education and Labor, Energy and Commerce, and Ways and Means. The resolution waives all points of order against consideration of the bill. The resolution provides that in lieu of the amendment in the nature of a substitute recommended by the Committee on Energy and Commerce now printed in the bill, an amendment in the nature of a substitute consisting of the text of Rules Committee Print 116–56, modified by the amendment printed in part B of this report, shall be considered as adopted and the bill, as amended, shall be considered as read. The resolution waives all points of order against provisions in the bill, as amended. The resolution provides one motion to recommit with or without instructions. The resolution further provides for consideration of H.R. 5332, the Protecting Your Credit Score Act of 2019, under a closed rule. The resolution provides one hour of debate equally divided and controlled by the chair and ranking minority member of the Committee on Financial Services. The resolution waives all points of order against consideration of the bill. The resolution provides that the amendment in the nature of a substitute recommended by the Committee on Financial Services now printed in the bill, modified by the amendment printed in part C of this report, shall be considered as adopted and the bill, as amended, shall be considered as read. The resolution waives all points of order against provisions in the bill, as amended. The resolution provides one motion to recommit with or without instructions. The resolution provides for consideration of H.R. 7120, the George Floyd Justice in Policing Act of 2020, under a closed rule. The resolution provides four hours of debate equally divided and controlled by the chair and ranking minority member of the Committee on the Judiciary. The resolution waives all points of order against consideration of the bill. The resolution provides that the amendment in the nature of a substitute recommended by the Committee on the Judiciary now printed in the bill, modified by the amendment printed in part D of this report, shall be considered as adopted and the bill, as amended, shall be considered as read. The resolution waives all points of order against provisions in the bill, as amended. The resolution provides one motion to recommit with or without instructions. The resolution further provides for consideration of H.R. 7301, the Emergency Housing Protections and Relief Act of 2020, under a closed rule. The resolution provides one hour of debate equally divided and controlled by the chair and ranking minority member of the Committee on Financial Services. The resolution waives all points of order against consideration of the bill. The resolution provides that the bill shall be considered as read. The resolution waives all points of order against provisions in the bill. The resolution provides one motion to recommit. The resolution provides for consideration of H.J. Res. 90, providing for

congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the Office of the Comptroller of the Currency relating to “Community Reinvestment Act Regulations”, under a closed rule. The resolution provides one hour of debate equally divided and controlled by the chair and ranking minority member of the Committee on Financial Services. The resolution waives all points of order against consideration of the joint resolution. The resolution provides that the joint resolution shall be considered as read. The resolution waives all points of order against provisions in the joint resolution. The resolution provides one motion to recommit. The resolution provides that the provisions of section 125(c) of the Uruguay Round Agreements Act shall not apply during the remainder of the One Hundred Sixteenth Congress. Finally, the resolution amends H. Res. 967, agreed to May 15, 2020:

(1) in section 4, by striking “July 21, 2020” and inserting “July 31, 2020”;

(2) in section 11, by striking “calendar day of July 19, 2020” and inserting “legislative day of July 31, 2020”; and

(3) in section 12, by striking “July 21, 2020” and inserting “July 31, 2020”.

EXPLANATION OF WAIVERS

The waiver of all points of order against consideration of H.R. 51 includes waivers of the following:

—Section 103(i) of H. Res. 6, which prohibits consideration of an unreported bill pursuant to a rule. However, Rules Committee Print 116—55 is comprised of the text of H.R. 5803 as reported by the Committee on Oversight and Reform.

—Clause 10 of rule XXI, which prohibits consideration of a measure that has a net effect of increasing the deficit or reducing the surplus over the five- or 10-year period.

—Section 302(f) of the Congressional Budget Act, which prohibits consideration of legislation providing new budget authority in excess of a 302(a) or 302(b) allocation of such authority.

Although the rule waives all points of order against provisions in H.R. 51, as amended, the Committee is not aware of any points of order. The waiver is prophylactic in nature.

