

PROVIDING FOR CONSIDERATION OF THE BILL (H.R. 2494) TO MAKE THE ASSAULT OF A LAW ENFORCEMENT OFFICER A DEPORTABLE OFFENSE, AND FOR OTHER PURPOSES; PROVIDING FOR CONSIDERATION OF THE BILL (H.R. 3091) TO ALLOW FEDERAL LAW ENFORCEMENT OFFICERS TO PURCHASE RETIRED SERVICE WEAPONS, AND FOR OTHER PURPOSES; AND PROVIDING FOR CONSIDERATION OF THE CONCURRENT RESOLUTION (H. CON. RES. 40) EXPRESSING SUPPORT FOR LOCAL LAW ENFORCEMENT OFFICERS AND CONDEMNING EFFORTS TO DEFUND OR DISMANTLE LOCAL LAW ENFORCEMENT AGENCIES

MAY 15, 2023.—Referred to the House Calendar and ordered to be printed

Mrs. FISCHBACH, from the Committee on Rules,
submitted the following

R E P O R T

[To accompany H. Res. 398]

The Committee on Rules, having had under consideration House Resolution 398, by a record vote of 8 to 3, 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. 2494, the POLICE Act of 2023, under a structured rule. The resolution waives all points of order against consideration of the bill. The resolution provides one hour of general debate equally divided and controlled by the chair and ranking minority member of the Committee on the Judiciary or their respective designees. The resolution provides that an amendment in the nature of a substitute consisting of the text of Rules Committee Print 118-4 shall be considered an original bill for the purpose of amendment. That amendment in the nature of a substitute shall be considered as read. The resolution waives all points of order against the amendment in the nature of a substitute. The resolution makes in order only those amendments printed in part A of this report. Each such amendment may be offered only in the order printed in this report, may be offered only by a Member designated, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. The resolution waives all points of order against the amendments print-

ed in part A of this report. The resolution provides for one motion to recommit. The resolution further provides for consideration of H.R. 3091, the Federal Law Enforcement Officer Service Weapon Purchase Act, under a structured rule. The resolution waives all points of order against consideration of the bill. The resolution provides one hour of general debate equally divided and controlled by the chair and ranking minority member of the Committee on the Judiciary or their respective designees. The resolution provides that an amendment in the nature of a substitute consisting of the text of Rules Committee Print 118–5 shall be considered an original bill for the purpose of amendment. That amendment in the nature of a substitute shall be considered as read. The resolution waives all points of order against the amendment in the nature of a substitute. The resolution further makes in order only those amendments printed in part B of this report. Each such amendment may be offered only in the order printed in this report, may be offered only by a Member designated, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. The resolution waives all points of order against the amendments printed in part B of this report. The resolution provides for one motion to recommit. The resolution further provides for consideration of H. Con. Res. 40, Expressing support for local law enforcement officers and condemning efforts to defund or dismantle local law enforcement agencies, under a structured rule. The resolution waives all points of order against consideration of the concurrent resolution. The resolution provides that the concurrent resolution shall be considered as read. The resolution waives all points of order against provisions in the concurrent resolution. The resolution provides one hour of general debate equally divided and controlled by the chair and ranking minority member of the Committee on the Judiciary or their respective designees. The resolution further makes in order only the amendment printed in part C of this report. Each such amendment may be offered only in the order printed in this report, may be offered only by a Member designated, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

EXPLANATION OF WAIVERS

Although the resolution waives all points of order against consideration of H.R. 2494, the Committee is not aware of any points of order. The waiver is prophylactic in nature.

Although the resolution waives all points of order against the amendment in the nature of a substitute to H.R. 2494, the Committee is not aware of any points of order. The waiver is prophylactic in nature.

Although the resolution waives all points of order against the amendments printed in part A of this report, the Committee is not aware of any points of order. The waiver is prophylactic in nature.

Although the resolution waives all points of order against consideration of H.R. 3091, the Committee is not aware of any points of order. The waiver is prophylactic in nature.

Although the resolution waives all points of order against the amendment in the nature of a substitute to H.R. 3091, the Committee is not aware of any points of order. The waiver is prophylactic in nature.

Although the resolution waives all points of order against the amendments printed in part B of this report, the Committee is not aware of any points of order. The waiver is prophylactic in nature.

Although the resolution waives all points of order against consideration of H. Con. Res. 40, the Committee is not aware of any points of order. The waiver is prophylactic in nature.