The waiver of all points of order against consideration of H.R. 1425 includes waivers of the following:

—Clause 3(c)(2) of rule XIII, which requires committee reports to include an estimate of new budget authority and when practicable, a comparison of the total estimated funding level for the relevant programs to the appropriate levels under current law.

—Clause 3(c)(3) of rule XIII, which requires committee reports to include an estimate and comparison prepared by the Director of the Congressional Budget Office.

—Clause 12(a)(1) of rule XXI, which prohibits consideration of a bill unless there is a searchable electronic comparative print that shows how the bill proposes to change current law.

—Clause 12(b) of rule XXI, which prohibits consideration of a bill unless there is a searchable electronic comparative print that shows how the text of the bill as proposed to be considered differs from the text of the bill as reported.

—Clause 10 of rule XXI, which prohibits consideration of a measure that has a net effect of increasing the deficit or reducing the surplus over the five- or 10-year period.

The waiver of all points of order against provisions in H.R. 1425, as amended, includes waivers of the following:

—Clause 4 of rule XXI, which prohibits reporting a bill carrying an appropriation from a committee not having jurisdiction to report an appropriation.

—Clause 5(a) of rule XXI, which prohibits a bill carrying a tax or tariff measure from being reported by a committee not having jurisdiction to report tax or tariff measures.

The waiver of all points of order against consideration of H.R. 5332 includes waivers of the following:

—Clause 12(b) of rule XXI, which prohibits consideration of a bill unless there is a searchable electronic comparative print that shows how the text of the bill as proposed to be considered differs from the text of the bill as reported.

—Clause 10 of rule XXI, which prohibits consideration of a measure that has a net effect of increasing the deficit or reducing the surplus over the five- or 10-year period.

—Section 302(f) of the Congressional Budget Act, which prohibits consideration of legislation providing new budget authority in excess of a 302(a) or 302(b) allocation of such authority.

Although the resolution waives all points of order against provisions in the bill, as amended, the Committee is not aware of any points of order. The waiver is prophylactic in nature.

The waiver of all points of order against consideration of H.R. 7120 includes waivers of the following:

—Clause 10 of rule XXI, which prohibits consideration of a measure that has a net effect of increasing the deficit or reducing the surplus over the five- or 10-year period.

—Clause 12(a) of rule XXI, which prohibits consideration of a bill unless there is a searchable electronic comparative print that shows how the bill proposes to change current law.

—Clause 12(b) of rule XXI, which prohibits consideration of a bill unless there is a searchable electronic comparative print that shows how the text of the bill as proposed to be considered differs from the text of the bill as reported.

—Section 302(f) of the Congressional Budget Act, which prohibits consideration of legislation providing new budget authority in excess of a 302(a) or 302(b) allocation of such authority.

Although the resolution waives all points of order against provisions in the bill, as amended, the Committee is not aware of any points of order. The waiver is prophylactic in nature.

The waiver of all points of order against consideration of H.R. 7301 includes waivers of the following:

—Section 103(i) of H. Res. 6, which prohibits consideration of an unreported bill pursuant to a rule.

—Clause 12(a) of rule XXI, which prohibits consideration of a bill unless there is a searchable electronic comparative print that shows how the bill proposes to change current law.

—Section 302(f) of the Congressional Budget Act, which prohibits consideration of legislation providing new budget authority in excess of a 302(a) or 302(b) allocation of such authority.

—Section 311 of the Congressional Budget Act, which prohibits consideration of legislation that would cause the level of total new budget authority for the first fiscal year to be exceeded, or would cause revenues to be less than the level of total revenues for the first fiscal year or for the total of that first fiscal year and the ensuing fiscal years for which allocations are provided, except when a declaration of war by the Congress is in effect.

—Clause 10 of rule XXI, which prohibits consideration of a measure that has a net effect of increasing the deficit or reducing the surplus over the five- or 10-year period.

Although the resolution waives all points of order against provisions in the bill, the Committee is not aware of any points of order. The waiver is prophylactic in nature.

The waiver of all points of order against consideration of H.J. Res. 90 includes waivers of the following:

—Section 103(i) of H. Res. 6, which prohibits consideration of an unreported bill or joint resolution pursuant to a rule.

Although the resolution waives all points of order against provisions in the joint resolution the Committee is not aware of any points of order. The waiver is prophylactic in nature.

COMMITTEE VOTES

The results of each record vote on an amendment or motion to report, together with the names of those voting for and against, are printed below:

Rules Committee record vote No. 317

Motion by Mr. Cole to report open rules for H.R. 7120, H.R. 51, H.R. 5332, H.R. 1425, and H.R. 7301. Defeated: 4–8

Majority Members	Vote	Minority Members	Vote
Mr. Hastings	Nay	Mr. Cole	Yea
Mrs. Torres	Nay	Mr. Woodall	Yea
Mr. Perlmutter	Nay	Mr. Burgess	Yea
Mr. Raskin	Nay	Mrs. Lesko	Yea
Ms. Scanlon	Nay		
Mr. Morelle	Nay		
Ms. Shalala		
Ms. Matsui	Nay		
Mr. McGovern, Chairman	Nay		

Rules Committee record vote No. 318

Motion by Mr. Cole to report a modified open rule for H.R. 7120. Defeated: 4–8

Majority Members	Vote	Minority Members	Vote
Mr. Hastings	Nay	Mr. Cole	Yea
Mrs. Torres	Nay	Mr. Woodall	Yea
Mr. Perlmutter	Nay	Mr. Burgess	Yea
Mr. Raskin	Nay	Mrs. Lesko	Yea
Ms. Scanlon	Nay		
Mr. Morelle	Nay		
Ms. Shalala		
Ms. Matsui	Nay		
Mr. McGovern, Chairman	Nay		

Rules Committee record vote No. 319

Motion by Mr. Cole to amend the rule to H.R. 7120 to make in order and provide the appropriate waivers to amendment #2, offered by Rep. Stauber (MN), which replaces the language of H.R. 7120 with the language of H.R. 7278, the Just and Unifying Solutions to Invigorate Communities Everywhere (JUSTICE) Act. Defeated: 4–8

Majority Members	Vote	Minority Members	Vote
Mr. Hastings	Nay	Mr. Cole	Yea
Mrs. Torres	Nay	Mr. Woodall	Yea
Mr. Perlmutter	Nay	Mr. Burgess	Yea
Mr. Raskin	Nay	Mrs. Lesko	Yea
Ms. Scanlon	Nay		
Mr. Morelle	Nay		
Ms. Shalala		
Ms. Matsui	Nay		
Mr. McGovern, Chairman	Nay		

Rules Committee record vote No. 320

Motion by Mr. Cole to amend the rule to H.R. 51 to make in order amendment #4, offered by Rep. Murphy (NC), which retrocedes the District of Columbia back to Maryland. Defeated: 4–8

Majority Members	Vote	Minority Members	Vote
Mr. Hastings	Nay	Mr. Cole	Yea
Mrs. Torres	Nay	Mr. Woodall	Yea
Mr. Perlmutter	Nay	Mr. Burgess	Yea
Mr. Raskin	Nay	Mrs. Lesko	Yea
Ms. Scanlon	Nay		
Mr. Morelle	Nay		
Ms. Shalala		
Ms. Matsui	Nay		
Mr. McGovern, Chairman	Nay		

Rules Committee record vote No. 321

Motion by Mr. Woodall to amend the rule to H.R. 5332 to make in order amendment #1, offered by Rep. McHenry (NC), which strikes all after the short title and replaces it with language (1) eliminating reliance on social security numbers, (2) removing paid, non-elective, medical debt from credit reports, (3) allowing parents to electronically freeze their minor children's credit reports, (4) requiring sources for public record data in credit reports, (5) prohibiting the inclusion of adverse information related to predatory mortgage lending, financial abuse, or fraud associated with private student loans in credit reports, and (6) directing the GAO to study and report to Congress on the use of non-traditional data in credit scoring. Defeated: 4–8