Although the resolution waives all points of order against provisions in H. Con. Res. 40, 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. 52

Motion by Mr. McGovern to amend the rule to make in order amendment #8 to H. Con. Res. 40, offered by Rep. McGovern, which expresses gratitude to the United States Capitol Police who protected our Capitol on January 6, 2021. Defeated: 3–8

Majority Members	Vote	Minority Members	Vote
Mr. Burgess	Nay	Mr. McGovern	Yea
Mr. Reschenthaler	Nay	Ms. Scanlon	Yea
Mrs. Fischbach	Nay	Mr. Neguse .....	.....
Mr. Massie .....	.....	Ms. Leger Fernandez	Yea
Mr. Norman	Nay		
Mr. Roy	Nay		
Mrs. Houchin	Nay		
Mr. Langworthy	Nay		
Mr. Cole, Chairman	Nay		

Rules Committee record vote No. 53

Motion by Mr. McGovern to amend the rule to self-execute amendment #8 to H. Con. Res. 40, offered by Rep. McGovern, which expresses gratitude to the United States Capitol Police who protected our Capitol on January 6, 2021. Defeated: 3–8

Majority Members	Vote	Minority Members	Vote
Mr. Burgess	Nay	Mr. McGovern	Yea
Mr. Reschenthaler	Nay	Ms. Scanlon	Yea
Mrs. Fischbach	Nay	Mr. Neguse .....	.....
Mr. Massie .....	.....	Ms. Leger Fernandez	Yea
Mr. Norman	Nay		
Mr. Roy	Nay		
Mrs. Houchin	Nay		
Mr. Langworthy	Nay		
Mr. Cole, Chairman	Nay		

Rules Committee record vote No. 54

Motion by Ms. Leger Fernandez to amend the rule to make in order amendment #7 to H. Con. Res. 40, offered by Rep. Takano, which would strike certain clauses of the preamble and includes new historical examples of right-wing violence against police. Defeated: 3–8

Majority Members	Vote	Minority Members	Vote
Mr. Burgess	Nay	Mr. McGovern	Yea
Mr. Reschenthaler	Nay	Ms. Scanlon	Yea
Mrs. Fischbach	Nay	Mr. Neguse .....	.....
Mr. Massie .....	.....	Ms. Leger Fernandez	Yea
Mr. Norman	Nay		
Mr. Roy	Nay		
Mrs. Houchin	Nay		
Mr. Langworthy	Nay		
Mr. Cole, Chairman	Nay		

Rules Committee record vote No. 55

Motion by Mrs. Fischbach to report the rule. Adopted: 8–3

Majority Members	Vote	Minority Members	Vote
Mr. Burgess	Yea	Mr. McGovern	Nay
Mr. Reschenthaler	Yea	Ms. Scanlon	Nay
Mrs. Fischbach	Yea	Mr. Neguse .....	.....
Mr. Massie .....	.....	Ms. Leger Fernandez	Nay
Mr. Norman	Yea		
Mr. Roy	Yea		
Mrs. Houchin	Yea		
Mr. Langworthy	Yea		
Mr. Cole, Chairman	Yea		

SUMMARY OF THE AMENDMENTS TO H.R. 2494 IN PART A
MADE IN ORDER

1. Boebert (CO): Requires DHS to make publicly available on its website an annual report on the number of illegal aliens deported for assaulting a law enforcement officer. (10 minutes)
2. Correa (CA), Leger Fernandez (NM): Amends the bill to require a conviction. (10 minutes)

SUMMARY OF THE AMENDMENTS TO H.R. 3091 IN PART B
MADE IN ORDER

1. Jacobs (CA): Requires each federal agency to establish determinations for an officer in good standing (10 minutes)
2. McCormick (GA): Strikes “fair market value” and replaces it with “salvage value,” which is defined as the value of an asset at the end of its useful life. (10 minutes)
3. Luttrell (TX): Allows retired federal law enforcement officers to also be eligible to purchase retired service weapons. (10 minutes)
4. Rosendale (MT): Expands the types of weapons officers are allowed to purchase to include all retired firearms. (10 minutes)

SUMMARY OF THE AMENDMENT TO H. CON. RES. 40 IN PART C
MADE IN ORDER

1. D’Esposito (NY): Recognizes the important work that local law enforcement personnel do every day and states that officers should

have certain rights during investigations into alleged misconduct such as legal resources and counsel. Encourages states across the nation to adopt their own Bill of Rights to protect our local law enforcement and denounces calls to defund the police. (10 minutes)

PART A—TEXT OF AMENDMENTS TO H.R. 2494 MADE IN ORDER

1. An Amendment To Be Offered by Representative Boebert of Colorado or Her Designee, Debatable for 10 Minutes

Add at the end of the bill the following:

SEC. 3. REPORT ON ALIENS DEPORTED FOR ASSAULTING A LAW ENFORCEMENT OFFICER.