Majority Members	Vote	Minority Members	Vote
Mr. Hastings	Nay	Mr. Cole	Yea
Mrs. Torres	Nay	Mr. Woodall	Yea
Mr. Perlmutter	Nay	Mr. Burgess	Yea
Mr. Raskin	Nay	Mrs. Lesko	Yea
Ms. Scanlon	Nay		
Mr. Morelle	Nay		
Ms. Shalala		

Majority Members	Vote	Minority Members	Vote
Ms. Matsui	Nay		
Mr. McGovern, Chairman	Nay		

Rules Committee record vote No. 322

Motion by Mr. Burgess to amend the rule to H.R. 1425 to make in order and provide the appropriate waivers to amendment #4, offered by Rep. Burgess (TX), which strikes sections 204 and 205 of the bill and requires a report by Medicaid expansion states on the number of Medicaid enrollees within the expansion population that are above the state's Medicaid income eligibility threshold. Defeated: 4–8

Majority Members	Vote	Minority Members	Vote
Mr. Hastings	Nay	Mr. Cole	Yea
Mrs. Torres	Nay	Mr. Woodall	Yea
Mr. Perlmutter	Nay	Mr. Burgess	Yea
Mr. Raskin	Nay	Mrs. Lesko	Yea
Ms. Scanlon	Nay		
Mr. Morelle	Nay		
Ms. Shalala		
Ms. Matsui	Nay		
Mr. McGovern, Chairman	Nay		

Rules Committee record vote No. 323

Motion by Mrs. Lesko to amend the rule to H.R. 7120 to make in order amendment #4, offered by Rep. Armstrong (ND), which requires certain federal law enforcement agencies to record, using an electronic audio recording device, each interview (excluding conversations with confidential informants) related to a criminal investigation. Defeated: 4–8

Majority Members	Vote	Minority Members	Vote
Mr. Hastings	Nay	Mr. Cole	Yea
Mrs. Torres	Nay	Mr. Woodall	Yea
Mr. Perlmutter	Nay	Mr. Burgess	Yea
Mr. Raskin	Mrs. Lesko	Yea
Ms. Scanlon	Nay		
Mr. Morelle	Nay		
Ms. Shalala	Nay		
Ms. Matsui	Nay		
Mr. McGovern, Chairman	Nay		

Rules Committee record vote No. 324

Motion by Mr. Hastings to report the rule. Adopted: 9–4

Majority Members	Vote	Minority Members	Vote
Mr. Hastings	Yea	Mr. Cole	Nay
Mrs. Torres	Yea	Mr. Woodall	Nay
Mr. Perlmutter	Yea	Mr. Burgess	Nay
Mr. Raskin	Yea	Mrs. Lesko	Nay
Ms. Scanlon	Yea		
Mr. Morelle	Yea		
Ms. Shalala	Yea		
Ms. Matsui	Yea		
Mr. McGovern, Chairman	Yea		

SUMMARY OF THE AMENDMENT TO H.R. 51 IN PART A
CONSIDERED AS ADOPTED

1. Maloney, Carolyn (NY): Clarifies that the entirety of the Frances Perkins Building is included in the reduced federal district. (10 minutes)

SUMMARY OF THE AMENDMENT TO H.R. 1425 IN PART B
CONSIDERED AS ADOPTED

1. Pallone (NJ), Neal (MA), Scott, Bobby (VA): Provides for DACA recipients to be treated as lawfully present for purposes of enrollment in and financial assistance for ACA Marketplace coverage, in keeping with how DACA recipients are treated in other parts of the law. Provides for \$2 billion to be appropriated to NIH to support the NIH Innovation Projects authorized under 21st Century Cures and amends the sunset date for the primary care bump from 2025 to 2024. (10 minutes)