On an annual basis, the Secretary of Homeland Security shall submit to Congress and make publicly available on the website of the Department of Homeland Security a report on the number of aliens who were deported during the previous year under section 237(a)(2)(G) of the Immigration and Nationality Act (8 U.S.C. 1227(a)(2)(G)).

2. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE CORREA OF CALIFORNIA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 1, beginning on line 12, strike “convicted of,” and all that follows through the end of line 14 and insert “convicted of”.

PART B—TEXT OF AMENDMENTS TO H.R. 3091 MADE IN ORDER

1. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE JACOBS OF CALIFORNIA OR HER DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 2, insert after line 6 the following (and redesignate provisions accordingly):

(c) AGENCY PROCEDURES.—Not later than 1 year and 30 days after the date of enactment of this Act, each Federal agency that is required to make a determination under subsection (b)(2), shall by rule establish procedures for making such a determination.

2. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE MCCORMICK OF GEORGIA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 2, line 8, strike “fair market value” and insert “salvage value”.

Page 2, line 16, strike “and” at the end.

Page 2, line 19, strike the period at the end and insert “; and”.

Page 2, insert after line 19 the following:

(4) the term “salvage value” means the value of an asset after it has become useless to the owner or the amount expected to be obtained when a fixed asset is disposed of at the end of its useful life

3. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE LUTTRELL OF TEXAS OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 2, line 6, insert “or employed” before “such officer”.

Page 2, line 13, insert before the semicolon at the end the following: “, and includes a retired Federal law enforcement officer”.

4. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE ROSENDALE ROSENDALE OF MONTANA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 1, line 4, strike “**HANDGUNS**” and insert “**FIREARMS**”.

Strike “handgun” each place it appears and insert “firearm”.

Page 2, line 16, insert before the semicolon the following: “, excluding any machinegun (as defined in section 921(a)(24) of such title) not lawfully possessed before section 922(o) of such title took effect”.

PART C—TEXT OF AMENDMENT TO H. CON. RES. 40 MADE IN ORDER

1. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE D’ESPOSITO OF NEW YORK OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Insert after the eighth clause of the preamble the following (and redesignate provisions accordingly):

Whereas calls to “defund”, “disband”, “dismantle”, or “abolish” the police should be condemned and rule of law should be strictly maintained;

Whereas local law enforcement officers take an oath to never betray the public trust;

Whereas in the course of investigations into officers who have allegedly exhibited misconduct, local law enforcement should have certain rights to ensure a fair administration of justice, including—

(1) a local law enforcement officer’s inherent right to self-defense against physical threats;

(2) a local law enforcement officer’s right to legal recourse if a civilian attempts to assault the local law enforcement officer;

(3) a local law enforcement officer’s right to be protected from physical harassment targeting a local law enforcement officer;

(4) a local law enforcement officer’s right to equipment necessary for personal protection;

(5) a local law enforcement officer’s right to counsel or a representative present at any interview conducted as part of an investigation;

(6) a local law enforcement officer’s right to be informed of the nature of the investigation before any interview commences, including the name of the complainant and sufficient information to reasonably apprise the officer of the allegations;

(7) during questioning in the course of an investigation a local law enforcement officer’s right—

(A) to not be subjected to any offensive language;

(B) to not be threatened with departmental, civil, or criminal charges; and

(C) to not receive financial or promotional inducement;

(8) a local law enforcement officer’s right to a hearing, with notification in advance of the date, access to transcripts, other relevant documents, and evidence;

(9) a local law enforcement officer's right to have the opportunity to respond to adverse accusations; and

(10) a local law enforcement officer's right to not be disciplined for exercising a Fifth Amendment right to remain silent unless granted immunity that such statements will not be used against the officer in any criminal proceeding;

Whereas in order to ensure these investigations are conducted in a manner that protects the public, respects the rights of local law enforcement personnel, and is conducive to good order and discipline;

Whereas States across the country are encouraged to adopt a "Bill of Rights" for local law enforcement personnel for protections related to investigation and prosecution arising from conduct during official performance of duties;

Whereas the local law enforcement community protects our streets, acknowledges the rights of all Americans, and keeps citizens safe from harm;

Whereas local law enforcement officers are recognized for their public service to all, knowing they face extremely dangerous situations while carrying out their duties;

Whereas a healthy and collaborative relationship between local law enforcement officers and the communities they serve is essential to creating mutually respectful dialogue;