SUMMARY OF THE AMENDMENT TO H.R. 5332 IN PART C
CONSIDERED AS ADOPTED

1. Waters (CA): Makes a technical change to the title of the bill. (10 minutes)

SUMMARY OF THE AMENDMENT TO H.R. 7120 IN PART D
CONSIDERED AS ADOPTED

1. Nadler (NY), Bass (CA): Prohibits a state or unit of local government from providing Byrne or COPS Office grant funds to a local law enforcement agency that enters into or renews any contractual agreement, including a collective bargaining agreement, that prevents the Attorney General from seeking or enforcing equitable or declaratory relief in a pattern or practice case or that conflicts with any terms and conditions contained in a consent decree. Requires the Attorney General only allocate discretionary grant funding to states and units of local government that require law enforcement to gain and maintain accreditation from a certified law enforcement accreditation organization. Requires the National Police Misconduct Registry to collect data on instances where a law enforcement officer resigns or retires while under active investigation related to use of force. Modifies limitations on transfer of military equipment the DoD may provide to law enforcement agencies to prohibit the transfer of any firearms or drones and limit the provision of vehicles to civilian passenger automobiles and bucket trucks. Clarifies that the bill's ban on the equipping or employ of facial recognition technology on police body cameras is not limited to real time facial recognition technology. Removes title IV from the bill and substitutes a new title that makes it unlawful for a federal law enforcement officer to engage in a sexual act while acting under color of law or with an individual who is under arrest, in detention, or in custody. Also, requires states and local governments who receive COPS Office funding to enact a similar law that prohibits officers from engaging in sexual conduct with an arrestee. Makes minor, technical and conforming changes. (10 minutes)

PART A—TEXT OF AMENDMENT TO H.R. 51 CONSIDERED AS ADOPTED

Page 21, insert after line 14 the following:

(d) CLARIFICATION OF TREATMENT OF FRANCES PERKINS BUILDING.—The entirety of the Frances Perkins Building, including any portion of the Building which is north of D Street Northwest, shall be included in the Capital.

PART B—TEXT OF AMENDMENT TO H.R. 1425 CONSIDERED AS ADOPTED

Add at the end of title I the following:

SEC. 117. ELIGIBILITY OF DACA RECIPIENTS FOR QUALIFIED HEALTH PLANS OFFERED THROUGH EXCHANGES.

(a) IN GENERAL.—Section 1312(f)(3) of the Patient Protection and Affordable Care Act (42 U.S.C. 18032(f)(3)) is amended—

(1) by striking “or an alien lawfully present in the United States” and inserting “, an alien lawfully present in the United States, or a DACA recipient”; and

(2) by adding at the end the following: “For purposes of the previous sentence, the term ‘DACA recipient’ means an individual who was granted deferred action pursuant to the Deferred Action for Childhood Arrivals Program announced in the memorandum of the Secretary of Homeland Security dated June 15, 2012, and for whom such grant remains valid.”

(b) APPLICATION OF REDUCED COST-SHARING.—Section 1402(e)(2) of the Patient Protection and Affordable Care Act (42 U.S.C. 18071(e)(2)) is amended by adding at the end the following: “A DACA recipient (as defined in section 1312(f)(3)) shall be treated as lawfully present for purposes of this section.”

(c) ELIGIBILITY FOR ADVANCE PAYMENTS.—Section 1412(d) of the Patient Protection and Affordable Care Act (42 U.S.C. 18082(d)) is amended by adding at the end the following: “For purposes of the previous sentence, a DACA recipient (as defined in section 1312(f)(3)) shall be treated as lawfully present in the United States.”

(d) VERIFICATION OF ELIGIBILITY.—Section 1411(c)(2)(B) of the Patient Protection and Affordable Care Act (42 U.S.C. 18081(c)(2)(B)) is amended—

(1) in clause (i)(I), by inserting “or a DACA recipient (as defined in section 1312(f)(3))” after “an alien lawfully present in the United States”; and

(2) in clause (ii), by inserting “or a DACA recipient (as defined in section 1312(f)(3))” after “an alien lawfully present in the United States”.

(e) APPLICATION OF TAX CREDIT FOR COVERAGE UNDER A QUALIFIED HEALTH PLAN.—Section 36B(e)(2) of the Internal Revenue Code of 1986 is amended by adding at the end the following: “A DACA recipient (as defined in section 1312(f)(3) of the Patient Protection and Affordable Care Act) shall be treated as lawfully present for purposes of this section.”

(f) EFFECTIVE DATE.—The amendments made by this section shall take effect on January 1, 2021.

Page 68, line 10, strike “2025” and insert “2024”.

At the end of the bill, add the following:

TITLE IV—PUBLIC HEALTH INVESTMENTS

SEC. 401. SUPPORTING INCREASED INNOVATION.

(a) **IN GENERAL.**—The Secretary of Health and Human Services, acting through the Director of the National Institutes of Health, shall continue to support and to expand, as applicable, biomedical research carried out through the National Institutes of Health innovation projects described in section 1001(b)(4) of the 21st Century Cures Act (Public Law 114–255). The Secretary shall ensure that any such research (and related activities) is conducted in compliance with section 492B of the Public Health Service Act (42 U.S.C. 289a–2) (relating to the inclusion of women and members of minority groups in research).

(b) **AUTHORIZATION OF APPROPRIATIONS.**—To carry out this subsection, in addition to funds made available under paragraph (2) of section 1001(b) of the 21st Century Cures Act (Public Law 114–255), there is authorized to be appropriated, and there is appropriated to the NIH Innovation Account established under such section 1001(b), out of any moneys in the Treasury not otherwise obligated, \$2,000,000,000 for fiscal year 2021, to remain available until expended.

PART C—TEXT OF AMENDMENT TO H.R. 5332 CONSIDERED AS ADOPTED

Page 3, line 5, strike “2019” and insert “2020”.

PART D—TEXT OF AMENDMENT TO H.R. 7120 CONSIDERED AS ADOPTED

Page 10, line 1, strike “Taser” and insert “electronic control weapon”.

Page 15, insert after line 24 the following:

(d) **ENFORCEMENT OF PATTERN OR PRACTICE RELIEF.**—Beginning in the first fiscal year that begins after the date that is one year after the date of enactment of this Act, a State or unit of local government that receives funds under the Byrne grant program or the COPS grant program during a fiscal year may not make available any amount of such funds to a local law enforcement agency if that local law enforcement agency enters into or renews any contractual arrangement, including a collective bargaining agreement with a labor organization, that—

(1) would prevent the Attorney General from seeking or enforcing equitable or declaratory relief against a law enforcement agency engaging in a pattern or practice of unconstitutional misconduct; or

(2) conflicts with any terms or conditions contained in a consent decree.

Page 25, line 9, insert “and” after the semicolon at the end.

Page 25, line 13, strike “; and” and insert a period.

Page 25, strike lines 14 through 16.

Page 26, after line 4, insert the following:

(c) **ELIGIBILITY FOR CERTAIN GRANT FUNDS.**—The Attorney General shall, as appropriate and consistent with applicable law, allocate Department of Justice discretionary grant funding only to

States or units of local government that require law enforcement agencies of that State or unit of local government to gain and maintain accreditation from certified law enforcement accreditation organizations in accordance with this section.

Page 41, after line 20, insert the following:

(6) Instances where a law enforcement officer resigns or retires while under active investigation related to the use of force.

Page 90, line 14, strike “Controlled firearms,” and insert “Firearms,”.

Page 90, strike lines 17 through 20, and insert the following:

“(B) Vehicles, except for passenger automobiles (as such term is defined in section 32901(a)(18) of title 49, United States Code) and bucket trucks.

Page 90, beginning on line 21, strike “that are armored, weaponized, or both”.

Page 103, line 10, strike “real time”.

Page 120, line 4, strike “real time”.

Strike title IV and insert the following (and conform the table of contents accordingly):

TITLE IV—CLOSING THE LAW ENFORCEMENT CONSENT LOOPHOLE

SEC. 401. SHORT TITLE.

This title may be cited as the “Closing the Law Enforcement Consent Loophole Act of 2019”.

SEC. 402. PROHIBITION ON ENGAGING IN SEXUAL ACTS WHILE ACTING UNDER COLOR OF LAW.

(a) IN GENERAL.—Section 2243 of title 18, United States Code, is amended—

(1) in the section heading, by adding at the end the following: “**or by any person acting under color of law**”;

(2) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively;

(3) by inserting after subsection (b) the following:

“(c) OF AN INDIVIDUAL BY ANY PERSON ACTING UNDER COLOR OF LAW.—

“(1) IN GENERAL.—Whoever, acting under color of law, knowingly engages in a sexual act with an individual, including an individual who is under arrest, in detention, or otherwise in the actual custody of any Federal law enforcement officer, shall be fined under this title, imprisoned not more than 15 years, or both.

“(2) DEFINITION.—In this subsection, the term ‘sexual act’ has the meaning given the term in section 2246.”; and

(4) in subsection (d), as so redesignated, by adding at the end the following:

“(3) In a prosecution under subsection (c), it is not a defense that the other individual consented to the sexual act.”.

(b) DEFINITION.—Section 2246 of title 18, United States Code, is amended—

(1) in paragraph (5), by striking “and” at the end;

(2) in paragraph (6), by striking the period at the end and inserting “; and”; and

(3) by inserting after paragraph (6) the following:

“(7) the term ‘Federal law enforcement officer’ has the meaning given the term in section 115.”

(c) CLERICAL AMENDMENT.—The table of sections for chapter 109A of title 18, United States Code, is amended by amending the item related to section 2243 to read as follows:

“2243. Sexual abuse of a minor or ward or by any person acting under color of law.”

SEC. 403. ENACTMENT OF LAWS PENALIZING ENGAGING IN SEXUAL ACTS WHILE ACTING UNDER COLOR OF LAW.

(a) IN GENERAL.—Beginning in the first fiscal year that begins after the date that is one year after the date of enactment of this Act, in the case of a State or unit of local government that does not have in effect a law described in subsection (b), if that State or unit of local government that would otherwise receive funds under the COPS grant program, that State or unit of local government shall not be eligible to receive such funds. In the case of a multi-jurisdictional or regional consortium, if any member of that consortium is a State or unit of local government that does not have in effect a law described in subsection (b), if that consortium would otherwise receive funds under the COPS grant program, that consortium shall not be eligible to receive such funds.

(b) DESCRIPTION OF LAW.—A law described in this subsection is a law that—

(1) makes it a criminal offense for any person acting under color of law of the State or unit of local government to engage in a sexual act with an individual, including an individual who is under arrest, in detention, or otherwise in the actual custody of any law enforcement officer; and

(2) prohibits a person charged with an offense described in paragraph (1) from asserting the consent of the other individual as a defense.

(c) REPORTING REQUIREMENT.—A State or unit of local government that receives a grant under the COPS grant program shall submit to the Attorney General, on an annual basis, information on—

(1) the number of reports made to law enforcement agencies in that State or unit of local government regarding persons engaging in a sexual act while acting under color of law during the previous year; and

(2) the disposition of each case in which sexual misconduct by a person acting under color of law was reported during the previous year.

SEC. 404. REPORTS TO CONGRESS.

(a) REPORT BY ATTORNEY GENERAL.—Not later than 1 year after the date of enactment of this Act, and each year thereafter, the Attorney General shall submit to Congress a report containing—

(1) the information required to be reported to the Attorney General under section 403(b); and

(2) information on—

(A) the number of reports made, during the previous year, to Federal law enforcement agencies regarding per-

sons engaging in a sexual act while acting under color of law; and

(B) the disposition of each case in which sexual misconduct by a person acting under color of law was reported.

(b) **REPORT BY GAO.**—Not later than 1 year after the date of enactment of this Act, and each year thereafter, the Comptroller General of the United States shall submit to Congress a report on any violations of section 2243(c) of title 18, United States Code, as amended by section 402, committed during the 1-year period covered by the report.

SEC. 405. DEFINITION.

In this title, the term “sexual act” has the meaning given the term in section 2246 of title 18, United States Code.

